

LEGISLATIVE COUNCIL

ORAL HISTORY PROJECT

LC Members Ante-Room, Parliament House, Sydney, on Friday 15 June 2018

The discussion commenced at 11.15 a.m.

PRESENT

Mr David Blunt
Dr David Clune
Mr John Ryan

Dr CLUNE: John, can you tell us how you became a member of the Legislative Council?

Mr RYAN: My interest in politics was spurred on in the early 1980s. After I got married, my wife and I were looking for community things to do. We lived in Canterbury and I had almost always voted Liberal, but I had not really put a lot of thought into it. When I say "I had almost always voted Liberal", I did actually vote for Mr Whitlam during the famous 1975 poll. Generally speaking, my family had voted Liberal—certainly, that is what my wife did—so when Mr Fraser lost the election I thought, "Well, it might be interesting to join the Liberal Party. They are probably at their rebuilding stage. Surely there will be interesting things to do." It never occurred to me that I was going to be a Member of Parliament.

I went to a few branch meetings. I did not realise that only a few people attend branch meetings of the Liberal Party in places like Canterbury and Lakemba. A friend of mine, who became the member for Canterbury and was then the Mayor of Canterbury at the time, Kevin Moss, said, "In Canterbury, they weigh the Labor vote, they don't count it." I think the Liberal Party in Canterbury got 25 per cent of the vote back in 1983.

Within a couple of months I became the candidate for Earlwood, largely because the party did not have a candidate. Oddly enough I originally nominated to run in Canterbury, but there were two of us running for preselection in that seat and no-one running for Earlwood. I discovered that that branch had \$1,500 in the bank and I thought, "That means that they have got some campaign funds." Unbeknown to my friend, who was standing for Canterbury, I quietly contacted the Liberal Party head office and said, "Could you change my nomination to Earlwood?" I was eventually endorsed to run for Earlwood in 1984. I was pretty naïve and I treated it largely as something interesting to do. I ran against a bloke called Ken Gabb, who was eventually the Aboriginal Affairs Minister in the Wran Government. He was an impeccably presented and extremely nice gentleman. The campaign was incredibly genteel. I learned how to write a press release and I used to write my press releases once a week and deliver them under the door of a local newspaper called the *Bankstown-Canterbury Torch* on Sunday nights so that they might be published the following Wednesday. After the campaign which lasted a few weeks I got a seven and a half per cent swing to the Liberal Party in that seat – mostly because I started from such a low base. That was considered pretty good and caused people in the Liberal Party to take notice. I ran into a few members of Parliament whose identities I won't reveal and I thought to myself, "Gee, I could at least do as well as them." I was in my twenties and pretty brash. I was a schoolteacher and never dreamed that I would ever be a Member of Parliament. I thought Members of Parliament were of a different category of people to me and something I could never aspire to be. But after having had a go, it is a bit like being bitten by a virus - once you have been bitten by the virus, suddenly you start to want more. I lined up to run as a candidate for Canterbury council in a ward where I was almost certain to be elected.

Three out of the three councillors, who were called aldermen in those days, in the west ward of Canterbury Council, represented Labor. At the previous election they were declared elected without an opponent. This time they knew that, with an opponent, one of them was likely to lose. One of them even gave a valedictory speech to the council at its last meeting before the election because I was running. Unfortunately, in "Harry Jago" style, I muffed getting my nomination in. Harry Jago was a famous Liberal party Minister who failed to get re-elected because he didn't get his nomination in on time. I lodged my nomination papers half an hour after the close of nominations and so I did not get to run at all. I was endorsed by the Liberal Party but we did not have any assistance from the Party. I saw an advertisement in the local paper that announced a particular day as "nomination day". I mistakenly thought that it was the day you brought your nominations in. I thought I was delivering my nomination early. Nomination day was the day the Council staff opened the envelopes and publicly announced the candidates that were running. So my political career nearly ended before it started with that massive embarrassment—going from a certain possibility of being elected to the Canterbury council to not even running at all.

But then, as fortune would have it, I was appointed to work at a school in Minto out at Campbelltown. My wife and I eventually went out and lived near Minto in 1986. We bought a block of land at a suburb called Raby, a suburb of Campbelltown. While I was teaching out there I began to get involved in the local branches of the Liberal Party. To my surprise in 1987 I was again selected to run as a candidate—this time for the electorate of Camden. I still needed a considerable 10 per cent swing to win. I didn't think I had a hope and that I was again doing it for the practice. But this proved to be a very different campaign. One difference was the technology. Previously I typed media releases on a golf-ball typewriter and posted them on a weekly basis under a door. In 1987 this changed with new fax machine technology.

Every couple of days I would go down to a company that had a fax machine and send my faxes to the *Campbelltown-MacArthur Advertiser* and the *Campbelltown Chronicle*. The Labor Candidate was Peter Primrose. His campaign manager was Michael Knight, who had a fearsome reputation as political operator in the Campbelltown area. The first time I met Michael and Peter was in Queen Street, Campbelltown's main

street. Michael recognised me and as he walked towards me he said, "Oh, you're John Ryan. I just want to let you know that if you say anything that I could action you for, I am looking forward to another video recorder." A \$300 video recorder was apparently the high benchmark for a lawsuit in those days. It was a pretty terrifying introduction to the opposition.

Peter and I ran fearsome campaigns for the electorate of Camden. By this stage at least I knew what I was doing. Peter was certainly quite an avid campaigner himself and he was considerably better funded than me. We locked horns on issues like public housing and hospitals. The campaign in 1988 ended with the Greiner Government being elected in a landslide. Believe it or not, I nearly got my 10 per cent swing. I missed being elected in the seat by 31 votes. On election night it was thought that I had won. Commentators back then didn't have as much experience counting preferences in an optional preferential ballot. I was 2,000 votes behind Peter in primary votes. There was an independent in the field, a former Campbelltown Mayor called Gordon Fetterplace, who had 4,000 votes. His how-to-vote card showed a preference for the Liberal Party. It was thought that I would easily make up the gap with the potential of 4,000 votes.

A day or two later one of the Labor scrutineers told us that 50 per cent of the preferences were exhausted—people had not indicated a preference at all—and 25 per cent of the people who had voted for Mr Fetterplace actually gave a second preference for the Labor Party. So I had to score 1,000 votes from Mr Fetterplace's supporters. I fell short by 31 votes. In those days they did not tally the two-party preferred vote in tight seats until the very end of the counting process, unlike they do now. They simply counted the first preference votes. Preferences were not allocated until after the last postal vote came in.

Sadly, the count for this election was interrupted by the Easter holidays. They allowed ten business days for postal votes to arrive so it took three weeks to get to counting preferences. Peter and I were complete wrecks by the time they had finished counting, because until the last hour, the count could have gone either way. It was so stressful I had to go to the doctor during the count because I lost the capacity to speak. I was so nervous that my voice simply stopped working. The doctor gave me a dose of valium, which instantly gave me my voice back. I remember with some humour the doctor unwittingly asking me "Are you under stress for some reason or other?" After running so close I became more determined—I had lost all interest in teaching—I determined that next time I was going to get in.

Weeks later I was lucky enough to be appointed to the staff of Ted Pickering, who was the new Minister for Police. Ted was in the upper House so I set my sights on getting elected to the upper House. For practice and to get some profile I had actually run for upper House Liberal Party preselection in 1987. I wasn't successful. I remember John Hannaford inviting me to meet with Ted, who was then Liberal Opposition Leader before the Liberal Party preselection for the Upper House in 1987. I went to meet Ted Pickering with John Hannaford for what I understood was drinks. In fact, it turned out to be something of a job interview. John sat down next to me in Ted's office. Ted looked at me with almost disdain and in his very gruff manner said, "Well, what have you got to offer the people of New South Wales?" That was where the questioning started. It was, as Ted would have graphically described it himself, "an absolutely pizzling". I left feeling totally humiliated by whole exercise.

However, after I got over my hurt feelings I soon realised that the questions he asked were entirely legitimate. If I was going to run for Parliament I had to have a reason for running and I really ought to have a narrative for why I wanted to get there. I lived in Western Sydney. I had grown up at the end of Sydney that was considered Western Sydney, like Ashfield, so I figured that I would be the "tropical" species of the Liberal Party in Western Sydney and I would concern myself with their issues. Now I had a narrative and I had had some practice; I just needed a seat to run in. I was eventually selected by the Liberal Party in 1991 to a "safe" position on the upper House Liberal Party ticket. The selection process itself was something of a drama.

The way in which the Liberal Party chose its upper House team was an all day, sometimes all weekend meeting at which they invited representatives from every single State electorate and members of the Liberal Party State executive. The members balloted exhaustively for each position on the ticket, starting with the top, and then moving onto the next until they had chosen a team of about ten. The people selected by the Liberal Party were eventually combined with those selected by the National Party giving the Coalition the fifteen candidates needed. Everyone involved knew that a candidate had to be chosen within the first four Liberal candidates to have any chance of being elected to Parliament in the actual election. Our fourth candidate would have been sixth on the combined Coalition ticket and from previous experience in elections at that time the number six candidate would not lose.

The Liberal Party factions, if they can be called that, are pretty loose groupings. But my faction, then known fearsomely as "The Group" had designated me to be endorsed as the fifth Liberal candidate. I contested the ballot expecting that outcome but hoping for better. The candidate who had been designated as the fourth

candidate absolutely bombed. The Liberal Party preselection process involves each candidate making a speech and answering questions. It was reported to me that he absolutely bombed in his presentation. I was the next person to present immediately after him, just before lunch. People told me that I gave a “zinger” of a speech about western Sydney and that everybody was talking about it over lunch. Suddenly my candidacy became live. Candidates are not allowed to watch the process. Our only source of information about the count was a party official calling us together every now and again to announce that the ballot had been completed for each one of the positions – not the result. So they would come to us and say, “Number one is up”, “Number two is up” and so on, so we knew when the Liberal Party members were balloting for position number four.

We expected that ballot to be competitive and last for some time. I expected I would probably eventually fall out of the ballot leaving the final race to be a ballot between the candidate who was supposed to be our number four and the “right-wing” candidate. Much to our surprise what actually happened was that the last ballot was between me and the candidate that the Group had endorsed for position number four. The right-wing had lost their candidate in the previous ballot. So they decided all they could do was “upset” the ticket and they voted for me instead of the Group’s candidate. As a result I was unexpectedly endorsed to run in a winnable spot for the upper House, with right wing support! This was much to the consternation of my friend and boss Ted Pickering. He thought this “disloyalty” would be the end of us fearing that we all fight amongst each other.

But that didn’t happen and a few months after I was elected he came to me and conceded, “Actually, that was a really good outcome. You have turned out to be not too bad as a Member of Parliament”. I was considered young at age 34 when I arrived in the Legislative Council in 1991. In fact, I think I was the second youngest member of the House when I was elected. I think there were only two other Members of Parliament younger than me in the whole Parliament. Since then, I have had time to reflect on what that meant. I was about the same age that my adult son is now. I can understand now, at the grand age of 61, why people might have thought that way.

Dr CLUNE: What were your impressions of the Legislative Council when you first became a member?

Mr RYAN: First of all, I think it is probably useful to say something about the context. Liberal Party candidates in 1991 went into the election expecting to absolutely thrash the opposition. Nick Greiner had been an incredibly competent Premier, in our view. The Labor Party was in disarray. The expectation was that we were comfortably going to win a second term. In fact, from memory Mr Greiner called an early election with that expectation. It turned out, much to our consternation, that on election night we nearly lost and basically the Greiner Government got over the line by a single seat. There was an appeal to the Court of Disputed Returns in two of the seats, meaning that the potential was that we could actually be put into a balance of power situation or lose the election altogether.

My first parliamentary party meeting was a pretty sombre occasion. We went through the motions of re-electing the Party Leader and then we had the inevitable post-mortem. Being a brash young whippersnapper, I confidently opined, “You guys have been doing a lot of good work but you have not been telling people what is in it for them.” It had been all about, “We’ve got to reduce the debt, we’ve got to make the public sector more efficient” and all of that microeconomic reform for which Nick Greiner is now famous. But the payback to people had not been well-explained. No one had explained why it was good that the Government did not have a big debt and that it would now be able to do more things. So I said, “I’m hoping that the next budget is going to be one in which the Government is at least able to generously distribute the benefits that they have been saving.”

That discussion went on and, much to my chagrin, Nick Greiner chose me especially in his reply to everybody’s comments by saying, “I hope not too many of you think like John Ryan because there is no money in the budget to start being generous.” So my very first joint Liberal Party-National Party meeting ended up with me being given a serve by the then Liberal Leader. It would not have been personal from Nick; it was just a good short hand way of expressing his frustration. But I left feeling a little bit chastised. Later on that day I went to lunch with some colleagues in the Parliamentary Dining Room, which was then considered something of a rite of passage. The Members’ Dining Room was one of the only two places in the Parliament building restricted solely to Members – the other being the Chamber during sitting times.

I walked up to a vacant chair. In those days lots of members ate lunch and dinner together, but the parties kept strictly separate. The Labor Party sat together around one end of the dining room and the National and Liberal parties sat on the other. Cross benchers could “choose a side”. I walked over to a chair that was vacant and asked if the seat was free. I was told, “Don’t ask if you can sit at a place, and just take a seat. No-one refuses.” I thought to myself, that was a good rule. Then I proceeded to take off my coat, as I normally did to

have lunch. The Hon. Beryl Evans, who was an impeccably groomed elderly lady that represented the Liberal Party, gave me a look that could have killed. She explained to me that members kept their coats on during lunch, so I quickly put my coat back on.

So my early experiences of the Parliament were certainly not comfortable. The place and its members had very strong traditions, many of which have since gone such as the practice of men wearing ties and coats to every meeting. But those traditions impressed on me that I was doing something incredibly different and that there was an enormous responsibility attached to what I was doing. Maybe some of the traditions made us a little more exclusive than we should have been but nevertheless it certainly hammered into me very quickly that this is a big deal and that I should sit and listen before I opened my mouth. In those days it was also traditional to wait a few months before you gave your “maiden” speech. I have noticed that people now give their first speech straight away. Members told me that I should be grateful if I was given the opportunity to do it in a month. Some of the experiences were wondrous expositions of what had been “secret business” to outsiders. I can remember being briefed about the contents of the famous red book that explained what were then called, Member’s “entitlements”. It was all terribly exciting. We discovered that we would be given a free ticket to the Sydney Royal Easter Show every year, a free pass to enter National Parks and of course the famous Gold Pass for rail travel, and it was actually minted in gold. For a newcomer in my thirties from a fairly humble background, I will confess there was a certain excitement about that revelation.

Nevertheless, it was also impressed on me that there was work to do and, of course, I was keen to do it. In my office I was introduced to the pool of secretaries, who were interestingly called by the rather archaic title, amanuenses. They could take shorthand, so you could dictate a letter to them, or provide them with a handwritten media release or a letter to a constituent. It was returned to you neatly typed up on embossed paper, in an envelope and everything. It was terribly quaint. Of course, there was the odd fax machine. A chief source of information for members was the newspaper. They used to have newspapers stacked in rows near the lift wells on level 12. If you wanted to read a newspaper, you went to the area where they were kept in racks, unfolded it on a table and sat down and read it in a lounge area. Members were also allowed to have one or two newspapers delivered to their office on sitting days. But on non-sitting days you had to buy them yourself. The place was full of those sorts of quaint rules, which also impressed on me that the place was exclusive and different.

The House frequently sat through the night. We were here in the evenings very frequently for sitting times. I can remember a couple of occasions where my wife would even bring me a change of clothes when we unexpectedly sat through the night.

Of course, the technology was primitive. I had a mobile phone during the 1988 election and it was about the size of a house brick. When I became a member here, for the first time in my life I had the funds to buy a mobile phone for my personal use. It cost \$3,600 to purchase a Motorola phone which was state-of-the-art technology. It folded in half so that it comfortably fitted in a suit pocket. It was so expensive that I needed to get it insured as well. I think I paid about 10 per cent of the cost to insure the thing. It was a world apart from what I had been used to as school teacher but very different from today. I am old enough to remember that during the 1990s somebody asking a question during a party meeting: “What the hell is the internet?” Jillian Skinner, the Member for North Shore turned around and replied, “Have you ever sent an email?” To which the member duly said, “Yes”. I think it was a country member. And she said, “That’s the internet.”

But in the 1990’s the newspaper was everything. Members kept amazingly large files of newspaper clippings. You would not dream of doing that now. But you had to keep them, because to politicians a newspaper clipping was the proof of everything. Members maintained dossiers on their opposition which were pulled from drawers to create dozens of “gotcha” moments in debate. An awful lot of *Hansard* in those days would have been people reading news clippings because that was the key research tool before Google.

Dr CLUNE: How effective was the Council as a House of review at that time?

Mr RYAN: When I came here the balance of power was already in the hands of the crossbench. An attempt had been made to try and limit that. Oddly enough, I happened to be a part of that process. The Greiner Government had decided to reform the upper House by reducing the size from 45 to 42 members, half of them elected every election, reducing Members from a twelve year to an eight-year term.

I was working in the office of the Liberal leader Ted Pickering at the time when this plot was hatched. It was my job to deliver messages backwards and forwards to two cross bench members of the upper House Elisabeth Kirkby and Fred Nile. Their agreement had to be secured to get the legislation through the upper House. One of the things that Ted wanted changed was the election of the President. When I came here, the President was effectively elected for life. Getting the office of President to become vacant after an election required the NSW Constitution to be changed. To change the composition of the House, they planned to take

three members out of the House. There was some discussion about who they would be. The Coalition offered up Judy Jakins, who I understand was not wildly happy about that decision; the Labor Party offered up someone who was intending to retire anyway; and the crossbench offered up Marie Bignold. In fact, she was not offered up; Fred Nile offered her up. At the time Mr Nile was at absolute war with Ms Bignold.

Each of the parties received a short term gain in return for a long term benefit. The Coalition was to receive short term control of the upper House through the vote of Mr Nile and they could access the Presidency. Mr Nile was to be separated from a member of his own party who had become a problem and Ms Kirkby could see that in the long term major parties would lose control of the Upper House and that seemed a fair price to pay for a term of more limited influence.

The bill required a referendum and it was eventually passed. As I said, my role was writing briefing notes, preparing the Cabinet Minute and transmitting letters and correspondence from Mr Pickering to cross bench members in order to get the deal which eventually modernised the upper House. Otherwise, members would have been elected for 12 years.

The other part of the deal was that Mr Greiner thought he was going to make his electoral position stronger by removing 10 members of the lower House. A couple of members who represented the Liberal Party were going to lose their seats. It had been generally thought that those members probably would have been offered the opportunity to be in the upper House, but they were not. Had that occurred, I certainly would not have also had the chance to be in the upper House in 1991. Such was the confidence of the Coalition the two members Phil White, then Member for Earlwood and Allan Andrews, then Member for Heathcote were endorsed to run in other seats. They were assured, "The Government is so popular that there would be no trouble in you being re-elected". Sadly both of them were monumentally defeated. I was somewhat lucky with the circumstances because, had they been encouraged to run in the upper House, I would not have been elected.

In terms of the House of review, one of the big changes was the introduction of permanent or standing parliamentary committees. They were new in 1991. I remember my friend Mr Pickering remarking once, "Isn't it good that we go through the budget estimates committee process?" He knew that some of his colleagues came to understand their portfolios much better after they had been intensively briefed by public servants on the more controversial parts of their portfolios. There is no question that this seminal change not only altered the way the upper House operated forever, it changed politics in NSW forever—in my personal view, for the better. There is a lot more scrutiny in a much more structured way. In my view, the job of an upper House is not one of blockage but of scrutiny, and the committees were a great reform.

When I first came to the House, there were number of Standing Committees: State Development, Law and Justice, and Social Issues. The Social Issues Committee had worked on some really tough and difficult questions. I found myself on a committee looking at how to compensate people who had become infected by the HIV/AIDS virus through blood transfusions. The evidence was horrendous. The committee received a submission from the author Bryce Courtenay whose son had haemophilia and became HIV-positive while a teenager from a blood transfusion. I also met a man who was a Corrective Services officer and had been attacked by an inmate armed with blood filled syringe. There were hideous stories.

Committee inquiries and reports were generally recognised at the time as being an apolitical way to resolve very difficult issues, particularly issues of conscience, that are traditionally very difficult for governments. I must say while they kicked off to a really good start, but during my time some of the committees breached the rule about being apolitical. I certainly was on a committee that was entirely about politics, the famous Orange Grove designer outlets inquiry.

Dr CLUNE: Do you think the rise of the crossbench was a good thing for the Legislative Council?

Mr RYAN: I am loyally committed to the two-party system, but I must concede that one of the advantages of electing the Legislative Council by proportional representation is that the Government has never really controlled the House since 1988. In my mind there is no question that the role of the upper House would not have become as it is now if the Government had controlled the Council. While I would never want to be seen to be advocating for people to vote for minor parties, the fact that the Government does not control the upper House is probably a good thing. I suppose if there was more of an opportunity in the two-party system whereby members could vote on the merit of things, the two-party system would work fine, but that has not occurred.

You cannot have perfection but I think it has worked for the better. I do not think there would be a member in Parliament nowadays that would question the benefit of committees. Additionally, if there wasn't a committee system it would be difficult to know what members of the upper House would do. In the old days Members would basically rubberstamp the Government's legislation. Legislation is such a small part of what

governments do anyway. As I used to say often when I was in the House, "The most powerful thing a Parliament does is allocate money". The Council has nothing to do with that, but it can scrutinise expenditure through committees.

I have even seen an occasion when a Minister walked across to the crossbench during a debate on a bill to extend daylight saving where he said to a crossbencher, "We really should be losing this one". And I can remember the crossbencher saying, "Yes, but unfortunately for you I am voting for the bill".

Mr BLUNT: Of course, one of the consequences of the reforms you were talking about in 1991 is the quota got reduced for elections.

Mr RYAN: Yes. The micro-parties. And we were pretty amazed that people from parties like A Better Future for Our Children, Alan Corbett, who was a most unusual bloke, and the fellow from the Outdoor Recreation Party, Malcolm Jones, got elected. All terribly unfortunate. There is no doubt that was flicking the switch to complete idiocy, in my view. My concern about the micro-parties was that the electors had no idea what they were getting. It was a lottery as to which of them got elected in the first place. There was no scrutiny of them. Once elected they knew that they had a guaranteed term for eight years and there was no party structure to provide oversight of their decisions.

And then there was the deliberate manipulation of the preferences. That is the concern I have with micro-parties, that there is no public scrutiny. In those days, you also got a life pension once you had served seven years. So, basically they were paid for life by being elected to the upper House for a single term. I think that was the point at which it was problematic. Somehow or other, we had workable government during the time when the micro-parties were about. They were pretty earnest characters, such as the guy that represented Reform the Legal System, Peter Breen. Frankly, to meet them personally they were reasonably responsible, although quirky. Peter Wong, again quirky, but nevertheless quite responsible. It was more luck than design that NSW's first experience with micro-parties did not fare too badly. They have now become problematic, particularly at a Federal level, where the micro-parties have become centred around a person. I think they are very problematic, as Pauline Hanson is finding.

Broadly elected major parties in the upper House, such as the Australian Democrats or The Greens, seem to have been a more workable arrangement, mainly because people at least know what they are getting when they vote for them.

If for example, The Greens agree to something they are held accountable to it at the next election as a party. It can cost them votes if they do not look after their constituents. They clearly have a constituency they have to deal with. Similarly for Mr Nile, he has a constituency. It is obviously reducing considerably but nevertheless he has a constituency of people I know he meets with and feels accountable to. It used to make me laugh when I heard people talk about the Better Future for Our Children "party". It wasn't a party, it was one person. He was accountable to no-one. That certainly is not a desirable outcome.

Dr CLUNE: How did the government consult and negotiate with the crossbenchers?

Mr RYAN: Usually, and I suspect this has not changed, members of the Government would consider themselves minders of members of the crossbench; the people who had become friendly with them. I was never designated as a minder. It was occasionally thought I could talk to Richard Jones, but generally speaking I was never deputed as that. There were certainly people within the Liberal Party who were considered the right people to talk to Fred Nile. Fred liked to deal with the leadership of the party as opposed to a backbencher. There were people who had, if you like, a sunshine campaign as they had to make sure each crossbencher was being listened to and make sure they were comfortable.

The other thing is that as the crossbench had a significant responsibility, particularly when there were only two or three of them, the Government loaded them up with additional staff simply because to be able to comment on every single bill in the House was unrealistic otherwise. As a backbencher I used to rely on other people to know things. I knew what I wanted to know about and let other things go. They could not have possibly discharged that task without some assistance and they were frequently given it.

Then, I think, usually deals are done. I noticed that deals seemed to come to fruition towards the end of the year. It was a bit like every crossbencher got something. It was frequently something trivial. The Government would give the Shooters some sort of concession that Mr Tingle wanted on guns. Fred would get some sort of concession. There were limits to which the Government would never go but there was usually something. Fred Nile sensationally got support for amendments to the sale of cigarettes, for example, that fortunately accorded with the Government's agenda, but it was made to look like it was his and he was allowed to run with it as his own bill. There is an understanding that there needs to be something in it for the crossbenchers themselves. It's a pity that these deals are not open enough for the public to see how that is done.

That sort of scrutiny while desirable can't always be public because the confidentiality is a realistic necessity in these negotiations for a Government to achieve their agenda.

Since I have left Parliament I have been a public servant, and I can see that there would be nothing more frustrating than wanting to implement a particular program or a project and having to work around a legislative road block knowing that it was not going to get reasonable, rational support. I have had responsibility for a reasonably controversial program of closing large residential centres. In this role I have had to make sure that members of Parliament of all political colours have been comfortable with the program. We are aware that even though there was no legislative objection to our project, a massive political breakout could have cost me the chance to give phenomenal opportunities to people who really needed them.

Dr CLUNE: The number of amendments to legislation has increased exponentially since the crossbenchers have had the balance of power. Do you think that is a good thing?

Mr RYAN: It cannot be said to be a bad thing for the Government when the House goes into Committee, and examines the bill in detail. Basically, amendments are the means by which that detailed consideration occurs. Of course, it doesn't really happen in the chamber; it really happens outside when members negotiate with each other. It certainly brings a fresh appreciation. I know that there are some members—particularly when they are in government—who think, "It's all terribly irritating to have to consider every jot and tittle of the bill." Personally I think it is a good thing. The only thing that ever worries me about amendments is that the incredible detail focusses attention on relatively minor pieces of legislation as dictated by the frustrations of a fairly distinctive constituency of the crossbench, such as shooters or strong environmentalists.

For example, The Greens usually do not extend their scrutiny to things that do not concern them outside issues of the environment or industrial relations. Reverend Nile was unlikely to scrutinise bills to that sort of degree if they did not necessarily involve the issues of conscience that he is traditionally concerned about or industrial relations, which seems to be another area of concern for him. The problem is that it is a pretty discrete level of concentration. It happens according to the frustrations of the people on the crossbench. However, the discussion in the chamber probably does embolden members of major parties to take amendments into their party rooms for consideration. The only possible downside for me is that it highlights the legislative function of a parliamentarians' role above all else. Making laws in my view is a fairly modest part of the job of a Member of Parliament.

Dr CLUNE: Do you think that scrutiny of the executive has improved in the Legislative Council since the crossbenchers have had the balance of power?

Mr RYAN: The scrutiny of the executive in the Council is incredibly intense. I had the job of being the shadow Minister for Disability Services. I had the incredibly good luck that the Minister for Disability Services was in the upper House, as well: Mr Dyer, Ms Tebbutt and then Mr Della Bosca. That circumstance alone meant that they got a question every sitting day about disability services. As shadow Minister, it was hard work making sure that I always had a question for them. Upper House Ministers are reluctant to answer questions on behalf of Ministers they represent with seats in the other place. They would simply refer questions on, and the member, some weeks later, would get an answer in a fairly perfunctory way to their question tabled in parliament. Of course it has to be said sometimes it didn't matter. Sometimes asking questions was more important as a means of highlighting an issue than getting information.

When the Minister is actually in the same House you really do get an incredibly intense level of scrutiny. Before I left the Parliament in 2006, the Government introduced a disability program called Stronger Together. It was a 10-year plan for disability services supported by about \$1 billion in funding for new services. It was an intense area of need and, frankly, not an area of great political conflict. But I like to believe—I dare say Mr Della Bosca could tell us—the package came about because of the intense scrutiny this issue received in the upper House that arose from having the Minister for Disability Services and the shadow Minister for disability services serving in the same house. I hope that it resulted in the sector being better able to advocate for important improvements that occurred.

Similar circumstances occurred when Carmel Tebbutt was a Minister in the upper House with responsibility for disability services. Under pressure from Treasury she acted to cut funding for day programs for people with disabilities. The outcry was phenomenal. I am sure that it was because we were able to raise the issue frequently in the Council that that decision was eventually changed. Again it was because of the unique circumstances where a Minister in the upper House came under intense daily scrutiny, not so possible in the Lower House that the unpopular decision was reversed.

The other thing—I do not know whether members use the Questions and Answers Paper as much as we did back then; I used to use it enormously. I considered that I was not doing my job properly if I hadn't put a long list of questions seeking information on the notice paper by the end of the session. Getting information in opposition is incredibly difficult. The one place I used to get information was by putting in lots of questions. I was careful about the timing. Governments rarely answered questions before they needed to. I tried to ensure that I had answers to certain questions in time for budget estimates—so that I could use that information to ask better questions.

It was my impression that members of the upper House, even within the party system, had a certain liberty that was not really extended to members of the lower House. Members of the lower House are entitled to ask anything they like about their electorates but generally speaking it is frowned on them asking questions and inspecting issues critical of the Government. There is an expectation that members of the upper House in the major parties can do that. It was never considered a surprise by the Minister if I asked a broad and general question about government policy or legislation, whereas I think members of the lower House could feel that they were going to get a payback for being too difficult and they might not get something in their electorate. That is another good reason for having the upper House, in my view.

Dr CLUNE: We have talked about the importance of scrutiny, but the other side of the coin is that the Government has to be able to govern and implement its agenda for which it has a mandate. Do you think the right balance has been achieved in the Council?

Mr RYAN: I think it has. The critical factor is that the Council, unlike the Senate in Canberra cannot reject the Government's budget. Technically they can but the process is futile. I have always thought that it is a real problem that the Prime Minister has to bargain with all kinds of nutty crossbenchers in order to get the budget through. Governing means being able to spend money and get the budget through. It is almost an unwritten rule, or at the very least a strong understanding that Members of the upper House should not be deliberately obstructive, except on policy where the parties are expected to come and deliver something specific for their constituencies. The recent brumbies bill was an example where the Labor Party decided to make a strong partisan political point but they are otherwise more business-like.

Generally speaking, members of the upper House have had a responsible approach. So I think the balance is pretty good. It varies from time to time. Recently there has been a vigorous discussion about confidential Cabinet documents. I was not in any way surprised in the eventual result. The upper House's power to demand documents is pretty strong. Personally, I think that it is a good thing that it has those strong powers. Whilst I would rarely support the upper House blocking legislation, I have always thought it was a great thing that the upper House could reveal the consequences of Government decisions and get information to the public. I think that is a critical part of the democratic process.

Dr CLUNE: Minor parties and independents represent the people who elect them. As a Member of Parliament, they also have a duty to the electorate as a whole. Do you think that, in general the right balance has been achieved by crossbenchers?

Mr RYAN: Generally speaking, government happens in New South Wales. As a public servant I have never seen instances where people have been so frustrated because they have not been able to get something done. Whilst I am sure governments of all persuasions have found it annoying that they have to argue their agenda through a sometimes cantankerous upper House, it does not seem to stop good governance at the State level. I cannot think of a single instance. At the Federal level I think people would have a completely different view.

I think the critical difference has been with the Government's budget. The Council has always had a fairly healthy approach, "One day we will be in government too." Sometimes there is a combination of the two parties. I think they need to give more consideration to that. Oppositions often take the view that their turn is coming and the way in which it sets the agenda will determine how a future opposition will treat them. There is still some truth to that. It is obviously not the blanket rule and it may not be as strong as it has in the past. I think oppositions are getting much more aggressive in the way in which they pursue governments nowadays, and they are less inclined to think, "Down the track if we are to control this crossbench we need to work together as a whole." That may change, but it is my impression. Perhaps one of the most spectacular examples of not being the case was the decision made by a previous Coalition Opposition to block the privatisation of electricity. That is the kind of issue where sometimes you might argue against the proposal but "lie doggo" on the actual vote.

Dr CLUNE: Why do you think that things work better in New South Wales than they do in the Senate?

Mr RYAN: It is the capacity to block the budget plus I think, at present, it is still a healthy culture in the upper House: that their job is not to block. I think the other thing, of course, is that the members are just so busy. You have not got time to block. I think that is one of the things that have happened with the proliferation of committees, and the expectations of things like social media. Members are incredibly busy—much, much busier. I have noticed that if you go to the members' dining room at the moment, even on a sitting day, there is nobody in it. They are all pretty frantic getting their work done. They do not sit at night-time as much. Maybe that means on sitting days we were able to be a bit more relaxed because we were able to pace ourselves to do that sort of frantic work at night-time. So during the day there was a bit more time. I just get the impression that members' duties have increased over time. The government also has more in resources for keeping its agenda going than an opposition has time or resources to block it.

Dr CLUNE: It is an interesting point that you think there is a different cultural attitude in the upper House where members are perhaps more aware of their responsibility to pass legislation.

Mr RYAN: I think so. Look, I could be wrong. I am stretching to think of an occasion when the Government lost something really vital in a bill. The Government is somewhat ascendant at the moment in that it does not need many votes in order to get a bill through.

I say this with great respect to the current House but I am struggling to name a significant high profile parliamentary inquiry. When I was in the House, there was a lot more solid work done in parliamentary inquiries that resulted in positive outcomes. I am struggling to think of a parliamentary inquiry that moved the Government to change policy or to act on a particularly difficult agenda. I think there was more of that in the past. I was involved in a very extensive inquiry relating to the home building industry, which I largely initiated myself. I think I drove my colleagues nuts here with stories of people who had disagreements with shonky builders. I went on for years about that concern. Finally a Minister generously established a committee which enabled us to look at the issue and come up with some recommendations. To the best of my knowledge, the complaints about the home building industry have massively reduced as a result of the changes were made back then.

Dr CLUNE: What are some of the other examples of committees having positive outcomes that you remember from your personal experience?

Mr RYAN: There was an inquiry done by the Law and Justice Committee into the Motor Accidents Insurance Scheme, which significantly assisted. I think the Government already had an idea as to what it was going to do, but it certainly assisted the implementation of what could have been incredibly difficult. The home building inquiry was one, as I have already said. There was an inquiry into waste management, which was chaired by Dr Liz Kernohan, which made some quite strong arrangements about how to re-divert rubbish from landfill, which was seen to be the problem at that time. There was an incredible inquiry into gun law reform, which certainly I think stabilised that issue. It was completely overtaken by the actions of Mr Howard, but that is one that I can remember.

There was the inquiry into medically acquired HIV/AIDS I mentioned earlier. The committee made a recommendation that successfully resolved the issue. I remember Marlene Goldsmith did an interesting inquiry into births, deaths and marriages and the release of information that set guidelines for the release of information that have still stayed with us until today: for example a birth certificate is publicly released after 85 years and so on. The recommendations that her committee made were ultimately implemented. They may seem minor things but they can be really important to the people who care about them.

I can remember being on the Law and Justice Committee with Bryan Vaughan in which we looked at work health and safety laws and their implementation, and there were important recommendations. We looked at violence in the community. I had an inquiry by a joint select committee about the increase in the prison population. We made some recommendations that were completely ignored, but nevertheless I think drawing attention to that issue probably did result in a better view about prisoner rehabilitation. I think that was improved after Corrective Services changed its culture a bit and saw that as a more important focus of its work.

Even the famous Orange Grove inquiry highlighted the issue that I think it was a problem. A monumental stuff-up had been made by regulators in allowing the shopping centres to be built against the land zoning. However, once it was built I think the right solution was to let it go on and trade. A later Government approved the centre and it has been enormously successful. All of the terrible things that people predicted in their evidence to the Committee have not eventuated. People are happily shopping there and it does not seem, to the best of my knowledge, to have clogged up the traffic or put other proprietors out of business.

I think an awful lot of tough issues have been solved by parliamentary inquiries. If I remember correctly, a lot of road safety laws were reviewed by the StaySafe committee which did some tremendous work.

The other committee I used to really like was the Regulation Review Committee which made many positive recommendations to government about the impact of laws and regulations which were implemented.

Dr CLUNE: How do you think the committee system could be improved?

Mr RYAN: I think there was a willingness of the Greiner Government and the Fahey Government and I think subsequent governments to use the committee system better. Tough issues were sometimes handballed to committees and there was a genuine attempt by governments or ministers to deliberately handball issues that had been tough to resolve, with the hope that a bipartisan approach might get the government out of a tough spot. Lately I do not think committees have been used in the same way. It is ironic that there have probably never been so many committees in the Parliament but they do not seem to have been extensively used.

Committees are not able to be of much use in commercial-in-confidence issues, which seems to be an issue of the day this week. I do not think that a committee is really going to be able to solve a problem such as whether or not the Government should be building a piece of infrastructure. I remember that Fred Nile once chaired a committee that looked at the construction of the Conservatorium High School, as a result of which we spent \$75 million improving a high school. I think from the heritage value it was probably a good outcome but it was massively expensive. I would be surprised if the inquiry into the Powerhouse Museum will have very productive outcomes. It has been very good at getting scrutiny. There is no doubt that the scrutiny of the decision has been significant and important, although uncomfortable. Nevertheless, I do not think the Committee itself has that purpose in mind. That committee seems to have a purpose similar to my activity on the Orange Grove committee: to inflict the maximum damage to the Government possible. I confess I have been guilty of using committees like that. I remember torturing the Government relentlessly about the M5 East tunnel. To be fair, as a result of that committee work, I do not think any government has ever built a tunnel since without giving serious consideration to air filtration.

One by-product of Committee inquiries is that they enable members to travel together and examine important issues away from the heat of political conflict. I know it is something that the public does not want to know about but the opportunity for members to stay at a motel for a couple of nights on end and consider an issue over dinner, breakfast and lunch does change the way in which parliament works—I think, for the better.

I made enormously good friends across the chamber with members of the Labor Party simply because you got to know how they ticked and you did actually discuss these things and come back with genuine solutions. It was not fun spending a night away with someone you mortally hated; there was no point in that. So there was an expectation that, you never know, the person you are having that really bitter personal row with, you could wind up on a committee with travelling to Broken Hill for three nights. That did something to you. I think public scrutiny has probably curtailed committee travel. Whilst it might not sound fashionable to say it, it did improve the workplace culture of parliament.

The other thing is that members are so busy now that they do not actually get time. This was sometimes the only opportunity: airport lounges, buses and on transport, eating dinner and overnight doing a parliamentary inquiry in Dubbo where members do actually swap tales, talk to each other and do some quite productive work. There is not time to do it outside of that and I think it is a detrimental thing to rob members of every opportunity to simply socialise together.

Mr BLUNT: What are your recollections of the Egan cases?

Mr RYAN: It was incredibly exciting to watch that play out. A member was suspended from the House for a period of time. There could have been no more incredible demonstration of the power of the upper House. It was an important constitutional moment for the upper House which established the opportunity for papers to be disclosed. As a member of this House at the time, I made significant use of that opportunity. In those days Governments had a way of getting back at Members who had made an order for papers. I remember that all the papers were gathered, obviously checked off a list to make sure that they were all correct and then they were thrown in the boxes and literally shuffled so that Members had to put them back together in order to work out what the documents were. It was an exercise in silliness. I understand that now the upper House exercises its capacity to order papers to be presented in a particular way so that is no longer possible. Now they require indexes so that Members can find things. Another tactic was for the Government to hide critical information like a needle in a haystack by throwing in a whole heap of other extraneous nonsense like expenses, bills and accounts that were completely irrelevant.

But now and then you found a genuine gem. I remember in the famous Orange Grove inquiry being the person who pulled up a briefing note which suggested that Premier Carr had met with Westfield Chairman Frank Lowy after previously issuing a statement denying that he had ever had such a meeting. That was certainly a sensational and exciting find and it and showed that their best efforts were never good enough.

I recall the famous time when papers gathered by Franca Arena became quite controversial. She was under threat of expulsion for making allegations that other members had not done their best to prevent child abuse. The papers were in sealed boxes, only members could see them and make notes about them. Ms Arena made claims in the House that she had been impressed by lots of people making allegations of child abuse and that was why she took the action that she did. Long after the events occurred, it occurred to me that I should go and have a look at these papers while I still had the opportunity to do so. Without revealing what I saw there, what I can say is that there were allegations about people that were unlikely to be true and had those papers become public knowledge there would have been people who, for the rest of their lives, would have been defending themselves against unfair claims. Because basically what Ms Arena had was a bunch of faxes that had been sent to her by all and sundry, mostly after she had spoken in Parliament. I am pleased those papers never saw the light of day because they would have done significant damage. That was an illustration to me of how that process could go wrong.

I have seen very few instances of members of Parliament abusing the right to see papers. I think Members can be trusted to look at confidential government documents. Undertaking that scrutiny enhances the position of the upper House and citizen rights. For example, citizens ordinarily have the right of access to information under the Government Information (Public Access) Act. This legislation would not be nearly as powerful without every public servant responding to an application knowing that there was another opportunity in which that particular document could come to light.

As to the revelation of the business case on the Powerhouse Museum, I suspect that instead of withholding that information from the House and the public for ages it might have been a better option for the Government to have made the business case available to members on the condition that they treated the information confidentially. How different would it have been? It is very difficult for the House to argue if the Government says, "You can have a look at this paperwork. There is nothing in it. You can have a look at it but you have to keep it confidential because it is commercial", as opposed to the difficulty of keeping it a secret. A secret kept becomes all the more interesting because of the secrecy that surrounds it. I do not want to give advice to the Government but my own view is that they should have thought, "Maybe it might have been a better idea to make it available to members subject to them keeping it only to themselves." Of course, there is always the risk that someone is going to leak it.

Mr BLUNT: Who were the party leaders in the Legislative Council who impressed you the most? What was it that made their leadership effective?

Mr RYAN: I will mention Liberal Party members and leaders first because they were my friends. Coming to mind are greats like Ted Pickering, John Hannaford, Virginia Chadwick and Robert Webster. I also incredibly admired the Nationals leader Duncan Gay. But let me be a bit bipartisan and think about other ones. I was in awe of John Della Bosca's amazing depth in reading. His ability to think on his feet was exceptional. The good work he has achieved in the disability sector gives us all reason to admire him on a bipartisan basis. He was made a Minister virtually the day after he arrived in the House. Most of us in the upper House thought, "That is a bit unfair, isn't it? He comes in and he is suddenly a Minister. How will he go?" But he went incredibly well.

I really liked the style of Michael Egan who knew how to have a scrap. Nevertheless, he was one of the first people to say to me as I left the Chamber, for almost the first time, "What goes on in there does not continue." He pointed to the Chamber, meaning that outside we were to treat each other with dignity and respect. And he absolutely did that. To this day, I enjoy meeting Michael. I met him only a few days ago at a public event where we both happened to be. He was a man of very strong opinions and it was always fun to hear him express them. He was colourful and interesting. I always had an enormous regard and respect for him.

Going back to my own side, John Hannaford's encyclopaedic knowledge of the law was incredible. He was a respected and reforming Attorney-General and reformed out of home care. He also was able to think on his feet. He could put argument well and he treated all members with respect.

I loved the dogged determination of my friend Ted Pickering. The passion that he had was incredible. Liberal Ministers had a reputation for being formal and traditional. By contrast he was direct in his expression and in his dealings with Members. But he was always very honourable. Ted's word was his bond and he would never give it without meaning it. On one occasion, he faced a no confidence motion in the House. He revealed to his staff afterwards that if he had lost the no confidence motion he intended to resign. He had a great love for the institution of Parliament and the role of the upper House. He was also a significant reformer of the House. I am grateful that I had the chance to work with him.

I did not always entirely understand the National Party. My relationship with the National Party was not as good as it now is. I suspect I was always regarded with a bit of suspicion by Duncan Gay and Robert

Webster, but they were also marvellous in their management of their portfolios and in speaking up for the bush. Virginia Chadwick was equally amazing. One of my greatest memories of the place was her election to the Presidency. She was a great breath of fresh air. If I remember rightly, on that day she won the Presidency by a couple of votes. She would have lost it completely except for the fact that Peter Primrose was away doing an exam. The vote was halfway through when the Labor Party understood that the pair system that they thought was in place for his vote could not operate during a secret ballot. I think it was John Evans who had to inform Michael Egan that pairs were not possible. That meant, victory was only possible during that single ballot. But there were other factors in play that could have changed the result. There was a chance that Mr Willis was going to renominate and vote for himself or not vote at all because he had been unfortunately forced to resign from the position of President. The National Party was threatening not to vote for a Liberal candidate. But their Leader Richard Bull was a very good friend and loyal supporter of Virginia Chadwick as the two of them had worked together in the Education portfolio. So he directed his colleagues to vote against Nationals policy and vote for Mrs Chadwick. All of these agendas had to be managed in one go. If Virginia had not been elected at that ballot, the House would have gone to a more regular vote and Ms Sham-Ho, who was being supported by the Labor Party, would have been elected.

There was so much in that mix. Virginia was finally elected and I think she was one of the finest Presidents of this House. Prior to that she had the important task of calming the waters that had been ruffled during the Greiner Government by Dr Metherell the controversial Education Minister. She was a progressive thinker and had a great sense of humour.

Mr BLUNT: Are there other people, apart from the party leaders, who particularly impressed you? If so, why?

Mr RYAN: I was always impressed with the work that Marlene Goldsmith did. She was an incredibly genuine and earnest person who enjoyed a really good policy debate. She had great empathy with people in trouble. She was an important mentor for me when I first came here as a new member. I also had enormous regard for Patricia Forsythe, who was very business-like and incredibly sensible in her remarks, both in the party room and outside it. She was a great defender of this House and it was not uncommon for her to say, "I think we have crossed a line here and we shouldn't." John Jobling was a skilled whip and it is a pity he never had the opportunity to be President.

I had a high regard for Carmel Tebbutt as the disability Minister even though I had to debate with her constantly. She was professional but it was obvious that she cared too. I enjoyed a good friendship with Henry Tsang. I do not know if he was a great contributor to public policy but he was a great ambassador for the Labor Party among ethnic communities and incredibly good natured. I think people on all sides of the House admired Labor's Ann Symonds. Her commitment to social justice was very genuine and she was an early supporter of causes that were unfashionable to start with but had more universal support later on, such as keeping mothers and babies together in correctional centres.

Richard Bull was a very effective and versatile member of the National Party. He was a good support to Virginia Chadwick in the Education portfolio but a very effective advocate for rural communities. Most of us would describe him as the best Member that never became a Minister. Doug Moppett was also highly regarded and respected. His vocabulary was extensive and he was a very clear thinker. It was just tragic, the way in which his career was clouded by the impact of a road accident any of us could have had. Before I met them I was quite concerned about what he and Jenny Gardiner were going to be like, because I had heard that they were pretty fearsome administrators of the National Party. They proved to be quite convivial and pleasant people. Jenny Gardiner was great at alleviating tension with a laugh and great in the chair. I enjoyed working with her on committees.

I can entirely understand why John Hatzistergos became a judge. He had an incisive legal mind and was quick in debate. I was aware of the fact that Jeffrey Shaw had some personal problems, I think we all were, but we were always amazed how he gave great answers to questions in spite of his personal issues.

I think we all had regard for Johnno Johnson. He was a great character and always incredibly polite. He was a strong advocate for the House and its traditions and certainly very capable. Given that he had 16 years practice, I am in no way surprised that he proved to be that. Don Harwin was a good President and is now proving to be a good Minister. His understanding of the electoral system was very important to the Liberal Party during redistributions. Melinda Pavey was born to be the roads Minister and is now doing an incredible job in that regard. On the crossbench, there were people I came to have high regard for. Lis Kirkby was amazing for her capacity to absorb detail and manage it. I am 61 now, so I have to be careful about statements made about age. But she was of a decent age when she was here and did all of that work in a most amazing manner.

Mr BLUNT: What do you see as the most significant change in the Council during your term and how effective was the Council as a House of review when you left compared to when you first became a member?

Mr RYAN: It was at the early stages of becoming a House of review. When I first was elected it was emerging from being almost a part-time job. Its role and the resources made available to us expanded dramatically from that time. It was during the time I came to the Council that members had their own staff. That was implemented during the first weeks of me being here. We started with a having access to a pool of staff, then we got a staff member part-time and then they became full-time later on. There is no question that the capacity to order papers has monumentally changed things. The establishment of General Purpose Committees with a wide-ranging capacity and the flexibility to initiate their own inquiries has been a major change.

I have no doubt that the Council has been strong, in terms of its effectiveness as a House of review. I can remember numerous occasions where we had inquiries that handled some rather difficult issues for the Government, like the M5 tunnel. I do not think people had the appreciation that tunnels had the capacity to gather and distribute pollution. I am sure that inquiry, if it did nothing else, drew public attention to that issue and changed the way people view road tunnels.

When I first joined the Council there were serious discussions in my party room about abolishing the upper House because people didn't think it had a role or relevance. No-one talks like that now. I think the upper House has demonstrated why it is here. Notwithstanding that fact, I have an impression it is not as effective as it has been in the past and perhaps members need to think about how they might do better. In saying that I will admit straight up that everybody thinks they did the better job when they were here than those afterwards.

I think that one of the outstanding transformations of the upper House since I started in 1991 was that it has gone from being almost a genteel club of people who worked part-time and barely had a role in their own party. Now members of the upper House have extensive responsibilities within their own parties and in the structure of Government. When I was in the upper House, no one in my own party explained "This is your job as a member of the upper House". Now I think there is a much greater sense that Members have distinctive functions and roles and they are more systematically educated into them.

Mr BLUNT: You have already reflected upon your general assessment of the Council and its role today. Linked to that, do you have any thoughts on possible reforms to make the Council even more effective?

Mr RYAN: Once upon a time I used to think that members' terms were a bit long but that has proved not to be the case. I think the eight-year term has worked. I would not change that. Reform of the upper House cannot occur without a referendum. That has probably meant that the upper House has stayed pretty unreformed and unchanged. However, the good thing about that is that the first government that had the opportunity to diminish the role of the upper House might take the opportunity to do it. It is probably a good thing that change is difficult.

I cannot think of any obvious reform. It has its future in its own hands. The important consideration is that members must keep demonstrating the House's usefulness to the public. Otherwise people will start to question its value in a way that rarely happens with the lower House. The upper House will always be in the position of having to justify its existence. Everybody always thinks it is surplus to our needs. MLCs need to constantly think about what it is doing and what value it is adding to the legislative process. Personally, I think its powers are about right.

Mr BLUNT: Since your retirement from the Legislative Council you have had a very successful public service career. What are your impressions of the public sector from the perspective of a former member of the House? The flipside of that, being familiar with both roles, is what do you think members of the Legislative Council need to understand about the public service and the way government works?

Mr RYAN: My first discovery when I became a public servant is how venerated the most lowly member of Parliament is by the public service. This is something few members are aware of while they are in Parliament. I had no idea how seriously the public service treats every question I asked in Parliament or every letter I sent to a Minister. Sometimes, I think it is taken more seriously than the members understand. One practical example I have from my time as an MLC occurred during budget estimates hearings. The Leader of the Opposition always used to give us lots of questions, which we would routinely append at the end of the notice paper. In most cases these questions were just a fishing exercise. Unknown to me there had been some issue about a grand piano that had been purchased by a government department. The Opposition Leader had obviously decided to ask every single government agency—remember, in those days there were more than 13 government departments; there were hundreds of agencies—"Do you have any grand pianos? Are they even tuned?" I was unaware of the content because the questions had been given to me electronically. Without any thought I appended those to my other portfolio questions. It had been my usual practice to survey them and rule

out questions I thought might be silly. But this time I was tired and did not have the time to do it. So I handed the questions on. One of the first things someone said to me when I arrived in the public service was, "You were the bloke who asked that incredibly stupid question that had us trying to find every grand piano and we had to check whether it was tuned." Firstly, I had no idea that I had asked the question. Secondly, I had no idea that the public servants took us that seriously.

Frequently we would get an answer to a question saying that it would take too many government resources to answer. Members need not believe a word of that. Let me tell you: there is no way the public service would ever submit that response to a Minister in answer to a question on notice without making every effort to find the answer. That might be the answer the Minister has every right to give but it is unlikely that the public service did not pull out all stops to find one. Everything a member asks is taken incredibly seriously.

The other thing is that members' questions do actually change things. There were circumstances where you would get a letter from a Member of Parliament who would question something. Then you knew that you had to explain some minor stuff-up in the department to the Minister as to why this might have happened and give the answer. You were always thinking, "That was a near miss," or "That was something we should address." You would have to explain to the Minister how you were going to address that risk. A truthful answer was given to the member—no less—but in preparing the answer consideration is inevitably given as to whether we could have been more flexible or avoided the problem. That happens all of the time in the public service. But Members will never know when it happens.

Most of the time I was here I was in opposition and was treated with contempt with answers from the Government. I thought that that was the way in which public servants regarded us. Nothing could be further from the truth. So if I have a message to members of Parliament it is that you need to consider that. First of all, do not ask frivolous and stupid questions because an enormous amount of resources can be wasted following those things up. But if you have really serious questions to ask you should ask them. They do make a difference even though you may not actually see the change that you had in mind.

I must say the revelation to me was simply how the public service views this place. For example—I might not be thanked for saying this—but a member needs only to move a motion in Parliament congratulating someone on something during formal business and the public service is obliged to make sure that the Minister, if they are ever called upon to debate that issue, has a draft response to the question. In fact, it is not always passed on to the Minister, but the public servants have to be prepared. That issue might go live and we have to be ready for it. So members should not underestimate the amazing authority they have.

I do not think public servants are attuned to being critical about how members of Parliament work. We pretty much accept that they are elected representatives and we are not. When I was a Member of Parliament I had no sense that I was suddenly ordering a troop of people into action by doing something that sometimes was trivial.

Members of Parliament sometimes underestimate the talent within the New South Wales public sector. As a member of the Opposition, and even sometimes in government, we would commonly almost treat public servants—not with contempt—but in a way that patronised them. Since I have joined the public service I have been amazed at the skill and the care with which public servants work. They are frequently unsung heroes. Everything that a public servant does is ultimately credited to a Minister, as it should be. But the public rarely appreciates that behind many government achievements are committed if anonymous public servants. Recently I saw some very disparaging comments about the Department of Transport on a friend's Facebook page. My friend is a member of the party and used to work in a Minister's office and they made some gratuitous comments about budget overruns. I thought, "You have no idea how much effort goes into government administration". Budgets do not overrun by a billion dollars because somebody is being hopeless. They overrun because you cannot possibly foresee every eventuality despite all the work that has gone into measuring risk and countering risk. Many things that are written in headlines as being monumental disasters—when you consider them against the overall budget—can be quite modest miscalculations given the reality of operational management.

The other pleasure I have had as a public servant is not just talking about a program but implementing a program. It has been an amazing joy. One of the things that I have done as a public servant has been to implement the Government's decision to close large residential centres. I have watched the amazing changes in vulnerable people as they moved from an institutional setting, where they could not even choose what was on the television set in front of them, suddenly making choices about what they eat, who they live with, or whether to leave the house and go for a walk up the road. It has been transformational to implement a program which has had so many positive impacts on people. Suddenly these people are in our community making a difference and enjoying their lives phenomenally as a result of that.

But that whole program has required understanding staff, managing staff, building houses, buying land and designing houses and making sure that they were safe environments for people to work in and also met the objectives of people being able to make choices. That wonderful work of implementation and bringing together different work streams of human resources and industrial relations, building an asset, procurement and the operational needs of people to get this fantastic outcome, which has been independently assessed and been found to have produced some amazing results for the people involved, has certainly been good. I loved being here in Parliament but I must say I have had more fun and much more work satisfaction in being one of the people who implement government decisions.

So if there were ever members of Parliament wondering whether there was life after politics—and they are young enough—the public sector could use them. The skill that I learnt here in Parliament which I took with me to the public service is the ability to communicate an agenda. You learn that; it is second nature for members of Parliament. Being able to give a good speech in a public place is just what members do. In the public service being able to put three words together at quick notice is seen as awesome. Understanding or empathy for how people might react to a government decision comes naturally to me and I know how to manage that sort of risk really well. It all comes naturally to us. The other thing is the ability to speak directly. Public servants are not good at saying something directly whereas politicians get to the point much more quickly.

I certainly learnt skills in Parliament which have set me up for an amazing amount of success in the New South Wales public sector. There certainly are some transferable skills that members of Parliament are not always aware of. I left Parliament involuntarily and had to find out what could I do now. I must say I was surprised at the number of skills you learn here that have application somewhere else, and certainly in the public sector.

Mr BLUNT: In your inaugural speech and at other times you have made it clear how important your religious faith is to you. How did it inform and influence your work as a member? How did you balance your faith and political considerations when, for instance, you faced matters of conscience or other such matters?

Mr RYAN: For the record, my religious faith is that I am a committed evangelical Christian. That happened to me when I turned 16 when I was living in a boys' home. Frankly, my life would have gone in a whole different direction if it had not been for a commitment to Christ that I made as a teenager which helped me rebuild my life and gave me access to people who helped me. After I left the boys' home at age 18, I had nowhere to live. I eventually went to live in a Christian hostel in Campsie where I was looked after by a wonderful Christian couple who nurtured me during the time I was at university. I think it has made an enormous difference in my life.

But when I came to Parliament, the thing I thought was the most important thing about being a Christian was to exhibit behaviour that would meet the expectations of a being a Christian. I came to public life without the intention of wanting to cover it up or hide it. I wanted to disclose that I was a Christian. I quoted a verse from the Bible in my first speech to Parliament, from 1 Timothy 4:12. It was the advice that Paul gave to Timothy as a young person. I said at that time that I had not quoted that verse in order to preach to anybody else but myself. I do not believe being a Christian is a private matter. A Member of Parliament should be open to scrutiny including where their values come from.

On the other hand some Christians come into the Parliament with the intentions of creating the Kingdom of God by using the Constitution of New South Wales in order to get people to behave like Christians. I took the view that that was not the job of a Christian and, my job was to display conduct which was Christ-like so that people would be impressed with my God because of the way in which I conducted myself. But there are inevitably going to be questions where Christian values are challenged in public debate. One obviously example is the incredibly sensitive question of abortion. It is a tough issue for committed Christians because we actually believe that human life is created if not immediately after conception, certainly very quickly afterwards when the organism becomes a separate human life, able to feel and act. The destruction of that organism is seen as the destruction of a human life. It doesn't get harder for a committed Christian than that, where you have to consider the rights of another living being versus the rights of a woman.

Sadly the Bible, which is where my values come from, is almost silent on the question. So when there is no information in scripture, I personally revert to science to help me draw the line on questions like that. There were other important questions too, for example, the age of consent. People probably thought that I should fall into line with the view of most churches and that I should not vote for equal age of consent. But I voted for an equal age of consent because I thought the law was not working. As far as Christians are concerned—if the law reflected Christian teaching—there should not be sex outside of marriage at all. Clearly, that is not a sustainable position to have for the law of New South Wales. So what I apply myself to are the two clear biblical values for public administration for which I believe parliaments are instituted—order and justice.

I often refer to the example that Christ used himself when he was challenged on the question of divorce. People said to him, "What about the law that enables people to get divorced? Who will they live with when they are finally in heaven?" Jesus said to them, "Look, you've got the divorce law because of the hardness of people's hearts—in other words, a law outside of biblical standards was required because humans cannot live within those expectations. In my particular version of Christianity none of us can be perfect and we can only be saved by the grace of God, not by our behaviour. I never thought of myself as coming to try and create the Kingdom of God using the Constitution of NSW. Often in politics there are multiple ways to approach public policy issues and committed Christians are entitled to consider any of them. In my particular case, as a member of the Liberal Party, I was particularly committed to the private enterprise system and the energy of the private sector. Obviously, I would favour that over big government.

However I entirely understand that a committed Christian could come to the different view of believing that only the government can solve a particular problem. That is a perfectly respectable position. Just as doctors can never create a resurrection because they have to work within the limits of the human body, I have to work within the limits of human behaviour and make laws that promote justice. I think some Christians have made some pretty critical mistakes in advocating for particular laws, and they have failed to understand that we need to respect the fact that not everybody can live according to our standards. As a result, we are paying the price of waning in influence and also because of some pretty hideous behaviour within churches by people who call themselves committed Christians.

I have just become a member of the standing committee on social issues for the Sydney Anglican Diocese. One of the things that they seem overwhelmed by is how quickly the bill creating exclusion zones outside certain medical centres became law. They were surprised by the extent their view was voted down. For the record, my own view was that the law was an overreach, not so much because it reduced people's right of expression but, I say as a the person who led a committee of inquiry into the increase of the prison population, it was a poor use of incarceration. I did not think it needed to be targeted as criminal behaviour. The behaviour may have been annoying or ignoble and I accept it needed to be addressed because people should not be harassed, but I have never thought such offenders needed to go to gaol. But many Christians just simply have overplayed their hand and have overplayed expectations of their influence. Had we been a little more humble and a little bit more winsome in the way in which we put our case, we might have had more influence than we currently do now.

Another time I faced this challenge was on the issue of medically supervised injecting rooms. I went up to Kings Cross, I saw that the law that we had was making that place a zoo and it needed something to establish some order, and this law did it. And it did. I saw it as something for which I could vote; even though a lot of people were opposed—in fact, I had some correspondence with the then Anglican Archbishop of Sydney in which he expressed a different opinion to me. That was the way in which I approached it. Christians will notice that I have not necessarily voted conventionally in the way that Christians might think. Yet I am a perfectly conventional committed Christian that believes in the Bible and the virgin birth and all of those fundamental things, but I have sometimes approached these issues in a different way.

Mr BLUNT: Thank you. Finally, what do you believe were your main achievements during your career in this House?

Mr RYAN: I am very proud of the work we did on the home building laws and I think consumers are the better for the work I did in that area. I think my advocacy for people with disabilities was strong and effective. I cannot take credit for the many things that have happened since but I am enormously proud that I contributed to the process of people with disabilities having their rights recognised more. I introduced a bill to regulate assisted boarding houses where people with disabilities live and started the process here in the House. I have lived to see my own department and a subsequent Minister making that bill become law.

People came back to me and said that the report I did with the Select Committee on the Increase in Prisoner Population was something people have returned to and found information that was useful. I am enormously proud of that report.

When I started in this House, representing the Liberal Party in Western Sydney, that was a bit unfashionable and I was a bit on my own. Except for Anne Cohen and Liz Kernohan I was the only Liberal Party representative from western Sydney. I am proud to have played a part in waking up my own party to the importance of Western Sydney.

I recall moving some amendments drafted by the Auditor-General but not supported by the Government that were designed to give the Auditor-General power to do performance audits. They were eventually passed by the House; they were accepted by the Government. I had some support from Stephen O'Doherty, who was the shadow Treasurer at the time, to pursue that. I think Michael Egan argued against it,

saying, "We don't want the Auditor-General to become the commentator general". But nevertheless it was eventually passed. It was a minor change but hasn't it made a difference to the output of that office?

Mr BLUNT: Can I say a heartfelt thank you for your incredibly thoughtful and reflective contribution today, for taking the time to prepare for this interview and for talking to us in a frank and, as I say, thoughtful manner?

Mr RYAN: Thank you. It has been fun doing it.

Dr CLUNE: Thank you very much, John. It has been very insightful.

Mr BLUNT: For the purpose of the record, on my own behalf, on behalf of my predecessors John Evans and Lynn Lovelock with whom you worked and all the staff of the Department of Legislative Council, I thank you for your extraordinary service to the Legislative Council and the people of New South Wales.

Mr RYAN: Thank you. It was an honour.

Discussion concluded.