

LEGISLATIVE COUNCIL

ORAL HISTORY PROJECT

**LC Members Ante-Room, Parliament House, Sydney, Monday 10 December
2018**

The discussion commenced at 11:00

PRESENT

Mr David Blunt
Dr David Clune
The Hon. Duncan Gay

Dr CLUNE: How did you become a member of the Legislative Council?

Mr GAY: Accidentally. It was never my plan to become a member of Parliament although I ended up being one for nearly 30 years. I had been doing a little bit of work in agricultural politics. We were a bunch of cranky farmers trying to fix some problems. A friend of mine who lived near me in the country, and was a couple of years behind me at school, decided to stand for Parliament. His name was Robert Webster and he asked me to be his campaign director. When I got involved with State politics I saw that there was a chance to actually do more than through agricultural politics alone.

After that I became a member of National Party Central Council and then the Central Executive. I was elected to the Legislative Council and then became Chairman of the Party. Mostly it goes the other way. Sir Adrian Solomons was a former chairman of the National Party and then went on to become a member of the Legislative Council. Doug Moppett was a former chairman who became a member of the Legislative Council.

Mr BLUNT: Why the Legislative Council?

Mr GAY: My local members were both friends. Robert Webster was my State MP. After that I stood for preselection for the Federal seat of Gilmore against John Sharp. I missed out on that and that bright young bloke John Sharp did me the biggest favour ever. I was lucky: my kids were too young and Canberra was not a place I should have been in at that time. I was lucky subsequently as they both worked to help me become a member of the Legislative Council.

Dr CLUNE: How did you find the Council when you first became a member in 1988?

Mr GAY: It was like a gentlemen's club. It was a strange and mysterious place to me. Work practices were strange, the social habits were strange. The Country Party was very much a niche group. They did not talk to the Libs. In fact, they did not talk to many people but they were decent, nice people. They were pretty insular and very old school. They were very proper and did not do the wrong thing. Whilst it was old fashioned, there was proper protocol within the House and the way it operated. There was a degree of decency that went with it. The running of the House was pretty proper and all the rules were respected.

The most helpful thing was my first meeting with the Clerk, Les Jeckeln. Les pulled me aside and gave me his evaluation and gave me a couple of maiden speeches of former members who he thought I was similar to. It certainly was the case that we held the Clerks and the House in reverence. I was very nervous when I made my first speech in Parliament. I do not think I have ever been more nervous about anything in my life than that day.

Dr CLUNE: Speaking of running the House and the rules, in your first job, as Deputy President, how did you see your role and what were the principles when you were presiding?

Mr GAY: It was my first elevation but it did not happen immediately. When you follow someone like Sir Adrian Solomons into a role like that you take it carefully. The role, as explained by Adrian, was that you throw out your party politics and just act in a balanced and neutral way as much as possible. You are like Switzerland in that role. When you leave that role you still put on the cloak of politics. In fact, I operated in that role, strangely, as a shadow Minister for a while until George Souris—one of my great mates—said you cannot do those two roles. With hindsight he was right. There was a degree of conflict in what I was doing.

Dr CLUNE: What were the principles that guided you as Leader of the Government?

Mr GAY: I had been Leader of the House when we were in government for a long time but I was not Leader of the Government because it is not a role that the National Party or the Country Party normally holds. Sir John Fuller was the only other one. When my good friend Michael Gallacher had to step aside, Mike Baird made a pretty brave decision to put a Nat in as Leader of the Government in the upper House. There were some in the Liberal Party who were not excited about that, and probably continued not to be excited.

Dr CLUNE: How did you handle the House? What was your attitude to the role?

Mr GAY: I did not particularly change in my approach. The role of Leader of the House meant that you needed to bring people with you. If you did not have the confidence of the crossbench, the Opposition and your own party you were not going to get things done. It really did not change. It was just an expansion of what we had been doing. They were tough times in terms of getting stuff through. During that period when I was Leader of the House and Leader of the Government we did not have the numbers in the House. We were a pretty reformist Government and we got all but two bills that we wanted through which was not bad. It meant the various Premiers, the various Ministers, my staff particularly, and even occasionally myself, were able to wangle deals behind the scenes.

Dr CLUNE: You talked about reaching out to the other side. Did you try to have good relations with the Opposition?

Mr GAY: Absolutely. They had a lot of decent people. I think in my farewell speech I acknowledged people like Mick Veitch. Mick Veitch is a good, well-meaning member who could be on any side.

Dr CLUNE: What do you think of the rise to power of the crossbenchers since 1988 and the fact that they have had the balance of power?

Mr GAY: I cannot say it has excited me because they represent peripheral interests and issues. It has given prominence to issues that probably would not normally get prominence, although within them there have been some outstanding legislators. You would not find anyone much better than Lis Kirkby, who was just amazing.

Dr CLUNE: Some people have criticised the fact that Independents and minor parties who have been elected with a small percentage of the vote can dictate to the major parties. Do you see that as a problem?

Mr GAY: Yes. Increasingly it is becoming a problem, particularly if you couple it with social media and a 24-hour news cycle. The fact that there has to be instantaneous gratification in what you are putting out means you cannot carefully work towards it.

Michael Egan, John Hannaford and I sat down once and put a plan together where you would have to get a minimum percentage of the vote to be elected. It would have been the fairest way. It would have allowed groups of some substance to get elected but corralled the preferences and eliminated those who really did not represent anything and, frankly, should not have been elected. Unfortunately, politics being what it is, the deal fell apart.

Dr CLUNE: You mentioned you had regular meetings with the crossbenchers. Did you have a formal mechanism to talk to them?

Mr GAY: Yes, we did. We did not put it in place; we inherited it from previous governments. It was workable: if you were straight with them, they were straight with you. I was reasonably successful with legislation. That legislation included two rounds of asset sales, which were pretty major, and reforms to insurance.

Dr CLUNE: The number of successful non-government amendments has increased exponentially over the years. Do you think that has led to better legislation?

Mr GAY: Occasionally. I have seen the odd bit of legislation go through that, frankly, we should not have put up the way it was. But sometimes it was the other way. On balance, I would probably say there was more bad than good.

Dr CLUNE: How easy was it to negotiate compromises to allow your legislation to pass?

Mr GAY: Not easy. It depended on personalities. Some personalities were easier to deal with than others. The Shooters and the Christian Democratic Party, if you agreed on something, stuck. I was never sure of who was the leader. I always felt that Robert Brown was the leader of the Shooters and he was good to deal with but he would let you know if he felt one of your people had reneged. Once or twice a couple of deals that I had done had not been properly honoured. We went back and did it.

With the Democrats, if it was Lis Kirkby it was okay. Others would not stick to their agreements. The Greens were difficult when it came to locking down an agreement. You could never be sure until the hands went up.

Mr BLUNT: Was it different working with the crossbench when you were in opposition compared with in government?

Mr GAY: It is always easier when you are in opposition to work with the crossbench because you have similar aims, frankly, to bring the government down. They are more interested in bringing governments down than actually fixing things. There was a part of the crossbench whose agenda was similar to ours, the Christian Democrats, and, in those days, the Shooters. The Greens always go with Labor unless you can really convince them there is something in it for them politically.

Dr CLUNE: There is a tension between the Government implementing its legislative agenda for which it has a mandate and the Council's role as a House of review. How do you think those two objectives have been balanced?

Mr GAY: Of recent times pretty well, but all politicians have a pox on them at the moment and part of that is being seen as not to be able to deliver any of the things that you promised. If you actually go with a program that you have developed and get elected and voted in, frankly, you should be able to do that. Whether they are the right things or not, it is the things that you were voted in for. There is a pox on politics at the moment because of non-delivery of Governments, in my experience, due to the crossbench, particularly in the Senate. Then you have got the selfishness of changing leaders on top of that and the general public are well and truly over major parties

and politicians and part of the reason they are over them is that they just cannot understand why they cannot deliver.

Dr CLUNE: Why do you think things have worked better in NSW than in the Senate?

Mr GAY: I think we understand the workings of government and engage and work with the crossbenches. In the first couple of years the Abbott and Turnbull Governments did not engage with the crossbench in the Senate. They did later and started to get a few bills through, before they shot themselves in the foot by changing leaders.

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

Mr GAY: I think it is a great system. My term in the Legislative Council pretty much coincided with the growth of committees. I served on the first standing committee, Social Issues. In my farewell speech, I acknowledged that one of the best things I have done in my parliamentary career was permitting access of information for adopted children, which came out of the Social Issues Committee's first report. There was a lot of concern in the community and a lot of preconceived ideas, but as soon as we got into it we realised that the people intimately involved wanted to make sure that everyone's interests were respected. It was well worthwhile.

Mr BLUNT: In your early days you found yourself chairing a particularly high-profile and difficult inquiry into the relationship between the Police Minister and the Police Commissioner.

Mr GAY: That was a death pass. It was Pickering and Lauer, and one of those people was my leader in the Council. So it was not without problems. Frankly, they were a couple of pig-headed blokes that just would not talk to each other; that was the downside of it. We went through it, did it in a balanced way and came out with a report which upset a lot of people in the Liberal Party because we did not damn Lauer and laud Pickering, but the facts did not allow us to do that. At the end of the day there was fault on both sides.

Mr BLUNT: I remember there was a great deal of material to get across. I think I recall you and the other committee members wheeling a trolley into committee hearings as there was such a significant volume of information in the submissions and the transcripts.

Mr GAY: I remember there was a missing book that had dates and diary notes that no-one seemed to be able to find that was said to be in the Police communication section. I was standing there one day and I said, "Has anyone seen this book? It's a book, it's like this", and I picked something handy up - and there it was—that was the book! It was sitting on top of the filing cabinet right where I was. I do not know whether it was deliberately put there for me to find or whether it was just chance.

Mr BLUNT: How was it then when you were a Minister at Budget Estimate hearings each year and sometimes experiencing inquiries that might have been uncomfortable at times?

Mr GAY: Budget Estimates did not worry me too much. I always did a lot of preparation. You were concerned about it and you were nervous, particularly for your first one, but if you were comfortable in what you had done you felt okay. It is one of the roles of government and I have never had a problem with it. I have operated in Budget Estimates myself pretty robustly and rigorously so I could not expect to go through it unscathed - and they did not miss me either, and that is fair enough.

I did sometimes find that I was annoyed at some of the committees that were just petty and petulant and set up with a single political goal. But that is the difference in opposition. I certainly was part of one on electricity in opposition and then suffered some inquiries on toll roads and things in government. So what goes around comes around.

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

Mr GAY: I think the work that is being done is good, it is rigorous. Sometimes it goes the wrong way, but no, I have not got any ideas about how to improve things in general.

Mr BLUNT: Do you have any particular recollections of the events that resulted in Michael Egan being suspended from the service of the House, resulting in the cases going to the Supreme Court and ultimately the High Court?

Mr GAY: I suspect if John Hannaford was not there that would not have happened. John was a purist in those matters and I do not think anyone had thought of the ramifications, both good and bad, out of that. John was pretty strategic. But no, I do not think the rest of us were aware of the ramifications or as excited about the gravitas of it at all.

Mr BLUNT: Do you think the High Court and Court of Appeal judgements in the Egan cases were a positive development, and has the power to order the production of documents been used effectively?

Mr GAY: No, I do not think it is positive. It depends on what you call "effective", whether it is about getting information or improving government. I think it has slowed down government and it has had a cost burden and been a ritual that has not overall helped much. Had it revealed some really evil practices, that would be an entirely different matter, but it has not done much more than got a few little political hits along the way.

I admit that I did use it in Opposition and there were occasions where we overused it. We went on fishing expeditions with stuff that was just too broad, that was just going to cost a fortune. With some of the social welfare departments that are delivering services for disabled children and education, we were using money for a political sweep. Frankly, that money would have been better spent looking after those kids and improving services rather than helping with a political sweep because there was a pretty large cost to some of those things.

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

Mr GAY: I am a former Minister and I adhere to that; it is totally appropriate. You see in the documents that have been revealed recently these "gotcha" moments, but that is only part of the story. If you are going to develop and improve infrastructure delivery you have got to look at a whole number of things. You have got to be able to have your public servants think freely outside the box and deliver advice that they are confident in, and you have got to be able to go back to them with stuff that you are frank about. Unless you can do that you are not going to have very good government. So if you have not got that right of protection for cabinet confidentiality you are going to just have bad government.

Mr BLUNT: Which members in leadership roles impressed you the most? What was it about their leadership that impressed you?

Mr GAY: Robert Webster was genuinely outstanding. He was a good legislator. He had a good way with people and was not frightened to innovate. Michael Egan was certainly one I was impressed with. He had a sense of humour and he understood real-life issues and he got things done. John Hannaford I was impressed with. He was not quite as down to earth as Michael but his skill was incredible. Virginia Chadwick—I was lucky enough to be there with Virginia—was a good, smart Minister. She was agile on her feet and then she ended up in a very different role as President of the Legislative Council and did an outstanding job. In my team, Richard Bull is a favourite. He was probably the best member of Parliament who was never a Minister. He would have been great had he got there. Mike Gallacher was very badly treated. He did not deserve what happened to him. Tony Kelly was a friend. He was decent.

Mr BLUNT: Apart from those who were in leadership positions, who were other members of the House who impressed you?

Mr GAY: I have spoken about Mick Veitch and Lis Kirkby. Cate Faehrmann and Ian Cohen were impressive. Doug Moppett is probably the best orator that anyone has heard. His skills were just incredible. You would just sit there and relax and listen. He was a terribly decent and lovely guy. Two impressive Chairmen of Committees from our side followed each other, Jenny Gardiner and Trevor Khan. I like Trevor Khan's social conscience. His work on committees and with issues makes him pretty outstanding. Niall Blair is exceptional. He is a bloke with great skills, great decency and smart as all hell.

Mr BLUNT: What is your assessment of the Legislative Council and its role today? What are your thoughts on how it could be made more effective?

Mr GAY: I have got to say I enjoyed my time there. I thought it was relevant and it was, on the whole, worthwhile. There were occasions when it was not. The committee system certainly has made a difference. The fact that there are more Ministers in the Council than ever before has been significant—although sometimes they like to hide Ministers in the upper House. I have to say that if you are a Minister, particularly when you are sitting up there as Leader of the Government, you are exposed. I used to answer three or four times more questions than the Premier. It could be on any subject.

I worry about the future unless we can bring relevancy to the upper House. If it is just controlled by fringe groups that are not representative of the State then I think we have got real problems. It goes back to putting a truly representative base in there. I think that is the key to the future. Equally, with the way that everything is moving with social media and the 24-hour news cycle, there is more encouragement for the guerrilla tactics and the instantaneous gratifications and that, I think, ultimately potentially is the demise of the upper House unless the representation issue is fixed.

Mr BLUNT: Finally, what were your main achievements during your parliamentary career?

Mr GAY: I got a lot of things done for people in regional New South Wales when I was in Opposition because I have always had a good working relationship with the other side. In fact, even today, as Chairman of

the National Heavy Vehicle Regulator, I was put into that role unanimously and the Labor States were in the majority. The Transport Workers' Union and the Federal Opposition spokesman, Anthony Albanese, supported me.

I would note flashing lights at schools. Every school has a flashing light so we are saving kids' lives. Someone in the future will say that WestConnex and NorthConnex are great because they will be. WestConnex is currently under-budget. The duplication of the Pacific Highway is another achievement. I guess it is putting infrastructure into regional New South Wales. It is important, plus making hard decisions on infrastructure in Sydney. No-one likes the specific effects of building roads but it is part of a good mix of infrastructure.

Mr BLUNT: I thank you for coming in and talking with us this morning, sharing your memories and reflections. It has been a fascinating interview. Most of all though, I want to give you a heartfelt personal thank you on my own behalf but also on behalf of all the staff of the department and my predecessors for the privilege you have given us of working with you and supporting you over the years. It has been great working with you. I thank you for your contribution to the Legislative Council and to the people of New South Wales.

Mr GAY: Thank you. I value you and your predecessors, as you know.

Dr CLUNE: Thank you for sharing your experiences and those great insights.

Discussion concluded.