



Tony Mulder MLC

Legislative Council

Date: 21 June 2011

Electorate: Rumney

---

**CONSOLIDATED FUND APPROPRIATION BILL (No. 1) 2011 (No. 31)**

**CONSOLIDATED FUND APPROPRIATION BILL (No. 2) 2011 (No. 32)**

Noting of Budget Papers

**Mr MULDER** (Rumney - Inaugural) - All people are created equal with an inalienable right to life, liberty and the pursuit of happiness. Madam President, Legislative Councillors assembled, distinguished visitors - and I notice there are a few more than I thought - and the people of the great State of Tasmania, the words I have quoted are from the 1776 Declaration of Independence. They articulate the ideals of liberalism that is part and forms the basis of our system of government.

I also acknowledge the traditional owners of the land, its first inhabitants, or as the Americans say, the first nations. I am sorry and I am remorseful for the injuries and injustices that arose from our tardiness in extending to them the right to life, liberty and the pursuit of happiness.

I acknowledge the retiring member for Rumney, the Honourable Lin Thorp, who held the seat for 12 years. She was a hardworking local member whose departure, I believe, was largely due to the incredible workload as a senior minister responsible for more than 40 per cent of the public sector. Madam President, such a workload was always destined to end in tears. Lin, I wish you well, as you and Toby enjoy your retirement.

Madam President, on 24 May I was sworn in as the honourable member for Rumney. The honourable? The next day, *Hansard* records the member for Murchison asking a question on behalf of the silent member. Amazing. Who would have thought? Tony Mulder, honourable one day, silent the next. But no more.

Madam President, there is no more noble a calling than to serve our community in a leadership role. There is no more important task than the safeguarding of people's right to life, liberty and the pursuit of happiness. Much has been said about being an independent in this place and I am confident that I will be crossing party lines on many occasions.

But now is the time also to reflect on other liberals, people who have been either independent or Liberal, and in the case of Bruce Goodluck and my friend Michael Hodgman, both. Both actually as Liberals crossed the Floor on different occasions. There are some who would regret that. I see it as a sign that these are independent. They were people like me. And I will be independent - independent in thought and I will bring my life experiences, my values, my way of seeing the world to the judgments I make in this place.

We all must have a philosophical standpoint. Those of us who work the ground of constituent representation can relate to the speech at the 1777 declaration of the Bristol poll, where in classical elegant phrases Edmund Burke said, 'it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs - and above all, ever, and in all cases, to prefer their interest to his own.' Madam President, I am reminded of some of the elegant phrases I have heard in the recent times in this place. Burke went on to point out that representing people does not mean that we have to do what they say. 'The representative's unbiased opinion, his mature judgment, his enlightened conscience he ought not to sacrifice to you, to any man. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it [that judgment] to your opinion.' Note, Madam President, that populism is a betrayal of the electorate and our responsibility to lead. Is it this betrayal that puts our profession so low in the respect rankings? Madam President, I would hope no representative would come into this place so independent to be tabula rasa - a blank page - swayed by sophistry and susceptible to the dangerous script of populism. This is most important in this House of review, or more accurately, the House of second opinion.

To review is to be confined to what is presented. This House does more; it provides second opinions, it suggests alternatives, it changes and sometimes it even rejects what is put before it. Today in this, my inaugural speech, I wish to give my fellow Tasmanians an insight into who I am, my values and how they will inform my judgments as a member of this Legislative Council of Tasmania - not just the people of Rumney.

Teunis Mulder was born in Rotterdam in the Netherlands on 9 May 1955, the fourth of six children of Dieuwko Mulder and Stientje Vos. Dad was a 'landt arbeiter', or farm worker. My parents were born into families of peat workers and coalminers in the socially disadvantaged area of prewar Europe. Working the peat bog lands would have similarities to Tasmania's early timber industry - wet, substandard housing, isolated families, hard work, hard work. In 1953 my family moved to Rotterdam where dad trained as a ship's welder. Four years later we were in Tasmania and dad was soon back on the land: a piggery at Deloraine and then on to farming a number of properties in the Circular Head area.

I also acknowledge the support of my family, especially my wife Tosca, who can take most of the credit for providing Rachel, Alison, Samuel, Jacob and Katie with the values that have produced such well-adjusted, free-thinking adults, none of whom minds disagreeing with the old fake, even if he is always right. I acknowledge the presence of Katie here today.

From my rural upbringing and the raising of my own family I learned that happiness is found in friendships and shared experience, not material possessions. Life can be simple; we really do not need that much. I enjoy bushwalking in Tasmania's spectacular wilderness and scuba diving along the Rumnay coastline for abalone and the more agile, and therefore less frequently caught, crayfish, connecting with nature, working with its forces and feeling its power, awestruck by its majesty, marvelling at the incredible complexity and interdependency of all of life. Connecting with nature is more than recreation; it is indeed the re-creation of the soul.

My sport was Australian Rules Football. I started underage with the Irishtown Canaries and stopped when the infamous Queenstown gravel claimed my anterior cruciate ligament. Yes, the Irishtown Canaries; there is a story there but we will talk about that some other time.

From sport I learned team play, cooperation, accepting defeat and savouring victory - all important lessons in life and why every young person should play a team sport, and why we should do whatever it takes to get junior teams up in every suburb, especially those characterised by social disadvantage, and especially those in regional areas, and especially using the schools as the heart of those communities.

On 10 May 1971 I started my police career one day after my 16th birthday. There followed almost four decades of law enforcement service to the people of Tasmania at a range of postings throughout the State. I spent most of my operational career as a detective and a few interesting years with the National Crime Authority investigating Melbourne's notorious underbelly and the activities of the former members of the Painters and Dockers Union. On returning to Tasmania I moved into various management roles. They included: Project Baton, Executive Support, Operation Support, and after the first Bali bombing I became Tasmania's inaugural counter-terrorism commander. Note, Madam President, I said inaugural commander, not a maiden commander.

*Members laughing.*

**Mr MULDER** - From policing I learned the important part that preventive policing plays as an adjunct to law enforcement and active policing. Crime rates fall only if crime is prevented and the local police officer is the single most important element in addressing the social causes of crime. In policing I also saw the intergenerational cycle of social disadvantage as children adopted their parents' dysfunctional lifestyles - and there is a personal note here. Late in life I got to know that my own father had been born into a poverty-stricken family where the male role model was a drunken, wife- and child-beating stepfather. It is to my father's credit that he managed to break that cycle. It was a major achievement. How do you escape intergenerational attitudes and values, especially in the formative years?

My father had a strong, some say obstinate, character. Older siblings followed the family pattern but dad left home early and married a town girl with strong religious values. He never beat his wife or children. He broke the cycle by changing his social environment and working his way out. Breaking the cycle becomes even more difficult if we allow children to grow in an environment with little opportunity to observe alternative role models and lifestyles. This is what we did by clustering social disadvantage into broadacre housing estates that are still causing social problems today.

Our society, like our species, is only one generation from extinction. How can we in all consciousness stand at the doors of prisons, Centrelink offices and welfare agencies pointing the finger of condemnation at the disadvantaged? From the time of their birth we have known that this is where they would end up. Their birth weight, their family circumstances, history and lifestyle allow us to predict, with an uncomfortable degree of probability, that they would end up here. Yet we do little to intervene, little to break the cycle, little to provide opportunities for alternative life trajectories and we assuage our consciences by saying we support the less fortunate in our society but we do it with a handout, not hand-ups. Handouts perpetuate welfare dependence and condemn them to their lot in life, a life of dependence, no liberty, no individual responsibility, no reward for effort and worse still no hope, no goals, no ambition. How is this different from the suppression of the human spirit that characterised the Dark Ages? Not only are they wasted lives; instead of contributing they are a financial drain. There is no greater injustice, no greater assault on liberty than to deprive a child of the

opportunity to make a meaningful contribution, indeed participate in our community. Surely, Madam President, good social policy is good economic policy.

[3.15 p.m.]  
In 2005 I commenced my political career by being elected to serve as a Clarence City alderman on Tasmania's second-largest and, by any measure, best city council. I acknowledge the presence of the Deputy Mayor, Alderman Chipman, Alderman Traynor and also Alderman Peers.

In January 2010 I contested the House of Assembly elections as endorsed Liberal Party candidate for Franklin. History records that I fell just short of the fifth Franklin seat, a narrow loss it is true, but in a democracy a single vote is a landslide. There are no second prizes, just second chances and here I am, the independent Liberal member for Rumney.

I am a Liberal and I acknowledge the presence of Liberal members of either House - of course the member for Pembroke, Vanessa Goodwin. I also acknowledge in the Gallery the Leader of the Opposition in the lower House, Will Hodgman, and also Rene Hidding.

I am a Liberal and I do not mean necessarily a member of the Liberal Party, although that is true. I mean the philosophical school of thought known as liberalism based on the ideals of life, liberty and the pursuit of happiness.

Liberalism is the work of intellectual giants like Locke, Bentham and Smith to whom I was exposed as a political science undergraduate at the University of Tasmania. Their ideals arose from the Age of Enlightenment, a period in which western societies had moved out of feudalism and into the light of freedom and growing prosperity, a time when rulers and kings could no longer restrain the freedom genie; when governing changed from the divine right to a social contract of the governed.

It was a time of great upheaval as the power of a growing merchant class challenged and eventually supplanted the aristocracy and the medieval structures of society. But the story really begins a century before.

In the early sixteenth century the Protestant reformation swept through Europe and one of its leading lights was the great French reformer John Calvin whose world view resulted in the Presbyterian and Christian reform churches and after whom Calvin Christian school in Kingston is named. In the religious sphere Calvin stressed individual responsibility. No longer were priests or the church the intermediary between man and God; man was personally and directly responsible for his own soul.

The liberating effect of individual responsibility soon spread to the marketplace. In *The Protestant Ethic and the Spirit of Capitalism* the twentieth century German sociologist, Max Weber, noted that the prosperity and freedom brought by industrialisation had been the greatest in north-west Europe, Scotland and North America, areas where the influence of Calvinism was strongest. This was often described as the Protestant work ethic, and Weber identified the staggering productivity of these areas, that it was motivated by the individual reward for effort. We know this idea as God helps those who help themselves but individual responsibility was a novel idea in sixteenth century Catholic Europe. Here the lower classes were to live humbly in their station and await their reward in Heaven. For Calvin poverty was almost a sin. God had given the stewardship of such a bountiful world and there was no reason to be poor. Churches and princes who structured the world to the detriment of their subjects were doubly guilty. By 1680 John Locke was arguing for the separation of church and state and the rejection of autocratic monarchy. Earthly rulers derive their rights not from God but from contracts made by men. He referred to the natural right of man to life, health, liberty and happiness and argued that value was created by our labour.

In the same decade, 1688, the glorious revolution saw the restoration of the monarchy and not the divine right of kings but a constitutional monarchy where sovereignty lay with the people acting through their representatives in Parliament. In 1776 Adam Smith, the author of *The Wealth of Nations* and the father of capitalism, said that free men acting in free markets were the basis not only of good government but also of national prosperity and likened self-interest and reward for effort as the major driver for economic behaviour.

Jeremy Bentham spoke of utilitarian liberalism advocating that government policy decision be based on the greatest good for the greatest number not vested interests, a new approach to public policy. Here was a true liberal, someone who advocated welfare for the needy, the abolition of poverty and capital punishment, separation of church and state, animal rights, gender equality and the decriminalisation of homosexuality, and that was 1785. In order for commerce to be free, Bentham recognised the need for law and order to prevent extortion, distortion and the corruption of the market.

Bentham established the world's first preventive police force, a force whose success was measured by the absence of crime rather than its detection, where liberty and a free market were not natural but dependent on the deliberate and enforceable equalisation of power and in this sea of radical liberal thought European

settlement came to this continent and the stirrings of Australian egalitarianism were found in pre-settler and convict alike.

In 1810 the father of Australia, Governor Lachlan Macquarie, envisaged a new colony, one that would grow from the penal settlement and military garrison into self-sufficiency and economic prosperity. Macquarie introduced coinage and he encouraged the exploration that opened Australia to grazing and its longest export boom, and Australia rode on the sheep's back for 150 years. Macquarie initiated grand infrastructure projects and most significantly emancipated convicts through the ticket-of-leave system. This enabled convicts to operate as free agents, to sell their labour, to move off the public purse and to contribute to the economic life of the community. Not surprisingly, there was conflict between Macquarie and the exclusivists, a group of powerful elites who sought to exclude convicts from justice and the protection of the law.

Many exclusivists had acquired their land through grants and developed it with convict slave labour and I know there are some in this Chamber who owe their prosperity and values to their ticket-of-leave forebears, industrious convicts who worked their way up, bought land from their masters and thereby became landowners themselves which, until recently, was a requirement to vote or sit in this place. So the next time you drive down Macquarie Street reflect on what Governor Macquarie's vision has done for our nation - his liberal vision. But liberalism does not automatically lead to prosperity and freedom.

Adam Smith warned of the dangers of laissez-faire capitalism. People of the same trade, he said, seldom meet together either for merriment and diversion but the conversation ends in a conspiracy against the public or some contrivance to raise prices. To that history has added a conspiracy to drive down costs, including labour costs. From the very beginning the prosperity of industrialisation was not fully shared with the workers. Many had been driven off the land and found themselves living in poverty in cheap, substandard housing and working as an underclass in dangerous and unhealthy conditions and for little pay. The workers' reward was not commensurate with their efforts. This was a failure by the State to ensure equality of opportunity and to control the excesses of capitalism - well, laissez-faire capitalism. It was through their trade unions and collective action that the workers gained their equality and their freedom. Reward for effort, enlightened self-interest; these are the guarantees of our right to life, liberty and the pursuit of happiness. Compare this to the enslaving socialism of Karl Marx; not reward for effort but from each according to his ability, to each according to his needs; a concept that has enslaved and impoverished every nation that has ever adopted socialism. Altruistic as it may seem, the result is the crushing of initiative and, along with it, the human spirit, and an underclass, permanently and intergenerationally dependent on the State. But they were not alone; we now have people in their third and fourth generation of unemployment and welfare dependency. Where are they to acquire a work ethic or sense of individual responsibility, that spirit of capitalism that catapulted us out of the Dark Ages and into the centuries of prosperity that followed?

That laissez-faire capitalism is dangerous is a lesson we forget at our peril. When Boris Yeltsin abandoned Russia's centrally controlled economy to the unregulated forces of the market, organised crime and an oligarchy of powerful interests took control. Competition, opportunity, the lifeblood of the free market, was stifled and it took the authoritarianism of Vladimir Putin to restore law and order, to dismantle the oligarchies and vigorously pursue organised crime. It was only when law and order were restored that freedom could operate and the Russian economy recovered. It is not the free market that fails us; it is the failure of government to ensure the market is free of corruption and allow reward for effort on a level playing field. But government also fails us when it intervenes in that market, when it seeks to become a player, when it becomes so large that it sucks up for itself functions, people and capital that should be operating in the private sector.

It is to the proper role of government, the demarcation between private and public sector, to which I now turn. Adam Smith had addressed just this question. It was 1777, of course; a simpler time when governments and markets were smaller and the fundamentals more easily grasped. In addition to national defence and banking regulation, functions we have ceded to the Commonwealth, Smith considered that governments should be confined to enforcing contracts and providing a justice system called the rule of law; providing goods of such a nature that the profit could never repay the expense of any individual, such as roads, bridges, canals and harbours - physical infrastructure - supporting public education and institutions that provide a general benefit to the society - social infrastructure. To this we could add environmental sustainability and stewardship of the earth's biodiversity.

Government is the guardian of freedom. Its cornerstone is the rule of law and government is not above the law, should not meddle in its operations nor seek information about matters under investigation or trial, a true separation where policy direction is given through statute law and no attorney-general would contemplate briefing, let alone directing, a judge or a magistrate on the operation of the law. There needs to be a clear separation between government and those charged with enforcing the law. Last week we saw the falling of the Victorian police commissioner, one with close links to a previous premier. Images of that premier, not the Governor, attaching the new commissioner's rank insignia when he was appointed reminded me of the direct appointment by the Premier of the previous Tasmanian commissioner, without an expression of interest, a talent search or any semblance of due process; a situation soon compounded by that Premier's public assertion that the commissioner had the duty to provide, without reservations, a full briefing. Was the commissioner indirectly

or directly briefing a chief suspect, an act of corruption that would cost the job of any detective sergeant, and rightly so?

[3.30

p.m.]

The Premier also insisted, with no distinction between policy or operations, that the commissioner had a duty to obey any direction that premier might give. Does this place the Premier above the law? Are we not deeply concerned about the independence and the separation? The Police Service Act needs amendment to clarify that the minister should only provide policy directions. Until that occurs, no minister can stand here or on the Floor of the other place and avoid responsibility by claiming something is an operational matter.

As we know in this place, government also delves into moral and religious issues. It is not the role of government to impose one group's morality upon another. Indeed, unless there are impacts on some other person's liberty, the State should not be making rules as to who can marry whom, who can fall in love with whom or who can have children. Marriage is a religious ceremony that along with other religious rites such as baptism, confirmation, bar mitzvah, the hajj or funerals, should be of no concern to the secular State. I like the Napoleonic method. First a civil ceremony in which the State registers the partnership agreement to ensure fairness and justice and the protection of the law then, if the couple wished, off to a church to get married and obtain the blessing of their preferred god. So if you ask me to support some moral or religious law, show me the victim and show me how the legislation we are looking at would protect them from earthly harm. Protection of their soul is not the role of government.

The State does have a role in achieving environmental sustainability. I do not mean conservation as in the sense of preservation. I do not believe in simply locking up vast tracts of nature. Developers have the potential to enhance or even restore environmental sustainability. Only developed economies seem to be able to afford environmental protection with developing economies doing most of the damage and lacking the means or the will to engage in mitigation. Like all creatures, we will continue to alter our environment to meet our needs but our species alone has the capacity to think through the consequences and, as you know, I see great value in the re-creating value of nature.

We have a nanny state that burdens us with massive amounts of regulation that require a government agency and staff to develop and review policies and check on compliance. One hotelier in my electorate tells me that one day a month he is tied up with government officials on compliance work. Do the staff have responsible service of alcohol training? Do they have a gaming licence? Is his food service licence current? Is his liquor licence current? Is there a separate basin to wash hands? Are their conditions being complied with? Does his kitchen meet the ever-changing health standard? Does every piece of electric equipment have a tag? Does he have shatterproof glass in the door? And on and on and on it goes.

In Clarence we have been replacing solid galvanised-pipe play equipment with ones made of plastic, ones that meet the new standards. They also seem to meet the standard of flammability that our vandals so enjoy. The old ones no longer meet the standards. Well, neither did the creek and mud holes I used to play in, but I grew up with imagination, perhaps too fertile, good motor skills and a robust immune system. How long before we consider that playing sport is too dangerous because we might break a bone, without realising that an underdeveloped immune system and obesity and a sedentary lifestyle are far more injurious to our health than the odd broken bone or minor infection.

Madam President, this State Government is at the crossroads. The Budget recognises that the public sector is too big. This Budget fails to address government's involvement in things which are not its core role and which ultimately reduce our freedom and therefore our prosperity. This State of half a million people simply cannot afford big government and that, Madam President, is the link between my inaugural speech and the bill I am supposed to be addressing, the Consolidated Fund Appropriation Bill. Liberalism is about small government, government limited to what it needs to do. Post-war generations think government has no limits, that government can do everything and anything. Much of the bureaucracy is involved in cross-agency policy coordination or high-level administration, functions that add very little to the essential services our communities require. There are so many involved in programs, policies and government coordination that we are top heavy, bloated and expensive - a bureaucracy we cannot afford. Do we need the proliferation of quasi-autonomous organisations just because Canberra, Washington, London or Brussels have them? Can we afford a public sector where service delivery staff are outnumbered by policy executives?

I think it is a good thing to be seen as the country cousins who have an unsophisticated government and healthy, productive citizens who are living within their means. I would prefer to be a country cousin to being continually bagged for being a mendicant State. Many of these senior executives are involved in special cross-portfolio agencies - the Social Inclusion Unit, the Anti-Discrimination Commissioner, the Children's Commissioner, the Local Government Office, the Climate Change Unit, a senior practitioner here, a commissioner for a trendy issue over there. I will take the case of just one of many. Last year one commissioner, a few policy officers and a clerical staff support cost the taxpayers of this State \$640 000 - money that, according to the actual former occupant of that position, his own calculations as published in the *Mercury*, would have paid for 16 caseworkers to relieve the shortage that resulted in the very tragic case, the one that a decade of special commissioners and their policy and coordination reviews had failed to prevent.

In terms of policy development standard, why does Tasmania need to develop its own when there are larger governments capable of identifying best practice and developing policies and procedures, which we can adapt or adopt to our own needs? We cannot afford the bureaucratic overheads that exist in national governments in Canberra, London and Washington or the super governments like the United Nations or the European Parliament. Not only have we taken extraneous functions, the senior levels of our line agencies are also proliferating from what was once a neat triangle, small at the top broadening out through management and spreading out to a large frontline service delivery.

In policing 15 years ago, there was one civilian State executive service member managing the public service; now there are seven. There were only six police commanders then and last year there were nine, when I left. I know that similar things occurred right across government. Now, the triangle looks more like a square, bulging at the executive, management and policy levels. Our lean triangle has grown love handles and we have to lose weight. This Budget does shed weight, but it is in the wrong places. Instead of reducing the fat and the love handles of a senior bureaucracy, it seeks to amputate the legs of essential service delivery. Madam President, we all know that cutting off a leg is a sure-fire way to lose weight, but it debilitates and severely impedes the body actually doing what it is supposed to do.

Madam President, I am not reviewing the Budget. I offer a second opinion. I suggest a new approach to reducing government and living within our means. Let us start with a bureaucracy as it was 15 years ago, review all those senior positions and their trendy policy review and coordination functions. My former profession has some very useful tools. Madam President, I suggest we take up the whistle of alarm, the torch of liberalism, the baton of small government and, most of all, the handcuffs of restraint. Madam President, for life, liberty and the pursuit of happiness.

**Members-** Hear, hear.