# LEGISLATIVE COUNCIL

# ORAL HISTORY PROJECT

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**LC Members Ante-Room, Sydney Tuesday 17 April 2018**

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**The discussion commenced at 11:00 a.m.**

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**PRESENT**

Mr David Blunt
Dr David Clune
Mr Tony Kelly

**Dr CLUNE:** Tony, can you tell us how you became a member of the Legislative Council in 1987 and how you came to have a second term?

**Mr KELLY:** The first term in 1987 was a bit unusual. There was a casual vacancy. It came up unexpectedly and I was offered it. Johno Johnson was my political godfather. I had nominated in past times, but I was a fair way down the ticket. I am probably the only one in the State who has actually ever been a member of local council staff and a member of the Legislative Council at the same time. As it was not considered an office of profit under the Crown, I took leave of absence from my job at Wellington Council in September 1987. Barrie Unsworth put out a press release saying I was the eighth country member of the Labor Party in the upper House at that time, which was quite significant and gave us good representation.

Back in those days, the elections were not fixed. I did not know if the general election was going to be six weeks or six months. Barrie Unsworth was the Premier and it turned out to be six months. I had a period of only a few weeks of sittings of Parliament then we had a long break for the election in March. Interesting times. I made my maiden speech within a few weeks and afterwards in the lift Ted Pickering, who was Leader of the Opposition in the Council, said to me, with a little smile, "You are a young whipper-snapper, aren't you, making a speech that quickly." But it was tongue in cheek. He was joking because he was criticised for making his maiden speech after only one year. He said when he came in he was told you should have waited three years.

I made my first speech and then the second speech was on the abolition of the Prickly Pear Commission. I was very concerned and serious about it, tried to do as much research as I could. The commissioner, who I knew, was sitting in the gallery as we abolished his job. It was a period when there was no legislation coming through. The Leader of the Government, Jack Hallam said to me, "Take as long as you like. You have got half an hour to fill." I did not have anywhere near that much material, but I spoke as slowly as I could. Then to fill in time Michael Egan got up and spoke with no notes for longer than I did, saying he had always wanted to be able to speak on the Prickly Pear Commission! It was one of the funniest speeches I have ever heard in my life.

That was my second speech in that period. The third one was when all the legislation was coming through. They wanted to get it out of the way very quickly; Christmas was coming up. I was a late choice. It was on the Local Government Grants Commission, which I knew a lot about. I intended to have at least half an hour and then Jack Hallam said to me, "You've got four minutes." That was my first period. I just filled that vacancy. I was on top of a lot of the issues in the country at the time.

**Dr CLUNE**: What about the second time?

**Mr KELLY:** Obviously I had hoped to come straight back in. At that stage I think I was the accountant at the council. It was obviously an improvement to be in the upper House. Then I ended up moving forward to be deputy shire clerk over the next decade and the general manager of the council and I had been the general manager for about four years. I think the general view was I was doing better where I was at Council so there was no push to get me back in. It took me a long time to get back in, but I was always keen to get back in because there were lots of things you could do when you were in Parliament. It took some time until there was a vacancy. Of course, when I went in the first time, it was the tail end of the Wran-slide period and there were quite a lot of ALP members in the upper House. Obviously, the number then diminished over the period, so it was harder and harder to get in. The second time was 1997. Again, that was a casual vacancy, Pat Staunton, who became the chief magistrate. I was actually considering a job back in the city. I was talking to the head of the Premier's Depatment. He suggested to me that I wait until next week until I made up my mind about the job, because he knew Pat Staunton was on a plane coming home to resign.

**Dr CLUNE:** How did you find the Council when you first came in and how had it changed when you came back for the second time?

**Mr KELLY:** The first time it was all bit of a maze, really. I think it takes people a long, long time to understand how Parliament works and how it all fits together. The advantage of being here, even for that very short period the first time, meant I was able to settle in a lot quicker the second time. I think it took me a lot less time to settle in when I came back. I immediately became chairman of the State Development Committee. From day one I had a position.

There were hardly any Independents 10 years earlier. I think there were only Lis Kirby and Fred Nile. Labor had a majority and it was much more party-run, whereas when I came back the second time there were up to 13 Independents at one point and so there was a lot more negotiation. When you had committees, for example, the Independents were represented much more.

**Dr CLUNE:** As a rural MLC, did you see yourself as an advocate for country New South Wales?

**Mr KELLY:** I certainly did. I thought that was the big advantage of the upper House for country people. I suppose it is a bit the same in upper North Sydney or even Western Sydney where you get a predominance of one party or the other. The Nationals—the old Country Party—had a large representation in the rural areas, It did change from time to time - at one point you could go from Broken Hill to Sydney and pass through only one Coalition seat. I tried to represent the country people in Government. In fact, I started what is now called Country Labor with John Della Bosca, who was in head office at that time, to even make it stronger—because the Labor Party originally was founded in the country. I believed that the Party should have brought its roots back closer to the country areas, to the rural workers, and so that is why we formed Country Labor.

You will see a lot of the parliamentary committee reports that I was involved in had a rural bent to them, and some of the legislation that I was involved with, too. I spent a lot of my time travelling around the countryside. One of the good things that all the major parties have is duty electorates for MLCs. It makes the government think a bit more about the State as a whole rather than just the people who voted for it. It should represent everybody.

**Dr CLUNE:** I remember a Liberal MLC saying that the benefit of having the Nationals in the Coalition is that it let them know what was happening in rural areas. Country Labor would have been doing that as well?

**Mr KELLY:** It did exactly the same. We would then bring those issues back to caucus. I remember in 1987—the first time that I was a member— the former member for Broken Hill Billy Beckroge talking about things like gun laws in the Labor Party caucus which, of course, was a massive issue in the 1988 election.

**Dr CLUNE:** I know The Nationals were your political opponents but I recall Jack Hallam saying that, on the whole, he got on fairly well with them because they knew he was trying to do the right thing for the bush.

**Mr KELLY:** I think that it is generally the case. The general public would be surprised to know how close individuals in the parties are. I learnt very quickly that not of all your enemies are on the other side and not all of your friends are on your side. Even before I became a member of Parliament, I saw an example of this. In the upper House, a Liberal Party member was speaking and, every so often, a Labor Party member would interject and upset him. But it was all at the instigation of a Nationals member who was sitting behind the Liberal member. Often, he would encourage and wave to the Labor member to have another go. I thought, "Gee, they were all supposed to be friends". I had—and have—some very close friends in the Liberal and National parties as well as, obviously, in the Labor Party. I do not think the general public understands this or the fact that a vast majority of legislation goes through with support from everybody because a lot of it is routine and worked out beforehand; a lot of negotiation goes on beforehand.

**Dr CLUNE:** In the Legislative Council there has always been a tradition of camaraderie across the Chamber.

**Mr KELLY:** The voting method to get in there helps that. In the lower House you have to win every vote and are pitted against the Opposition in your electorate. However, in the upper House, after you get elected, you are pitted against other people in your party to get elected on the ticket as opposed to people on the other side. Therefore, the make-up of the upper House and the way you get elected allows you to have a little more camaraderie. Some people would describe it as "gentlemanly", although it is probably sexist to say that today.

**Dr CLUNE:** I remember Sir John Fuller telling me that when he was the Leader of the Government, the Leader of the Opposition, Reg Downing, would come to his office and have a drink at the end of a sitting day. It was a very gentlemanly thing to do.

**Mr KELLY:** Doing that was pretty common. Brian Pezzutti used to have a particular function at the end of every break and invited me. I particularly remember that if he was on a committee, he would always try to find the best thing to do for the State, not necessarily for his party.

**Mr BLUNT:** You mentioned the establishment of Country Labor. How important was that?

**Mr KELLY:** We spent a fair bit of time on it because we would go around various branches. We also went to all the country field days to set up, as they still do, a Country Labor tent. It encouraged The Nationals to do it a bit more strongly too. The Liberal Party also goes around on field days and sets up tents. It meant that members of the public could see us. People would come to see us regardless of how they had voted. It gave them an opportunity to ask us about particular things. Often, even people from the other side would enlist our support.

**Dr CLUNE:** What was your attitude to your role as Deputy President and Chairman of Committees?

**Mr KELLY:** You tried to make sure that the House ran smoothly. Obviously, you were part of the Government so you would try to get legislation through but it was more to do with the House running smoothly. As Deputy President and Chairman of Committees, you had a closer affinity to the administration because you got involved in issues such as accommodation, for example, whether or not we would move to the building next door. You also got involved in procedures of the House much more than you did previously.

There were a couple of interesting times. One was when the Parliament was picketed to stop Labor members attending. I was Deputy President then and as a supporter of the Labor Party I was never going to cross the picket line. I heard on the news that there was going to be a picket line about the workers' compensation legislation.

When I heard on the news at midnight that there would be a picket line the next day when members turned up at Parliament I thought, "I am not going to cross the picket line; I am going to the Parliament now." I went to the Parliament at 2.00 a.m. or 3.00 a.m. before the picket line started. I was in there and so were Bob Carr, John Della Bosca and a few others. The upper House met at the normal time of 2.30 p.m. and it would have meant that the Opposition controlled the Parliament for the day. It was my job to suspend the House until the ringing of a long bell because there was no Minister present. This caused a bit of an uproar—it was a fairly tense moment when I stood up and walked out.

The President of the Legislative Council, Meredith Burgmann, was around but she was not in the room, so I took the chair. There was no Minister in the chamber. Johno Johnson said, "Mr Chairman, I draw your attention to the fact that there is no Minister in the House." Then I stood up and said, "As there is no Minister in the House, I suspend the House until the ringing of a long bell" and I walked out.

But there was a better long bell that I did; it lasted from the end of June until the beginning of September. The House was in suspended animation. I was Leader of the House. The non-Government members felt that we had more legislation to do and they took control of the House. They started to bring on some of the other items on the *Business Paper*. The lower House had finished—or was about to finish—and we had got to a difficult point. Anyway, I suspended the House until the ringing of a long bell. Everyone hung around the next day, expecting me to turn back up, but I did not. I hopped on the plane and went home. This action stopped the Opposition taking control of the house. It was very historic, I think. It was all about tactics, which I did enjoy.

**Mr BLUNT:** When we came back three months later it was actually the same day as far as Hansard was concerned. To the world out there is was a long bell but to Hansard it was only a few hours because it was the same day. We had to go through the procedure of finishing off that day before we could start the new day, a half-hour adjournment debate with about a 15 minute break.

**Dr CLUNE:** When you were presiding did you try to be bipartisan?

**Mr KELLY:** Yes, I think you always try to be bipartisan. Sometimes people on both sides test you a bit. But I think in the upper House generally they do not do that so too much. Most of them do not push you too much. As I said, it is a different sort of House to the lower House. In the upper House you rarely get ejected. I think generally the leaders of each party keep people in line to some degree. I do not recall ever having to be too partisan, except for the ringing of the long bell.

**Dr CLUNE:** Switching to your time as Leader of the Government, what was your approach to your role? What were the principles that guided you?

**Mr KELLY:** Obviously as Leader of the Government the main issue was to get the Government's legislation through as best you could. For the smooth running of the House you had to negotiate a lot with the other side. As I said before, a lot of the legislation—I think it would have to be 85 to 90 per cent—would go through with the support of the Coalition. So a lot of the time you would negotiate with the Leader of the Opposition and quite often the crossbenchers to get legislation through in an orderly fashion. So that was the main criterion.

Sometimes you would pick and choose as to who would support you to get legislation through. It might be the Shooters, it might be Fred Nile or it might be The Greens, depending on the legislation. It seemed to change every time. Generally the crossbenchers to a large degree—in particular, the Christian Democratic Party's Fred Nile and, say, the Shooters, Fishers and Farmers Party—would support the Government of the day unless it was an issue that impinged on their particular values. I think that probably those two groups supported the Government more than anybody else. There is a mistaken view out there that The Greens would support the Labor Party the vast majority of times. They supported us the least in my view. Often it was the others that you would not have expected who supported us, so it was a matter of negotiation. We got involved in that quite heavily and that meant not only what was in the bill but also the timing of when you brought it up—those sorts of things.

Question time was a bit different. You would try to stir things up a bit in question time. But as a member of the Government, if you had nasty questions, you would try not to answer them. Generally in question time some things got a little more heated but nothing like the lower House.

**Dr CLUNE:** You mentioned negotiating with the crossbenchers. What is your view of their rise to prominence and the fact that governments have not had control since 1988?

**Mr KELLY:** I do not necessarily think it is a bad thing. If you always have the Government in control of the House it ends up like Queensland basically—unicameral—whereas the crossbench having the balance of power makes governments a little more cautious about what they do, a little more accommodating, and it does allow for different groups to be represented. Whether you support The Greens, the Shooters, Fishers and Farmers Party or whatever, they are groups out there in the community. It gives them a voice that may get lost in a bigger party room. There obviously has to be a fine line somewhere as to how many crossbenchers there are because the Government has got to be able to govern the State and you have to have smooth running of administration. I do not think it is necessarily a bad thing to have some crossbenchers.

**Dr CLUNE:** How did you find them to work with?

**Mr KELLY:** I found them very good. I generally thought that, in the main, they had the interests of the State as a whole at heart. We did a lot of good work in the committees with them as well. It was very rare that people were in it for themselves, or that their primary focus was other than to look after the affairs of the State. They might have been influenced by where they came from, as I am influenced by the fact that I come from the country. So whether they be The Greens or some other group, an animal rights group or whatever, they obviously have some influence from where they come from, but they also I think generally have the welfare of the State as their primary focus. For that reason I found generally that they were pretty good to work with, unless it was an issue on which they had a particular bent and even then sometimes they were right. Sometimes they would pick something up that somebody in the drafting office of a government department had not seen. That happens quite often.

There was a time when I was Chairman of Committees when I was 2½ or 3½ days in the chair. We were debating Frank Sartor's bill for the new planning Act. There were well over 300 amendments. Some of those were Government amendments or they were ones that some of the minor parties brought up. If they were Government ones a lot of them went through. But they were obviously things that were not thought of when the bill was drafted otherwise there would have been no amendments.

**Dr CLUNE:** So you not only negotiated with the crossbenchers but also listened to them and occasionally conceded that they were right?

**Mr KELLY:** Yes, well that does happen. We are not Jesus Christ; we cannot think of everything. Quite often, because of their background, they will say, "But what happens if such and such happens?" and you say, "I did not think of that." Quite often there are some genuine amendments that need to be put through. That, I think, is an advantage of the crossbenchers because they have a different view.

**Dr CLUNE:** What was the formal mechanism you used to consult? Did you have regular meetings with them?

**Mr KELLY:** Yes. As Leader of the House every Tuesday that the Parliament sat I used to meet and go through what I thought the legislation would be for the week and make sure they had our amendments and discuss other amendments that they might be putting up. We would circulate them and have a discussion on them and sometimes that meant that we would have to have some more one-on-one discussions and bring the government departments into them. That was a regular event. I think we would have our Country Labor caucus, we would have our Centre Unity caucus, we would have the Labor Party caucus and then I would have a caucus with the crossbenchers.

**Dr CLUNE:** It interests me that in the Senate governments seem to have a lot more trouble with their legislation. From what you are saying that did not really happen so much here. Most legislation you got through in a form that you could accept.

**Mr KELLY:** We did a survey of our legislation to see how much we got through. I think the Premier at the time said there was nothing that we really wanted to get through that we did not. We actually got through everything that we wanted to. In the Federal situation it is rejected quite often—out of hand—whereas we did not have anything significant rejected, as far as I was aware. We generally got everything through, sometimes with some minor amendments; sometimes with some very good amendments.

**Dr CLUNE:** Do you think that was because you were better at negotiating; that you were more prepared to listen?

**Mr KELLY:** I would like to say that we were better at negotiating! But, yes, we certainly did listen to the crossbenchers, and they often had valid things to say. You did not necessarily have to have them all on side. You could not possibly govern if you had to have them all on side because they would have different views. Sometimes—quite often—it was with the support of the Opposition that we got legislation through. We would certainly also make sure that they were aware of what legislation was coming up, and what amendments were coming up. So we generally knew how the vote was going to go when we went into the House—not so much on private members' day; there were some interesting times then.

**Dr CLUNE:** Do you think it was a better thing to have more scrutiny of the Executive? You might not have thought so on particular occasions, I suppose, but in general do you think it was better that the Government could be called to account through orders for papers and those sorts of things?

**Mr KELLY:** When you are a Minister you do not think so, obviously. If you have nothing to hide then I never saw that we had too big an issue. I do not recall we ever had too big an issue with orders for papers. It meant a lot of work for public servants sometimes—weeks and weeks of work—because there were fishing exercises and it could mean reams and reams of papers. I remember a couple of times there were rooms of papers in boxes. It took a lot of work. You did not mind so much if they went and looked through them, but there were a number of occasions where the staff went to all the trouble to get all these boxes and boxes of papers—they were up in the Clerk's office—and the people who put forward the call for papers never turned up. If it was genuine, I did not see too big an issue with it. If there were serious reasons why some of the papers needed to be kept secret you could talk to the Opposition and they were sensible about it.

**Mr BLUNT:** What are your views on the growth of the Legislative Council committee system?

**Mr KELLY:** I think it is quite valuable. Obviously, I am not quite as aware of what they are doing now. I was involved in quite a lot of committees. A Minister might have referred a matter to a committee—particularly the State Development committee—or the House might have referred a matter to a committee. One was—I will use this as an example of members wanting to do the best for the State—a committee on rural health. It was established by the House; chaired by, I think, Jenny Gardiner from The Nationals. Dr Brian Pezzutti, who was a Liberal, was there and I was there. We were down near Griffith. It was designed to try to improve health outcomes in country New South Wales and get a good outcome, but at the same time it was an attempt to embarrass the Government. That was the way it was set up.

We were down in Wagga, and somebody got up and criticised the health system of New South Wales and said, "We have the worst health system in the world in New South Wales." Brian Pezzutti interrupted and said, "That's just not true." He said, "Australia has the best health system in the world, and New South Wales has the best health system in Australia." It stunned me. At the break I said, "Brian, aren't you supposed to be stirring the Government up, not helping us?" He said, "What I said is 100 per cent true. We do have the best health system. That doesn't mean it can't be improved." So there was Brian from the Opposition, but his primary focus—above the party—was to get the best outcome for the State. That is just an example I give of how I think the upper House members work a bit differently to the other House, in that they are genuinely out there trying to do the best for the State, and of how the committee system works impartially.

There were some good reports that we did. We did one in relation to air services in country New South Wales. That affected the way the Government licensed various areas. It protected some rural areas as a result rather than reducing the licences. The Sydney Markets inquiry was one in which I was closely involved, because I was former Deputy Chairman of the Sydney Markets. The committee on pesticides management was another one that was significant. The Department of Environment was going to put some quite stringent conditions on the use of pesticides, which would have been unworkable. Because a number of us were from country areas, on both sides of that committee, we were able to tone down that legislation so that it was workable.

The other one that I remember as significant was the committee on Rhodes. That was a big inquiry. It was all about cleaning up the bay so they could redevelop Rhodes the way it is today with IKEA and all the units there, and the bridge that now goes across Wentworth Point. There was severe contamination because of, I think, Imperial Chemical Industries [ICI] and some of the other chemical companies that were there before. We had some people on the committee like Ian Cohen from The Greens, who had a particular interest—and he voted for it to some degree. He took a lot of convincing. Because of the way that committee operated, I think the clean-up was probably completed better than it may have been if the committee had not done that inquiry. I think that was pretty significant.

Resource allocation of fisheries was a significant one that went on for years. The Hunter inquiry was at the time of the closing down of the steelworks in the Hunter and a company called Rack Rite closed down or downsized as well and it meant hundreds and hundreds of jobs went from Newcastle. I think that committee report was able to give the Government some direction where they provided some extra funding to help

Newcastle get over losing all those jobs. And now Newcastle is a fantastic place, a beautiful place to visit, and I think more is yet to come—as is the case in Wollongong.

**Mr BLUNT:** Do you have any thoughts on how the committee system could be improved?

**Mr KELLY:** Not specifically. Obviously, sometimes inquiries are political, but I think generally as long as the parties do not make them openly political they do a reasonable job, like that health inquiry, for example. It was designed partly to embarrass the Government with an upcoming election. But they genuinely did go out there, and those committees drive the departments as much as the Minister and the Government. They drive the departments to lift their game a bit in those country areas because often it is an opportunity for somebody to air their grievances. Their grievances sometimes are not valid and sometimes they are. It does give people in those areas an opportunity to have something to say.

**Dr CLUNE:** Just on that point, the Standing Committees seem, generally speaking, to have been more bipartisan than the General Purpose Committees.

**Mr KELLY:** I think so. I would have thought that perhaps close to half of our references at the State Development Committee were ones that came from the Minister and they are very bipartisan inquiries then generally.

**Dr CLUNE:** But General Purpose committees can be a bit more political, particularly when it comes to estimates.

**Mr KELLY:** I did not think the estimates committees were terribly difficult in the time that I was a Minister. As long as your departments are doing the right thing and not keeping secrets from Ministers you are less likely to have shocks. Again, they exercise the minds of the bureaucrats; it gets them thinking, "There is going to be an estimates hearing. We had better get this right." I think whilst they might have been briefing the Minister they were also preparing to have all this material ready at the drop of a hat for the estimates meetings when they come about, or other inquiries that might come up. I think estimates meetings do keep the departments on their toes a bit.

**Mr BLUNT:** We have already touched on orders for papers, but if I can just return to that subject briefly. Do you think the power of the House that is now codified under Standing Order 52 for the ordering of the production of documents has been used effectively?

**Mr KELLY:** Certainly in my time it was. I cannot recall any difficulties with it. As I said earlier, if there is a particular issue about some genuine need to keep some papers confidential, for commercial in confidence or because it might have impinged on some person or whatever, you would approach the Opposition and it was happy to take that on board. We would amend the call for papers sometimes at a later stage. Sometimes we would amend the time deadline, obviously. That is a regular thing; you would amend the period that they had to be delivered. But sometimes you would amend some part of it, with the cooperation of the Opposition. I generally do not recall too big an issue by the time it got passed.

Sometimes the call for papers might have been, before it was passed, a bit onerous or a bit difficult. But often, by the time it got through the House with an amendment—it depends where it came from—it was more accommodating. Because I think the Opposition often thinks, "There but for the grace of God go I." It could have been them who had to answer the call for papers so they are a bit more sensible about it. Sometimes if it emanates from the crossbench it might be a bit onerous and it gets toned down.

**Mr BLUNT:** What is your view on governments claiming Cabinet confidentiality to exempt documents from being produced?

**Mr KELLY:** There are obviously some things that are confidential and need to stay confidential and they need to stay confidential for a particular time, because of some impending contract or whatever. But I think sometimes the departments like to classify everything as Cabinet documents just to save them time and trouble. I agree that a lot has got to be Cabinet in confidence but there is a bit of overkill sometimes.

**Dr CLUNE:** Ron Dyer was strongly of the view that the Cabinet system would not function if everything was disclosed, that there has got to be confidentiality when you are having a discussion in Cabinet about issues.

**Mr KELLY:** Cabinet is like a meeting room really and until it comes out the other end of Cabinet you have got to be allowed to express your views, and there are lots of different views in Cabinet. So sometimes comments, for example, coming from the various departments of various Ministers are made. A Cabinet item comes up and it goes forward; it goes to the Premier's department, and sometimes it never gets anywhere, but it is circulated to the Ministers and their departments who are perceived to have an interest in it, and they get to

make a comment. Sometimes that comment is valid and they just want it killed off, and that does happen, or they want it amended. Obviously, the Treasury always has a view and the Premier's department has a view. So all those go forward in the room. Often those things need to be kept in confidence, otherwise the departments get more circumspect in what they say, because sometimes it directly contradicts what another department is saying and they do not want that necessarily out in public. So I think there has got to be Cabinet confidentiality up to a certain point and once it then gets through Cabinet there is a certain amount that can be released. It is no different to a local council. There is a lot of confidential information in a council that stays confidential.

**Mr BLUNT:** Who were the party leaders in the Council that impressed you the most and what was it that made their leadership effective?

**Mr KELLY:** A few come to mind, like Mike Egan and John Hannaford. Both of those guys, I recall, were very keen, even though they were on different sides, to see the House operated smoothly. I am sure they had many conversations together to make sure things did go smoothly. I think they were both very good leaders—and not totally serious all the time either. I think both of them were very good.

I found Mike Gallacher very good. We used to try to make sure that most things ran smoothly. We were obviously very close friends and still are very close friends, as I am with John Hannaford and Mike Egan as well. I think Fred Nile was good. As I mentioned earlier, Fred obviously had some serious issues that his party wanted to follow. Other than that he was mainly interested in good government and letting the Government continue on with business. I thought Fred was a reasonably good party leader as well.

**Mr BLUNT:** Who were the other members of the Legislative Council who impressed you and why?

**Mr KELLY:** I liked Ian Cohen, despite the fact that we were at loggerheads a lot. My view of Ian Cohen is that he was certainly a genuine environmentalist. His number one criterion was the environment, not necessarily politics. For example, one day I said to him, "Ian, if you were genuine about coal-fired power stations, you would be campaigning to close down those Victorian ones that are 30 per cent less efficient than the New South Wales ones" and he said, "You're probably right." I think he was a genuine environmentalist more than a political person. As I said before, a lot of the members of Parliament are there to try to move the State forward rather than their own position.

I am in a party where it is difficult for you to go against the party line, which I never did, but there were times when a couple of people in the Opposition stood up and said what they believed. They voted with the party anyway, but at least they got up and said it. Brian Pezzutti was someone I liked; I reckon Brian was a fantastic member. His own party did not necessarily think so sometimes.

**Mr BLUNT:** What do you see as the most significant changes in the Legislative Council during your terms?

**Mr KELLY:** I think all politics in Australia are different now to the politics of 10 or 20 years ago. I think there is less camaraderie. I think they are more interested in polls than getting on with the job. Facebook, Twitter and all that social media have probably changed that. In the past, the duty MLCs like Barney French and Clive Healey would hop on a train and take a trip and spend a week at places like Moree and nearby. It was a much slower process and much closer to the people, I thought. Now members of Parliament are more involved with what is on Twitter rather than putting out a considered press release that has been checked off by everybody before you open your mouth. Donald Trump is an example of that.

**Mr BLUNT:** How effective was the Legislative Council as a House of review by the time you left in 2011?

**Mr KELLY:** I think it was very good. I think it kept the Government and bureaucracy accountable. Obviously the departments guide the Ministers to a large degree. I think sometimes people get a perception that Ministers control everything in their office. If you have an office of 20, they are all fully employed doing their own individual things. Then you have two or three departments that could have anything from six to 30,000 staff and you cannot keep your finger on everything. The department, to a large degree, provides the information for the Minister. They do not necessarily always tell the Minister everything so it is important that you have this brake, not such much on the Executive but the departments as well. If, for example, we were in Queensland and you only had one House, they would not be so concerned because the party would be completely in power; that would be it. The departments would not be so concerned about making sure everything was fair and reasonable because there would be no significant review of it; there would be no calling them to account.

I know our party on two occasions tried to abolish the upper House in New South Wales and I think it is a great thing that it was never successful.

**Mr BLUNT:** What is your assessment of the Legislative Council and its role today?

**Mr KELLY:** I think it has a most important function that should not be changed. I have no problem with the way it is elected. I would be concerned if the crossbenchers got to such a number that governments could not get legislation through. The Federal Government seems less workable than the New South Wales Government in that regard. No matter what numbers we have had, it always seems to have worked pretty well in New South Wales. Certainly in my time I don't recall any legislation that we really wanted through that we could not get through with minor amendments. Since then I am not sure that this Government has had any great issues; that they have been knocked back on too much. Finance bills cannot be knocked back by the upper House. As long as you do not have an excessive number of crossbenchers, I do not really see it is a great issue that the Government does not have control of the upper House, as long as they can negotiate reasonable outcomes.

**Mr BLUNT:** What do you believe to have been your main achievements throughout your career?

**Mr KELLY:** You can look at it from a public point of view or a personal point of view. From the former, look at Barangaroo, for example. I did the approvals for Barangaroo. Thirty thousand people have got jobs down there now because of that. From a country point of view, mandating ethanol in petrol was a big achievement. At most service stations now you can get E10. The reason I pushed that is that rather than having all our fuel coming from overseas, 10 per cent of it now comes from farmers' by-products. Wheat is turned into starch and it is the by-product that is left over that is turned into ethanol for fuel. There are 1,000 jobs in New South Wales in places like Gunnedah, Nowra and Narrandera because of that mandate.

There are a couple of big-ticket items: getting the Government to build jails not in the city but in the country. That was important because it is a bit of regional development but it also means that country people do not have to go to the city to see family members that are in prison. There were lots of things I did in Lands, for example, in trying to get some developments going and in selling some unused road parcels back to farmers.

Some people might not agree with this, but giving the police tasers was, I think, an important achievement because their alternative was, sometimes, to shoot somebody. I would rather somebody be tasered than be shot. There was a particular incident out at Brewarrina, where two police officers went out to the country. This bloke was belting his wife. They got the woman in the car and were trying to take her away and the bloke got hold of the police woman and belted the daylights out of her. If they had had a taser they could have controlled him. So I think that is important.

Personally, there were lots of little things to help people. For example, there was a fellow at Wellington who used to work in the gas works. Eventually he got diabetes and lost his leg. He was able to stay at home because I was able to get a $7,000 grant to widen the doorways in his house and put a ramp at the back. Personally, I think that was a great achievement. There were a few things like that which were important as far as I am concerned. You can tell the public about Barangaroo because that meant a lot of jobs, but the other things are important too.

**Mr BLUNT:** Let me take this opportunity, on behalf of myself and my predecessors who you worked with, Les Jeckeln, John Evans and Lynn Lovelock, to thank you for your service as a member of the Legislative Council, particularly as Deputy President—we have very fond memories of your time as Deputy President—and as Minister and Leader of the Government and Leader of the Opposition. Thank you for your service to the House, but also to the people of New South Wales. All of the staff in the Department of the Legislative Council have the greatest respect for you.

**Mr KELLY:** Thank you very much, David.

**Dr CLUNE:** Thank you, Tony, for coming in. I wholeheartedly agree with David. I think everyone in the place respected you, and liked you too. It is a pretty good achievement.

**Mr KELLY:** Thank you.

**Discussion concluded.**