

# **LEGISLATIVE COUNCIL**

## **ORAL HISTORY PROJECT**

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

**Monday, 12 November 2018**

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

### **PRESENT**

Dr David Clune  
Mr Steven Reynolds  
Mr John Della Bosca



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

**Mr DELLA BOSCA:** Well, I had been the Secretary of the ALP, New South Wales Branch, for a decade. In my last couple of years in that role I had not actually seen any reason not to continue on with it indefinitely but in the lead-up to the 1999 election the then Premier and the then Treasurer were fairly adamant in proposing to me that I should go into the Legislative Council and I should run at that election. I was drafted because I actually had not thought much about it at the time. For all sorts of internal and external reasons, I decided that it was a good idea after all.

**Dr CLUNE:** How did you find the Legislative Council when you first came in?

**Mr DELLA BOSCA:** I think I am one of the few people who was sworn in as a member, sworn in as the Minister and had my first question time as a Minister all on the same day. So it was a fairly hectic kind of process. I suppose I arrived in a Chamber that was a little bit different to what I expected. I knew about the Legislative Council and obviously I had known a lot about what happened there and a lot of the personalities over the years but there was a fairly good-humoured kind of atmosphere between the crossbenches, the Government and the Opposition. It occasionally got a bit testy but basically it was good-humoured compared to the other place and compared to the traditions down there. I think it is fair to say that it was a place dominated by a couple of personalities in terms of the day-to-day affairs of the Chamber.

**Dr CLUNE:** When you became Leader of the Government, what was your approach to your role and what were the principles that guided you?

**Mr DELLA BOSCA:** My approach to the role was that there were two obligations: There was the obligation to the Government to pass its legislation and there was the obligation to the Parliament to make sure that the Parliamentary process was observed. I think during the time under Michael Egan's leadership it was no different. We did not really pursue anything very tricky in the way we went about the business of legislation. We obviously operated closely within the standing orders but our approach was very much that our first duty was to the Parliament but a prime duty was also to get legislation through the Chamber. They were two principles: that you had to keep the place orderly and you had to get your legislation passed. Obviously in a constitutional sense, the Cabinet decided on the legislation to be proposed but that was often as a result of a particular Minister's desire to push upon the Cabinet that particular legislation. You had to do your best to honour that and get it through with minimal amendments or with amendments that still gave general effect to the legislation.

**Dr CLUNE:** What is your view of the rise to prominence of the crossbench? How did it change the nature of the Council?

**Mr DELLA BOSCA:** During my time as Mike Egan's deputy and my own time as Leader I think the idea of having a lot of different crossbenchers actually made it easier, even though in theory they were a block on the Government's program. Generally speaking, because there were so many of them, it was easier to negotiate proposals about amendments or not amending the legislation as proposed. You would think that the more crossbenchers there were, the more difficult it would be, but I think the more crossbenchers there are, in some ways it makes it easier.

**Dr CLUNE:** Did you have regular meetings with the crossbenchers?

**Mr DELLA BOSCA:** I delegated that to Tony Kelly. He did most of that. I went to the meetings when there was a big issue that needed the two of us to talk to them. We had very regular meetings. Ian Macdonald used to do a fair bit of it also.

**Dr CLUNE:** It is interesting that the Senate does not seem to have worked anywhere near as well under crossbench control as the Legislative Council. Why do you think that would be?

**Mr DELLA BOSCA:** Perhaps it is the scope of Commonwealth legislation, for example, the budget. Perhaps we have had more experience in NSW. It is part of what you have to do here. Either Opposition leadership or Government leadership, you have to assume that you are dealing with a substantial crossbench and an ideologically various crossbench as well, not a single one.

**Dr CLUNE:** Do you think that better scrutiny of the Government has resulted from the crossbenchers having the balance of power?

**Mr DELLA BOSCA:** My partisan prejudices would attract me to saying, "Oh, of course not. It would have been fine without them". But I think the reality is that the more sunlight there is on legislation, the better it gets, that is the general rule. There are probably some frustrations for Ministers wanting to achieve particular outcomes that are not shared by enough crossbenchers to get them through in the exact form they wanted, but I think the general idea that the Executive can be second-guessed by a Parliament is a good idea. It was the original

idea behind Westminster government. But parties have become very disciplined and very mechanical in their processes and when you apply that to government, you end up with a risk that legislation will just keep on churning through. A crossbencher that is prepared to ask questions is going to be an additional filter on government over and above what party rooms can do.

**Dr CLUNE:** Do you think the right balance has been struck between the Government's right to legislate and the Parliament's right to scrutinise?

**Mr DELLA BOSCA:** I can only speak about the time I was here and I think it was during our time, yes. There were days when we were pretty frustrated with the crossbencher, of course, and probably there were many days that they were very frustrated with us, but I think on the whole it achieved exactly that outcome.

**Mr REYNOLDS:** Was there any legislation you just could not get through because of crossbencher opposition?

**Mr DELLA BOSCA:** I do not think there was. There might have been punches pulled way back at the Cabinet level where a politically savvy Premier like Carr would say, "It's pointless to even proceed with this because we will not be able to get it through the crossbencher so why go through the agony?" There might have been a few cases like that: "Let's not even bother." But whenever we really needed to we managed to get legislation through. I do not think we ever brought anything in that did not eventually get passed, though sometimes in a highly modified form.

The best example of that was probably within my portfolio, the WorkCover reform legislation, which went through several permutations, partly as a result of input from the crossbencher and the Parliament, partly as a result of input from the ALP caucus, and partly as a result of external lobbying from the trade union movement in general and a random group of employers and employer organisations on the other side. The Parliament was very much a part of that and, as I said, the crossbencher was a part of that. In the end, the legislation could not have gone through Parliament in its original form because the crossbencher would not have accepted it. They eventually accepted it in a different form after a long process, which I do not really want to remember.

**Dr CLUNE:** So you were prepared to deal, to accept amendments and to listen to people, so you could get your legislation through in some form. Is that the way it worked?

**Mr DELLA BOSCA:** Yes. There was a group of crossbenchers who had what I would describe as "left-leaning tendencies", including The Greens, and we knew that there were certain things that were hot buttons for them, both positive and negative. Then, of course, there were Fred Nile and his supporters and a few other crossbenchers who we knew, again, had certain hot-button issues both for and against. We could negotiate on that basis for a start. We knew if we had something that was sensitive, for example, a pro-environment initiative, we could get The Greens to support us. We knew that we would get Allan Corbett and Richard Jones to support it; Nile might or might not; and John Tingle probably would not if he thought it was intruding on people's rights.

I had that in my mind all of the time. It was a bit of a jigsaw puzzle—like Tetris. We worked it out that way. I think the hardest thing was actually dealing with other Ministers because a lot of them had very little understanding of how the Council works. At 11 o'clock at night, after myself or other members of the Government had been sitting through hours and hours of arguments about amendments in committee and all that toing and froing, I would get an abusive phone call from the Minister's office downstairs saying, "Why hasn't my legislation passed yet?" I would say, "Well, if we are lucky, it will be passed sometime around 4 o'clock in the morning; if not come back next month. It depends on John Tingle". That was the sort of conversation that I would have.

It was particularly important to listen to the crossbencher and I became quite open to listening to what they had to say. Basically, there were people who were a bit strident and to a certain extent not too popular, for example, Lee Rhiannon, but I created a friendship with her or at least a professional relationship so she could bring her stuff to me and I would make a serious attempt to consider what her concerns or objections were. That was an important part of getting things through. I would do the same thing with Fred Nile, although Fred had a bit of a fan club in the ALP anyway, with a few people who were inclined to see things his way on some issues. But I always went out of my way to listen to what Fred Nile had to say.

As for the Opposition, certainly on procedure and precedent and about how the way the place worked, I was always prepared to listen to people like John Jobling. One guy who was really very clever, even though he had a bit of a reputation as a clown, was Brian Pezzutti. In a lot of ways he was a big contributor in quite a few areas. I would have always listened to Brian, and Duncan Gay, sometimes. I got on reasonably with Mike Gallacher, but Mike was a bit belligerent. He was much more of a pugilist; he wanted to win the fight as well as the match. I would deal with Mike but I was a bit more guarded with him than I would have been with some others. Not that I am judging him negatively; it was just that his style made me a little bit wary of his approach.

**Dr CLUNE:** Do you think that better legislation resulted?

**Mr DELLA BOSCA:** Undoubtedly. As I said, some people would not see it that way and some people were frustrated at the time. But I think it did come out better. There were probably a few technical pieces of legislation that ended up as a bit of a dog's breakfast. During my very early time here, for example, there was the reform to the defamation laws. Many people would argue that that legislation was two steps forward and three steps backwards. That was the result of a heap of crazy amendments and compromises.

**Dr CLUNE:** There is an issue with the independents and crossbenchers as they are elected with a very small percentage of the vote but can dictate to the major parties. Do you see that as a problem?

**Mr DELLA BOSCA:** Yes, I think a threshold for elections in a proportional representation system is a big issue. Obviously the jurisdictions where this is most observed is Germany and they have it for a very important reason of historical heritage. But I have often toyed with the idea that maybe there should be a threshold, so that if you do not achieve that number of primary votes you cannot be elected to the Legislative Council. But then that in a way negates the system. It is a proportional system and if people elect to vote or extend their preferences that is the expression of their will. By dictating that you will not accept their second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and twenty-fifth preferences, you are taking away a right that the voters have. That is always something to be considered. I am a bit worried about some of the mucking around with electoral laws. There have been a few things that I once thought were good ideas which I now think in practice have ended up being bad ideas. So I will have a bob each way and say that I can understand the argument but would be very reluctant to support any legislation that I have heard about yet because it seems to me to be unfair not to the candidate but to the voter.

I was involved in how do we stop the tablecloth ballot paper problem and the manipulation of preferences. I think those reforms have been basically successful. I actually do have a concern about the party dictating the preferences. Theoretically people will follow the Australian Labor Party ticket or the Liberal Party ticket or The Greens ticket or whatever. The idea that you vote above the line and that vote automatically follows the ticket of the political party you voted for I now have a reservation about.

**Mr REYNOLDS:** Do you have any views on the growth of the council committee system generally? Your arrival in 1999 coincided with a major expansion of committee inquiries being established in the Legislative Council which has continued up to now. Do you have any views on committees in the council generally?

**Mr DELLA BOSCA:** I suppose the one that created the most direct interest for me was Law and Justice. Mainly because that covered the Motor Accidents Authority and WorkCover and a lot of areas I was interested in. When they reported on something that was in my portfolio I obviously responded to that but I must say I did not follow the committees closely. As they came to my attention, I dealt with things that arose out of committee inquiries.

**Dr CLUNE:** Did you give references to committees as a minister?

**Mr DELLA BOSCA:** I did give some references to Law and Justice. I think when we went to set up the Lifetime Care and Support scheme I think we sent that off to Law and Justice. It was a beneficial way of getting some policy work done on an issue.

**Mr REYNOLDS:** The General Purpose Standing Committees can self-refer inquiries but they need four members on a committee to agree to an inquiry. So the crossbench and the Opposition could usually set one up. Were you ever involved in negotiating with the crossbench to stop an inquiry happening or modify the terms of reference?

**Mr DELLA BOSCA:** I think so, but unsuccessfully. Or, only marginally successfully, maybe modifying terms of reference. Once things got enough momentum to get enough people to self-reference you are pretty hard pressed to stop it. You have to roll with the punch and say, "If you are going to have an inquiry what about confining it to this or including that?".

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

**Mr DELLA BOSCA:** I was never a member of a Legislative Council committee so I cannot honestly say I have a view about how they could be improved. The only thing I would say—and I make this observation more generally about the whole Parliament—is that as the committees take submissions I would like to see a widening of that process. Evidence should be brought in from the general public, from areas of expertise in the public arena, for example doctors, or whoever it is who has expertise, anything that allows the community to get more input into what are public concerns. The new fashion is to criticise all parliaments for living in bubbles, and I suppose all bureaucracies for being in bubbles. It is like complaining that a car has a motor! I would like to see

more ways of getting around that and generally just opening it up and making it easier for the public to participate, give evidence and present material.

**Dr CLUNE:** Jenny Gardiner said to us that although members of the upper House do not have an electorate, committee inquiries are a way of connecting with the community and constituents. She said when committees visited country towns and had hearings, many ordinary people were very grateful that they could have their say and some input into the process.

**Mr DELLA BOSCA:** I think that is a good observation. Jenny Gardiner was my opposite number in the National Party. She was the State director, then came into the Parliament around the time I did. She was a live-wire person. She had a lot of ideas.

**Dr CLUNE:** Some of the former Members we have spoken to are critical of the Estimates hearings in that they have become politicised and about point-scoring and got away from their real purpose, which is to scrutinise what is happening in departments.

**Mr DELLA BOSCA:** I agree with that. I thought it was worthwhile taking seriously. It was seen as a way of simply flagging what you were doing as a Minister in your portfolio and not exposing literally your line of estimates to scrutiny. When members did that it got turned into a general political point-scoring exercise. It probably should be more like the Senate estimates, which routinely gets abused as well, but are more specifically about the budget.

**Mr REYNOLDS:** You came in just after the Egan cases had all been finalised. Do you think they were a positive development in codifying the Council's powers, in terms of orders for papers and some developments that eventuated?

**Mr DELLA BOSCA:** I do not know if those cases were a positive. The general rule is, of course, that the Parliament should be able to petition the Executive to produce documents that they used as the basis for a decision or the basis for things that they have put to the Parliament, or decisions they made or budgetary measures they have undertaken—the whole gamut of government. There is no reason why those papers should not be able to be called for and reviewed. Nevertheless, I think the orders for papers system is flawed in the way it works. For example, those blanket ones which demand every piece of paper that has been signed since Governor Macquarie was in office. It all gets put in some room somewhere and, as I understand it, often times scant regard is paid to the papers that are produced. I think there should be much more specificity about what is being ordered. I think Egan has been proven right by what has happened subsequently, even though the courts did not find that way. Really, it has become something that people do to generate a press release; it creates an incredible amount of work for the agency. And what does it achieve? Probably in almost every case it achieves very, very little. But it could achieve a lot if it were focused on specifics. That would be my general observation.

**Mr REYNOLDS:** It has become a live issue again this year with the Opposition and crossbench looking to get hold of the business cases for the stadiums and the Powerhouse Museum. The issue there is what is a Cabinet document, what is Cabinet-in-confidence, and thus, in the Executive's view, should not be provided. Was Cabinet-in-confidence in terms of orders for papers an issue that was discussed much in your time as a Minister?

**Mr DELLA BOSCA:** I think it changed a bit as the Government changed. In Morris Iemma's time there was a slightly different view to Carr and Egan's time on what was a true Cabinet document. We were quite conservative, in the sense of traditional, in that a Cabinet document could only be a document that was either prepared specifically for the information of Cabinet during a Cabinet meeting, or a document produced by a Minister, or by extension his staff, specifically for the purpose of presenting material to Cabinet. That is pretty safe territory, I think. It was really Bob enforcing advice from Roger Wilkins and Col Gellatly at the time. The notes you might take in that you used to present your minute to your colleagues, the minute itself and the appendices and documents which supported the arguments in the minute would all constitute a Cabinet document. Everything else that the agency had prepared was not a Cabinet document.

In Queensland, it was a tradition that went right back to National Party regimes and maybe the old Labor regimes that basically they used to just run a trolley through the Cabinet, literally while the Cabinet was meeting—no-one looked at it—and park it in the Cabinet room for five minutes, then take it out again, and that was a Cabinet document. Of course, that is not a Cabinet document.

It was a live issue and we resolved it I think. That is why I do not think we got into trouble on that score at any time during the Carr Government. I think it was a little bit more shaky later on in the time of Nathan Rees and maybe Kristina Keneally. And I think that Morris—or his office and the people running the Premier's Department at the time—overextended the definition of Cabinet documents.

**Mr REYNOLDS:** Who were the party leaders in the Legislative Council that impressed you most, and why was their leadership effective?

**Mr DELLA BOSCA:** Michael Egan was the gigantic personality at the time but there were others. Johnno Johnson obviously, although Johnno was past his best by the time I was there. He was not a diminished figure but he really was not playing much of a role anymore. In the Opposition, John Jobling was very important to me because he really understood the way the Parliament worked, or this House anyway, and he was always prepared to share his knowledge, which was amazing, because I was actually his opponent. I liked the way he operated, even though he was a bit patrician in his manner. Duncan Gay affected a manner like a big country bloke but he was actually a pretty tough political operator.

There were quite a few characters but the dominant personalities really were Egan and probably Jobling. Michael was very good because he was a person who understood what parliament was about. He understood the idea of parliamentary leadership. Michael was very no-nonsense. He would not have prospered in Churchill's time. He did not like extra oratorical frills much, except when he wanted to and he was stalling for time. He was very good, as you know, at playing the clown and taunting the other side with stories about his dog and goodness knows what else. Although he stood a bit apart from a lot of other people in our party, Michael was also pretty good at making sure that everybody's interests were—to the extent that it was ethical—looked after, and that people got their say, got their go. They had a chance to make a contribution, whatever it was, to the level of their ability. Michael absolutely despised Eddie Obeid long before anyone else thought there was anything problematic about Eddie.

Eddie got into some trouble that was not really connected to anything corrupt, although it possibly was downstream. The Liberal Party got onto the fact that there were all these companies floating around Eddie Obeid and there was a Privileges Committee inquiry into his pecuniary interests. Michael handled that with absolute aplomb. He was straight down the line. He did not breach any ethical rules about the parliamentary process, but he made sure that the attacks on Obeid, to the extent that they were unfair, were blunted and covered the facts. As I said to Obeid, "Look, you cannot go around, as a member and as a Minister, having all these bloody companies. Get rid of them all." Presumably he did, or he got rid of some of them, put them in his wife's name, or did something, I don't know what. As I said, Michael never had any truck with Eddie on a number of fronts, but he did his job as leader, which was to make sure that someone was not targeted, that the problem was resolved and that we could move on. There were lots of much smaller examples of that.

There are a number of things about being a leader, both of the House and also leadership of the political party. Michael was able to do both effectively. Gallacher was the Opposition Leader all the time I was there. I think he was effective at throwing punches. He was not as on top of policy as, say, Egan was. He was a bit limited in the way that he operated. There was only one speed—a matey kind off-handedness with you, and then walking up and punching you in the nose five minutes later. I would not say that he did not impress me, but he was very predictable.

Duncan Gay was a different kettle of fish again. He had a narrow focus in policy terms. He knew a lot about two or three policy areas but did not care about others, including ones that were very important. That was, I suppose, his business. He took a very populist stance on those things, but again, that was his party—that was the background he was coming from—so I think he was effective in that sense.

As for the others, Fred Nile was an effective leader, although he was a leader of a party of two—and one of them was his wife for a lot of the time! You would have to concede that Fred played a leadership role of sorts. The Greens did not really have a leader but they had the sort of bipolar leadership of Lee Rhiannon and Ian Cohen. They both had their strengths and they both had their weaknesses. Again, the person I would rate is Egan. Everybody else, I would say, did their best.

**Mr REYNOLDS:** Who were the other MLCs who impressed you the most?

**Mr DELLA BOSCA:** You would have to concede that Fred Nile pursued his issues, and was very consistent about them. When he got knocked over he just dusted himself off and accepted that that was the way it was and kept going. When he had a win he was not arrogant about it; he just went on with things. Brian Pezzutti was a very smart guy and a big contributor in a few areas. He was a bit of a polymath. He was interested in quite a few different things, but he was very sharp on health, obviously, and hospital administration. He was not very partisan, in the sense that he did not really follow what you might think of as the traditional Liberal line on the way that hospitals and public hospitals should work—in fact, quite the opposite. He was quite insightful on a lot of that. But he was also very good on general social policy. He was a very good thinker on harm minimisation and all of that. He was pretty good and he was very articulate. He had the tendency, as Egan did, to play the clown for political reasons, sometimes, but sometimes just because he liked to play the clown.

Arthur Chesterfield-Evans was obviously an intelligent bloke, and he was personable. He was not malignnant or nasty, although he was a bit self-righteous. Arthur was someone I was never really that friendly with but we did not hate one another or anything like that. I got along a lot better with Richard Jones.

I always liked Meredith Burgmann. Meredith was a strange mixture. She was more of an activist than a parliamentarian, even though she took on the role of President. She used that to advocate for her various activities, which was fairly clever. I obviously had a lot of time for Tony Kelly.

I actually had a lot of time for Ian Macdonald. I think he has been treated very unfairly. I have a regret about what happened to him. I do not think any of the things that are said about him are true except he is a complex and difficult character and somewhat belligerent and secretive. I never had much time for Eddie, basically because I do not think he took real politics seriously, apart from other things that became apparent down the track.

**Mr REYNOLDS:** What do you see as the most significant changes in the Legislative Council during the time that you were a member?

**Mr DELLA BOSCA:** I arrived at the point at which the Independents were at their most dominant and that pretty well stayed the status quo for most of the time I was there. That structure did not change much. Probably after Michael left—I do not know if it was because Michael left—but after Michael left the whole place became a bit more combative. I do not think it was because of me; I think it was because he had a kind of technique of taking the pressure off, or maybe they did not really want to take him on. I do not know what it was but I think the Opposition was a bit more aggressive for a lot of the time I was the leader—or at least it felt that way.

**Mr REYNOLDS:** Was this mainly in question time?

**Mr DELLA BOSCA:** Mainly in question time. As you know, Egan was very strict about all of the little rules that he had—when we adjourn, when we break for dinner. It was sort of like a union shop. Everything had to run according to the Egan principles. It puts people into a disciplined framework, like the person who is the leader is the headmaster. He has decided when we are having dinner and when we are going home. I do not know if it was that—it was only a minor thing—but it is the only real thing that changed. Question time became less amusing. It was more about aggressive exchange rather than what it became with Michael, which was sometimes a comedy session.

**Mr REYNOLDS:** Do you have any suggestions about the future role of the Legislative Council, how to improve its effectiveness and what it should be looking to do in the years ahead?

**Mr DELLA BOSCA:** Again, I think the main thing is outreach to the public, especially through the committee system. It is hard for the Legislative Council to get much publicity, except when something goes wrong, because governments are made and broken down in the other place and that is what gets reported—fairly logically so there is no point in criticising that. You are not going to get television news very often. You can get commentary type stuff in the newspaper. Reaching out to the public is the main thing that the Council can do more easily than the Legislative Assembly because, by its nature, it is where there is political combat, whereas this place is meant to be a House of review and usually is. I think the public, in general, like that. They do not like us very much but they like the fact that we exists.

The other thing is that it does not matter whether it is the Legislative Council or the Legislative Assembly, many people have no idea—even quite intelligent, well-informed people—what actually happens in the Parliament. They look at the Chamber and they see that there are six people in there and ask, "Where are the others?" Of course, they are up in their office preparing and they have got it on their screen. They could be doing anything but more than likely most will be off somewhere doing some work or at committee meetings.

**Mr REYNOLDS:** What do you believe were your main achievements during your career as a member?

**Mr DELLA BOSCA:** All my achievements, I suppose, are ministerial things. If I were to pick my top three the Lifetime Care and Support Scheme would be one that I think is most important. It was an important thing in and of itself, but it also created a knock-on effect that demonstrated that a national disability insurance scheme could work. That ended up being a second string to my public career later on.

I would include the medically supervised injecting room. I always like to put that in the context of the broader harm minimisation policy work that was put in place at the time. Unfortunately, what actually happened as a result of all of the things we did at the drug summit—including some enhancements to law enforcement and a lot of enhancements for health and socially related harm minimisation measures—was that everyone was looking at the end of the five-year cycle at what had happened and the police said, "Look, all these crime rates have gone down because we are doing a great job. We need more money; stop spending on all this health-related stuff." It did not work quite that crudely and I am not blaming the police as the Ministers thought of it like that as well. But, in fact, anybody looking at it objectively through the Bureau of Crime Statistics and Research will tell you



that it was all due to a combination of a heroin drought and the harm minimisation, the enhancement of the methadone program and all the other stuff that happened. All that led to a drastic drop in house break-ins.

All of those things that happened—better outcomes for both the people who had drug issues and society at large—got lost in the wash. That was a bit sad. It is a kind of bittersweet thing. We made some progress and the best thing about that was that we actually turned the Commonwealth Government around, which is an important thing for the whole federalism argument and why we have State parliaments at all. The drug summit turned the tables on the Howard Government and it could no longer run away from harm minimisation as a policy option. Even though it had a bit of harm minimisation happening, it was pretending it was all about being tough, the war on drugs and so on. It forced the Commonwealth and other State jurisdictions to turn around. The symbol of it was the medically supervised injecting centre. I think it has saved a lot of lives. There is a fair, objective measurement of that.

The third thing is completing the de-institutionalisation of the disability sector and putting in place the community-based programs and the Stronger Together program. They are the three things that I will use when I talk to Saint Peter in a few years' time to see if I get admission.

I should also mention that before we got to Lifetime Care and Support, the two schemes that I put some effort into were motor accidents and WorkCover. They had billion dollar deficits when I took them over and ended up with surpluses after I finished. With WorkCover the reality was that, despite the propaganda of the legal profession, workers were looked after better under my scheme than they were under the previous scheme. People who were severely injured still had their common law rights.

The biggest failure—and it could have been one of those things that could have turned it all around but I did not quite manage to get it there—was that we had a big revision of the way occupational health and safety was going to work but, unfortunately, it was characterised by changing the onus of proof. It got all mixed up in the Labor Council's campaign for so-called "industrial manslaughter" and created a whole lot of ill-feeling and confusion in the employer community. A reverse onus is a really important part of occupational health and safety in making workers' compensation automatic. Also, it would improve occupational health and safety very significantly. But it got characterised as something that would mean, "You will get prosecuted for your own staff being stupid." I ran headlong into months and months of opposition from my good friends Michael Costa and Joe Tripodi. I think I took it to Cabinet about seven times. Morris kept on saying, "Bring it back to Cabinet and we will have another look at it. Just change this bit and this bit." Then Tripodi and Costa would scream, yell and carry on.

**Mr REYNOLDS:** One thing I have often thought about is how important patience is in achieving these sorts of things.

**Mr DELLA BOSCA:** I think it is very important. From putting in place the motor accident reforms to being able to announce that the scheme had improved so well that we could put in place a lifetime care scheme was six years. Most ministers do not even last that long. There are some things you can do pretty quickly. Some of the things we did in health were short, sharp changes. They were effective, but they were helped by being able to sit under the Garling inquiry recommendations. It is a bit easier when you have that on your side. The Garling inquiry was a big help. We could say, "We have got this inquiry report, let us have a bit of a consultation on how we can implement it." Normally, you have a consultation where you listen to everybody saying what they think should happen, rather than how you are going to implement what is going to happen. The doctors found it very hard to argue against Garling. It was really amazing, because doctors are usually very argumentative. My worst experience in government was with doctors. They are like school kids—there is always the alpha male who is the boss.

We were going to build this new hospital at northern beaches. We were rebuilding Royal North Shore Hospital and we had promised to spend \$1.2 billion. It is a beautiful hospital. It is fantastic either to work at or be a patient in. We had rebuilt the medical research centres. When I say "we", when Craig Knowles was Minister he rebuilt the Kolling Institute and the pain management centre. It is a fantastic campus. The doctors over there treat it like a private hospital. It is a public hospital, we pay for it out of the taxpayer dollars. One day I got a phone call saying we have a big problem at North Shore. The doctors had a meeting and decided that you are not going to build the hospital in the northern beaches any time soon so they think there should be another floor on the Royal North Shore building. I am not an engineer but I said, "We cannot put on another floor, it is half-built. You cannot add a floor on to it. It does not work like that. You have to redo the foundations!"

**Mr REYNOLDS:** Do you ever miss being a member?

**Mr DELLA BOSCA:** No, I do not. I have fond memories of the place and colleagues and things that happened in the Chamber. I sometimes miss the idea of being able to influence important events and maybe I

sometimes miss the idea that you could come up with a different approach to this, that or the other, for example, health or disability. It is easier to pull the levers if you are the minister. Not as easy as some people think, but it is easier. That is the only time I think about it. Otherwise I just have fond memories but no real desire to come back. If anyone ever said to me, "Should I go into politics?" I would say, "No, don't do it."

**Mr REYNOLDS:** On behalf of the Clerk and myself and our predecessors I would like to thank you for coming in today and your very significant contribution to the Legislative Council.

**Dr CLUNE:** Thank you very much for your time and those perceptive observations.

**Discussion concluded.**