

LEGISLATIVE COUNCIL

ORAL HISTORY PROJECT

LC Members Ante-Room, Parliament House, Sydney, on Friday 26 April 2019

The discussion commenced at 11:00

PRESENT

Mr David Blunt
Dr David Clune
Reverend the Hon. Fred Nile

Dr CLUNE: Can you tell us how you became a member of the Legislative Council?

Reverend the Hon. Fred NILE: I became an ordained minister in 1964. I was very disappointed with some of the policies of the then Government and I became active in trying to influence them in various ways, including mobilising questions on various issues and with churches. Summarising it, I was praying one day. I got a lot of messages from God; you could call them visions or parables. In one of them I was sitting at a boxing match in a ringside seat. I had never been to a boxing match, although I had seen them on television. There was a man in the ring—quite a big man who looked like a bit of a brute. The referee said, "Who will get in the ring and fight this man?" As I said, I was sitting ringside and God said to me, "I want you to get in that ring; that ring is Parliament. You have been outside Parliament, but I want you to go inside and have an influence." I had organised pickets outside Parliament, on the steps and so on.

I wondered how I could do that because I was not a member of any political party. I thought about it and prayed about it. I was not happy with any of the parties, so I could not simply join one. I interpreted God to be saying that I needed to create a party that reflected my views; that is, my Christian views. In other words, I had to start a Christian party. Some parties had Christians in them, but I do not think any of them would have claimed to be a Christian party. God told me he wanted me to start a Christian party.

I read the constitutions of some of the parties—the Labor Party and the Liberal Party—to see how to draft a party constitution. I was not very happy with their constitutions, so I looked at a church constitution. I wanted to know how you establish the control and authority in a church with elders and so on. I developed a constitution based on Christian and biblical principles. The constitution I drafted was unique because I based it on a church constitution. The first part of the constitution was a statement of faith. I do not think any political party I have heard of ever had a statement of faith. That is, what the membership believed about God, Jesus Christ and so on. I then drafted a statement of faith for a Christian political party. I knew that there had been other parties in Europe called Christian parties and I got some information from them as well. However, none of them were dynamically Christian; they were more nominally Christian and did not have much impact in the Christian area.

I then wondered what I would call the party. I was very focused on the family as the centrepiece. It was God's will that we have strong families and that we support the family with marriage and so on. So I thought I would call it the Family Action Movement. That was the first name and I had it for a while. The progress to another name was based on things happening in society. There were calls to the nation and things like that. I thought that was a more attractive name for people, so I decided I would call it Call to Australia. That was the second name.

I had a phone call from a man called Nabi Saleh. I had heard of him, but I had not had much contact with him. He was the treasurer of Hillsong Pentecostal Church. I was not a Pentecostal church member; at that stage I was still in the Congregational Church, which then became part of the Uniting Church. Nabi Saleh, a former Muslim in Iran, had become a Christian. He said that he had had a message from God telling him to help me and to give me whatever help I needed. He said, "What help do you need?" I said I was not sure where he was coming from and asked what help he wanted to give me. I said that my main interest was in forming a political party. I said, "If God has asked you to help me, I assume it is in that area, not in my marriage or how to bring up my children." That was my deduction, anyhow, and I think it was correct. He said, "Good, I will give you some advice about your political and party work."

He asked whether there were any restrictions on what he should look at and whether he should get a group together to work with him. He had a committee. He asked whether there was any area or view of political life I did not want him to be involved in or to offer advice about. I said, "No, if God has spoken to you, I am happy to give you a blank cheque. Whatever you feel I should be doing, I am happy to have your advice. Whether or not I do it, that is another question." If I did not agree with it, I would not do it.

I said I was happy for him to give me advice on how to help our party to grow. At that stage it was Call to Australia. I said, "In fact, if I am a hindrance to the party and you advise me to leave it, I would even consider that." I was trying to explain to him that there was no restriction; he had a blank sheet with which to work. He went away and one of his recommendations was to change the name of the party to the Christian Democratic Party [CDP]. That was similar to the names of the parties in Europe. It was not unique or novel. I said I had no objection to that and that was how we changed it from Call to Australia to the Christian Democratic Party. Nabi Saleh became one of my advisers over the years and has helped me with a couple of problems I have encountered.

As the party grew, I had to select candidates. I often got good candidates, but sometimes I got very argumentative candidates who gave me a lot of grief. One of them was a former Liberal Party MP. I thought because he was a Christian and because he was no longer a member of the Liberal Party he might be a good candidate. I contacted him and said, "I am looking for candidates. Would you be prepared to be a candidate for the Christian Democratic Party?" He said, "Yes, I would be very interested in that. I have resigned from the Liberal

Party and hope I can join another party." He went away to think about it and came back and said that he and his wife were happy. He was a very active Christian. There was only one condition. I said, "You have to move to New South Wales. You cannot nominate for a New South Wales party if you are living on the Gold Coast." He said he would definitely move to Sydney with his wife and children. I said that was good and that it would be very acceptable.

As we got nearer to the election I had some phone calls from members of the Liberal Party and the Labor Party saying that they had heard about our candidate. One of them was from Helen Sham-Ho from the Liberal Party. She said, "You know your candidate lives on the Gold Coast." I said I knew he lived there but that he had moved to New South Wales. She said he had not moved and was still living on the Gold Coast with his family. She said she had no choice but to raise his credentials and whether he should be allowed to stand in the next State election. I got straight on to him and he had a lot of explanations. He said, "I still have a house on the Gold Coast, but my mother lives in Sydney, on the Northern Beaches. I often stay with her and visit her." I said, "That does not technically fulfil the legality of the requirements of the Constitution that you be resident in Sydney."

He was taking the place of my wife, Elaine, who was retiring because of ill health. I spoke to Elaine and told her we had problems because he still wanted to be the candidate but he was not living in New South Wales. She said that as Christians we could not nominate him and have problems with the other parties, who were already aware of the situation and were threatening to raise it in Parliament. I went and saw him and said we had a big problem. I told him that I was sorry but we would not be able to nominate him. He got very angry and said he would sue me.

I got a letter from his solicitor claiming \$300,000 in damages, which he calculated as lost salary for three years. He said he was going to pursue the court case. I said that was very unfortunate, and that I did not expect that of him as a Christian. I called Nabi Saleh and asked for some advice. He said he would handle it. He told me not to worry anymore about it. He came back a few weeks later and said he had spoken to him and that he had agreed to drop the court case, but that he would still like \$30,000 in compensation. Nabi recommended that to get him out of the picture and to help I should agree to pay him \$30,000. I said okay and I drew the money out of the bank and gave it to him. Strange things happen in relationships with people.

After all that happened, he contacted me and said he was applying for a new position with an organisation involved in visiting different countries with doctors and nurses and providing free treatment. He said the position was as the superintendent and that he would like me to give him a reference. I told Elaine that he had asked for a reference and she said she would never do that. She was very hard-headed and practical, unlike me. I said I had been praying about it and believed that the Christian thing would be to give him the reference. The non-Christian thing would be to tell him to go away because he had been a problem. I believed that as a Christian I should be reconciled with him, so I gave him a reference. He got the job and he was very happy. That is just one of the dramas you have over the years with different candidates and personalities.

Dr CLUNE: What was it like when you were elected in 1981 as one of the first two crossbenchers?

Reverend the Hon. Fred NILE: Elizabeth Kirkby and I were the first crossbench members. We were a bit at odds because the Australian Democrats were in my view a permissive and trendy party. She was not so black and white at the very beginning, but it became clear that she was happy about change on a lot of the moral issues, like legalising marijuana and so on. I strongly opposed that. But we became good friends and worked together in the upper House. I think we even sometimes sat together. There was no hatred or rejection on my part of her and her party. We obviously had to work together on issues that were coming up in Parliament where we could. We would have a joint position on them, which was possible on quite a few things. When it was dealing with the conduct or organisation of Parliament, we had very similar views.

Dr CLUNE: How did the major parties treat you?

Reverend the Hon. Fred NILE: Neville Wran planned to have a referendum to change the upper House by having elected members. Until then there was no involvement of the voters. Wran's plan was to have a democratic Parliament, which is what we now have with people nominating and people voting. I believe his main intention was to set up a system where the Labor Party would get control of the upper House. The conservatives—the Liberal and National Parties—had control of the upper House for a long time. He wanted to break that control and he devised this scheme of having a referendum and having elected members. I was very happy about that because I could stand. When they called the election, I put my name up as a candidate.

Wran's main aim was to get control of the upper House. He was very angry or disturbed when after all the debate and the second upper house election up popped Elizabeth Kirkby and me. He was not happy with that at all. I do not know what he said to Elizabeth or what he discussed with her. He may have thought she was perhaps acceptable to him, whereas I was not. He sent me a message saying he was very unhappy that I had been

elected and that I would have no support from him. He said, "To start off with, I will not let you have an office as a member of Parliament. There is also a question about where you will sit in the Chamber." He was almost trying to force me out of Parliament even though I had been elected with an overwhelming vote. To my surprise, I had a huge vote. He was quite serious about it.

When I was elected I asked about the accommodation, and they said, "We have been told there is no office space for you." I said that I did not accept or believe that because there were so many members of the House and obviously there would be an office available for each member. They said that the Premier said there was no office for me; all the offices had been allocated. James Cameron was the former Speaker and I became a friend of his. I said I would like to have a copy of the plan of the upper House. I assumed there was one showing all the offices and so on. He said he would get a copy for me. I said there were all these offices and asked who was occupying each one. I found one of the Labor members, who had a position in the Party, had been allocated two offices. He had his member's office and another office to carry out his duties, which were more related to the party. I came back to the Parliament and said that I had found there was a spare office and I told them the room number. So I bluffed Neville Wran into giving in and to shifting out the Labor member so that I could have the office. That is how I got an office—after Third World War style combat!

The other issue was where I was going to sit. I got messages back that neither Labor Party nor Liberal Party members wanted me to sit with them. At that stage there was no crossbench. I asked where I was going to sit. The same happened with Elizabeth. We were told to find somewhere to sit in the Chamber, and there was an old Labor row in the corner of the House. I said that I must have a seat and the President agreed to have one built for me. It was almost in a direct line from the President's chair. The design was for a double seat, and I said I was very happy with that. I did not know at that stage that some years later my wife would be elected and would be sitting on it with me. Other members have sat with me over the years.

The carpenters came in to build the seat and there was quite a lot of debate in the media, and particularly in the *Sydney Morning Herald*. They did not particularly like me because of my conservative Christian views and they made a bit of a fuss about me raising these problems about offices, accommodation and so on. The *Sydney Morning Herald* ran a big cartoon on the day my seat was being constructed showing carpenters building a pulpit. The caption underneath the cartoon said something like, "They are building Fred Nile's pulpit." I did not disagree with it; it was simply a bit of sarcasm. That was the drama when I was first elected.

Dr CLUNE: How did you find the Legislative Council in general when you came in? How effective was it as a house of review?

Reverend the Hon. Fred NILE: The Labor Party had the numbers from 1978 until 1988. Neville Wran's plan had succeeded, although I was a bit of a thorn in his side. Obviously I was not voting with his agenda. We—I am talking about myself now—were able to build up good relationships with the Liberal Party, the National Party and the Labor Party. Never having been in politics, I had to develop a political philosophy. One of the philosophies I developed was that I would respect the Government's mandate. That was something I put in my heart: Fred, you are not here to be obstructionist; you are here to help the Government to govern better and you should keep that as your prime purpose in being here.

That is how I then developed my whole strategy to work with both Labor governments and Liberal governments. To my surprise, I had a great deal of success. If I worked with them and supported their published mandate, they in turn would support some of my proposals. It was strange, but I had more cooperation with my legislative proposals from the Labor Party and Labor governments than I did from the Coalition. I have never said that publicly before, but that was the practical reality.

The Labor Party genuinely supported some of the things I was proposing. They were not doing it just because I was pushing it and putting up a bill. I am thinking particularly of my 1991 health bills that dealt with cigarette advertising and smoking. I was very conscious of the health problems with tobacco. I personally suffer from bronchial asthma and I am very allergic to smoke. My father was a heavy smoker and my mother smoked a little. He eventually died from smoking—we blame cancer. So I had a fairly personal view of the dangers of tobacco smoking and I would do all I could to help save people's lives.

One bill was to prohibit tobacco advertising; one was to prohibit smoking in public places, which would have been a dramatic change; and one was to prohibit smoking in cars. They were viciously opposed by the Coalition; they fought them tooth and nail. Dr Pezzutti was the main spokesman opposing me, and he was also a heavy smoker. He took it as a very personal thing to oppose me and to get the Liberal Party to oppose the bills. I was very pleased that the Labor Party supported the bills for various reasons. I think they supported them for health reasons, but also they had a different view about company monopolies.

It did not worry the Liberal Party that the tobacco industry was controlled by monopolies, whereas the Labor Party had a philosophical opposition to them. It would not matter whether it was tobacco or any other product. They were not happy about total control by the companies that ran the tobacco industry. They never publicly explained why they were so keen to support me, but they gave me enthusiastic support and those bills were passed. The Labor Party thought the third bill, which related to prohibiting smoking in cars, would be a bit difficult to implement. They proposed that I amend the bill to prohibit smoking in cars that had children in them. I said that was the same as the principle I was promoting and I accepted the amendment. I even moved it myself.

We got to the vote on the bills and there had been a lot of tension. That night, Dr Pezzutti got up in the upper House and said, "We have been strongly opposed to these bills, but we realise that Reverend Nile has the numbers." I had the support of the Labor Party and the other parties. He said, "For that reason, we will not oppose the bills." They did not go on the record as voting against them, which I think would have been a bad tactical mistake; they would have been labelled as the tobacco-loving party by the media. I think they made a strategic decision that they had gone as far as they could on this issue and that they had to back off and let it go ahead, which it did.

The tobacco industry was violently opposed to me and made it very personal. They actually took out full-page ads in the newspapers attacking me. My research suggests that John Singleton, who was in advertising, drafted the ads, which were very personal in attacking me as a person. They tried to cause a public reaction to the bills. One of the biggest ads took up a full page in the *Sydney Morning Herald* and had me standing on a soapbox talking to a big crowd and the heading was—like I was Adolf Hitler—"Today tobacco, tomorrow the world." That was how they presented me. Anyhow, the tobacco industry lost, which made me its enemy for life. One of the *Sydney Morning Herald's* top men said to me, "You know Fred, we strongly oppose your bill to prohibit advertising. We receive \$200 million a year from tobacco advertising. You are stopping that." That advertising would have increased in monetary value every year. He said, "Don't ever expect a favour from the *Sydney Morning Herald*." So I never got any favours from the *Sydney Morning Herald*, and I got a lot of criticism and misrepresentation and so on. I think the same view was probably taken by the *Daily Telegraph*, but it was not as vocal expressing it to me.

Dr CLUNE: You had a huge number of issues and bills to consider. How did you cope with the workload?

Reverend the Hon. FRED NILE: I thought, "Now I'm here I ought to have a purpose, rather than just reacting to the Government and Opposition. What would I do if I was to govern?" What God showed me in answering my prayers was, "You ought to show the people of New South Wales what a Christian government would look like." That is how I drafted bills to do with health issues, tobacco, marijuana, marriage, caring for children, and so on. I had to discuss those bills with the parties and try to get support for them. I did not intend to move them and have them defeated in the first instance. There was not much point in that. I would try to get some support for them if I could. I gradually worked out that there were some issues that I could get support for and I moved on those issues. I had to get the bills drafted, and I had the Parliamentary Counsel's Office deal with that. But I still had to be the enabling adviser around what I wanted in the content of my bills.

One thing I was grateful for was when the Government increased the crossbench staff from one to two, which upset the Labor and Liberal members because they still only had one; we had two and that really took a lot of pressure off me. But obviously I have a lot of people in the community who help and give me advice. I work with all of the different organisations that have policies on an issue that we are discussing and involve them as well.

I tried to keep up with the bills that were introduced and to read and study them and read the explanation as to the aim and purpose of the bill. Often I could agree with them, and sometimes I would disagree. One of my strategies with both the Labor and Liberal parties, as I said earlier, was to respect their mandate as the elected government. I said, "I am not here to obstruct the Government; I want to help you." I got advice from the public and various organisations about the weaknesses in legislation and I wanted to move amendments to remove the weaknesses and make the bills stronger. One of the most controversial amendments I moved, which upset the Liberal Party, was my proposition that dealt with selling the electricity "poles and wires".

I met with Government advisers and I met the Premier—I often meet with the Premier, whoever it is—and I tried to explain to them the weaknesses. I put up a proposition to the Liberal Government to amend the "poles and wires" bill to ensure that all the government employees who worked in the electricity area were given five years of guaranteed employment. I was very suspicious that one of the reasons why the companies were tendering to take over the "poles and wires" was to make a bigger profit. I was concerned that they would sack half the workers, which would increase their profits over night. In fact, there were reports in the media that that was part of the plan. When I said to the Government, "I want that five year guarantee", the Liberals nearly had a

heart attack. They said, "That has never been done before: guaranteeing employees a five year employment period." I said, "I am insisting on it."

Obviously I had the strong support of the Labor Party and the unions. I did not do it to win support and become a hero but it did help me to break into the union area, which I had not broken into before, to have their support and recognition: "Fred Nile is making some improvements. He is not an enemy of the unions and he is not an enemy of the Labor Party. He does really believe in supporting the workers." That was part of my own philosophy because my father was a taxi driver for most of his life and then he had a small mixed business. I did not come from a Liberal political background. I obviously did have sympathy and, as a Christian, I do have sympathy for workers and their conditions and their salaries and so on. I was very pleased when that amendment was accepted by the Government and put into the legislation. It is probably the first time it has been done anywhere in the world.

Dr CLUNE: Did you have a regular formal mechanism of communication with the Government?

Reverend the Hon. FRED NILE: Yes, that is something that I concentrated on. I wanted to know what they were doing, and not just get an email or briefing note. I insisted on a few things, which I discussed with the crossbench, as crossbench rules, and they were enthusiastically in favour. The first was to have meetings with the Government and the Premier, whether it was a Labor Premier or a Liberal Premier, to talk with them face to face about what they wanted to achieve and what I wanted to achieve so we had a complete understanding of each other. Secondly, I wanted to have total openness with the Government in briefing me and the other crossbench members on what their plans were.

We finished up by having regular meetings with the Premier and an adviser—because it tended to be a confidential meeting—and meetings with the Government's advisers on Tuesday every week. We would meet in a committee room upstairs. The Government would have its list of bills and the actual advisers who drafted the bills would attend to explain what the bills were seeking to achieve, their purposes and so on, and answer questions and listen to our—not just me, but any of the crossbenchers who were there—concerns with aspects of the bills and what we would like to do to change it. If we were proposing an amendment we could ask whether the amendment would work and if they had any objections. We were talking to the public servants who were actually drafting the legislation and they were fairly—as far as I could tell—upfront with us. They would be direct. They would say, "You are going too far. I am sure the Government would never accept that." They were able to interpret the Government's position, which could be different to their own personal position.

Those meetings were very helpful. They bring you up to date. After the recent election, I think I was one of the first people that the Premier had a meeting with to discuss her aims, and I shared with her some of my concerns. We had a very fruitful discussion. We have got a good relationship. But I developed that same relationship with Labor Premiers, which was even more challenging.

My only concern is that the crossbench did become slack over the years, and with those briefing meetings on Tuesday mornings often I would be the only one there with David Shoebridge from The Greens, and the Shooters would not bother to come. I rebuked them; I said, "We worked hard to get these briefings. You should allocate somebody, you have two people, at least one of them to be there, otherwise you will give the Government a reason to scrap them—"If you people do not want the briefings we are happy to scrap them"—and you will lose that access to inside government. So I am a bit like a lecturer lecturing them: "Do your job."

Another issue I have raised with the crossbench is question time, that they must attend at question time and participate. There has been a tendency for crossbench members to come to question time only when they want to ask a question. They are not hearing the debate that is going on in the Chamber. I think that is not a very good development that has been occurring with some of the members.

I do not insist everybody follow what I have decided but I prayed about it when I was first elected and members of both sides said to me—because I did not know the rules or anything—"Fred, you know you don't have to come into the Parliament unless you want to ask a question or you are making a speech." I said, "I thought we are supposed to be here; we're elected members." They said, "Oh no. We just come in when we want to say something." I thought, "I am making a resolution today I will be in the Chamber from the time it starts with prayer to when it closes at night", and I have done that for my 37 years.

I have said—and so did my wife, Elaine—"It's a privilege to be here and we should be in the Chamber", and one of the reasons we should be there is listening to the others, hearing what the others are saying. If there is a debate going on about a bill and the members are not there, there is no impact on their thinking at all. In my case, I would have a notepad and I would be noting things down, even though I may disagree with them: what are their arguments for their case and what are the weaknesses in those arguments? Sometimes the arguments were good, sometimes they were bad, but at least I was considering them—the others were not there, and I do not think

that is how a parliament is supposed to work. I even had a debate about the quorum one year. It is eight and I moved to increase it I think to 12, which was strongly opposed by everybody; they did not want to have to be restricted. The leaders of both the major parties should give a lecture to their members, "We want more to attend and not just have the quorum".

When I make a response in debate, often I can refer to the comments of others. They were there and saw that I was there. It improves the whole environment, that someone is seriously listening to the speech, the arguments. I think that is part of the environment of the Parliament; that is what we should have. And members could do that if they were sharing in the debate; they would have something to say. But if they are not there obviously they are pawns for the government to just hand them the speech and say, "Read this" and they are not sure whether it is true or not. Anyway, no-one has ever given me a speech to read.

If you look at both Houses, you will find that is exactly what is happening; you will find a handful of members in the Assembly when they are debating a very serious matter. There is no interaction of minds in hearing the arguments. What are the arguments, even if they upset you? What are the answers to those arguments? I think that is the role of a member of Parliament.

Mr BLUNT: Did you have the same sort of relationship with all the Premiers over the years as with the current one?

Reverend the Hon. FRED NILE: Yes, even with Neville Wran, who gave a massive speech in Parliament attacking me. The key note of his speech was, "Fred Nile will not last; he is here today; gone tomorrow." I am still here 37 years later, but he is gone. When we had the Bicentennial in Sydney in 1988 all members of Parliament were VIPs sitting in the front row seats. I said to my wife, Elaine, "Neville Wran is coming in." He was walking up the passageway towards us and I said, "I wonder where he is going." He came directly to me. It was really an act of reconciliation. He shook my hand and asked, "How are you going, Fred?" We had a little chat. He knew that I had not been irresponsible in working with the Labor Government. I think they may have said to him, "Look, Fred is not the villain you think he is, and it may be good if you could be reconciled with him."

Dr CLUNE: How open did you find governments to your suggestions and amendments? Did they listen and take on board what you said?

Reverend the Hon. FRED NILE: Yes, that has been my experience. I do not believe they have ever been deceptive. I do not believe people were saying to me, "We agree with what you have said, Fred" and were then going behind my back to double cross me. I think they were honest. Another personal event that I can comment on was to do with Bob Carr. We had had a few chats about Christianity because he had made it clear that he was not a Christian and I had some reservations about that. One day my phone rang and I said, "Hello" and he said, "This is Bob Carr. I am on the way to the airport and I have been listening to 2GB and there is an announcer on who was giving you a hard time and was ripping into you. It really upset me: the way he spoke to you. I am just ringing up to tell you not to let them get to you. Keep going and doing what you're doing. You are on the right track." I thought, "Here is a Premier rushing off to the airport who took the time to stop, ring me and make that kind of friendly response." It meant a lot to me.

Dr CLUNE: The crossbench, particularly when it got to 13, was widely diverse in view points and philosophies. Did you ever come together in the common interest?

Reverend the Hon. FRED NILE: The common interest was what was best for the people of New South Wales. That was always my main objective as a Christian and as someone who believes that God is a creator who wants what is best for his creation and the people in that creation—the families of New South Wales. They should not suffer hardship if the Government sells something. That is why I wanted that five year requirement.

Mr BLUNT: So there times when you found that you could work with the other crossbench members, regardless of party differences?

Reverend the Hon. FRED NILE: Definitely. In particular I spent a lot of time with The Greens, who have a nearly opposite agenda to me. I thought, "I am going to go out of my way to make friends with them on a one-to-one basis as people and put aside our political differences." That seemed to work.

The minor parties have been working more together in having their own discussions. We have our discussions just with the minor parties, but often that is only with selected minor parties—in other words, the CDP and the Shooters have meetings together and then we have meetings separately with The Greens—so it is not always all the parties together to discuss their particular concerns.

Dr CLUNE: You all seemed to come together on procedural matters which gave the Council greater influence, strengthened the committee system and forced the government to table papers.

Reverend the Hon. FRED NILE: Definitely, yes. That was part of the process and I was very active in that. I wanted to increase the power of the upper House and the Legislative Council itself

Mr BLUNT: The number of amendments to legislation made by the Legislative Council has increased greatly since 1988. Do you think this has led to better legislation?

Reverend the Hon. FRED NILE: Definitely, because we are listening to the constituents and organisations that have a practical knowledge of that issue, sometimes even more so than the Government. I would never have supported amendments if I did not think that they were improving government legislation, whether it was Labor or Liberal.

Mr BLUNT: Similarly, has scrutiny of the Government by the Legislative Council improved since the crossbench was placed in the position of having the balance of power?

Reverend the Hon. FRED NILE: That was a key issue in the process—that the crossbench not abuse that ability and work with the government. That was part of my role. I was not the official chairman of the crossbench but I suppose I acted like a chairman or a conciliator to try to hear all the views and keep us working together. I knew we could achieve a lot more if we were united as a crossbench than if we had been fighting each other. That seemed to work.

Mr BLUNT: Could you tell us about some of the experiences you have had with parliamentary committees?

Reverend the Hon. FRED NILE: I have always supported the committees and committee inquiries. I think I have probably chaired more inquiries than any other member in Parliament. I have been very pleased with the way the committee system has worked and my own contribution and with the positive achievements we have had with our reports and recommendations. When you make 39 recommendations and the Government adopts 38, that does not happen very often but we have had that happen with many of my inquiries.

I will tell you a story that you may have heard from other sources. I work hard to be friends with all the parliamentary committee staff and to treat them with respect. We were waiting for something to happen once and there were two or three committee staff who were chatting. I asked what they were laughing about and they said, "We are just comparing how different people chair inquiries." I asked if there was a little joke there somewhere and they said, "We are on different committees and there is often a lot of anger in the committee itself. The thing we have discussed amongst ourselves, and we do not know why or how it has happened, is that in the committees that you chair you have all the committee members—Labor, Liberal and Greens—smiling. They are smiling committees. They are happy committees and they achieve a lot because of that environment and atmosphere." I was very pleased when they told me that because I had not gone out of my way to achieve it, but I obviously wanted to have a happy, progressive, positive, achieving committee and to respect everybody's views and to try to get a consensus and bring all the views together. That was an observation made by people who could be cynical about politicians and committees. To get a bit of praise from them meant that it was genuine.

Mr BLUNT: Are there any committee inquiries that you look back on with particular satisfaction?

Reverend the Hon. FRED NILE: I have been involved with so many. They all had some positive results and impacts. One of the most recent ones concerned the sexual provocation defence bill I introduced. That came out of one of the committees. We had a lot of evidence in a very sensitive area around what was called "gay bashings" and gay murders in Sydney. An inquiry was set up which looked into that area. One of the issues that came out of that inquiry was that some of the people who were charged with bashing a homosexual put up a strong argument that they were provoked. It may be involved in other cases as well. It was a matter of, "I was provoked so I had no choice but to bash them." I put up a bill to remove that defence, which I was very pleased about. I was talking to Trevor Khan, who is a lawyer, and he had strong views on it. He said, "Fred, we are discussing this in this committee but we ought to go further" and I agreed. I said, "Yes, I will introduce a bill." That was passed by the Parliament recently and it became quite historically significant.

Mr BLUNT: One particularly tumultuous period during your time as a member was around the time of the change of government in 2011. In the lead-up to that change in government you chaired the committee inquiry into the so-called "Gentrader" transactions. What are your memories of that inquiry and the period leading into that?

Reverend the Hon. FRED NILE: That issue obviously caused a lot of debate and tension in the Parliament and created strong feelings. It really caused that inquiry to drag on and on and on to try to get it to a point where we had recommendations. It was quite stressful from my point of view.

Dr CLUNE: There was the question of whether the committee could meet after prorogation. The Crown's solicitor's advice was against, but the Clerk had advice from Bret Walker that was in favour, so you pushed ahead.

Reverend the Hon. FRED NILE: That is right. There were questions around whether there were legal ramifications if the committee did its job. I think the conclusion was that we could meet and we did meet, which was quite brave of me as chairman, I suppose—to push that case.

Mr BLUNT: Last year in the Chamber I recall that you made an observation that in the year leading up to an election you often see members of the crossbench and the opposition ramping things up. It was a really interesting observation. Can you elaborate and give some examples from throughout your time?

Reverend the Hon. FRED NILE: As you come up to an election there is a feeling that the tension levels increase and that people use issues for election purposes. They move away from being members of Parliament who look at issues to focusing on what benefits their party and whether they can turn something into an election issue. That is very difficult to deal with in the upper House. The Labor Party wants to win the election and remove the Liberal Party, but in my case I do not have an axe to grind. I am neither the Government nor the Opposition. I am an observer and I could observe that there was a change in the atmosphere in the upper House. There is less of a spirit of cooperation and working together. It turns into, "We're going to make sure we win this next election; we are going to make every point a winner."

There is no compromise and they do not give an inch. But that applies to both sides of politics. It is hard to be in that environment when in a real sense you have no axe to grind. Parties of both persuasions have made contributions to the State but as part of politics the State needs to have change of government, otherwise governments become arrogant and headstrong and make wrong decisions. You would have entrenched authority that is not prepared to make changes or concessions.

Mr BLUNT: In New South Wales, with the crossbench having the balance of power in the Legislative Council, governments seem to have been able to get on with the job of governing a lot better than in Canberra. Why do you think it is more effective here than in Canberra?

Reverend the Hon. FRED NILE: I know I have had some influence on that, in my own philosophy and promoting it to the crossbench, that we are here to be constructive and not obstructive. If we have that attitude, as we have had over the years, we can get concessions from the government. We have done that with the committee system itself, which the government was not enthusiastic about expanding because they knew it would lead to more scrutiny and more work. So governments have reluctantly agreed to those initiatives, which have given more power to the members and to the upper House. I think it has proved of value in having an upper House that is cooperative and working with the government rather than working against the government, which I think is what has happened in Canberra. It is almost as if people have come in there with their own agenda to stop the government at every point; so you are not going to make much progress. In the Legislative Council I think over the years we have developed that spirit of genuine cooperation and investigation while also still being critical of governments and speaking strongly in opposition to their policies.

One of the major things we did that took some of the heat out of the upper House—and maybe they do not have that in the Senate—is that we used to have three-hour ranting speeches, usually attacking the government. When we amended that to 20 minutes it made everything become far more rational and calm and I think that helped to create a more positive environment.

When we made that change, which obviously the Government was very happy to support, I was one of those who initiated it, knowing it would cut back our time as well. But I think in the long run it made a better upper House; people just work out what they want to say and say it in that 20 minute period, rather than rambling for three hours. It used to be used as a political weapon, knowing that if you keep talking—once The Greens had five members each talking for three hours—you can force the Government not to deal with a bill, and that is what they were doing. It meant the Government had no control over the upper House and no way of establishing a timetable as to when this bill would be debated and would be dealt with. So I think time limits made the upper House become far more manageable and more businesslike in the way it dealt with legislation.

Mr BLUNT: What is your general assessment of the Legislative Council and its role today, after 37 years of service?

Reverend the Hon. FRED NILE: I am very happy. I think it is working as well as human beings are capable of devising with the changes we have made over the years. Maybe we have gone perhaps—putting myself in the government's shoes—a fraction too far. I sense there is now a resentment from governments, probably both Labor and Liberal, in their attitude to the upper House. That is why I lecture the members of the upper House and the crossbench to always remember if you go too far, as they do in Canberra, you will start a move to restrict the

powers of the upper House. You actually create an environment for working to get rid of the upper House. It is not in our interests to do that, so we have to manage the power we have with discernment and care so we do not provoke a backlash.

We want to have an environment where governments say the upper House and its committee system have made a positive contribution to the government of this State; that is what we want them to say, not that we are the enemy. Obviously, there will always be some people on both sides who would love to get rid of the upper House and just have the Assembly where they boast to me, "Fred, we can pass bills in two minutes; you can't in the upper House". They just use their numbers and crush the opposition. When they do that you have to ask the question: Is the House doing its job? Is it representing the electors? There are 93 electorates and you can debate a bill in two minutes—that is usually a government speech and one other and that is it—then it is put to the vote and they just use the numbers ruthlessly and crush any opposition. It defeats the whole purpose of Parliament and the way it is supposed to work. So it makes the upper House more important in doing that job because the lower House is not doing it. They should still do it because they have got the feedback from 93 electorates and the members should have something to say on behalf of their constituents on a bill rather than just sitting there saying, "Well, my hands are tied; there are only two speakers."

Mr BLUNT: What do you believe have been your main achievements during your career as a member of the Legislative Council to date?

Reverend the Hon. FRED NILE: I think the most dramatic one was dealing with the tobacco issue and getting three bills passed by the Parliament. As a non-Government member it is very rare. If you look at the history, you will see how few bills have been passed that were introduced by a member of the upper House and not by the Government. So that gives me some satisfaction. But there have been quite a few bills that I have introduced, like the provocation one we just mentioned and others, and, of course, our amendments that I have moved and the amendments that my colleague Paul Green moved as well, which we worked together on. The uniqueness of the Christian Democratic Party is the bills we have introduced and had passed by Parliament. That is quite an achievement when you are only a crossbench member.

One major area that I took up and have always had in my heart was the needs of the Aboriginal people. I got very close to them and had meetings with the land councils. I gradually became their voice in the Parliament. They would come to see me and say, "We are not happy with what the Government is doing. They are not listening to us. We want to tell you, Fred, what is wrong with this bill and we want you to tell the Government on our behalf." I said, "I am very pleased to do that." They trusted me sufficiently to let me be their unofficial spokesman in representing them and their concerns on a number of issues, especially in recent times.

When the Aboriginal land rights bill was introduced by the Labor Party I was here in support. The Liberal and National Parties strongly opposed it, mainly, I think, for the wrong reasons. When I indicated I was going to vote for it, and my vote, as far as I remember, was effective in passing the bill, I had a lot of threats directed at me personally. Coalition members were saying, "Well, you just lost half your vote, Fred, on Aboriginal land rights", and I said, "Well, so be it." It was my conscience; I could not vote against it. I agreed with it in principle and worked with the Aboriginal people, which I have sought to do in my 37 years here in the Parliament. As I said, it has helped me to become a trusted person, a trusted white person in the Aboriginal community, and they do not trust many politicians, but I have a great level of trust with them when they speak with me.

Mr BLUNT: Can I just add for the record on my own behalf and on behalf of all of the staff of the department of the Legislative Council and also on behalf of my predecessors—Les Jeckeln, John Evans and Lynn Lovelock—our profound thanks to you for how good it has been to work with you and to support you. Thank you for your contribution to the Legislative Council and to the people of New South Wales. I look forward to saying this again at the end of a future interview in the years to come, being very conscious of the fact that you are halfway through your current term.

Reverend the Hon. FRED NILE: Thank you, David, that means a lot to me.

Dr CLUNE: Could I just say thank you, too, for those great insights, which will help me very much with the next publication.

Reverend the Hon. FRED NILE: I think what you are doing is a good idea. I think more should be done on the work of the Council and how to improve it.

Discussion concluded.