LEGISLATIVE COUNCIL

ORAL HISTORY PROJECT

LC Members Ante-Room, Sydney, Monday 7 May 2018

The discussion commenced at 11:00

PRESENT

Mr David Blunt
Dr David Clune
Mr Ian Cohen

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

Mr COHEN: I was an activist, very much involved in forestry and environmental issues, and I started I guess as a small "g" green, working on many projects over a period of about a decade and a half. As I developed a profile with the activities that I undertook, also some degree of notoriety, I found I just kept running at elections because it was a way to get the issues up which were not really getting any attention back in those days - particularly after The Greens asked me to run for the Senate in the 1987 Federal election that turned out to be a double dissolution and I almost got in. I almost stumbled into Parliament, if you like. I was trying to get up and work on those campaigns but it was seen as a way to raise the issues rather than promoting a party as such. The Greens were the vehicle that was closest to my heart. I was elected in 1995. I did not have a paying career but I had an activist career that gave me that profile.

Dr CLUNE: How did you find the Legislative Council when you commenced your term?

Mr COHEN: Daunting. I was thrown in the deep end and had no real experience of the legislative process itself, did not have any legal experience, I just had a teaching degree in political science and history, and a lot of interest and enthusiasm. I found it really quite bizarre. I kept referring to myself as a round peg in a square hole. I never felt I quite belonged there.

I had an interesting interaction with the former Usher of the Black Rod, John Evans. Poor John was at pains to give all the new chums instruction as to what we had to wear in the Parliament. At the time I was told I had to wear a tie. People were saying, "What for?" and also I never wore a tie campaigning, so I became synonymous as the non-tie-wearing political candidate. John said I had to wear a tie. We looked up the regulations and found no mention of a tie. I told him that and he was still adamant. I said, "Well, that's okay John, I'll wear a dress." And that was the end of the argument. That points to the fact that when we all come into the Parliament, we all try to make our little space and push ourselves. You have to be an extrovert to really survive in this place. I had that.

My next big confrontation was dealing with the President, Max Willis. That was difficult. He always put me at the end of question time. I was lucky to get a question up. He was as formal as I was informal. With that in mind it became quite testy at times. He would push me and I would push back. That was quite intimidating for me at the very beginning. I might not have shown it but it was difficult. Just the process and learning about it and being very keen to be active right from the very beginning when I had heard that many members did not say a word for months and years in fact.

I was launched into it because I was the first Green to be elected to the Parliament of New South Wales. I took that very seriously and I wanted to have an impact right from the beginning. It was good, it was very exciting, it was interesting to actually be able to assess the various personalities, all strong personalities, from ministers right through to other members of Parliament. Having to deal with that was quite a challenge for me but I felt like I made a reasonable number of friends, among both those who supported and opposed me, and I had some good staff who were able to work the system pretty well.

Dr CLUNE: How effective was the council as a House of review when you became a member?

Mr COHEN: It was a House of review, it was an opportunity to express ourselves and there were a number of Independents who could be a close confederation who did not have to obey anyone, particularly Richard Jones, who was an old hand at the House by that stage. He was very clever at manipulating everyone and trying to get them around to his point of view. I found out that whilst he was a radical animal liberationist and conservationist, he was also a fiscal conservative. So I had a few problems.

It might have even been the State Owned Corporations Act where he convinced me totally that it was nothing to do with privatisation but streamlining things for better operation. I fell for it and I think I made a big mistake. In hindsight, I should have opposed the whole thing. I did not realise the exact colour of his spots. But we remain good mates and accept our differences, which are not great on the whole but quite different in certain areas. I think economic conservatism was one of the differences we had. It was a working parliament where the balance of power shifted to the Independents and small groups and away from the lower House to having that fulcrum solely in the upper House for those first four years of parliament.

As a result of that, we were very active; we were constantly lobbied by community groups and we got very significant access to ministers' offices. By and large in those early days there was a sense of being the little brothers and sisters of the big parties and we were keenly sought out. I think we had a significant effect on getting ecologically sustainable development inserted as amendments in many pieces of legislation. I think those types of things were small wins that were able to be used so things were right in the bureaucracy from that time onwards. I think it was important.

Dr CLUNE: What did you think about the rise of the crossbenchers and having the balance of power? Do you see that as a positive development?

Mr COHEN: It was a two-edged sword. From my point of view it is great if it is a progressive crossbench. At other times, Reverend Fred Nile and the Shooters, Fishers and Farmers Party have had quite a stranglehold on the situation. But from 1995 to 1999, it was a genuine moveable feast. The crossbenchers provided the detail to a lot of the legislation. We would put up many amendments and even if the they went down, they were still on the record.

I put up container deposit legislation as a private member's bill and it went down as usual in a screaming heap. The packaging industry lobbied very hard. People like Jeff Angel from the Total Environment Centre and Ian Kiernan were very powerful allies in the general community, but we could not get there. Now we have got there many years later, but with a conservative government. The slow wheels of change can sometimes take too long and be too slow and very frustrating. You do not get any credit for that. The big issue in working with the Labor Party was to feed them the stuff so that they could say they did it.

Sometimes we moved stuff just by the ministers saying, "Oh no, that bloody Cohen is on about this again." There was the Transport Minister, Brian Langton. He was a classic. It was like going to the races with him every day when you would visit him in his office. He would go into Cabinet meetings, swearing effusively, loosening his tie and screaming at them, "This bloody Ian Cohen is going to do this to me. He is going to expose this and that." He would go on and on. I did not know anything about it. But he would use the fact that I was there pushing those things. I had been complaining to him and threatening him that I was going to go to the media. He knew what he was seeking was what I was seeking. It was one of those games that were played that moved things and, in the most crazy way, we got results.

I was much more interested in getting results than getting credit. I would like to feel that I was very much issues based, not party based. The party accused me of being a lone wolf and all sorts of things—and I was. In a way, I was more of an Independent than a party member as that stood in the way of good decision-making so I used to push that independent spirit to the maximum.

Dr CLUNE: How did you approach your role as a crossbench member?

Mr COHEN: It was really two major parties voting together most of the time. You had to convince either one as to what way you were going to vote, but generally Labor. We did not cross trade. Others like Richard Jones would trade, which is fair enough as it is part of the culture of the House. In that way, I was respectful of the process. So we did not cross trade, but we would look for opportunities. We kept working and pushing the boundaries of what the Government wanted to do in legislation. I have to say that they were often very lazy. They would come out with legislation that had a fancy name but not much detail. I remember that between us, Richard and I would run about 60 amendments each on certain things and bore the pants off everyone else in the House. But we thought, "At least it is getting on the record. That's a start. If nothing else, it is on the record. People can see it in the future." Not to say, "We told you so", but so they could pick up those issues at a later date.

It was often a direct conduit from the people who were really well advised and educated activists on a particular issue and who knew much more than any politicians and their advisers. We were channelling that. We are often the sum of our staff. We also would get other people in on our electoral allowances, which was all above board. We were able to put people on for short periods to do specific things that they had expertise in. We also had a significant number of volunteers who were happy to come to Parliament and have an office open to them. They could sit down there and we could work together and knock all of that together. All those amendments were a community conduit.

A leader is not so good if people love and adore them, worse still if they hate and despise them, but the sign of a good leader is that the people will say, "We did it ourselves." Unfortunately, the culture is to blow your trumpet about everything that you are doing rather than necessarily getting things done. I believed in doing politics differently. For me, getting small wins was important—be it an ecologically sustainable development amendment or even something that was going to protect a certain section of the community that would otherwise not be noticed by the government of the day. They would look at it and say, "All right, we can live with this. It does not cut across anyone. We will let you have your little crumbs." We were getting crumbs from the table, but when you think about it—being in the Parliament amongst a few hundred people, making law and decisions—those crumbs would be substantial.

Dr CLUNE: As an crossbencher, you had your causes and priorities, but you also had a duty towards the people of New South Wales as a parliamentarian. Was there ever a conflict between those two roles in your mind?

Mr COHEN: Quite often. I did not toe the party line very well. I took a great deal of notice of conservation organisations but often things would run so quickly that you had to make a decision on the floor of the Parliament. Things would come up and no-one could understand what was really going on. One of the critical ones early on that I remember as a real head-banger for me was the Aboriginal Land and National Parks Act. On the one hand, we had clear positions from Indigenous groups, particularly at Mutawintji National Park and Lake Mungo and in those areas out west. There was a need to take notice of Aboriginal interests in those areas—obvious, legitimate interests. The conservation groups, that were often quite conservative, were not happy with giving away power of protection of national parks to Aboriginal custodians.That caused quite a bit of a problem. I lost a few friends over that one. I eventually went with the bill after speaking with an elder from Mutawintji over the phone but it was very difficult. There are competing issues there that are pillars of basic Greens' principles. At that point there was a potential clash or perceived clash. It was hard to deal with but it settled down after a while and nothing too untoward happened. But certainly at the time it could get people very upset.

Dr CLUNE: Talking about the crossbenches as a whole, there was a huge diversity of political opinion and ideological opinion, but were there ever times when you all came together in your common good?

Mr COHEN: Yes. With the crossbench, it often played out that it was either Fred Nile's side or The Greens' side. People would gather around and we would do a lot of lobbying within the crossbench itself. I will go back to the Aboriginal Land and National Parks legislation—it is an interesting one. On Aboriginal issues Fred Nile was not bad. So when they came up in the Parliament Fred Nile would champion and have a significant Christian perspective on them. As a result of that, we often got things through that we would not otherwise have been successful with. There were times when the whole crossbench, or a majority of the crossbench worked with either side—if I remember rightly, we needed far more of the crossbench to get Coalition amendments and bills through in that first four years. It was sort of a natural progression to be working with Labor.

One of the things I remember where we had a bit of a falling out with Labor was the fishing industry. Labor was very much aligned with recreational fishing organisations. The Coalition was more aligned with the professional fishing organisations, and they were getting pretty much shafted by the Labor Government. There was a lot of propaganda put out. One of the issues I remember when I was on a committee was the kingfish catching which Labor called "walls of death". They wanted to cut it out completely. It was a matter of having corrugated iron barriers that the fish would gather under and then get stuck inside, which was not cruel to them until they were hauled out of the water and harvested. The Labor Government was making out it was very cruel; we had RSPCA people in to say it was not. As it turned out, just after getting that legislation through, which closed down certain kingfish fishing grounds for the professionals, the Labor Government allowed recreational fishers to have contests on exactly the same spot. That is the sort of thing over which we started falling out with the Labor Government.

Dr CLUNE: How did you cope with the workload when you were operating on your own?

Mr COHEN: I had great staff. I had people who were going way beyond what was to be expected. They worked long hours and made a huge effort. We worked really well together. We had a guy, Graham, who came from the National Parks Association, who was very knowledgeable on environment issues; Jan Barham, who later became a member of this House, was very good as a researcher and at communicating with people all around the place. She made a great cup of coffee, so all these staffers from both sides would drop into our office for a cup of coffee and we would talk to them at the same time. We were very enthusiastic and pretty effective. As I say, we had great staff and great support systems at our disposal, recognising that a Greens member of Parliament was someone they could work with and use as their conduit to get to the executive government.

Dr CLUNE: How did that change when you had colleagues elected?

Mr COHEN: Following Lee Rhiannon's election in 1999 we seemed to, first of all, embark on the difficulties of reconciling different perspectives within the party; and, secondly there were attempts to rein me in. Quite a few difficulties then came up between social justice and union-oriented issues as opposed to conservation issues. It became very difficult. I worked with Lee for 10 years. It was unproductive in a lot of ways—a lot of working against each other and not the camaraderie that was occurring with the more independent group of crossbenchers in the previous Parliament. Then that got added to in 2003 with Sylvia Hale and added to again in 2007 with John Kaye, to the point where they were working very closely together and had a certain perspective on how things worked. It was very much at odds with my perspective. I did not really appreciate their politics, as they probably did not appreciate mine. It was an internal breakdown of smooth sailing at that point in time. That was very difficult.

Dr CLUNE: Can you tell us how you communicated and negotiated with the Government?

Mr COHEN: It was an open-door policy under Carr and Iemma. It was: "Let's talk." And in fact Bob Carr put the "bookends", as we called them—Ian Macdonald from the Left and Eddie Obeid from the Right— onto our case. The bad thing was that they were always badgering us for results, but we had quite a bit of power as Greens in that situation. They would take our issues to Bob Carr and get us meetings with him. We had a lot of access and we were pretty effective. We did not quite understand the potential of Macdonald and Obeid but we could see that they were really ruthless and they wanted portfolios. They had this job of somehow controlling or keeping us happy.

On the other side of the coin, Bob Carr was not unhappy to keep us happy, because he was basically a conservationist and had a lot of good connections with the Total Environment Centre. Milo Dunphy was a historic conservation figure in New South Wales and a very good friend of mine and someone I admired greatly. Before I was elected, I went to him quite a bit to get information as to where and how to undertake activities to stir up problems and create an environmental agenda. I had a lot to do with Milo, and he had a very close connection with Bob Carr.

On all those levels, we had quite a fraternal communication with the Government at that time. It went very sour after Ian Macdonald, for example, got to be Agriculture Minister. Eddie Obeid became Fisheries Minister. Macdonald went from being the mate on that side of the fence to becoming really obstinately disagreeable with us, particularly over genetically modified organisms in agriculture. He was sitting there completely oblivious to our arguments. It was something that the Coalition was even more sensitive about, because it had all those farmers out there who were very worried about it also.

Mr BLUNT: What about under Premiers Iemma, Rees and Keneally?

Mr COHEN: Iemma was good. For example, he followed Carr's legacy and promoted the Aboriginal Indigenous land use agreement with the Awabakal custodians, whom I work with a lot in northern New South Wales. Carr made the promise and Iemma followed it through. I was there at the big handprint ceremony at Cape Byron. Also we campaigned very hard for a new Byron Bay Hospital. We met with Iemma there and got him to visit the old hospital and look at the lack of facilities. He came up and did that and eventually facilitated the new hospital being built. It was quite a reasonable relationship.

Rees was there for a very short period. He was a clean skin and did not last. He also tried to reform things and I think he could see the rot setting in and the corruption. He had no time for Ian Macdonald and Eddie Obeid. Keneally, as Minister for Planning, gave the okay to a huge development on acid sulphate soil in low-lying wetland areas to the north of Byron Bay. That will create a whole new suburb with thousands of houses and it will be an environmental and transport nightmare. We are fighting that to this day. For me, that is her legacy for the North Coast. I think it was part of that political attitude at the time of not listening to interested parties, and certainly not listening to communities such as ours in the north.

Dr CLUNE: Did the crossbench have formal meetings with the Government where they briefed you on legislation?

Mr COHEN: That was a really good aspect. Every Tuesday all the crossbenchers and their staff would have a meeting with the minister or a senior assistant to the minister, political adviser, whoever it might be, chief of staff often, but very often the minister—especially when it was a piece of legislation they were very keen on getting through—and we would have that crossbench-ministerial meeting. The next day we would have a crossbench-Opposition meeting to discuss the same issues that were coming up in Parliament. These were specific requests that we made at the beginning of our term when we came in as a group of crossbenchers and were saying, "We want more information, we want more attention, we want more staff"—and we got it. It was a pretty good system, all things considered.

Dr CLUNE: You talked earlier about the process of amendment. Do you think the crossbenchers having the balance of power has led to better legislation?

Mr COHEN: Yes. Again, it can be a two-edged sword. If Fred Nile has the balance of power he can use that determinedly, and we certainly had many amendments that the Government would accept in seeking our support for legislation. I am no expert on the details but by and large Government legislation coming through was as general as they could make it. They would leave a hell of a lot out as a result. That is where we sought to amend. I think that the actions of the crossbench very often put meat on the bones of the legislation. The Government was often not happy but if they wanted our support they had to go with it.

Dr CLUNE: What are some amendments you remember that you got up that you think made a real difference?

Mr COHEN: Early on there was massive forestry legislation and we had a huge amount of amendments. Some of them were accepted and some were not. Kim Yeadon was the Minister for Forestry and Pam Allan was the Minister for the Environment. They both used to cop a really hard time, Kim Yeadon in particular. John Laws used to call him "that electrician". He was often really struggling. There were two separate bills which passed. Each bill was juggling about $110 million in terms of compensation and purchase of private land. At one stage the unions were getting very involved, as they were right from the beginning, and they came up with some pretty repugnant solutions. I went to Kim Yeadon about a bill involving trucking industry refits. The amount of money involved, I think, was multiple millions of dollars.

I knew from my experience that it is not hard to refit a timber jinker to put it on the highway doing transport. I knew that and I hassled Kim Yeadon about it and he just looked at me one day and said, "Look, I can't do it." He was a union man. He was stuck in the middle of competing interests and he just could not do it. I said, "What if I do it?" He looked at me and said, "Yeah, you can try." And I did. I knocked off that compensation, which I thought was a rort, by way of an amendment, and the Government supported it. For whatever reason, at that time they thought they were not able to put it up themselves. They were not prepared to take on the Transport Workers' Union but they accepted my amendment, and that was the end of it. There were a few unions very unhappy with me, which is interesting because Lee Rhiannon would not have allowed that to happen. I am a great supporter of the unions, always have been, but there are times when they need to be controlled to some degree.

Dr CLUNE: Taking a more general view, do you think crossbenchers having the balance of power since 1998 has resulted in better government for New South Wales?

Mr COHEN: I think so. I think there is more detail in the legislative agenda. The crossbenchers also play a very important role in committee work. We had also gotten promises from the Government before we were elected. The comprehensive regional forestry assessments were really big during the campaign in 1995, and the Carr Government followed through. In that round of forestry bills, which was in great part the reason I was running for Parliament, we got some 12 new wilderness areas covering about 160,000 hectares, nine new national parks, and 240,000 hectares of wilderness international parks. In the North East, $18 million was provided for private land acquisition. It was major, an historic win on an international level. I think that myself and others on the crossbench played a very important role in that.

Dr CLUNE: Some people have said that crossbenchers do not get a lot of votes but sometimes they frustrate the Government's ability to govern. What do you think about the balance between your right to say what you want and the Government's ability to govern? Do you think the right balance has been struck?

Mr COHEN: Many government members have no profile in the community, no ability and no say, but they are part of the so-called democratic process. When people are voting for minor parties there can be some mistakes where the party does not act the way it said it would during the election campaign. That is not unusual in the political game. Generally speaking, people voting for parties and organisations know what they are getting. If they are voting for the Shooters, Fishers and Farmers Party, they know why, and if they are voting for The Greens, they know why.

If they were voting for major political parties, there are all sorts of disappointments with regard to ability, interest, lack of motivation, and people who have just been working their way up the greasy pole of union or corporate politics. They do not really have any grounding in the general community and they are not recognisable before they are elected, when they are elected and when they finish. No-one really knows about them. I think that having more Independents and more small groups—call them special interest groups—makes the Parliament more representative.

I do not think that that is necessarily cutting across anyone's mandate; it is just keeping the bastards nervous, which they deserve. If you keep them up on that then you get reasonable governance. But you have to have a hand on their shoulder all along the line, from elections right through the legislative process, to their continuation in this incredibly privileged position of being a member of Parliament, a member of the Government and the executive and having so much power. It is a matter of "watchdogging" them all the way. I think The Greens have done a pretty good job of that overall.

Unfortunately, democracy in this society is a reflection of donations from interest groups to the major parties. It is an investment by vested interests knowing that the major parties will support them, for what is a relatively minor donation to their coffers, to be able to spread their propaganda at election time. I do not call that democracy, and I do not think that the big parties are necessarily the purveyors of democracy. The formula is that they get enough money and run a campaign, and because they have the best funding they tend to win the election. That is a pretty poor form of democracy in my book.

Dr CLUNE: Things do not seem to work as smoothly in Canberra as they do in New South Wales. Governments seem to have a lot more trouble with the crossbench in the Senate. Why do you think that would be?

Mr COHEN: I'm not sure. From what I understand, the culture in the Federal Senate is far less cooperative. It is a bigger stage and there are more bullies. You also do not get that desire to work together. For example, there is a huge reaction to The Greens being there and taking over the Labor Party's turf. That also happens in New South Wales, but it is almost as if there is an acceptance because the number of votes needed to get a member elected to the New South Wales upper House is obviously far less at 4½ per cent compared to 14½ per cent in the Senate.

It is almost as if the powers that be have accepted that there will be an ongoing proportion of Independents, and the best way to deal with them is to work with them. I think that Bob Carr, to his credit, accepted that. I remember when we went to our first meeting with him in his office. It was a stinking hot day, all the windows were open and the air conditioner was turned off. He was trying to sort of "green up" for us—there was plenty of cold water. We were all new chums and were wondering what was going on. I think it was an acceptance that we were becoming part of the landscape and we were also of use to a Labor government. Having us there, or having me and my staff there, meant that they could work with us. In certain cases, in the truck and union cases and with other conservation issues, they were able to say, "Okay, this is it. We can blame The Greens." They were not unhappy to have that occur. I do not know why it is so difficult at the Federal level. Maybe because the public attention is greater, the stakes are higher and the people are less cooperative at that level of government.

Dr CLUNE: It is interesting that the Labor leaders we have talked to—Michael Egan, Jack Hallam and Tony Kelly—have said, "We didn't have a great problem with the crossbench. We were able to deal with them."

Mr COHEN: Jack Hallam was a junior minister in the Wran Government. He often told me that he had to have lunch with the forestry community and he got bangers on bread at the local bowlo instead of the beautiful food the hippies provided for all the ministers and their entourages! He never forgot that he was stuck in the wrong camp.

The Wran Government wanted to save the rainforests, and the saving of the rainforests was an exceptionally important historical event. What Wran said at a later Labor Party conference was that if his Government is to be remembered in future for anything, it is because they saved the rainforests. So there was that amazingly powerful clash in the Labor Party between the union movement and the conservationist and more progressive members. Jack was sort of caught in the middle there. His sentiments were very much on our side.

Tony Kelly was always quite a friendly member. He was chair of a committee I was on, the State Development Committee, for a period of time. He was great. Tony's way of acting was with a certain sense of decency. He would always give you time. Even if we were out of time, if you quietly said to him, "I've got another question; can I please ask it?" he would say, "Okay. One more from Mr Cohen," or something like that. He would allow that communication to occur.

Michael Egan was an incredibly tight-fisted, do-nothing type of Treasurer, I think. It was very hard to get anything out of him. At the same time, he would have a go at everyone in the House because he did not take the House seriously. But there were times when I could go and have a private meeting with him and I remember he would sit with his hands on his knees, facing me full-on, and say, "All right. Say your piece." And he would give me that opportunity to express myself. There was that sense of decency in interaction. A funny thing: When I went through my 2002 preselection campaign and certain elements of The Greens threw the kitchen sink at me, the first person to ring me up after I won the preselection, which no-one expected me to do, was Michael Egan. How he got the information, I do not know. The fact that he bothered to ring me up showed that on another level he was very engaged. I think that he was a very good operator and he handled us well. The Egan put-down was fairly significant.

Mr BLUNT: How effective do you think the committee system is? Do you see the growth of the committee system in the Legislative Council as a positive development?

Mr COHEN: Yes, I do, generally, from my experience on the State Development Committee and on the safe injection room select committee. The latter did a significant amount of work going out into the community. We produced a fantastic parliamentary report; it was virtually a book. I remember having about 50 copies in my office and giving them out to many people who were very interested. It was a complete document on the issue. Again, it took a lot of time and effort, including the Drug Summit and overseas investigations.

There was a change of chair from Pat Staunton to Ann Symonds, and eventually there was a breakthrough. In terms of the awareness—for myself as well—we went from being quite disparaging of hard drug users and all the problems to recognising the issue as a mental and physical disease in the community rather than some other interpretation that people could then use to malign and marginalise those people. I think that was a big step forward.

I remember when the the State Development Committee was established and I was named as a crossbench member. That really got up the nose of many other people in the Parliament. But it was something that Bob Carr was responsive to. It was a bit like the forest stuff; he was on side. As a result of that, we were able to move things along. I had Pat Staunton as chair of State Development until 1997 when Tony Kelly took over. She was really tough and locked you into short questions and really gave you a hard time if you were trying to drill down with a witness or someone. She did her darnedest to stymie any ructions from the crossbench to what was a government-chaired committee. One of the recommendations I would make is not to have government chairs on committees – though on the other hand there were people like Ann Symonds and Tony Kelly as chairs. I think the committee system is one of the most important areas of communication between members and the executive.

When you are on so many different committees, first of all you are having hearings with the interested public, experts and so on, so you are able to drill down. It is a bit like what we were trying to do as minor parties with the process of amendments in the Legislative Council itself. We were constantly seeking more information. That is where committees themselves were able to do a hell of a lot more in turning up information than what was happening on the floor of the House. They are especially important. They were a feature of the democratic process that was really important and often quite enlightening. You would find out really solid, detailed material through committees.

I remember Johno Johnson would have a great story for every single place we stopped in every country town on a committee tour. He was really affable and shared his knowledge. In my very early days in Parliament I remember doing something unwittingly—getting paid for speaking at a university. He came up to me of his own accord and said, "That's accepting profit under the Crown. It's completely banned." I said, "Whoa, okay," and rang the university and said, "Keep the money. Keep it or give it to a charity. I do not want it." I did not go out there for that—I did not even know about it—yet he volunteered that information. He was like that on committees all the time. Ron Dyer is another person who was always really helpful and dealt with committees with respect. They are an incredibly important part of the work of Parliament. Some of the most valuable work I feel I contributed in a small way to was working through the committees.

Mr BLUNT: How important were they to you as a crossbench member? Can you give us some examples of good outcomes that you were able to achieve through the committee system?

Mr COHEN: The medically supervised injection room committee was pretty amazing. We really drilled down on that issue, became very knowledgeable, put out a report that I think was historically significant and eventually got a safe injection room up, which was also historically significant. That was a whole lot of people working together, but it was certainly the committee that really pushed it along. There was a committee chaired by Peter Primrose in 2003-04 on the transport of nuclear waste and that was something very close to my heart, because I had worked on a lot of anti-nuclear issues and in part had a profile from that in years gone by. We were able to really get the feeling of affected local communities, from Lucas Heights to the transport routes to South Australia. We were able to get some very good information about that. That was a good exercise in information gathering and cut across a lot of the rhetoric the Government was putting out at the time.

If you ask, "How do we change it?", one of the failings is that committees generally disband at the end of parliamentary terms and have to be resurrected. I was on a fisheries committee in 1997, as I mentioned before. We went right into everything, total allowable catch management, buying out professional fisheries and looking at the sustainability of everything from abalone to the prawning industry. It was an incredible insight into the usage of our wild fisheries by both commercial and recreational users. The recreational users had by far the biggest impact on the fisheries stock, which was quite a shock to me at the time. At the end of that Parliament it went to ground, it disappeared. We had done a huge amount of research on that, went to the Department of Fisheries at Cronulla and had a lot of hearings. That it disappeared and was not resurrected, I think, was a great shame and a loss of resource and information.

Mr BLUNT: It has come back in the current term of Parliament. It has been an issue that has received a lot of attention from 2015 to 2018.

Mr COHEN: Have they looked at the old information though? This is the thing. Did they go back? It is good that the issue has come up again, it means that those things are important. The amount of information that we compiled under the committee system was quite substantial. My first inquiry was under Pat Staunton on

the Standing Committee for State Development looking at Sydney as an aircraft hub and how to design it. That one was so far away from where I was interested, I was thinking, "What am I doing on this committee?" However, it is an issue that has come up time and time again concerning country people's rights, accessibility to the city, being able to move around the State using aircraft, which is almost impossible without using Sydney as a hub. In hindsight it was quite an interesting committee. All of these committees I think are worthwhile and they give a depth that does not occur otherwise. They throw together politicians of different political persuasions and we end up in the minibus as we are moving around the country talking all the way along about these issues.

Another one that was really interesting for me—I think the National Party launched me onto it—was a wind farm inquiry. I was the chair at this stage of the General Purpose Standing Committee [GPSC] No. 5, which covered environment, amongst a number of other things. I took it very seriously. This is the other thing when you become a chair. You asked earlier about how much you refer to your party, the people who vote for you, or your responsibility as an elected member. That is where I came a cropper a few times, mainly with my party, because I felt that I was an elected member and, particularly as chair of a committee, I felt I really wanted to represent people in the fairest way I possibly could.

The wind farm inquiry was a real eye-opener for me. Yes, great initiative, wonderful stuff - and a whole bunch of carpetbaggers out there putting in wind farms, not because of the neighbourhood or what is best for the general community in any way, shape or form, but putting them in because of the proximity to powerlines that they could then hook in that gave them an economic opportunity.

We were on a farmer's land and he showed me and the others his sister's house at the bottom of a gully. Whether there is a syndrome associated with these wind farms that makes people sick or it is just imagined in some ways does not really matter - these people were disturbed that there were going to be about half a dozen massive wind generators on the ridge immediately over this farmhouse. The farmhouse was about 300 metres or maybe 500 metres away from the generators that were staring right down onto it. He was an old National Party voter. He would not want to know about the likes of me. He was respectful, that was fine, I appreciated that. I was respectful.

I came back after all of that and other things I looked at, and I broke the mould very badly with my party affiliation by writing into the chair's foreword on that report that I believed that where a generator is within two kilometres of a neighbouring property the permission of the neighbour should be sought. I copped hell from The Greens. Everyone turned on me, as though I was against any sense of what desperately needed to happen in terms of global warming. I felt that if they could not give that farmer maybe free electricity for the rest of his life or maybe some sort of stipend that would make the sound of the wind farm very harmonious after a while, there is something wrong.

I suppose I was saying that unless you can do it and involve everybody and get people onside, sticking yourself out there as a heroic Green is not the way to go. I have worn this legacy for a long time. There are people who really dislike me in the Green movement because of what I did. Funnily enough, when I told Bob Brown he was very supportive, because he is another person who sees we have to get to all the community, to bring our dreams to fruition we need to be able to “green up” the farmers. It is working to some degree. Opposing all the time feels good, gets the headline, but does not always help in the long term. In that way, committee work was rewarding and I think very valuable.

Mr BLUNT: Do you have any views as to how the committee system could be improved?

Mr COHEN: Too many Dorothy Dixers, too much control by the government: have the crossbench, or even the Opposition, as the chairs and limit the time of the government to ask and answer questions. They could put all that on notice and have it on the record without wasting what is a valuable opportunity for Opposition and crossbenchers to grill the minister and their staff. That is an improvement that needs to happen.

Mr BLUNT: You will be pleased to hear that recently in the budget estimates process, in every one of the six portfolio committees—which is the new name for the GPSCs—Government members agreed to forego the ability to ask Dorothy Dix questions.

Mr COHEN: That is great, fantastic. That is important and what democracy is about. I guess that is the Coalition being more realistic, after having to suffer 16 years under Labor, where they often got ridiculed and cut off. I was cut off constantly by certain chairs. That is a more democratic situation, which I think is great.

Dr CLUNE: John Tingle advocated an increase in the number of MLCs when we spoke to him. Do you think there are enough members to staff the committees adequately and do the job properly?

Mr COHEN: John did not speak a lot. When he spoke he was brilliant, he was very good. But he was very controlled in his activities. You say that, but what do you want to do? Do we lower a 4½ per cent quota for

a member even further by increasing the number of members? I would not have thought so. I think 4½ per cent is quite a low quota. It is reasonable that people like myself have been able to get elected under those circumstances. If you go for a lower quota and more members, in those circumstances you are going to get a likelihood of a greater proliferation of unrepresentative people. There is a certain limit where you need to draw the line. You have to have a bar that proves that people have a degree of support from the community.

Mr BLUNT: Not long after you came in, in 1995 the Opposition, led by John Hannaford, started to order the production of documents. Within 12 months, we saw Michael Egan found in contempt for refusing to produce documents and suspended from the service of the House. What are your recollections of that period and what were your thoughts at the time?

Mr COHEN: I recall when that all happened, it was certainly quite high dudgeon stuff and a very interesting sitting. I felt at the time—and I still do— that it was good to cut Egan's arrogance a bit. We did deserve to have access to that information. However, a lot of stuff came redacted and you lost the essence of what you were looking for. Also, how much was Michael Egan's position on that philosophical or political?

Access to documents is the guarantee of open government and there are certain checks and balances. There are certain circumstances in which people or organisations could be compromised if material gets out to the public. For example, we have had a few cases in which only members can have a look at the material. We get the material and we have to be circumspect as to how we report on it but at least we have the knowledge of it. I think that is really important.

The most important thing is that there has to be a control on making state papers freely, publicly available. You cannot have totally open government, but getting members to sit down and have a look at the material is important because we have to make some sort of decision on it. We have to make a decision with the right information. Getting stuff and shooting it out in public indiscriminately is something that really annoys me. My Greens compatriots at different times have done it—and I suppose I have done it myself at various times—where you just throw it out to the public to embarrass the Government, without looking at a resolution to the situation.

Mr BLUNT: In your view, has the power of the House to order the production of documents been used effectively?

Mr COHEN: Again, it is a two-edged sword. The Greens have done their bit of fishing for information, sending a whole lot of questions out and having the bureaucracy run around like crazy, having to spend a huge amount of working hours to find all that information—and then nothing happens with it. That can be an abuse as well.

There have been a lot of situations where the Government has been reluctant to come forward with information that is not in its interest. That has been a really important issue. You look at the Queensland Parliament and it is certainly no better an institution for being unicameral—in many ways, it is far worse in the depth of understanding of issues and the ability of the Government, be it Labor or the Coalition, to run roughshod over people's rights. That is what makes the ability to call the executive to order by accessing those papers really important.

Mr BLUNT: Did you face any instances with any orders to papers where you suspected that documents were not being produced because of claims of Cabinet confidentiality?

Mr COHEN: There were quite a few times when that sort of thing happened. Unless you are prepared to go to court, there is not much you can really do about it. You have to accept it when they make that argument. You know that they have massive resources, and legal staff, backing them up. Unless, of course, you have a great deal of confidence to take something on it is very difficult.

Mr BLUNT: Who were the party leaders in the Legislative Council that impressed you the most? What was it that made their leadership effective?

Mr COHEN: I was in awe of John Hannaford for the Liberal Party and Jeff Shaw as the Attorney-General [AG]. It was an education for me, an experience that I do not think I will forget and one that I did not take lightly at the time. Both were really decent blokes; they never gave me a hard time. They took their roles very seriously. Sometimes, I was the only Green; I would have to go down to the House and I would listen to both of them debating an issue. They were characters of consequence like the old-time politicians that I heard about when I was growing up. Hannaford would look at me when he was talking and I would think, "Oh, God!" It was almost like he was working me over. His arguments were so convincing.

Generally speaking, I would go with the Labor Party on a lot of the AG stuff. I certainly gave it the best I could in terms of my limited ability to listen to what was going on. I think they both recognised that. It was

quite an education and an inspiring situation having the AG and the shadow AG in the same House—it gave the House relevance. It was a high order of debate that was quite stunning for me as a new chum. They get a really big appreciation from me.

Another person was Ann Symonds, who had her own friction with the Labor Government and the powers that be but she maintained her integrity right the way through. I remember there was a piece of legislation that was coming up and I was genuinely confused. I went over to her and Janelle Saffin and I sat down and said, "This is not making sense to me. I don't know that I can support the Government on this." Ann turned to me and said, "If I wasn't in the Labor Party I would be voting with Fred Nile on this." And I thought, right, okay and went off and voted with Fred Nile. There were people there who really did have integrity, and that was fantastic. The other person, although not someone I recognised early but became quite good friends with, was Virginia Chadwick. She was an amazing, high order, progressive conservative and a woman of great integrity.

Another person who was quite inspiring—not my political ilk at all—was Doug Moppett. He was an amazing orator. I do not think I ever saw him with a scrap of notes. He would prepare himself and deliver with such eloquence. He was a thoroughly decent bloke—I sometimes regret calling him "Dog Muppet" in the Chamber. He was a really decent conservative. Doug Moppett took the processes of Parliament very seriously and I admire that. Sometimes I would sit there - with all my lack of respect for the establishment in terms of my past life, my campaigning and the way that I had done things - and think, "Well, it is slow and tedious but there really isn't much better on an international level."

We have built up a whole constitutional history from Britain to Australia with the two Houses of Parliament, which I strongly favour. You would see a piece of legislation—especially when it was something that I was supporting—move through all its stages and then get to the third reading, home and hosed. I would sit back and think that was pretty amazing for a form of human interaction compared to the battlefields and civil wars of other times and societies. It made me into more of a democrat, a parliamentary adherent. It was a big learning curve for me.

Mr BLUNT: What do you see as the most significant changes in the Legislative Council during your term?

Mr COHEN: As we have more or less discussed, I think it has gone from camaraderie and working together and support, to throwing grenades at each other. That has been significant. Governments lose when they think they have got total control. The Coalition Government is getting to that total control situation now a bit, people are not getting much opportunity and it is probably time for them to take a breather on the Opposition benches. The more we see the crossbenchers working with the government and having their say the better.

Mr BLUNT: How effective was the Council as a House of review when you left in 2011?

Mr COHEN: I think we had burnt our bridges. The Government had gone in the direction of very unsophisticated leadership. There were the Hannafords and Jeff Shaws of earlier days and a degree of inspiration, then a government that was in too long, that was putting people in who did not have the expertise and understanding or the will to communicate properly. That was a tragedy but the rot had set in. A lot of those communication lines were just not working any more. They were more interested in their own hubris and maintaining power. I feel like they could not comprehend that they were going to get utterly trashed within the next few months.

Mr BLUNT: What about now, seven years on, as an interested and informed observer? What is your assessment of the Legislative Council and its role today?

Mr COHEN: A lot of things have been lost. I think there is regression in a lot of areas, a lot of attacks on forests, which have been special for me. Some of the laws against land clearing that we achieved under a Labor Government have been undone. The environment is not getting the priority it should be getting and we are dealing with a Coalition Government that might be delivering infrastructure in certain ways but is not paying attention to environmental issues, and that really concerns me. We seem to be going backwards and we seem to be not having the clout or the ability to communicate with them. Also the philosophy driving this Government, as with the philosophy driving the Federal Coalition Government, is not very good from a Green perspective.

Mr BLUNT: Do you have any thoughts on possible reforms to make the Legislative Council more effective?

Mr COHEN: Sometimes it works for us when the progressives have the balance of power, and other times it does not work for us. As to actual reforms, I have mentioned a few things about the committees being more effective. I would make some reference to some specialised Indigenous participation in the House—that

would be a timely thing. There are plenty of people in the Aboriginal community that would equip themselves quite adequately to the task. Maybe some sort of parallel election might be a reasonable thing. Would that be acceptable? To the number-crunchers it may not be, but I think that would be a good reform.

I guess it is a matter of the public still adhering to the major political parties, in what I see as a surprising way after everything that they have done. If there is a breakout of democracy and people get brave and start voting for smaller groups and The Greens, then reforms will follow, but not to the fundamental process of the House. It is the blueprint; it is the nuts and bolts. It is what we do with it that is the important thing. You can get in there and choose to be either a bomb thrower or a communicator. It is not a case of reform of the House; it is a case of reform of the people and the organisations that get elected there.

Mr BLUNT: How successful do you think you were in achieving your aims in Parliament, and what do you believe were your main achievements during your time as an MLC?

Mr COHEN: As a committee chair, I was able to run things pretty well, get a few things up and direct traffic in a way that I felt comfortable with. I was successful with the forestry bills but that has been wound back.

The Disability portfolio under Carr and subsequent Labor Governments often did not get enough attention because they were perceived not to be heartland support areas. There were just so many people who were Coalition supporters and will always be Coalition supporters that had disability issues and children with disabilities. I do not think the Labor Government gave them much opportunity to express themselves. I like to be supporting those people that I perceive as being worthy and in need of support. I had a cracker late in my time where I was able to pin the Government, with advice from the disability sector, on the fact that they were giving funding for railway station disability access according to the marginality of the electorates, not according to the number of disabled people needing to use those stations. They were rorting the system to get political advantage out of disability funding. I blew the whistle on them.

Another issue that I played a fairly significant role in was the stolen wages situation. That was something that came direct from members of the Aboriginal community and opened up a massive issue that the Government had to deal with. That was really important. I stand by my positions on marine parks and other environmental issues where I helped "green up" the Parliament. They got a lot of funding and attention. However, that has been eroded in recent times, when the current Government is starving the bureaucracy in the National Parks Service and making it almost impossible for them to be effective. Yet we were on a roll with the granting of national parks under the Labor Government. The general principle is that you get the park areas under Labor and the Coalition tends to look after the infrastructure better.

As an outsider, I have sought to meet some Coalition Ministers to talk about those things and see if I can do a little bit of what I had done whilst in Parliament—to encourage both sides to start looking at green issues and run a bit of a competition there. There were small victories such as the waste management process, both with the Waste Management Act under Andrew Refshauge as Planning Minister, and also what has happened in recent times with the container deposit legislation. It is something that we were unable to get through under Labor but have had a degree of success with the Coalition Government. Labor complains about how incomplete it is, but it is something. It is something important that the Coalition Government has done. Labor was unprepared to do it and stand up to the packaging industry. These were all bits and pieces that I was involved with.

Then you get down to the minutiae of using the amendment process to get some advantage. The small things are often what give me the most satisfaction. There was a caravan parks bill that streamlined some of the powers and controls within caravan parks throughout the State, mainly for residents who were forced to be in caravan parks and who were struggling. I met with them. They wanted one thing and I agreed to try to push it through. I did all the lobbying that I had to do and moved an amendment to allow caravan park residents to have a letterbox on the side of their caravan so that they did not have to go, cap in hand, to the controller of the caravan park to pick up their mail at the central office. I got a standing ovation from these little old ladies out the back in the public gallery for doing that. I thought that was a big thing in their life. I know what it is like when you cannot trust the person to give you your mail on time, because it might be really important stuff. The Government did not even think of it, but they allowed it and it was symbolic of the little wins that you have, and you think that someone out there is getting some benefit from me being in here.

Mr BLUNT: Is there anything else you would like to add?

Mr COHEN: One thing that comes to mind, which I think was an achievement, happened when I was first elected to Parliament. Everyone else went off on the winter break and Franca Arena and I got together and decided we were going to organise a group of parliamentarians to go to Tahiti in the South Pacific to stop the

French nuclear testing. It was absolute madness. We tried to hire boats and the Parliament was really helpful. I was in my office and they gave me the ability to make international calls. They were pretty damn good. We really worked hard over that break. We failed to get the boats but we ended up with probably several hundred international and Australian politicians, myself included, going to Tahiti.

A small group of us got onto a Greenpeace boat. We went into the Mururoa Exclusion Zone. On our way across the ocean to Mururoa we heard on the radio that the first bomb of that series was detonated. We chugged on into the eye of the political nuclear storm and had a massive impact. Yes, it was extracurricular, but it was something I did very early on that was very much in line with many years of work on stopping French nuclear testing.

After that particular bomb the international wave of public opinion stopped French nuclear testing altogether. All a bit late for the people of Tahiti but it was a major achievement that came about by having the authority of a parliamentarian. I could call on the Parliament to help, which they did. Then I was able to call on all our networks overseas of fellow male and female parliamentarians, some ringing and saying, "I see you have got the boat. Can I bring my hairdryer? " It was madness. An amazing international flotilla got there and undertook the whole extremely successful campaign. Sometimes those things are peripheral to your immediate job as a parliamentarian; however it is an important aspect of being a public figure. That really achieved a lot.

Mr BLUNT: As we close off, on behalf of my predecessors who worked with you, John Evans, and Lynn Lovelock of course, all my colleagues and the staff of the Department of the Legislative Council, I thank you not only for your time and your contribution today but also for your contribution to the Legislative Council and the people of New South Wales.

Mr COHEN: Thank you very much. It has been quite an honour.

Dr CLUNE: Thank you. From my point of view it has been very thought-provoking.

Mr BLUNT: It certainly has.

Mr COHEN: Yes? Good.

Discussion concluded.