



Legislative Council

Walsh Bay Development (Special Provisions)

26/05/99

Bill Hansard

Extract

The Hon. D. T. HARWIN [5.08 p.m.] (Inaugural speech): The Walsh Bay Development (Special Provisions) Bill has the support of the Opposition. In my experience of politics thus far I have usually found that issues are rarely black and white, but more usually shades of grey. This bill is no exception. We are in this difficult situation today because governments do not take their heritage responsibilities seriously enough. Many of our State-owned properties are among those with the highest conservation values. There can be no doubt that in the years since permanent conservation orders were placed on the wharves at Walsh Bay successive governments of both political persuasions

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have allowed the wharves at Walsh Bay to fall into disrepair. A notable exception was the efforts of the Greiner Government to preserve wharves four and five for the use of the Sydney Theatre Company.

A further aspect of our State's regulation of heritage matters also concerns me. One of the Greiner Government's major contributions to public policy-making was a determination to try to establish proper arm's-length relations between the regulatory and management functions of government agencies. The classic example that Tim Moore had to grapple with was the Water Board, which for far too long was responsible for setting its own performance indicators on trade and domestic waste. Part of the rationale for establishing the Environment Protection Authority was to end this awkward mismatch of gamekeeper and poacher in the one agency. I think this experience is instructive in considering this bill.

Although I do not wish to reflect upon individual members of the Heritage Council, I am concerned that such a significant proportion of the Heritage Council comprises public servants. Inevitably, they are placed in a difficult position when considering significant heritage properties in the ownership of the State Government. Arguably, it is a conflict of interest. I endorse the sentiments expressed earlier by the Hon. J. P. Hannaford. I believe that the current proposal for Walsh Bay is adequate, if not perfect. I am not confident that a better solution will emerge if this legislation is not supported.

The bill also gives us the opportunity to ask some important questions about the protection of heritage in this State. Are we doing our best to ensure the protection of our State-owned built heritage? Does the Heritage Council have the resources it needs to do its job, including the capacity to analyse critically the claims of government in relation to projects in which it has an interest? Have we allowed the manager to have too much say in the preserve of the regulator? What about the resources governments give to their agencies for heritage purposes? How can we do better in a time of scarce resources and competing claims? I hope the House will take the opportunity to reflect on some of these issues as we wind up this debate.

On this first occasion I address the House I would like to make some other remarks. Whether we represent major, minor, or, in some cases, micro parties we come here having run as candidates for our parties. I believe parties have played and continue to play a constructive role in the performance of our State and nation. Political parties make democracy work. I agree with the Premier's observation, made a fortnight ago, that organised political parties provide a focus and a defined alternative in democratic politics. Unfortunately, political parties have had a bad press for many years. A section of the community believes that by electing Independent members to the other place they are getting better value for their vote. Some hope that the influence of the major parties will continue to recede.

The New South Wales Parliament is one of the few to have operated for a substantial period without political parties. This was the experience of the colonial parliaments following the granting of responsible government in 1856. The experience of those parliaments is instructive. Loveday and Martin's excellent book *Parliament, Factions and Parties* shows how a House, full of Independents soon became organised, then factionalised, and finally institutionalised in the form of parties. I believe our major parties should and will endure and I believe this is good for government.

I am proud to sit in this House as a representative of the Liberal Party of Australia in coalition with the National Party. I am proud of the record of achievement of our parties during the two periods in which we have formed government in this State in the past 50 years. We put in place most of the key mechanisms for keeping government accountable. The Askin Government put in place legislation for the Ombudsman, the Privacy Committee, the Bureau of Crime Statistics and Research, and the Law Reform Commission. The Greiner Government established the Independent Commission Against Corruption, and legislated for freedom of information and the protection of whistleblowers. The Fahey Government established commissioners to oversee health complaints, legal services and community services.

The Askin Government was the first Australian Government to enact consumer protection legislation. It established the bureau and then the ministry that is now the Department of Fair Trading. It also established the Consumer Claims Tribunal to give individuals the opportunity to seek redress from unfair traders without having to access the more expensive court system. Coalition governments, through their support of the arts, have played an important role in making New South Wales a more vibrant place in which to live. The Askin Government established the first cultural grants program in the State in 1966, and in 1971 appointed George Freudenstein the first Minister responsible for the arts.

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Under Peter Collins, Australia's longest-serving Arts Minister, the Greiner and Fahey governments planned, funded and opened the Museum of Sydney, the Justice and Police Museum, Susannah Place at The Rocks, the Gunnery, the Writers Walk, the Wharf Theatre, the Sydney College of the Arts at the Rozelle Hospital precinct, and a network of writers centres across the State. We made a major contribution alongside the University of Sydney to the establishment of the Museum of Contemporary Art and increased funding to the State Library by 33 per cent during the course of our period in office. Most of the institutional framework for the protection of the environment in this State has been put in place by Coalition

governments.

The Askin Government enacted the State's first clean waters and clean air legislation, and established the State Pollution Control Commission and the Metropolitan Waste Disposal Authority to try to find solutions for the problems of environmental degradation. The Greiner Government significantly enhanced this effort by establishing the Environment Protection Authority. In conservation and wildlife protection we have much to be proud of. The establishment of the National Parks And Wildlife Service as a separate conservation-oriented organisation was an Askin Government initiative under Minister Lewis. He also sponsored legislation for the establishment of the Zoological Parks Board, refocusing the mission of our zoos from entertainment to conservation.

I believe our two periods in office have really energised this State and helped make New South Wales a better place in which to live. When we have been a progressive and dynamic force for change in the politics of this State we have received the support of the people at the ballot box. When we have been stodgy, conservative and reactionary we have failed. I do not want the Liberal Party to become the natural party of opposition in this State to which the people turn only when they are tired of Labor's complacency and arrogance. Our challenge in the next four years is to project a vision for the future, and policies designed to achieve it. They must be driven by values.

I come to this Chamber with a set of liberal values. In a party that encompasses liberals and conservatives in an appropriately broad church, I am unashamedly a liberal. The core of liberalism is the dignity of the individual achieved through freedom, including the right to speak freely, assemble, vote, practise religion, own private property and, generally, live one's life with maximum freedom as long as no harm is done to another individual.

Further, I believe in empowering individuals through strategies designed to promote equality of opportunity. Encouraging individuals to achieve their potential makes them more productive citizens who contribute to a more prosperous society. I am strongly committed to a liberal concept of social justice that goes beyond the classical liberal belief that only economic freedom can produce just outcomes. After all, freedom of the individual is meaningless if that individual does not have the basic human dignity of food, clothing and shelter, or any of life's basic opportunities. At the same time, there can be no social justice without a strong economy based on vigorous free enterprise. I am confident that a platform based on these values can underline our victory in four years time.

It is just over 155 years since the people of New South Wales went to the polls to elect the Legislative Council for the first time. Of course, as this House is the mother of all Australian parliaments, that election was also the first election on the Australian continent. On that occasion, despite the *Sydney Morning Herald's* injunction for the maintenance of good order, a mob of 400 to 500 men took to the streets of Sydney when it appeared that their favoured candidate was losing. The constabulary read the Riot Act; vandalism, theft and brawling ensued. At Brickfield Hill one man was severely injured. He was taken to hospital and later died. After dusk the 80th Regiment had to restore order. An official inquiry followed into these attempts to intimidate voters. Being confronted with a tablecloth sized ballot paper 155 years later was about as intimidating as it got for New South Wales voters.

In due course I imagine that the House will have an opportunity to debate reform of matters relating to the election of members, including the registration of political parties. Before that occurs I hope the House will reflect upon the way our electoral laws have been shaped in this State. I believe it compares unfavourably with the way our electoral laws are made in the Federal arena. I believe that credit should generally be given where it is due and, therefore, I want to praise the Hawke Government for the package of reforms passed in the Commonwealth Electoral Act in 1984.

In general, I think the overall result has been to reduce the capacity of governments to use the electoral process for self-interested political purposes. The overall context of Federal electoral arrangements since then has been far more bipartisan as a result. The Commonwealth Parliament's Joint Standing Committee on Electoral Matters has played a valuable role in monitoring both the management

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of the Australian Electoral Commission and its conduct of electoral processes. By contrast, we in New South Wales still leave far too much scope for governments to make mischief.

Two examples stand out in the last four years. First, in the last term, the Parliament effectively legislated to maximise voter confusion by allowing ticks and crosses to be used when voting, even though this is not permitted when voting at Federal elections. This was bad public policy and electoral practice. Second, there was the decrease in the number of seats in another place simply because my friend and foe Mr Shane Easson advised the Government that 93 seats would produce the margin that would lead to the most advantageous configuration of seats for the Labor Party in the resulting redistribution of electoral boundaries. I will not regale the House with details of the legislative price paid to secure that legislation through this House.

The point is that the electoral framework in this State should not be a bargaining chip to secure support for honourable members' pet projects. Nor should it be the exclusive preserve of the political party that sits on the Treasury benches. Abuse of that type brings democracy into disrepute. We need a joint standing committee on electoral matters in this Parliament so that all parties can scrutinise electoral processes. The State Electoral Office must be accountable to that committee on an ongoing basis. The Joint Standing Committee on the Independent Commission Against Corruption is a good model and, like the Independent Commission Against Corruption Commissioner, the appointment of an electoral commissioner should be subject to the approval of that committee. We need more than a select committee with a limited agenda; we need ongoing scrutiny.

The 1999 election for this House has done more than focus attention on electoral processes. The future of this Chamber again has been called into question. Of course, this has been a fairly regular occurrence for many decades. Australian State upper Houses were colonial variants of the nineteenth century House of Lords but, unlike the House of Lords, their powers have remained largely intact. Conceived originally as conservative second Chambers with a prerogative to retard progressive legislation, their function and purpose have since evolved, particularly as they are now popularly elected. The particular constitutional arrangements that shape the composition of this House present its members with a role that can promote the formulation of sounder public policy and better government. Without numerical control, governments must have some regard for this Chamber; how much regard is determined by what its members insist upon.

Parliamentary supremacy over Executive Government has been steadily eroded over a long period.

Parliament has not played its role as watchdog as tenaciously as it should have. There has been an unprecedented attack on public accountability by this Government. It is a sad state of affairs that the Auditor-General has compared public accountability in this State to that which facilitated WA Inc.

It is a sad state of affairs when a government funds three years of litigation in the High Court to withhold from taxpayers access to information via their parliamentary representatives. It is a sad state of affairs when, having lost that litigation, it tries again in the court of appeal. It is a sad state of affairs when, under this Government, of the total number of applications lodged with agencies under the Freedom of Information Act for non-personal information, less than 50 per cent were successful because of a culture of secrecy that is being imposed. Only last week it was sad to see this Government in operation again strangling public accountability when the Opposition, supported by virtually every community delegate, tried to get some transparency in the Government's future accounting of its budgetary response to the recommendations from the Drug Summit.

This Chamber should not frustrate the reforms of a government that sought and received a clear mandate on certain policies. However, this is a House that better reflects the complexion of the electorate than any other Australian parliamentary Chamber. That mandate gives members of this Council a mandate to be fearless when it comes to insisting on standards and public accountability from government. And the forms and procedures of this House must always function to facilitate keeping governments honest. In particular, it also requires the crossbench to understand and fulfil its role to ensure that happens. I do not criticise candidates who come to this place with only a limited agenda, as long as they will not compromise on standards and public accountability - and, thereby, the public interest - in the pursuit of the policy agenda of their parties. The role of this House as a watchdog should always be non negotiable.

Finally, each of us comes into Parliament as a result of the efforts of many others, and on this occasion I wish to acknowledge those people. There is, of course, an obvious starting point. Menzies once said that the "real life of the nation" was to be

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found in "the homes of people who are nameless and unadvertised and who, whatever their individual religious conviction or dogma, see in their children their greatest contribution to the immortality of their race". Well, I propose to name and advertise my parents - Evelyn and Don Harwin - who have always put their children first. They provided me and my sisters, Sharyn Gaspari and Janine Cummings, with love, security, values and much, much more. I can never thank them enough. I am also lucky to have a large extended family encompassing Newmans, Wakefords, Lawrances, Brookers, Holes and other Harwins, among uncles, aunts and 18 cousins who have all contributed to my outlook on life.

Sixteen years ago, I joined the Liberal Party in Lugarno and the Young Liberals in Earlwood. At the very first meeting of the Young Liberals that I attended as a member in March 1984 at Bexley RSL, I met visiting Young Liberal State President Michael Photios and fellow Earlwood branch member Marise Payne. In that campaign we were working for the election of the Hon. John Ryan. I value the continuing friendships of all three. Along with Prime Minister Howard, the Hon. Max Willis, the Hon. John Ryan and Senator Payne, I am the fifth former member of the Earlwood Young Liberals to be elected to parliamentary office. At the University of Sydney I was actively involved in student politics and in the Sydney University Liberal Club. One of my first student election campaigns involved helping Belinda Neal get preferences from the Liberals and other groups to defeat the official Labor Club candidate, Anthony Albanese - which may be of passing interest to the Hon. John Della Bosca and the Hon. Carmel Tebbutt. As a life member of the Young Liberal movement I am incredibly proud of the role that that movement has played in the past 15 years. I acknowledge in the gallery the presence of the president, Tony Chappel.

I found the comments by former Prime Minister Keating at last week's Young Labor anniversary dinner to be understandably partisan, but he was way off the mark when he claimed the Young Liberals were a "social outfit without a social conscience". Young Liberals have repeatedly demonstrated the falsity of that proposition. Apart from challenging many of the Liberal Party's comfortable policy certainties, the New South Wales Young Liberals have also developed a well-deserved reputation for preparing the next generation of political contributors to the Liberal Party.

I thank the movement for the opportunity that it gave me to serve as its president for two terms. I have been privileged to have had a diverse political apprenticeship under four parliamentary employers: Ron Phillips, Tim Moore, Peter Collins and Michael Photios. I was able to work with Ted Pickering on a number of legislative projects in his role as Leader of the Government in this House during that period. I thank them for the opportunity to contribute to, and learn from, their work. It has been one of the greatest privileges of my life to serve on party committees with Sir Eric Willis and Sir John Carrick. I can only confirm the comments made by the Prime Minister last week at Sir Eric's State funeral - Sir Eric's knowledge of electoral boundaries was phenomenal, and he taught me a great deal. His knowledge was perhaps exceeded only by Sir John Carrick's. They have both had a profound effect on me. I thank Tim Moore and Peter King for the opportunity to contribute in this area.

I want to particularly thank the friends and members of the party who supported my efforts to seek election to this House. I cannot forget to mention the truest of true believers, Kay Jones and Colleen Hodges. I would also like to acknowledge the efforts of Sam Witheridge, John Brogden, Trent Zimmerman, Marise Payne, John Booth, Ron Phillips, Chris McDiven, Andrew Kirk, Gladys Berejiklian, Scott Briggs, Andrew Constance, David Mair, Jay House, Georgina Inwood and Jason Falinski.

To my regional presidential colleagues, including the Hon. Dr B. P. V. Pezzutti, Brett Thomas, David Begg and Steven Pringle, thank you for your efforts. To all of my friends in the eastern metropolitan region of the Liberal Party who have supported me over the last five years, a special thank you. In particular, to Greg Hansen, who travelled through all of the journey, working with me, and who would have made a wonderful contribution to this House in happier circumstances, it is hard to know what else to say other than: Keep the faith. Madam President, I look forward to vigorously representing the Liberal Party in this House, remembering always the higher responsibility that all members have to legislate in the interests of all the people of New South Wales. I congratulate you on your election as President and I thank honourable members for extending courtesies this afternoon.