

NEW SOUTH WALES
PARLIAMENTARY DEBATES

(HANSARD)

SECOND SESSION OF THE FIFTY-THIRD PARLIAMENT

LEGISLATIVE COUNCIL

Monday 22 May 2006

The House met at 2.00 p.m. pursuant to the Proclamation of His Excellency the Lieutenant-Governor.

The President (The Hon. Dr Meredith Burgmann) took the chair.

The Clerk of the Parliaments offered the Prayers and read the Proclamation.

OPENING OF SESSION BY HIS EXCELLENCY THE LIEUTENANT-GOVERNOR

His Excellency the Lieutenant-Governor was received by the President, who was accompanied by Ministers and officers of the House, and was conducted to the dais.

The Usher of the Black Rod was directed to request the immediate attendance of the members of the Legislative Assembly in the Legislative Council Chamber.

The members of the Legislative Assembly attended.

LIEUTENANT-GOVERNOR'S SPEECH

His Excellency was pleased to deliver the following Speech:

Members of the Parliament, I have the honour to read the following message from Her Majesty the Queen:

On this proud day I join with the people of New South Wales in celebrating the sesquicentenary of your Parliament.

One hundred and fifty years after its opening, the Parliament of New South Wales ranks among the oldest and most stable legislatures in the world. Many countries, struggling to secure the foundations of a free society, have reason to be envious of that achievement.

We should remember that the institutions created in 1856 represented the beginning, not the end, of a long process of democratic change.

When that first Parliament was established, only male landowners and leaseholders were eligible to vote. Universal suffrage, the secret ballot, an elected Upper House, the principle of votes of equal value—these reforms were yet to come. That they were achieved peacefully, in response to enlightened public demand, and frequently in advance of similar reforms in other countries, is among the glories of the Australian story.

Throughout its long and often colourful history, the New South Wales Parliament has continued to serve the needs of a growing nation and secure the conditions for a free and prosperous society. Twice I have had the honour—in 1954 and 1995—of opening one of its sessions.

I send my warm greetings and congratulations to Members and presiding officers. Long may your Parliament endure, representing the will and embodying the aspirations of a confident, vigorous and richly diverse community.

I know all honourable members will join me in expressing our warmest thanks to Her Majesty for her gracious message.

The sesquicentenary of responsible government is a landmark, not only in the history of the Parliament and not only in the history of New South Wales, but also in the history of our national institutions—our progress to democratic nationhood.

Which of us is not moved by the thought that on this day, 150 years ago, here in this building, here in this oldest Legislature in Australia, the elected members of the new Legislative Assembly met for the first time, joining members of the Legislative Council to transact the first official business of a newly sovereign Parliament, free to make its own laws for the welfare of the people of New South Wales?

In 1856 the people of New South Wales numbered some 288,000, though only whites were counted. It was seven years since the arrival of the last transported convict. Queensland was still part of New South Wales.

The first budget of the newly empowered colony showed revenues of 1,660,710 pounds for the preceding year and expenditure of 1,675,024 pounds—a deficit of an order no modern Treasurer would countenance.

There were shortages of skilled labour. Infrastructure was a pressing issue—the spread of the railways and the electric telegraph. A housing boom was under way in Sydney, fuelled by the Gold Rushes and an influx of miners. House prices were rising.

As usual in such circumstances, the mood was optimistic. This was the beginning of that long, incremental process to which Her Majesty referred in her message—a process that would lead to universal suffrage and other democratic rights, in time to the union of the colonies themselves, to the infant Australian nation, an example to the world of all that was best and most enlightened in the governance of a freedom-loving people under the rule of law.

And it is fitting that honourable members today—representing all sections of the community, all parts of the State, all shades of political opinion, citizens of every faith and background—should come together to celebrate that achievement.

There was no doubt of its importance at the time. Dr William Bland, an emancipated convict and social reformer, speaking at a national banquet at the Theatre Royal in July of that year, described the Act of the imperial Parliament granting responsible government to New South Wales as "part of the epic poetry of history", to be compared with the "brightest of Britain's trophies"—the Reform Bill, the Emancipation Bill, the abolition of slavery, the repeal of the Corn Laws and the inauguration of Free Trade.

The events of 1856 were the true origins of our system of parliamentary democracy. Previously the Chief Justice of the colony had a right of review over legislation. No bill could become law until one of my vigilant predecessors certified that it was not "repugnant to the laws of England".

That is not a duty I covet today. Indeed I see a pleasing irony in the fact that, coming before you as the representative of the Governor, the inheritor of that original office, I am the first to applaud the reduction in the Governor's powers.

Those powers, sweeping and autocratic, had been conferred by royal decree. Today we can say with pride that in the past 150 years the Governor of New South Wales has acted on the advice of Ministers responsible to this Parliament. Adherence to that convention is among the defining tests of a mature democracy under the Westminster system of government.

We should also remember with pride that many of our democratic institutions were achieved well before they became the rule in Britain. Full manhood suffrage, which New South Wales achieved in 1858, was not granted in England until 1914.

Women over the age of 30 in New South Wales were given the right to vote in 1902; the women of England had to wait until 1918. New South Wales had the secret ballot in 1858—14 years before it was introduced in England.

Stuart Alexander Donaldson, the first Premier and Colonial Secretary, seized with the scale of his new responsibilities, delivered what might be called his first Budget Speech, a financial statement to the Legislative Assembly, on 6 November 1856.

After apologising for the effects of a severe cold, and summarising the colony's financial situation over the preceding 20 years, he rose splendidly to the occasion. These were his words:

[The] figures, I think, are sufficient to show the rapidly increasing importance of our commerce and our social and political growth while under the political guardianship of the empire to which we are proud to belong.

But we are now to start on a new career; for the first time we have to run on our own legs, to guide our own footsteps ...

I fear not for any retrograde movement of this country, and have such faith in her resources that I believe the rate of progression in wealth, power, and importance, under her own Government, for the next twenty years, will compare with the twenty years that have just gone by.

With such hopes, with such prospects, with such aspirations as these, who, Sir, can refrain from pride, mingled with awe, in taking charge of this infant Hercules?

Donaldson's ministry lasted a bare 11 weeks, but that infant Hercules, that former penal settlement, has flourished to this day.

New South Wales was the driving force in our story of growth and expansion, and the Government is determined that it will continue on that path.

In laying before you its plans for the future, the Government is confident that its measures will reflect the zeal and enthusiasm of those first Ministers, and embody the principles of social justice and fairness, the commitment to economic growth and prosperity, that took root with the beginnings of responsible government.

The economy

The Government will give the highest priority to securing and strengthening the State's economic foundations.

It is determined that New South Wales—the State with the most diversified and resilient economy in the nation—will build further on its underlying strength with measures to increase growth and investment.

Since last August the Government has moved steadily to reinforce business confidence by abolishing vendor duty, cutting workers compensation premiums, and lifting land tax thresholds to exempt around 390,000 property owners throughout the State.

The Government will bring in legislation to abolish stamp duties on a range of transactions to ensure cheaper home loans, rental agreements and leases.

Eleven tax cuts announced in the past nine months have demonstrated its commitment to a new, revitalised economic direction for New South Wales.

In the coming year it will continue to implement its plans for more efficient government and greater fiscal discipline.

Over the four years from 2005-06 to 2008-09, it will reduce government outlays by \$2.5 billion while ensuring even higher standards in the delivery of front-line services to the public.

The Government is confident that the establishment of the Premier's Business Roundtable, announced in February, will provide a valuable conduit for the exchange of ideas between government and business leaders.

In this and other forums, the Government will continue its campaign for a more equitable distribution of GST revenue by the Commonwealth.

It will press its case for an end to the current arrangement which sees New South Wales deprived of around \$3 billion each year of the money collected from New South Wales taxpayers—money then diverted to wealthy, resource-rich States with much smaller populations.

In its efforts to redress this gross anomaly, the Government has been encouraged by the support it has received from the business community and from the Governor of the Reserve Bank, and calls on all members of this Parliament to join forces in a common cause in the interests of New South Wales.

Planning and development

One of the biggest sectors of the New South Wales economy is housing and construction.

By abolishing vendor duty and making use of new planning laws to approve more than 100 new projects worth an estimated \$3 billion, the Government is injecting new life into this vital sector.

At the local level, where some of the biggest development decisions are taken, its new laws will empower the Minister for Planning to ensure that councils live up to their planning responsibilities.

The reforms will include more stringent performance reporting and greater power and flexibility for the Minister to intervene when performance is unsatisfactory.

The Government sees our major regional cities as central to the State's economic prosperity.

It will pay particular attention to the needs and growth of Newcastle, Wollongong, Gosford, Parramatta, Liverpool and Penrith.

Ports, rail and other infrastructure

At the same time the Government is proceeding with its plans—costing an estimated \$1.2 billion—to rebuild and revitalise the State's ports.

It is turning Port Kembla into the nation's principal port for the importation of motor vehicles.

It has approved two new gas-fired power plants to meet peak electricity demand, and embarked on far-reaching measures to improve the State's transport infrastructure with a massive investment in new rolling stock and equipment.

Over the next five years the Government will purchase 505 new buses for State Transit—an investment of around \$250 million.

The first of more than 730 new airconditioned rail carriages will enter service this year.

It will be the biggest acquisition of new rolling stock ever undertaken in this country.

The new carriages will consolidate the success of new rail timetables, which have seen greatly increased levels of reliability in the rail system and increases in passenger numbers of around 90,000 a week.

The Government sees the new carriages as part of a wider plan to provide for future growth in rail transport and lure people back to public transport in all its forms.

Fundamental to this plan is the Government's \$1.5 billion Clearways program—designed to untangle Sydney's complex, intersecting rail system and make more efficient use of the rail network.

Over the past 10 years the Government has contributed \$1.66 billion to upgrade the Pacific Highway—compared with outlays of \$660 million by the Commonwealth.

The Government will back its commitment to upgrading this vital national project with a further investment of \$160 million, to be matched by the Commonwealth.

Water

The Government is determined to secure the State's vital water resources.

While it is confident that, under its newly unveiled Metropolitan Water Plan, Sydney will have sufficient water to meet demand until at least 2015, it will take all necessary steps to increase supplies and reduce unnecessary consumption.

The Government's strategy to secure Sydney's water supply will entail a massive increase in water recycling.

By 2015 it is estimated that the current volume of recycled water will increase more than fourfold to 70 billion litres a year.

As a result of savings already achieved, water consumption in Sydney is now at about the same level as it was in 1981, even though there are an extra one million people living in the city.

This is magnificent evidence of the responsible and public-spirited good sense of Sydney's water users.

The Government will nevertheless remain vigilant during the current prolonged drought to find new resources and restrain unnecessary consumption.

It has invested \$120 million in works at Warragamba and Nepean dams to provide access to an extra 40 billion litres of water. Work to access groundwater reserves is also proceeding.

Thanks to greater constraint by consumers, Sydney is now using 17 per cent less water than three years ago.

A "Water for Life" education campaign is under way to build on that achievement and encourage even more responsible water use by the community.

Health

The Government is encouraged by continuing evidence of improvement in our health services.

Elective surgery waiting times in public hospitals continue to fall—despite record numbers of patients seeking emergency treatment.

Several New South Wales hospitals have been made Elective Surgery Centres to reduce the waiting lists for such surgery.

The Government has recruited 5,629 nurses to the State's public hospitals in the past four years.

Record outlays of \$10.9 billion for health services announced in the last budget have delivered an additional 57 paediatric, neonatal and adult critical care beds—the largest increase since the late 1980s.

In addition, the Government will spend a further \$8 million this year on paediatric critical care in the State's three children's hospitals.

The funds will be used to purchase new monitors and ventilators in paediatric and neonatal intensive care units at Sydney Children's Hospital, the Children's Hospital at Westmead, and John Hunter Children's Hospital.

Children who need specialist paediatric care will benefit from new equipment.

The funding is part of the Government's continuing commitment to dedicate more resources to front-line health care.

It is also working with the Commonwealth and other States to develop and implement a comprehensive national program for mental health services, estimated to cost \$1.8 billion.

Housing, aged and disability care

The Government will provide \$178 million to provide home and community care services in 2005-06—Meals on Wheels, domestic assistance, transport and the like—to 178,000 vulnerable people with a disability, as well as the frail aged and their carers.

It is tackling problems in troubled areas to make them safer, with schemes such as the West Dubbo housing estate.

Over the next 10 years it is pledged to build 2,800 new homes for the elderly.

Education

Since 1995 the Government has built—or rebuilt—no fewer than 95 schools, with work on another 10 new schools to be completed soon.

It has introduced a new system of school report cards to give parents better information about their children's progress.

In addition, to tackle the nation's shortage of skilled workers, 10 new trades schools will be set up to provide hundreds more apprentices and traineeships in areas of skills shortage.

The first trade school will be Colyton High School in Western Sydney. The locations of the other nine schools—part of an \$18 million investment over four years—will be announced in the coming months.

It is the Government's intention that these trade skills centres will provide industry-standard training in key areas such as construction, metals and engineering, automotive trades, hospitality and health care.

They will be attached to existing high schools and TAFE colleges and allow students to take part in school-based apprenticeships, or higher-level training, while completing their Higher School Certificates.

Industrial relations

But the Government believes that a truly healthy society requires something more than the physical wellbeing of its citizens, more than good schools and health services.

A healthy society requires that people feel safe and secure in their homes, in the streets, in their jobs, protected from exploitation and unfair dismissal.

It is why the Government has led the other States in challenging, in the High Court, the Commonwealth's unfair and damaging WorkChoices laws.

Under these laws, it is clear that workers are being pressured into signing agreements that will reduce the already low wages in many parts of the work force by abolishing entitlements such as penalty rates and overtime.

The Government believes that the Commonwealth has misused its authority in conducting a hostile takeover of powers that are constitutionally vested in the States.

At stake, the Government believes, are the livelihoods and living standards of millions of Australian workers and their families and the very principle of a fair go in this country.

To keep faith with New South Wales employees, the Government has maintained—and will continue to maintain, while it is possible to do so—its own effective State industrial relations system as an alternative to what it sees as the Commonwealth's complex, costly and dangerous model.

It has passed legislation to shield New South Wales public sector workers from the effects of WorkChoices, to provide more options for settling disputes, and to protect agreed pay and conditions in some of the enterprises that were forced into the Federal system.

The Government believes its High Court challenge is the most important initiative in Federal-State relations since the Second World War.

Police and law and order

The right to live in safe communities—free of fear and the threat of crime—is another fundamental requirement for social wellbeing.

While there is clear evidence that crime rates in most categories are stable or falling—thanks to high standards of policing and tougher laws—there remain problems with criminal gangs.

To make communities safer, the Government will legislate for new powers to crack down further on gangs and outbreaks of civil disorder.

It will continue to ensure that front-line police have the powers, equipment and training they need to drive down crime and curb violence.

The new powers will allow the courts to issue fortification removal orders, compelling tenants of premises being used—or suspected of being used—for serious criminal activity to remove such structures as fencing, reinforced doors and barred windows.

These powers will allow the police to remove such structures forcibly if tenants do not comply with a court order.

They will empower the police to disable and dismantle surveillance and alarm systems before executing a search warrant on gang premises.

They will allow the police to block drainage systems to prevent gangs from disposing of drugs or other evidence before a search warrant can be executed.

The measures will go hand in hand with an increase of 750 in police numbers—bringing the strength of the force to a record 15,200 officers.

At the same time, the Government believes that its legislation for majority verdicts in criminal matters will reduce the possibility that a single irresponsible or maverick juror can block a just conviction.

Respect and responsibility

The Government's vision for the future goes beyond law and order, beyond material growth and economic prosperity, beyond the provision of physical infrastructure in our cities and regions.

All these measures are critically important; some are urgent.

But the Government believes that to create the kind of society we want for future generations requires a new sense of community—the rebuilding of a culture of respect and responsibility.

It sees this as a necessary response to the kind of violence that occurred in our beach suburbs last December, to the problems of littering, vandalism and graffiti, to the casual violence and intimidation found too often in our schools, to a lack of respect for police, nurses, teachers, the elderly, the disabled, the infirm.

The cultivation of a new sense of respect and personal responsibility is one of the key philosophies driving the Government's policies.

It is the reason the Government is pursuing its "Respect and Responsibility" agenda in schools and throughout the community.

That agenda must begin in the home and continue in our schools—the places where our future is rehearsed, where our fundamental values of tolerance and multiculturalism, our codes of co-operation and civility and respect for excellence, are inculcated and absorbed.

Under the Government's plans, every public school in New South Wales will be required to appoint a contact staff member to support students who feel threatened by exclusion, discrimination or racism.

For the first time, schools will be required to include antiracism strategies in their three-year plans and detail their effectiveness in annual school reports.

There will be a new emphasis on training to help teachers overcome the problem of disorderly classrooms, requiring new teachers to show they have the skills to create an environment of respect and can deal with classroom discipline.

In government schools it is intended to implement a stronger discipline policy that will require children and young people to show proper respect for their teachers and other staff at all times.

These measures are a beginning.

Along with other initiatives—including a new emphasis on the importance of the National Anthem and the values it reflects—they are intended to promote tolerance and harmony in schools and the wider community.

It is a program that will help teachers, parents, police and local communities create a society based more firmly on decency and trust.

These were the founding values of the Australian project, the values embodied in the system of parliamentary democracy that began with the achievement of responsible government in New South Wales.

In celebrating parliamentary democracy we are celebrating the political process itself.

That process entails a respect for the great institutions of our society, a respect for the civilities of political discourse, for the practice of politics, indeed—if I may say so—for politicians themselves.

If I may quote some words of the Chief Justice of the High Court, the Hon. Murray Gleeson, who said in his ABC Boyer lectures:

Politics is what makes representative democracy work. To despise politics is to despise democracy.

Honourable members, it has been my privilege to address you on the occasion of this sesquicentenary.

I know that Her Excellency the Governor would wish me to convey to you her good wishes on this historic occasion and her thanks for the support you have given her in her term of office.

At the opening of a previous Parliament, not long after her swearing in, Her Excellency remarked on the tremendous weight of history and tradition in this Legislature—this mother of Australian Parliaments, this home of Australian democracy.

We are even more conscious of that tradition and history today.

The significance of the program I have outlined lies not so much in particular measures or policies—vital as these are—but in the fact that elected members, representing a diverse constituency of traditions, faiths and backgrounds, can come together in a climate of tolerance and goodwill, free of coercion, free of fear, and participate in the democratic process.

That is the precious legacy we commemorate today.

I extend to all of you my best wishes as I leave you to the discharge of your important duties.

His Excellency having left the dais, the members of the Legislative Assembly withdrew.

[The President left the chair at 3.00 p.m. The House resumed at 5.00 p.m.]

PHOTOGRAPH OF LEGISLATIVE COUNCIL

The PRESIDENT: I inform members that, in accordance with arrangements, photographs will now be taken of the Legislative Council in session.

SESQUICENTENARY OF RESPONSIBLE GOVERNMENT IN NEW SOUTH WALES

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [5.12 p.m.]: I move:

That this House acknowledges the 150th anniversary of the inauguration of responsible government in New South Wales.

The first Australian Parliament elected under responsible government met on this day in 1856. Responsible government exists where the government of the day must command a majority in a legislative body. For the small colony of New South Wales 150 years ago this was a huge step forward. The Parliament of 1856 was opened by commission in this very Chamber. The President of the Council and also the Chief Justice of the colony, Alfred Stephen, read the commission document to a hushed audience. It was done in this way so the newly elected Legislative Assembly could in turn meet and elect its Speaker. Following this, Governor Denison could formally open Parliament the next day, 23 May, with all the pomp and ceremony this most far-flung of Queen Victoria's colonies could muster.

The Council's old Chamber is now the Legislative Assembly Chamber. A prefabricated iron building had been purchased in Melbourne, shipped to Sydney and erected at a total cost of £6,000, and it was into this unfinished new Legislative Council Chamber—where we sit today—that the dignitaries filed on 22 May 1856. The men stood, with the benches being occupied by the ladies. It would be 75 years before women would sit on those benches in their own right as members of the Council. Responsible government in the antipodes had been established. However, some commentators expressed reservations. Lady Denison, wife of the Governor, attended the opening ceremony with some of her 14 children and commented:

It is amusing to see these young countries starting with their new constitutions and I suspect we shall have some odd sciences before things settle down into a quiet state of working under the new regime.

The creation of two Chambers prompted one critic to predict:

Members of the higher classes, competent by education and position, can look forward to the honours of a seat in the Upper House.

But comments about the newly created Legislative Assembly were not so flattering. One scribe wrote:

There is scarcely a man of mark in the Legislative Assembly. Publicans, expirée convicts, journeymen, mechanics, Wesleyan lay preachers form a not inconsiderable part of present members.

A remarkable thing to be noted is that responsible government in Australia was achieved without violence or bloodshed. The same could not be said for a great many nations of the modern world. Even British Empire countries such as the United States of America, Canada, Ireland and India were not blessed with the peaceful political reform process enjoyed in Australia. Progress of the colony towards self-government had been slow and irregular since the establishment of the Legislative Council in 1823 but by the mid-1850s the debate had been won. This was aided by the fact that transportation had ceased and the gold rush had diminished the influence of the major pastoralists. Responsible government in New South Wales also arrived at a time of relative tranquillity in the British Empire, with liberal-minded politicians in England willing to see the creation of self-governing dominions within the Empire.

Of course, there had been long and spirited debates, some of which centred around just who should be part of this Legislative Council. In 1853 William Charles Wentworth, a future President of the Council, proposed the creation in New South Wales of an hereditary aristocracy from whose ranks Council members could be appointed along the lines of the House of Lords. This was known as the Bunyip Aristocracy. This was rejected by a colony that sought to distance itself from the class system of England and the shackles of the penal system—I feel a lot of us here today would not otherwise have qualified for membership. The first section of the Constitution Act summed up what responsible government was all about, as it said the new Parliament was "to make Laws for the Peace, Welfare and good government of the Colony in all cases what so ever".

This was a not a perfect democracy but the new Parliament soon established manhood suffrage and the secret ballot, making New South Wales a leader in electoral reform. K. Chisholm, a pastoralist of Camden, deplored universal suffrage saying it has "put power in the hands of the ignorant and unthinking". Some were shocked about the levelling of class that responsible government involved. Conservative Roger Terry wrote:

It was not pleasant to hear a person greet you in the public assembly as "my honourable friend" who, a short time before, took off his hat and in "whispering numbness" besought you as a magistrate to put in a good word for the renewal of his licence.

So for 150 years the Legislative Council, the Mother of Australian Parliaments, has performed a sterling role in its prefabricated building brought up from Melbourne. It has acted, in the main, in a responsible and dignified manner, upholding all the traditions of the Westminster system. Its members, and particularly its leaders, have always espoused the highest standards of parliamentary procedure. On an occasion like this some of the ghosts of past personalities in this Chamber to me seem to come to life. I name but a few. One who comes directly to mind is Sir Alfred Stephen, the first President of the Legislative Council who also held the offices of Chief Justice and Lieutenant Governor, a dominant personality in colonial politics who once had this House pass a resolution renaming New South Wales "Australia". I sometimes wish we had followed Sir Alfred Stephen's original leadership.

We recall Sir Henry Manning, a conservative Minister, son of a Minister of the first government in 1856, who in the 1930s and 1940s strove to have the Legislative Council work free of party politics. There were the first women appointed to the Legislative Council in 1931: Catherine Green and Ellen Webster, along with the Legislative Council's first woman Minister, Deirdre Grusovin, in 1986. We are reminded of Labor and union

stalwart Fred Flowers, the first Labor Minister in this Chamber, an early pioneer of rugby league and president of South Sydney Rugby League Club. Former shearer Ted Grayndler became the first trade union secretary to serve in the Legislative Council—he was the first of many of a distinguished line.

Some members championed unusual causes throughout their years in this House. One was Dr John Mildred Creed, who devoted years to campaigning for a crematorium in Sydney, repeatedly unable to overcome opposition from undertakers. Eventually, however, he triumphed with the passing of the Necropolis (Amendment) Act 1923. Another distinguished doctor was Sir Norman Katter, who was decorated for service with the French army in World War I. Publican Theodore Trautwein had a 900-pound diamond inserted in his parliamentary gold pass, but he exited the Parliament when convicted of tax evasion in 1940. And there was the colourful personality Donald Grant, who had served four years gaol for arson and sedition during World War I as a member of the International Workers of the World. One of the most astute politicians to serve in the Legislative Council was Robert—better known as Reg—Downing, between 1940 and 1972.

[Interruption]

Reg Downing was a Goulburn boy. I acknowledge the interjection of the Deputy Leader of the Opposition. A self-educated man, Minister and Leader of the Australian Labor Party in this House from 1941 to 1972, Reg Downing's tactical and negotiating skills are acknowledged as a major reason Labor stayed in office for so long during that period. Notable in all as he was in the political story of this State, especially in the history of the Labor Party, photo portraits of Reg Downing were rare. At the time of his memorial service at St Mary's Cathedral in 1994, a photo had to be copied from a page of a country newspaper. My predecessor, former Treasurer Michael Egan, had the photograph enlarged and framed. It now hangs in pride of place in my office, and it is to be handed on to successive leaders of the Labor Party in the Legislative Council.

The Hon. Patricia Forsythe: Mothballs next year.

The Hon. JOHN DELLA BOSCA: There will still be a Leader of the Labor Party, no matter what happens. In a more contemporary vein, many of us will recall members who earned our respect for their political skills and the manner in which they exercised their roles in this Chamber. They included friends like Johno Johnson, whose political and personal advice was valued by so many. There was Virginia Chadwick, the first woman to be President of the Legislative Council; Richard Bull, a contemporary of most of us, who served as party leader and a champion of rural communities; and, of course, my immediate predecessor, former Treasurer Michael Egan, whose replies often enlivened an otherwise mundane question time.

These are but a few names, some known to us and some of long ago memory, just a few of the men and women of all political persuasions who have served in the Legislative Council. Today New South Wales and Australia bear little resemblance to the world outside these walls on 22 May 1856. The democratisation of the Legislative Council has enabled representatives of many differing views to contribute to debates in this Chamber.

Responsible government has not only survived but also flourished in those 150 years. This has been due to the commitment and work of members over generations doing their best to reflect and fulfil the public will and interest as they see fit. They were aided, I must add, by the competency of the officers of the Parliament. One hundred and fifty years ago this Parliament presided over a colony that was home to people almost entirely from the British Isles. It now presides over a home to more than 150 different national groups. Many of our present Legislative Council members have family roots far removed from the British Isles. It presides over an economy larger than that of many countries, and Sydney is now one of the world's great international cities.

As politicians we know that the test of a successful political career is to survive, but responsible government in this State has achieved more than just survival. Although members opposite may sometimes complain, and members on the crossbench almost always complain, I would suggest that the level of scrutiny available to this Chamber would not be exceeded by any similar parliament around the world. This Parliament has flourished despite economic depression, military threats, social upheavals, natural disasters and, sadly, bitter political and sectarian divisions. Over this test of time in an often troubled world, the New South Wales Parliament, the mother of Australian Parliaments, is the leader in perhaps the most stable democracy of the western world.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.22 p.m.]: With the first sitting of the New South Wales State Parliament as a bicameral legislature on 22 May 1856, over three decades of

development and evolution of administrative independence brought into existence the foundation upon which our current parliamentary system was built. Six years earlier the Australian Colonies Government Act provided for the election, albeit of only two-thirds, of this nation's first House of Parliament, the New South Wales Legislative Council. Today we celebrate the creation of that which we have come to enjoy as the embodiment of democracy. However, I feel that we should take this opportunity to reflect on the devolutionary success that this House, the Legislative Council, represents.

Many often associate our nation's foundation stone with the transportation of convicts in 1788. However, merely 16 years prior to the creation of our two House legislature we saw an end to this policy of the British Government. It is within this context that we begin to realise how recent and current the history of our great nation really is. In 1823, 24 years following colonisation, the British Parliament passed that which is now known as the New South Wales Act. That legislation enabled the first legislature, the Legislative Council, to determine laws "for the better administration of justice in New South Wales and Van Dieman's Land and for the effectual government thereof". Our House first sat in August 1824. Over the ensuing 17 years its number expanded from the initial not more than seven and not less than five members to 36, with two-thirds elected by landowners and householders, and the remaining 12 nominated by the Crown.

During the period 1843 to 1856, the Governor, despite no longer being an appointed member of the Legislative Council, continued to enjoy significant veto power, on behalf of the British Government, over the Legislative Council—an issue that had become a matter of growing dissatisfaction amongst its membership. It is also remembered as a period, albeit free of organised political parties, when members of the Legislative Council organised and more often than not voted in accordance with their particular beliefs and their associations. The birth of factions! The new Parliament of 1856 brought about changes that saw many of the Legislative Council's functions transferred across to the Legislative Assembly. It also witnessed a return to a Crown-nominated and Governor-appointed Legislative Council. We all know and enjoy recounting the "gold rush" history of this wonderful building, built on the Clyde, and like so many before it transported to a new frontier on the other side of the world, with little if any understanding of its future. On 22 December 1853—just a couple of years before the election of the First Parliament—the Legislative Council was prorogued. In his address His Excellency the Governor General alluded to the significance of the democratic road ahead when he told the House and the colony:

It will be my duty to transmit without delay ... [for] her Majesty's pleasure thereon, the Act for conferring a Constitution upon the colony, and also a copy of the Resolutions on the subject which are embodied in your address of the 21st instant, and the Draft Act of Parliament to enable Her Majesty to assent to the measure. I perceive with much satisfaction that the Act has been framed with an anxious desire to assimilate the Constitution of this colony, as far as local circumstances permit, to that of the mother country, which perfected by the experience of ages, and the light of modern political science, has achieved for Her Majesty's subjects the most complete system of liberty, consistent with order and good government, which is enjoyed in any part of the world.

As we sit in this Chamber we are overlooked by some of the most influential early members of the Chamber who helped form our democracy—Presidents Sir Alfred Stephen, Sir John Lackey, Sir Francis Bathurst Suttor and Sir John Hay, as well as members William Bede Dalley, James Macarthur and John Blaxland. Sir Alfred Stephen was the first President of the Legislative Council following the decision by Edward Thomson to decline the nomination as President on the ground that he considered it a political appointment. Sir Stephen is also remembered for his contribution to our legal framework, having introduced 14 law reform bills, six of which were enacted. Sir Stephen should also be remembered because he had 18 children!

Sir John Hay was not only a member of the Legislative Assembly from 1856 to 1867, he was also Speaker of the other place before resigning to enter this House. He actively campaigned to block the passage of John Robertson's land policy through the Parliament and was successful in preventing the policy of "free selection before survey" from becoming law. He served as President of this House from 1873 until his death in 1892. Sir John Lackey came to the Legislative Council after 25 years as a member of the other place. He was a model member—he was never called to order! He is also remembered for his active role in the construction of several colonial railways—some of which, I am told, are still in use today. Sir Francis Suttor served as President from 1903 until 1915. He also sat in the other place. He was part of a distinguished family tradition—his father was a member of this House and his brother served in both this House and the other place.

The 1855 Constitution Act put in place a framework that allowed the will of the Legislative Assembly to be challenged by members of this House. It resulted in legislation originating from the Legislative Assembly or even money bills being amended or indeed rejected by the Legislative Council. Arguably, it was this defiance by the Legislative Council of the decisions by the Legislative Assembly that brought about much of the acrimony that we enjoy today. And it was this frustration by members of the Legislative Council that resulted in

numerous attempts over the years by a variety of administrations to at least curtail, if not destroy, the existence of this House of review.

In 1860 it was Premier Foster who sought to reconstruct the Chamber, with a further seven attempts before the turn of the century. In 1926 and late in 1930 Premier Lang sought, through a number of means, to abolish the House. Foster, Lang and Egan, we have seen them come and go, while this House continues and they are but a memory. It was not until the successful passing of the 13 May 1933 referendum under the Stevens Government that we saw the introduction of an elected Legislative Council by the means of proportional representation. Despite attempts by earlier administrations to flood the Legislative Council as a means of getting the desired result, which had seen the House swell to 126 members, the May referendum formalised the number of its members at 60, elected for 12-year terms. The other significant change that came into being with the reconstituted Legislative Council, sitting for the first time on 24 April 1934, was that it could no longer influence government monetary policy.

From 1934 through to 1978 there were a further three attempts to reform or abolish the House, with the first two attempts by the McKell Government and the closest call coming in the form of the 1946 Legislative Council Abolition Bill. The result was 29 ayes and 29 noes, with the President casting his vote no, in accordance with precedence to maintain the status quo. The most recent abolition attempt was in April 1961 and a referendum that saw 57.6 per cent of the people voting in favour of the Legislative Council. The year 1977 brought about reform, through consultation between members of both Houses, that saw the House reduced to 45, chosen by popular election. When fixed four-year terms were introduced in 1995 the House was reduced to its current number of 42 members, each elected for a term of eight years. No government has enjoyed an outright majority since 1988. Over this 18-year period, the government of the day has faced new challenges. With the introduction of optional above-the-line voting at the 1988 election and the subsequent emergence of minor parties, there has been significant change in the House.

I believe this House has become comfortable, yet more eager, in its role as a House of review. Changes to the operation of the House and the committees, particularly the introduction of General Purpose Standing Committees, has placed renewed emphasis on the ability of members to scrutinise the actions of the government of the day. Following the 1988 election the Standing Committee on Social Issues and the Standing Committee on State Development were established. In 1995 the Standing Committee on Law and Justice was added, as was the Standing Committee on Parliamentary Privilege and Ethics. Depending on the issue, these standing committees can either be an important supporter of a government in implementing its reform agenda or the bane of its existence. At the end of the day, many of their recommendations have been adopted by governments, either willingly or unwillingly, and they have had a significant influence upon public policy.

In 1997 the five General Purpose Standing Committees were established. Each year the importance of these committees in keeping the government of the day accountable to the community continues to grow. I personally believe that the General Purpose Standing Committees have the ability to make this House one of the strongest cornerstones of the democratic process in our State. Not only do our members through these committees have the ability to force the government of the day to be accountable to the community, they are also able to put forward positive policy alternatives.

One of the other important avenues of maintaining government accountability is what is now called Standing Order 52. In 1995 and 1996 this House had its powers to order the production of papers challenged. It was the first time that this House was put in a position of having to enforce its powers for a Minister of the Crown to produce documents. On 2 May 1996 this House suspended the then Treasurer and Leader of the Government for the remainder of the sitting over his failure to produce all the documents required. This action led the Treasurer to bring legal action to challenge the validity of the suspension and, in turn, his removal from the parliamentary precinct. Subsequently both the New South Wales Court of Appeal and the High Court upheld the validity of the Legislative Council's suspension resolution.

In 1998 and 1999 there were further legal hearings over the extent of the Legislative Council's power to require documents to be produced where the Government claimed public interest immunity or legal professional privilege. Again the Court of Appeal upheld the House's powers, except in relation to Cabinet documents. The result of these challenges to our right to act as the House of Review has, I believe, been a strengthening of our power to undertake those reviews. That strength overlies not only the committee system, but also question time. The imposition of restrictions on the time taken to answer questions and making those answers relevant to the question has returned question time to what it rightly should be—question and answer time.

Over the 182 years since the Legislative Council was formed our community has changed dramatically—from electricity, the motorcar, telephones and radios to mobile phones, space travel and MP3 players. Surprisingly in some respects, little has changed when it comes to issues of concern to the community. In January 1880 the *Sydney Morning Herald* report of debate in the Legislative Assembly records several debates that could easily be from this century. These include details relating to a contract awarded for the construction of 100 train carriages, the need for the recently constructed Newcastle wharfs to discharge ballast, such as road metal, to facilitate development in Newcastle and the Hunter, and the circumstances surrounding a rail accident at Parramatta on Boxing Day in 1879 in which passengers were killed and seriously injured. A member of the other place spoke of the great waste of public money in the making of the roads in Sydney. He stated:

Our roads were simply a travestie on macadamised roads, and apart from the wear and tear of vehicles, great cruelty was inflicted upon horses.

Of course, today the great cruelty is inflicted upon motorists. Universally we, the community, have not done a good job of teaching our youth the history of our great State. While the Centenary of Federation has helped to teach our community more about the history of our nation, the same cannot be said about the history of New South Wales. Most people now accurately know that Edmund Barton was the first Australian Prime Minister. I am sure that a large majority of people could name the first President of the United States of America. Disappointingly, I doubt that many in our community would accurately name Stuart Donaldson as the first Premier of New South Wales.

We have failed to be proud of our history and the strength of democracy that New South Wales and by association Australia has enjoyed over the last 150 years. We fail to recognise that the right to vote for all adult males was won in 1858, far earlier than in other democratic countries throughout the world. We also fail to recognise enough that in 1902 New South Wales women won the right to vote—again before most of the world. However, today is a day for us as parliamentarians and the community to say thank you to the generations that have come before us, to acknowledge the proud legacy of democracy that we have inherited, and to acknowledge that we have the duty to pass that legacy forward to future generations so that they can build upon it. Madame President, from all of us on this side of the House, I pay tribute to the Parliament on its 150th anniversary.

Motion agreed to.

SPECIAL ADJOURNMENT

Motion by the Hon. John Della Bosca agreed to:

That this House at its rising today do adjourn until Tuesday 23 May 2006 at 2.30 p.m.

The House adjourned at 5.36 p.m. until Tuesday 23 May 2006 at 2.30 p.m.
