

**LEGISLATIVE COUNCIL**

**ORAL HISTORY PROJECT**

**LC Members Ante-Room, Parliament House, Sydney**

**Tuesday, 31 July 2018**

**The discussion commenced at 11.00 a.m.**

**PRESENT**

**Mr David Blunt**

**Dr David Clune**

**Ms Helen Sham-Ho**



**Dr CLUNE:** Ms Sham-Ho, can you tell us how you became a member of the Legislative Council?

**Ms SHAM-HO:** It was quite a fateful event. I was a Liberal Party member and I was actually recruited by then the shadow Attorney-General, John Dowd. He was my supervisor when I was doing my law degree at Macquarie University in the early 1980s. I did two weeks work experience at his office here in Parliament House. That is when I actually got to know about Parliament. When I graduated in 1985, I asked him for dinner. It was on that night that he said to me, "Are you interested in politics?". I thought I had nothing to lose because I was looking for a legal job. I was not a political animal at all. I was an ordinary woman doing my own thing, having my children, a professional woman and house wife.

So, in short, I was in the right place with the right people at the right time. I went for preselection with the Liberal Party. I was very lucky because I was supported by John Dowd and a whole host of other Liberal Party members at that time. John Hannaford was another heavyweight in the party to support me. With their help, with a lot of other people's help, like Michael Photios, I was preselected. I was lucky I got the last winnable position on the combined ticket with the National Party at that time. Also at that election Nick Greiner defeated the Labor Government and there was a swing towards the Liberal Party, so I got elected.

I came in with multicultural issues very much as my driving force plus Aboriginal reconciliation. In most professions such as a social worker or a lawyer you have senior members who guide you. As a member of Parliament there is no guide there, there is no support. You are a member of Parliament and you make your own decisions.

**Dr CLUNE:** What were your impressions of the Council and its effectiveness when you commenced your term in 1988?

**Ms SHAM-HO:** My impression of the upper House then was that it was just a rubber stamp, in a sense. There was almost no effective review if you had a majority of the MLCs of the same party as the Government. The effectiveness I thought was not that strong.

**Dr CLUNE:** In 1988 it began to change when the Government lost control of the upper House and that was the beginning of the rise of the crossbenches. How do you think that changed the Council and its effectiveness?

**Ms SHAM-HO:** This was the problem because legislation was often amended and delayed because we had to get crossbench approval. They were usually quite sensible, quite agreeable. They were not cantankerous or anything like that at the time. Particularly Fred Nile who was quite cooperative. He was quite a good person in terms of being impartial. He often voted with the Government because it had a mandate. I think more time was spent with Lis Kirby and Richard Jones.

**Dr CLUNE:** When you moved from being a member of a political party to the crossbench in 1998, how did your perceptions change?

**Ms SHAM-HO:** The funny thing is, I found the crossbenchers as a whole quite cohesive. We had our own meetings. We had a briefing session just like in the Liberal Party. Admittedly in the crossbench meetings we did not talk about individual personal amendments but if someone said, "I want to change that" we would discuss it. I did not usually say very much myself about whether I was going to support it or reject an amendment. I was the only person on the crossbench that did not usually disclose how I would vote. Very often the Government would come to me at the end of the day to ask, "How are you going to vote?" A couple of times I was at the last minute asked, "Are you going to vote with the Government or not?" Sometimes I did not disclose my intention until I actually voted. I did not mean it to be mischievous but sometimes it was my vote that decided whether the legislation would pass or not.

I did not have time to socialise when I was a crossbench member. I focused on legislation and everything else. When I first became a Member of Parliament, I was learning new things. When I knew what was going on, the dynamics and the people, I became a crossbench member. I was always learning some new tricks, if you like. I learnt a lot. But I was coming from behind so I did not mind that I was learning. To me, becoming a Member of Parliament was not just an honour and a privilege. For personal growth, it was tremendous. You have the best people to brief you. You learn a lot, think a lot and do a lot.

**Dr CLUNE:** The number of amendments to bills has increased extraordinarily since 1988. Do you think it led to better legislation?

**Ms SHAM-HO:** I think with the crossbench scrutiny, yes. On the crossbench, I was much more devoted to and much more critical of legislation than as a backbencher. I am not trying to criticise the Liberal Party but on

the backbench in the Liberal Party you only had the right to vote as it was presented to you. You could discuss it, but unless you could talk down the Minister you could not change a lot, because you were only one voice amongst so many. In the party room you only have one voice unless you can lobby the others. As a backbencher you do not have that kind of persuasive power. As a backbench member of Parliament your right is not as effective as a crossbencher. Thinking back, I actually was not a real member of Parliament when I was a backbencher. I was only a party member but not a member of Parliament.

Sometimes, backbenchers do not even know what legislation they are actually voting for. When the bell rings you go down, you go to the party side. That was me, I admit to it. Particularly at the beginning, I just followed John Jobling, the whip.

**Dr CLUNE:** Going to the crossbench must have increased your workload. How did you cope with that?

**Ms SHAM-HO:** It was very difficult. I worked doubly hard. The time the crossbenchers spent, the devotion they had to the legislative process was tremendous. You cannot understand it until you are with them and seeing them as I did. I am not trying to claim credit but I sometimes worked for 18 hours a day.

**Dr CLUNE:** You mentioned earlier that you saw yourself as an advocate for multiculturalism. That would have helped with the bills that you focused on?

**Ms SHAM-HO:** Yes, I was very selective, because it was not possible for me to read about and talk on all legislation. It related to my own personal interest in particular. The good thing is that we always had comprehensive briefing notes from the Minister. Often enough when I was in the Liberal Party we did not receive good briefing notes. I learnt a lot, I learnt more than double, more than triple when I became an Independent.

**Mr BLUNT:** How were you received by the other crossbenchers when you moved from the Liberal Party to the crossbench? What were the dynamics like with the other crossbench members?

**Ms SHAM-HO:** Nothing spectacular, nothing adversarial, they accepted me very well, actually. In fact, I think they were quite interested to know about the Liberal Party, how they operated. I thought the whole of the crossbench was like another party except we had more individual, independent thinking.

We did not have horse trading. For example, John Tingle might think of one thing and if we thought it was good we would support it. We talked about our pet issues. As I remember the crossbenchers were quite supportive of one another. They were quite a good bunch, actually.

I only knew about how to be a real member of Parliament when I was a crossbencher. I found that becoming an Independent opened my mind to the legislative process, to how the legislative process operates through scrutiny, criticism, discussion, negotiation; that is how it works.

**Dr CLUNE:** Is there a tension between the Government's right to govern and implement its agenda and the Council's right to scrutinise. Do you think the right balance has been achieved?

**Ms SHAM-HO:** With the crossbench there, yes. If there is no crossbench power it is a rubber stamp in the upper House. As a member of the upper House, you do not have constituents, although you are elected by constituents. The upper House is supposed to be for the whole State, for everyone. We have a diverse and multicultural society, so we should be broader rather than focussing on just one issue. Members should represent not just their constituents. As an upper House member, you represent the whole State. The whole State's issues are more than just the ones which concerned The Greens, for example. The Australian Democrats thought about democracy. Parliamentary democracy is about representing as many people as possible; not just the majority. To me, Lis Kirkby did it.

**Dr CLUNE:** Crossbench power has, it seems, worked a lot better here than in the Senate. Why do you think that is?

**Ms SHAM-HO:** Maybe it is because the Senators are from different states so they have different wants, different needs and different issues. Brisbane is different from Adelaide. In a sense they are a different kind of people. Australia is such a big country. With New South Wales it is only New South Wales, so we all have a focal point. With the Senate, the different states have different ideas and it is more difficult to be cohesive.

**Mr BLUNT:** What is your view of the Legislative Council committee system? Can you tell us about some of your experiences with committees?

**Ms SHAM-HO:** I thought it was great. It is really democracy in action. It is only through parliamentary inquiries that we know what the people think because we have witnesses and we hear about issues that are relevant to the people at the time. You have different issues and parliamentary inquiries on those issues and stakeholders'

views are collected. You make certain recommendations. I wish every committee was as lucky as my committees as most of their recommendations were adopted.

**Mr BLUNT:** Can you tell us about some of the inquiries that were most memorable for you?

**Ms SHAM-HO:** In 2000 I chaired the GPSC No. 3 inquiry about Cabramatta policing. I go to Cabramatta now and I am still recognised. Cabramatta changed its nature because of the inquiry's findings and their adoption by the Government. It has made Cabramatta vibrant and prosperous today

I was well-suited to be chair because I was a lawyer there for a couple of years. I knew the people there, I spoke the language and I knew the culture. We looked into the police problem at the time. There were a lot of drug problems as well. We cleared the drug problem up. Police resources were increased after the adoption of the report. It was a tremendous outcome. Now the Cabramatta and Fairfield areas are peaceful. That was very fruitful and I am pleased about the inquiry. It was a win-win situation. People who live and work at Cabramatta are still very grateful for our committee investigation.

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

**Ms SHAM-HO:** We should have more committees with more members to look at different issues or portfolios. The other thing, if I may say so, is that the upper House sits for too few days. More resources should be put into the committee system; not legislation. It is not good to have too many laws. We are a free country. Too many regulations and laws are not necessary. We should put more resources into the committee system so that there would be better governance in our State. You can have committee inquiries but their recommendations are not adopted. That is stupid. If you have an inquiry, the government should look at it; not shelve it.

**Mr BLUNT:** You implemented an interesting strategy with the Cabramatta police inquiry. After the initial report was tabled, the committee followed up 12 months later to scrutinise what had happened.

**Ms SHAM-HO:** That was good. That is why I think that if the government spends time and resources on an inquiry, it should implement its recommendations so that it is effective. After review, we need enforcement. The government and Parliament should work more in concert. At the moment, it is quite separate—the parliament can do what it wants and the government can do what it wants. That is a sad thing.

**Mr BLUNT:** Do you think the judgments of the High Court and the Court of Appeal in the Egan cases were a positive development for the Legislative Council?

**Ms SHAM-HO:** Yes. There should be more transparency and accountability. That is how the government should be held accountable. I was not on Egan's side, not just because I was a crossbench member but because it is important to democracy to be transparent and accountable. That principle should be followed.

**Mr BLUNT:** Which party leaders in the Legislative Council impressed you the most? What made their leadership effective?

**Ms SHAM-HO:** The funny thing is that I was not impressed by any of the major party leaders in the Legislative Council. The only one who impressed me as a party leader was Lis Kirkby. She did a marvellous job. I thought she and Richard Jones did a good job as legislators. Kirkby as the leader of the Australian Democrats did the right thing with her demands. On the crossbench, it helps to have someone from a small party who knows so much. I thought her experience was amazing. She was better than some of the other party leaders because they knew only about the Liberal Party or the Labor Party. Lis knew everything. She worked hard as well. She had very limited resources as compared to the party leaders. I admired her and I still do. She is an amazing woman. She knew so much and I thought she spoke out all the time. She spoke out more than most party leaders, Labor or Liberal. She would go for it. She knew everything, even in our own crossbench meetings. Another thing was that she did not dominate. In the Liberal Party, it was usually the party leader who said everything; that is not democracy. With Lis, we discussed things and she would say her piece. She was amazing. She would be a model Member of Parliament.

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

**Ms SHAM-HO:** The committee system. It opened up the whole Parliament. This is how parliamentary democracy should be. This is what Parliament is all about—to link with the issues of the community and do what the community wants. If you do not open up, if you do not consult your community, how can you make good legislation? That is very important. The parliamentary system should link with the committee system so that the government can do a better job of legislating for the people of New South Wales.

**Mr BLUNT:** Looking from the outside but as a very well-informed and interested outsider, 15 years after your term came to an end, what is your general assessment of the Legislative Council today and its role?

**Ms SHAM-HO:** If the upper House can somehow change the system to being more accessible it would be good. It is a matter of publicity and promotion I think, so that an MLC can be accessed by different people. How many people come to Parliament House to see their upper House member? I think that is a drawback for the upper House members. They should be accessible and be known to be accessible.

Perhaps we can open up parliamentary sittings more to the public—or invite them in, even. I think there could be more promotion to generate more awareness. I think that public awareness is wanting.

**Mr BLUNT:** What do you believe were your main achievements during your career as a member of the Legislative Council?

**Ms SHAM-HO:** In my actual parliamentary work it is no doubt my inquiry into Cabramatta policing. It was very effective. Even today people still recognise me for cleaning up Cabramatta. So I feel much complimented. That was really the peak of my work as a member of Parliament.

I think I was the pioneer, really, for the Asian community to be involved in parliament. Still today, they think that I did well as the first Chinese member. So that was one of my achievements. I think we are not diversified enough in parliament. There are not very many Asians. There is not even one Vietnamese there. This is the really hard part: that upper House—or lower House for that matter—members are not representative of the community. In other words, democracy is not incorporating the ethnic communities.

Apart from the ethnic community, there is gender. The first woman Liberal Premier is Gladys Berejiklian, who is also ethnic. I just feel that there should be more diversity. I do not know if it is the job of the parliament, but it is certainly the job of the parties to have some more diversity.

**Mr BLUNT:** Do you want to add anything else? Is there something we have not asked you about that we should have asked?

**Ms SHAM-HO:** When I resigned from the Liberal Party I was attacked unreasonably. I want to defend myself, if I may say, and put it on the public record now. They said I was ambitious, I was grandstanding, trying to be the President of the upper House. To me, democracy is open to everyone, not just the Liberal Party or the Labor Party. If I have aspirations, why can't anyone—be it me or anyone else—try to be elected? Why not? Why must the Liberal Party if they have the majority in the upper House have the Presidency? I was attacked. I thought it was unfair because I actually wanted to be President as my personal aspiration, and why not, because it is my right, equal to that of anybody else.

I think we need a diversified group becoming members of parliament—new, young, old, women, ethnic groups—so that you can have a more democratic process. That is my belief and hope.

**Mr BLUNT:** Thank you very much, Helen. For the record, I say a huge thank you to you for coming along today, for giving us your time, for sharing with us your recollections and reflections in the way you have. More importantly than that, on behalf of my predecessors who you worked with—Les Jeckeln, John Evans, Lyn Lovelock, all of the staff of the department—I say thank you for your service to the Legislative Council and to the people of New South Wales.

**Ms SHAM-HO:** That was my privilege, my honour. Thank you very much for your work and your help.

**Dr CLUNE:** I thank you for those very valuable perceptions. They have been terrific insights.

**Discussion concluded.**