



## INAUGURAL SPEECHES

**The PRESIDENT:** I welcome into the gallery this evening the family and friends of the Hon. Cameron Murphy, including his wife, Agatha, his daughter, Ariadne, and his son, Finbar; his father-in-law and former Commissioner of the Australian Human Rights Commissioner, Professor Ozdowski; his mother-in-law, Hanna Ozdowski; the Hon. Michael Kirby, AC, CMG, former justice of the High Court of Australia; Alan Ashton, former member for East Hills; the Hon. Meredith Burgmann, former President of the Legislative Council; Chris Haviland, former member for Macarthur; Paul Lynch, former member for Liverpool; Daryl Melham, former member for Banks; Peter Nagle, former member for Auburn; Ian West, former member of the Legislative Council; Dr Greg Woods, KC, former judge of the District Court of New South Wales; Pauline Wright, magistrate of the Local Court; Commissioner Daniel Sullivan of the New South Wales Industrial Relations Commission; and Councillor Linda Downey of the City of Canterbury Bankstown Council.

**The Hon. CAMERON MURPHY (18:00):** Tonight I start by acknowledging that this Parliament sits on Aboriginal land—the Gadigal land of the Eora people, never ceded—and I pay my respect to their Elders past, present and future. Recently the Premier spoke at a law reform dinner where he lightheartedly called me "the great disruptor". It was a reference to my recent preselection, but it really does sum up much of my family history and my own life. I hope his humour also proves to be prescient; I am definitely in this place to make change.

My mother was Ingrid Grzonkowski. She was a Polish-German refugee born under fascist occupation who migrated to Australia in the early 1950s. She came to this country without a word of English and with no possessions. The family escaped starvation in refugee camps in Europe, looking for a better life. Her father, my grandfather, had never even heard of Australia when he came here. He wanted to take his family to America for a new life but came here out of necessity and a belief that his family could not endure further time in refugee camps. There was a boat leaving for Australia, and he took it with his family in the hope of a new life and a new beginning.

My mother taught me to value community, family and opportunity, and not to waste time because she thought life was fragile and short. She was also one of the toughest people that I have ever known. She was typically German: a perfectionist, efficient and very unsympathetic towards failure. It was a product of her upbringing and the challenges she faced as a child. She never suffered fools and was not the parent to turn to for sympathy as a young child. She made up for that in spades through her wonderful capacity to love and to infect others around her with her love for life. I am sure that my mother's strength was what held us together as a family after my father died.

My father was Lionel Murphy, a man about whom much has been said. Born to Irish parents, he was a barrister, a senator, a reforming Attorney-General and a senior member of a government that transformed Australia. He died a justice of the High Court. Before all of that, he was a scientist. He loved innovation, scientific advancement and new gadgets. In 1986, just a few months before he died, he wanted to do something special so he took my brother and I on our first family holiday of sorts. We chartered a small plane and went to Siding Spring, near Coonabarabran. I remember the vivid beauty of flying between the Warrumbungles and landing in a small town that was absolutely in the middle of nowhere. For two nights we stayed there and went up the mountain to see Halley's Comet through the Anglo-Australian Telescope and its smaller counterparts. My father got to engage with astronomers on their theories about comets, life and the universe itself. We were happy, able to forget about his illness and the problems in the world around us for a weekend.

My father was an intellectually curious person yet was always steadfast in his beliefs. He believed in the dignity of the individual. This was the foundation of his vision of better government, fairer laws, modern courts and a transformed society. I was reminded only the other day that he reformed the Senate, introducing the committee system that was mirrored across all parliaments in Australia, including in this House. I miss him every day, but I am very lucky to not just have memories. My father left a body of work that I can now appreciate for its forward-thinking brilliance. He wrote judgements in plain English. He believed that the law should be democratic, accessible to everyone.

*Neal v The Queen* [1982] 149 CLR 305 is one such judgement. Mr Neal had sworn and spat at an officer of the Queensland Department of Aboriginal and Islanders Advancement and received a harsh jail sentence in the Queensland court. The magistrate had chastised Mr Neal not just for his conduct on the day in question but also for his general activism, saying, "it is only the likes of yourself who push this attitude of the hatred of white authority that upset the harmonious running of these communities". In his judgment in Neal, my father was quoting Oscar Wilde in the *Soul of Man Under Socialism* when he said of Mr Neal:

If he is an agitator, he is in good company. Many of the great religious and political figures of history have been agitators, and human progress owes much to the efforts of these and the many who are unknown. As Wilde aptly pointed out ... "Agitators are a set of interfering, meddling people, who come down to some perfectly contented class of the community and sow the seeds of discontent amongst them ... Without them, in our incomplete state, there would be no advance towards civilization". Mr Neal is entitled to be an agitator.

In one way, Neal was a simple sentence appeal. But really it was a case about power—who has it, who does not have it—and a criticism of its unequal allocation. My father was a supporter of Aboriginal people. Much of his life's work was about their advancement and liberation. This is a passion I share and a cause I am committed to furthering through my work in this place.

My father lived a wonderful life of achievement, but I also saw him suffer and endure the worst of public life and ill health. But just like suffering, being an agitator is absolutely necessary. Like my father, but in my own way, I have often found myself in the position of the contradictor, the agitator and the activist. All these words really describe a person who stands by their beliefs, especially when they are unpopular. Disruptors, in the true sense of the word—not to be confused with the way that modern tech companies exploit workers and break laws until they change them. Disruptors are people who refuse to accept the status quo and who see something that is wrong or that could be improved. If that is what I am, then it is a good thing.

As a young adult I was drawn to the NSW Council for Civil Liberties, a voluntary organisation founded in 1963 which receives no government funding and has a proud history of advocating for the protection and extension of civil rights in this State. Its members believe that the basic rights of the individual should be protected from government interference. The council has supported peaceful protesters from its inception, including those who participated in the first Mardi Gras in 1978, by providing lawyers to appear pro bono for people charged by police. It has assisted people protesting the incarceration of asylum seekers and fighting for the preservation of the natural environment.

Its membership and leadership consist of people from across the political spectrum who demonstrate that it is always possible to find common ground and work together to find a consensus and to achieve change. It is an organisation that has nurtured wonderful advocates for change. I have had the pleasure of working with people like the Hon. Michael Kirby, Pauline Wright, Joan Locke, Michael Kennedy, David Bernie, Stephen Blanks and, more recently, Josh Pallas, and so many others during my time in that organisation. Its leaders trusted me and elected me president of the council in 1999. I was only 26 years old, but perhaps it was a mix of my youthful energy and the experience and knowledge of others that made us a force for positive change.

In 2015, after years of resisting the excesses of lawmakers, I decided to seek a seat in Parliament. People in the left of the Labor Party—including Tom Kelly, Philip Boulton, SC, Alan Ashton, Linda Downey and Daryl Melham—placed their faith in me and supported me as the candidate for East Hills. They did so because they knew I would represent the principles they—and I—have spent our lives fighting for. They knew that I would be an agitator. It was a close election in 2015, but perhaps that is an understatement. Three days before election day I was subjected to a criminal smear campaign organised and executed by rogue elements in the Liberal Party. It was New South Wales politics at its worst. Suffering and smear are part of public life. I already knew that but it was my wife, Agatha, and my children, Finbar and Ariadne, who have borne the brunt of it and will be forever affected by it. I am eternally grateful for their love and support.

Politics is a battle of ideas where parties and individuals debate the policies and ideals that they stand for. Smear, like violence and corruption of elections, has a tendency to destroy the democratic system that we cherish. Good people shy away from public service because of it. After that election defeat I almost immediately went to the bar where people like Ian Latham and Martin Schume and the wonderful people at Denman Chambers offered me a home. As a barrister I specialised in industrial law, criminal law and intellectual property. Perhaps inevitably I also developed a specialty in protest law. It is not a specialty you hear spoken about often, probably because there is no money in it. Increasing concern in the community about climate change has increased the intensity of protest action. In turn the Executive and the Parliament have responded with more punitive sentences and restrictions. I have represented, pro bono, more than 130 environmental protestors—mostly from Extinction Rebellion—over the past few years, most of them before the recent changes in this place that doubled the penalties for peaceful protest and some after it.

I have seen over time police imposing stricter and stricter bail conditions to prevent people from attending further protests. Restrictions on travel, association, communication and gathering have all been imposed. Before the recently increased penalties, bail conditions were generally removed by the court after charge. I recall on one occasion appearing for 87 Extinction Rebellion protestors and all but one of the protestors had the charges dismissed. They were simply participating in a non-violent protest. After the recent increase in penalties, it was noticeably harder to have those bail conditions removed. Magistrates are now considering bail in the context of charges with penalties at the highest end of the Local Court's jurisdiction. Many of these peaceful protestors are at a greater risk of jail from minor breaches of the onerous bail conditions than they are from the original offence of obstructing traffic or the like.

I have also represented organisations in advance of protests when they came to me for advice in seeking protest authorisation. These have included diverse groups such as one concerned with asylum seeker rights, another against the Russian invasion of Ukraine, and those wanting to protest against religious vilification or discrimination. Once there was even a proposed protest in support of coronations. The members of that group feared that the upcoming coronation would be cancelled, although they also had a most complicated theory as to why someone else—not Charles—was the rightful king.

In New South Wales a group wanting to protest invariably must approach the New South Wales police with an application. A failure to do so might lead to prosecution for offences like obstructing a road, which is a normal consequence of any decently sized protest. Generally, in my experience, police often try to stifle such applications. In most cases the groups were dissuaded from even applying for permission or they were told it would be denied unless they moved to a place around the corner—a place out of sight. The message is that you must plan your protest away from people, away from traffic and outside peak hours. What is left is a protest that hardly anybody will see or hear. Even trade unions, who have a limited exemption from these laws, have been told they cannot organise events in front of our town hall because of the minor disruption it would cause to the light rail transiting in front of it.

I believe in the right to protest—indeed, it is the most important right. Peaceful protest by its very nature is designed to engender discomfort, irritation and disruption. It inevitably blocks roads, which is the precise conduct the new laws I just spoke of are aimed at. Protest is necessary in order to draw attention to a cause, to alert others to the issue and to encourage them to stand with you in advocating for change. There are, of course, many protests that I do not agree with. It makes me angry when I see movements of hate on our streets. It makes me angry when I am stuck on a train or in a car for hours because of a protest. But this is a very small price to pay for part of the cost of a functioning democracy. We must tolerate that with which we do not agree because free expression is the lifeblood of our democracy.

Part 4 of the Summary Offences Act and the recent protest laws have created a system in New South Wales where many people only peacefully protest with permission. That places us on a path to a society such as that which exists in many places internationally where people cannot truly agitate for change. These laws will not entirely stop peaceful protest but they will unnecessarily place good people into contact with the criminal justice system just for standing up for their beliefs. The rule of law goes hand in hand with the right to protest in fomenting a vibrant democracy and a fair society. Imperfect as it may be, as I well know from my work as a barrister, our justice system works. I will staunchly defend and support it as a parliamentarian.

The human rights that underlie our justice system—the rule of law, the right to a fair trial and the presumption of innocence—are universal. Every human being has them and deserves to have them observed. If they are taken from one of us, all of us lose them. As a lawyer and a civil libertarian, that means that you do not get to choose your causes. While you often stand up for those with whom you feel solidarity, you sometimes must stand for even those who disgust you because human rights are universal. On occasion, those you despise the most also need your counsel the most. We must ensure that everyone has access to advice and to representation. We must ensure that the presumption of innocence continues to be upheld. It is both a legal principle that applies in criminal trials and an expression of the fundamental decency of our society.

I am troubled by any punishment, censure or measure that applies to a person before a finding of guilt, on account of a mere allegation. As a child, I lived through two of the worst examples of trial by media. I saw the way that Lindy Chamberlain was treated. It was not just a media frenzy, but a frenzy that led directly to a flawed investigation and prosecution. Later, I saw my father treated in a similar way. Everyone, no matter who they are or what they are alleged to have done, is entitled to the presumption of innocence, inside and outside of the courtroom. Whatever else I think about the horrific event that occurred in Cooma recently, I was pleased to hear the New South Wales Police Commissioner, Karen Webb, remind us of the importance of the presumption of innocence in relation to the police officer who is now facing charges. It has taken hundreds of years to develop a criminal justice system with rules that provide fairness and ensure that we punish people only when it is proven that they have committed a crime. The fact that we have been able to do so is one of the great achievements of our society. It is also something that must be staunchly defended, and that is what I will do in this place. Witch-hunts are not a legitimate form of justice and they must be called out. They contaminate the legal process and destroy lives.

Furthermore, I will always stand up for the rights of workers in this place. Workers deserve fair pay and I look forward to our new Government removing the public sector wage cap as a priority. Particularly, we must stop the scourge of workplace injuries and deaths, and until then do more to support people through legal and investigative processes that take many years to conclude. My practise in industrial law involved mainly appearing for workers and trade unions. In work health and safety prosecutions, I often appeared as a separate representative for workers. When someone is injured or killed in their workplace, it has a devastating and traumatic effect on so many people. Workers that I have represented have had to recount and relive the events that led to the death of a colleague hundreds of times, as have I as their lawyer, SafeWork investigators, the Coroner, police and prosecutors, not just in the hours after the tragedy but for years afterwards. That process is necessary but it takes its toll on everyone involved. We need to improve it and we must provide proper support for the mental health of everyone involved.

I support social diversity and the collective ability to look after all people. I support protection in the law against vilification. Nobody should be persecuted because of who they are or what they believe in. The protection of minorities makes the whole of society stronger. Our diversity is our strength. The recent election was civil and dignified. I cannot help but contrast it to the 2015 campaign in East Hills. I commend Dominic Perrottet and Chris Minns for showing us all that we can have an election that is squarely focused on the political debate rather than personal attacks. Each of them exercised restraint and consistently refused to engage in personal attacks, whether against each other or towards others suffering from personal failings. Despite many opportunities presenting themselves and even encouragement from some quarters to turn negative, they were unwilling to do so and we are all better off as a result. In that spirit, I intend to serve in this place in a way that seeks unity and to find common ground where possible. I reject the politics of smear and personal destruction. I hope to forge good relationships and commit to a civil and bipartisan spirit. But I will always stand up for my beliefs.

We should continually question whether traditions are relevant and look for ways to improve them. I note that next year we will celebrate the bicentenary of this House, which is a recognition of 200 years of representative democracy, of sorts, in New South Wales. We should use that as an opportunity to reflect on the ways that we can improve the House and the State to make it more democratic and representative. I have a proposal. When the term of our current Governor expires in 2024, we could hold an election for her successor. I would like to see a process where anyone on the electoral roll can be nominated for Governor of this State. It may be that for such a figurehead position acceptable limitations on the election process may be appropriate. Perhaps paid political advertising could be limited and the NSW Electoral Commission advertise the election and encourage people to participate and cast their ballots electronically. The two leading candidates with the highest number of votes could face a run-off election. The winner of the ballot would become the new Governor of New South Wales.

I started this speech talking about a commitment to the dignity of the individual, which defined my father's life work and which he instilled in me from a young age. I have tried to emulate that commitment throughout my working life. I started my career as a trainee with the forestry division of the Construction, Forestry, Maritime, Mining and Energy Union [CFMMEU] in the 1990s. The CFMMEU is a powerful and successful union that advances the industrial interests of its members. Like me, it believes in the importance of broader social activism. My comrades at the CFMMEU have stood with me throughout my adult life. They then supported me in preselection for this place because they know who I am and what I stand for.

I acknowledge and thank them, particularly Rita Mallia and Darren Greenfield who are here tonight. There are many people who supported me on my journey. I thank my parliamentary colleagues Lynda Voltz and the Hon. Anthony D'Adam, as well as the former member for Liverpool, Paul Lynch, for always being in my corner. I thank the rank and file members of the Labor Party, as well as union comrades, who supported and voted for me in my preselection to be in this place. You cannot, in a major party, be elected without being preselected. I cannot tell my story about landing here without talking about my preselection—though in some ways the less said the better.

I am in the Labor Party because I believe in its ideals and its principles. I believe in social justice, fairness, and equality. I believe that government can and should be a force for good in our society. It should do more, not less. I have always believed in democracy and been a lifelong supporter of rank and file ballots. A wonderful thing about them is that sometimes they have unpredictable outcomes. I was not the first choice of the factional leaders of my party to be on our ticket; in fact I was not any of their choices. Neither the left nor the right had me on their tickets at the recent ALP State Conference. While I was not on any of the factional tickets, the Labor Party is a wonderful, democratic institution. The rank and file of the party decided that they did want me to represent them and the people of New South Wales in this place nonetheless.

My pitch to conference delegates was simple: If you like the way the factions in the party have been running things, then you should not vote for me. But if you want an agitator for change, you want something different, then I am your candidate. My old comrades at the CFMMEU and the Maritime Union of Australia joined together with new ones at the Electrical Trades Union and the Health Services Union in their support for me. Rank and file members of the left, like Shannen, Cian, David and Zac, stepped up to run my campaign, and ordinary party members voted for me.

I had no idea at the time but my good friend Rodney Cavalier tells me that only two people in the long history of the NSW Labor Party—more than 130 years—have won preselection against the factional tickets. The first was in 1961 and was a disruptor, also called Murphy. My father was preselected for the Senate against the factional tickets. The second was me, in 2022. My party wanted a disruptor in sending me to this House and I hope to live up to that in the most positive way. In my view, being a disruptor from time to time is an honourable thing. I want to challenge the status quo, to contribute to the battle of ideas and to help bring out the best in this place. If I do those things I will be true to those whose support and influence has brought me here. Thank you, Mr President.

*Members and officers of the House stood and applauded.*