



# Legislative Council

## Walsh Bay Development (Special Provisions)

26/05/99

Bill Hansard

Extract

**The Hon. J. HATZISTERGOS** [5.31 p.m.] (Inaugural speech): I also support the Walsh Bay Development (Special Provisions) Bill. I commence my inaugural speech in this place by extending to you, Madam President, my warmest congratulations on your election as our President. It is proper recognition of your distinguished and widely acclaimed service in the last Parliament, particularly as Chair of the Legislative Council Standing

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Committee on Parliamentary Privilege and Ethics. I have followed your public career with interest. You have been a great advocate for women, trade union rights and the environment. You now make history as Labor's first female presiding officer in Australia's oldest Parliament.

I readily join with other members in extending to you my best wishes, co-operation and support in your new role. I also extend my congratulations to your deputy and Chairman of Committees, the Hon. A. B. Kelly. His unanimous election serves to underline the high regard in which he is held by all parts of this House. Under your guidance and that of the Hon. A. B. Kelly the affairs of this House are in good hands.

Recently I came across a book entitled *All Too Human*. The author is a Greek American, George Stephanopoulos, a well-known former adviser to United States President Bill Clinton. In the book Stephanopoulos evokes what it meant to be a Greek immigrant in America, using the following terms:

Greeks came to America from dozens of islands and hundreds of villages but here they formed a single clan, united by heritage, language, and a need to achieve. Those of us in the second generation understood that honouring the sacrifices of our parents and grandparents - the labourers, cobblers, waiters and cooks - meant getting a good education, and putting it to good use - as doctors, lawyers, professors and politicians.

Assimilation for Greeks didn't mean blending in; it required standing out.

The rules were so clear they didn't need to be said. Make your name, and don't change it. Make us proud and don't forget where you come from.

The Greek Australians are no different. Their sentiments and expectations are the same as those of their American cousins. As a new parliamentarian of Greek parentage I endorse the particular emphasis that Stephanopoulos underlines as part of his Greek heritage, the need to put one's position to good use. It is to that task as a servant of the people in this Parliament that I dedicate my strength and all my effort.

I come to this House as a person who was brought up in the inner city of Sydney in Redfern. My parents migrated to this country from Greece in the late 1950s. They were amongst the many thousands who were attracted here by the promise of a better life and the better opportunities which this country offered. Australia became their permanent home and as a consequence the place where I was born, educated and raised.

Whilst both my parents were unskilled, they did not lack drive, ambition or energy. Like most Greek migrants at the time, they appreciated the value of education to their children in their new land. They saw that it meant the opening of new pathways to a better life. As we lived in Redfern, I was fortunate to attend two illustrious inner-city schools which in earlier times had produced many inner-city Labor leaders - people such as Pat Hills and Sir William McKell - a former Chief Justice, Sir Garfield Barwick, and many famous sportsmen. The schools were Bourke Street Primary School and Cleveland Street Boys High School.

I recall in my earlier years at school sometimes being embarrassed about my origins. There were taunts in the playground because my name was different; I went to Greek scripture lessons; I observed fast days; I celebrated Easter at a different time; I had different play lunch prepared by my mother; and even because after school I attended Greek language lessons while other children went to the park and played. Reconciling cultural differences is not easy for children. It has left me with insight and sympathy for the most recently arrived in our community seeking to make a new home and a new life in a new land. For me, as for them, somehow and sometimes things managed to work themselves out. After all, boys from Redfern do not cry, especially those of Greek parentage; we just push along. Remember, this is the area which produced a generation of the nation's finest footballers, not to mention a couple of Labor premiers along the way.

Despite all the Redfern doom and gloom stories that we may hear, I put on the record that it was a great place to grow up and a great place to be educated. For sheer determination to succeed and achieve, the migrant community of Redfern in my boyhood was one group that could definitely be banked on. So I take this opportunity to say thank you and acknowledge the contribution my schools, my teachers, my community and my family made to forming my education and development.

After completing school I matriculated to the University of Sydney. The fact that I lived in the inner city during those years meant that, just as I had walked to attend Bourke Street and Cleveland Street schools for many years, so it was that after matriculation I was able to walk each day to Sydney university, where I pursued studies in economics and law.

One of the many privileges that I have been given as a member of this House is an appointment as its representative to the University of Sydney Senate. Through this opportunity I look forward to redeveloping my relationship with that famous institution of learning.

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The inner city has one further claim on my life history. This area was more than just a background and upbringing. Redfern was the place which nurtured my early interest in politics. When I joined the Redfern East branch of the Australian Labor Party I was 16 years of age. I recall that for virtually all the time I was a member I was the youngest. Amongst the early acquaintances that I was to have I remember Bill Hartup, Ron Williams, the current mayor of South Sydney, Vic Smith, and Pat Hills, the former Deputy Premier. The branch meetings usually centred on discussions of the municipal report. I listened and reflected. I was encouraged to participate and soon had support for discussions of broader issues.

While an Australian Labor Party [ALP] branch member in Redfern I was redistributed into the Federal division of Kingsford Smith, where Lionel Bowen was the member. In the course of his electoral campaigns he was frequently accompanied to branch meetings by his young campaign director. I recall this director vividly. He was then not a member of Parliament but his speeches at meetings stimulated my growing interest in politics.

Soon I found myself attending McKell schools and Fabian Society meetings. There I found this person to be one of the principal speakers. He had a profound impact on my political consciousness. His speeches and writings contained uncompromising anti-Leninism analyses and crackled with anti-totalitarian fire. These ideas were brilliantly expounded by this speaker, who believed in a Labor government, democratic ideals and a just world order. He scorned dishonest fellow travellers and dupes and so-called trendy causes which have long since been discredited. That young campaign director is now the Premier of this State and I, with his encouragement and with the support of others in the ALP, and the votes of the people in this State, am a member of his Government's team in the upper House of the Parliament.

I am of course grateful and indeed humbled by the honour that the people of New South Wales and the men and women of my party have bestowed upon me. The Labor Party is not an abstraction but living men and women to whom I owe much. I take this opportunity to particularly record three names: Special Minister of State John Della Bosca, former Senator Belinda Neal and ALP General Secretary Eric Roosendaal. All of us met in the Young Labor council many years ago. They remain active in politics. They remain my closest friends and have contributed immensely to my development.

Anyone from my political background realises his immense debt to one other person, namely John Johnson. Here he is honoured as a father of this House. Johnno was the political father of many of my generation, whom he assisted with generous advice and direction when we were cutting our teeth at an early age in politics. It gives me great personal satisfaction to have the opportunity to serve in this place with people like John Della Bosca and John Johnson, and the opportunity makes my election to this Parliament a special joy.

There are many other people whom I know I should acknowledge, particularly in the Canterbury area where I now live. Amongst these are members of the Belmore branch of the Greek-Australian Labor consultative committee. Locally, however, there are two figures who stand out for individual mention. I refer to the Hon. Kevin Stewart, a former Minister for Local Government, and the former Speaker of the House of Representatives, the Hon. Leo McLeay. Over the collective tenure of their public and party careers, and in Kevin's case even in retirement, few people can emulate their contribution to Labor's cause in the inner-west of Sydney. I take this opportunity to thank them sincerely for their work and support.

It would be remiss of me in my inaugural speech if I did not also make mention of the Hon. James Kaldis, a former member of this House and one of my immediate predecessors. A migrant from Greece who came here in the late 1940s and who worked in the profession of journalism, Jim was the first voice on ethnic radio. His reputation for service over two decades to the people of this State is reinforced by the generous praise that I hear wherever I go and from whomever I speak to in the party, but more particularly within the Greek-Australian community. Although retired and in somewhat poor health, Jim continues to pen a weekly newspaper column, as well as attend major community events. Whilst I cannot hope to emulate his feat of speaking in five languages in an inaugural speech, I wish to pay tribute to his work, thank him for all the encouragement he has given me and wish him all the best in the years ahead. I am pleased to acknowledge his presence here this evening.

When Jim Kaldis entered Parliament I was still at school, and had seen for myself the tangible support that the Whitlam Government channelled towards supporting communities such as those in which I lived, fostering educational opportunities for persons in my position and directly confronting

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racial discrimination. In my perception the Whitlam Government put into practice what I regard as the guiding principles of the Labor movement as expressed by Ben Chifley in the famous light on the hill speech. Chifley said that he tried to think of the Labor movement not as putting an extra sixpence in people's pockets, or making someone Prime Minister or Premier, but as a movement bringing something better to the people, better living standards and greater happiness to the mass of people.

This is the ideal for which I joined the Australian Labor Party. The vision of Ben Chifley has inspired my belief in Labor ever since. That vision is also found in the underlying purposes of the Carr Labor Government and shapes its objectives and strategies. That vision inspired the programs that ensured the party's success on 27 March 1999. That vision encompasses the broad hopes and aspirations of the people of New South Wales. To put the matter simply, I am proud to represent a party and a government which constantly seeks justice and fairness on behalf of the Aboriginal community, the non-English speaking people, the unemployed looking for work opportunities, the aged and the disabled, the young people taking up education and training opportunities, the farmers and those living in country parts of the State, and those working in factories and coalmines.

For me politics is about people in their relationships and groups, not as constructs of ideology and social engineering. My allegiance is to a Labor politics which seeks to achieve right order in our community as a flourishing society built on justice and co-operation. That is why Labor and Labor leadership are critical. Let me give two examples. Of all the things that we have achieved in the past four years in government, perhaps our finest performance was in jobs and growth. The Carr Labor Government has brought unemployment down from 8.4 per cent in 1995 to 6.7 per cent - the lowest unemployment rate in the country. This Government has seen to it that two-thirds of all jobs growth in Australia has occurred right here in this State.

In another exceptional performance this Labor Government has capitalised on the strength of its available language skills to secure half the nation's call centres for Sydney. Since 1995, 65 new call centres have opened in New South Wales.

The redevelopment of Walsh Bay, which is the subject of the legislation before this House, is one such move which will ensure that job opportunities continue to flow through to this State in the post-Olympic Games period. It is easy to be puristic about this matter. However, the undeniable facts are that this area has been inaccessible to the public since around 1915. Two wharves, Nos 5 and 6, are riddled with white ant infestation and accordingly require demolition.

The choice is simple: either leave the wharf as it is and let it fall into the harbour or seize this initiative to rejuvenate Walsh Bay into a facility that the public can have access to and enjoy. If the project does not go ahead the State will lose, on average, 350 jobs over the next seven years, and 1,970 jobs on completion, or a loss to the economy of some \$70 million. Having high regard, as I do, for the skills of the State's legal practitioners, the course proposed, which takes the matter out of the realm of legal challenge, is appropriate as it will ensure that the project proceeds.

I mentioned legal practitioners. For all of my working life I have worked in one profession, that of law. For the past decade I have practised as a member of the New South Wales Bar. Working life in the law has given me many challenging and interesting opportunities, with a unique insight into human problems. The motto of the New South Wales Bar Association is "The Servants of all but yet of none". This motto expresses the reality that members of the Bar are available to all, yet ultimately the duty is to the law and justice and to the courts charged with the administration of law and justice. Without this principle of legal practice I do not believe that our system could function, let alone flourish. It allows freedom to vigorously advance the individual's interests in the impartial well of the courtroom but with an overall ethical responsibility.

More than 15 years of legal practice and 10 years as a barrister have exposed me to a wide range of personal anguish and suffering, frustration and failure. This has involved the neglected and abused child being the subject of care proceedings; the ordinary citizen being crippled by the effects of catastrophic injury; the trauma of family breakdown; the desperate plight of the drug addict; the breakdown of commercial partnerships in sometimes acrimonious circumstances; the sight of relatives fighting over the assets of a deceased's estate. In these and many similar difficulties it is to the courts and lawyers that the citizen turns to seek redress.

The great human drama I barely sketch must be reflected in our debates here. For us as legislators the task is to formulate laws that govern our community. The task of the courts is to apply those laws in a large number of different circumstances, some of which might not have been even

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contemplated at the time the legislation was formulated.

In this the year that we celebrate the Supreme Court's 175th anniversary there is no less the need for government to ensure that justice is accessible, affordable, prompt and of high quality. We now have an unprecedented number of court filings in just about every court and a wider number of tribunals, all served with unprecedented resources. Waiting times have fallen dramatically, with extra resources and improved efficiencies, as the Attorney General indicated this morning during question time. Yet the question that has to be asked is whether the system can continue in its present form.

Increasingly, alternatives to the legal system are being explored. We get these modern developments in neutral evaluation, mediation and arbitration. However, even these have an expense component, and the reality is that for many in our community enforcement of legal rights is but an illusion due to their inability to afford access to services and the lack of access to legal aid services in the area in which they are required. Improvement to legal aid schemes will be a priority objective for me in this Parliament.

There has been much criticism of the legal profession over its work practices and the high cost of its services. However, as many studies have shown, we as legislators also impact on the cost of justice. My experience has shown that the following matters also contribute to the lengthening of legal cases: first, the sheer volume of legislation; second, the complexity and form of the legislation; third, the procedures adopted in the courts as determined not only by the Evidence Act but also by the courts through subordinate legislation in respect of which this Parliament has ultimate authority; and fourth, the lack of consolidation in our laws. These are matters to which some attention has already been given. Nevertheless I am aware that it remains an often raised criticism. Accordingly, it is a matter that I hope to give attention to in the course of my service in this House.

In my career at the Bar I have worked in courts at just about every level, however in more recent times mainly in the Common Law jurisdiction. At an early stage in my career I was afforded an opportunity to develop an expertise in electoral law. In fact, I met the Hon. Don Harwin during the course of a number of cases. Overall I think I have appeared in some eight Court of Disputed Returns cases, a number of redistribution cases, not to mention a number of other cases involving interpretation of the Constitution, both State and Federal, as well as other electoral legislation. Those cases included *Bignold v Dickson*, which involved Marie Bignold, a former member of this House, *McBride v Graham*, in which the honourable member for The Entrance, Grant McBride, was a participant, and *Keating v Dickson*.

Each of these cases has raised fundamental issues regarding the integrity of our electoral system and the exercise of the right to vote. These are bedrock principles in any democracy. Regrettably, these principles were called into question in the recent election for this House. Members from all sides of the House, including crossbenchers, questioned the legitimacy of a ballot which involved one of the largest preference distributions of all time, in the context of the largest ballot paper in Australian history. Manifestly, registered how-to-vote cards, which were intended to simplify the method of voting, can hardly be contended to accurately reflect the elector's real voting intentions when aggregated to elect candidates on low-numbered preferences and under the camouflage of misleading and, in some cases, absurd names.

The common law of parliamentary elections has as its first principle that an election is valid only if the real intention of the electors has been registered in the choice of candidate. The present voting system, to many minds, infringes this democratic principle. It is a matter to which I have no doubt the House will address itself in due course during the life of this Parliament. Apart from the opportunity that my work has provided, in terms of my understanding of electoral law, it has also allowed me to work with and against some of the most accomplished advocates at the New South Wales Bar. That includes my good friend John McCarthy, who led me in a number of these cases. Others with whom I have had the privilege of working are: the late Sir Maurice Byers, QC, David Jackson, QC, Peter Hely, QC, and Tom Hughes, QC. All of

them are amongst the Bar's leading advocates. It was a great experience to be involved in litigation with them.

There are many other barristers to whom I need to make mention, but I will confine myself in case I leave out too many names. I mention just two persons who were generous to me in my early years at the Bar and who taught me never to accept anything at face value and to critically analyse all aspects of every case in which I was involved. That is an aspect of my personality which makes some people cringe. When that happens I refer them to the people responsible, namely, Tony Bartly, SC, and David McGovern. I believe that one of the greatest features of this profession is the division of work

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between solicitors and barristers which ensures the development of a high degree of professionalism in the preparation and conduct of litigation. Time does not permit me to mention all the solicitors with whom I had the pleasure of working over the course of my career. However, one name stands out not only as a professional colleague but also as a good friend - Steve Masselos. Perhaps because he is a Greek Australian and a strong Labor lawyer he understands me better than anyone outside my family. He could not be here tonight due to commitments overseas. However, his advice has been constructive and valued over the years, especially in recent times.

As some honourable members would be aware, this is not my first entry into public life. I come to this House at the twilight of a short but eventful term as a councillor and deputy mayor of Canterbury City Council. That term will conclude at the next local government elections. I have learned much from my service in local government in my short time there. That is the level closest to the people and it is frequently used as a one-stop shop whenever a problem arises, irrespective of whether the matter falls under direct local government responsibility.

Often when decisions are made, either at the State or the Federal level, the community reaction is local, and it is to local government that citizens turn for local leadership. Perhaps the best example of what I am referring to is the previous Coalition Government's decision to close Canterbury Hospital. That decision catapulted the local community into protest and spurred the council to take action. Ultimately, the council's action had some success, at least to the extent that the matter was pursued long enough to be vindicated by a change of government and a change of policy. As many honourable members would be aware, the Carr Government lived up to its promise and completely rebuilt Canterbury Hospital in its last term - a credit to the Government but also to Canterbury council and its residents who took up the issue in the way that I have outlined.

The role of local government is important in many other ways. I am particularly pleased that my council took up, adopted and developed a strategy targeted at preventing crime and promoting community safety. This strategy has been centred on the regulation of open space, promotion of surveillance measures, regulation of urban design and youth development. The strategy has received recognition from the Attorney General's Department crime prevention division, which has provided funding for specific projects, including the youth guides project and, more recently, a youth crime prevention officer. I am pleased that community safety has finally been recognised as a responsibility that includes local government. I am pleased that local government in the inner west of Sydney adopted the Canterbury initiative. I hope that other councils will be as successful as Canterbury has been on this matter.

Local government in this State is not in a perfect condition. Imperfections include the boundaries of some local councils which defy any sense of logic and have more to do with historical anachronisms. I have frequently questioned whether the size of some councils allows them to maximise efficiencies. Nevertheless, I have a high regard for many of the people who serve at this level of government, largely as volunteers, and who spend an enormous amount of time bearing considerable electoral workloads whilst holding down full-time positions. I pay a special tribute in this speech to all my colleagues at Canterbury council, many of whom are here tonight, including the Mayor, Kayee Griffin, a number of councillors and a number of directors. As I have several months remaining on council I will refrain from making too many references to individuals. However, I wish to mention Robert Davidson and Andy Sammut, both of whom I admire immensely for the independent policy advice that they provided to me in matters that I have actively pursued in local government.

I commenced this speech by referring to my early life in Redfern. For most of my adult life I have resided in Canterbury and, more specifically, in the suburb of Earlwood. Like the Redfern of yesterday, this area is a cultural melting pot of many diverse communities. I have often said that there are few places in the world where in one day people can visit a Buddhist temple, a Greek orthodox day school, a Chinese services centre, have a meal at one of the great Korean restaurants and still have time to watch Sydney Olympic play soccer at Belmore before retiring to Canterbury Leagues Club. For my children this is their Redfern; this is their place to make their mark while they are growing up and developing.

The major thanks that I intend to give tonight must inevitably go to my family. I do not think anyone here is unfamiliar with the pressures that public life puts on people and positions, particularly when one has a young family. My wife Maria and I perhaps have the ultimate example of what I am talking about as election day this year also witnessed the birth of our third child. I thank my wife, Maria, and our three children, Theo, Constance and Irene, for all their help and support. I thank our parents, sisters and brothers for their willingness to assist us in whatever way possible.

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For me now it is as the Premier said following the election: back to work, back to the job of creating jobs and securing the economic future of this State. I commend the bill to this House for doing just that. I urge honourable members to give it their resounding support.