

Standing Committee on Parliamentary Privilege and Ethics

**Report on person referred to
in the Legislative Council
(Mr T Bidder)**

Ordered to be printed 18 June 2002

New South Wales Parliamentary Library cataloguing-in-publication data:

New South Wales. Parliament. Legislative Council. Standing Committee on Parliamentary Privilege and Ethics
Report on person referred to in the Legislative Council (Mr. T Bidder)/ Legislative Council, Standing Committee on
Parliamentary Privilege and Ethics. [Sydney, N.S.W.] : The Committee, 2002. – vii, 9 p. ; 30 cm. (Report 16, June 2002 /
Standing Committee on Parliamentary Privilege and Ethics) (Parliamentary paper ; no. 122)

Chair: Helen Sham-Ho.

“Ordered to be printed 18 June 2002”.

ISBN 073 139 1381

1. Bidder, T.
2. New South Wales. Parliament. Legislative Council.
- I. Title
- II. Sham-Ho, Helen.
- III. Series: New South Wales. Parliament. Legislative Council. Standing Committee on Parliamentary Privilege and Ethics. Report ; 16
- IV. Series: Parliamentary paper (New South Wales. Parliament) ; 122

328.944 (DDC21)

How to contact the Committee

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Terms of reference

The inquiry was conducted in accordance with a resolution of the Legislative Council of 13 November 1997 which permits citizens who are referred to in the House to seek a right of reply by making a submission in writing to the President of the Legislative Council (*Minutes of the Proceedings of the Legislative Council*, No. 16, Thursday 13 November 1997, Entry No. 2).

The resolution is available on the Committee's page of the Parliament's website www.parliament.nsw.gov.au, or by contacting the Committee Secretariat.

Committee membership

The Hon Helen Sham-Ho MLC *Chair*

Independent

The Hon Patricia Forsythe MLC *Deputy Chair*

Liberal Party

The Hon Amanda Fazio MLC

Australian Labor Party

The Hon Jenny Gardiner MLC

National Party

The Hon Tony Kelly MLC

Australian Labor Party

The Revd the Hon Fred Nile MLC

Christian Democratic Party (Fred Nile Group)

The Hon Peter Primrose MLC

Australian Labor Party

The Hon Janelle Saffin MLC

Australian Labor Party

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Report

- 1.1** On 20 May 2002 the President of the Legislative Council, the Honourable Dr Meredith Burgmann MLC, received a letter on behalf of Mr Tim Bidder requesting the incorporation of a response under the Legislative Council's resolution of 13 November 1997,¹ relating to the protection of persons referred to in the Legislative Council. The letter referred to statements made by the Hon Lee Rhiannon MLC during the adjournment debate in the Legislative Council on 9 April 2002.² The President, having accepted the letter as a submission for the purposes of the resolution, referred it to the Standing Committee on Parliamentary Privilege and Ethics on 22 May 2002.
- 1.2** The Committee met in private session on 12 June 2002, and decided, according to paragraph 5 of the resolution, to consider the submission. In agreeing to the attached response, the Committee did not consider it necessary to consult Mr Bidder or the Hon Lee Rhiannon on the matter. The response, which the Committee now recommends for incorporation in Hansard, has been agreed to by Mr Bidder and the Committee in accordance with paragraph 5(b) of the resolution.
- 1.3** The Committee recommends:

Recommendation 1

That a response by Mr Bidder, in the terms specified at Appendix 1, as agreed to by Mr Bidder and the Committee, be incorporated in *Hansard*.

The Hon Helen Sham-Ho MLC
Chair

¹ *Minutes of the Proceedings of the Legislative Council*, No. 16, Thursday 13 November 1997, Entry No. 2.

² *Hansard* (pamphlet), 9 April 2002, pp. 1120-21.

Appendix 1

**Response by Mr Bidder,
agreed to by Mr Bidder and
the Committee according to
paragraph 5(b) of the
Legislative Council's
resolution of 13 November
1997**

Appendix 1

Introduction

The Honourable Lee Rhiannon made statements and imputations to the Legislative Council on 9 April 2002 in relation to Warringah Council.

The Honourable Lee Rhiannon's speech makes particular reference to "26 Ocean Grove, Collaroy," and its "owner". I am the owner of 26 Ocean Grove, Collaroy and am identifiable to many people as the owner.

The Honourable Lee Rhiannon's statements have had a severe adverse effect upon my reputation as well as my dealings and associations with others. I therefore wish to place it on the record that I deny and repudiate the accusations made against me by the Honourable Lee Rhiannon.

The Honourable Lee Rhiannon's Statements

The Honourable Lee Rhiannon's statements are made in the context of wider comments in relation to alleged criminal conduct in relation to the death of a developer which I will not repeat here.

The Honourable Lee Rhiannon stated:

[...]This individual alleged that he had been asked by the brother of one councillor to pay \$80,000 and \$50,000 in bribes to have approved development applications for 26 Ocean Grove, Collaroy, and a Francis Street, Dee Why, property over which he had obtained a development option. When he refused to pay the bribes he alleged that he encountered obstruction at the council from Mayor Jones, who moved to refuse the application for 26 Ocean Grove, Collaroy. That motion was adopted. Interestingly, when this individual allegedly decided that the obstruction was all too much and sold the Ocean Grove property, it was purchased by associates of Mayor Jones and people whom I understand to be Liberal Party supporters.

Last year the new owners submitted a new development application for 26 Ocean Grove, Collaroy. Despite the proposed development being worse than the original, Mayor Jones and his majority faction moved to approve the development. Councillor John Caputo declared a pecuniary interest in the application. Many objectors to this development have alleged they have been subjected to intimidation and harassment. Owners of properties around 26 Ocean Grove have complained that their development applications for modest proposals have been obstructed and delayed. They claim to have been subjected to public attacks with untrue allegations. There appears to be a constant effort to cause anguish for adjoining property owners of 26 Ocean Grove, Collaroy.

Something appears to stink pretty badly in Warringah [...]"

Response

The Honourable Lee Rhiannon's words suggest that I was in some way associated with or implicated in improper conduct on the part of Warringah Council in their dealings with the previous owner of 26 Ocean Grove, Collaroy. I have no knowledge of the dealings that the previous proprietor had with Council and reject the associations and implications made by the Honourable Lee Rhiannon.

The Honourable Lee Rhiannon has stated that I am a Liberal Party supporter and an associate of Mayor Jones. Whilst my political persuasions are personal and the Honourable Lee Rhiannon's comments constitute an invasion of my privacy, the fact is that I am not a Liberal Party supporter. In fact, I am an enthusiastic supporter of environmental preservation policies, and indeed, I actually helped the Honourable Lee Rhiannon in respect of her 1999 election campaign by posting her election posters within the Warringah Shire area. I have also actively supported other Greens' candidate election campaigns and stood in the last Warringah Shire election as an independent with protecting the environment as a policy. It is also incorrect to state that I am an associate of Mayor Jones, although I agree with his policies of integrity and steadfastness against deception and corruption.

I strenuously reject the suggestion that my development application for 26 Ocean Grove, Collaroy was improperly approved. The facts surrounding the development approval were as follows:

- (i) David Gilmore Real Estate advertised 26 Ocean Grove for sale in June 2000;
- (ii) I showed interest in purchasing the property. The selling agent disclosed to me that the Development Application lodged by the previous owner had been rejected by Warringah Council and later rejected by the Environment Court;
- (iii) I thereafter made an offer to purchase the property, and after negotiations, the offer was accepted with settlement taking place on 29 June 2000. I obtained a copy of the Land and Environment Court judgment which had rejected the Development Application lodged by the previous owner and instructed my architect to address in a new application every one of the objections contained in the judgment;
- (iv) My Development Application was submitted to Warringah Council in accordance with guidelines and practices used by any other member of the public in making such an application to the Council;
- (v) The Application received Warringah Council staff recommendation. It was debated at the Council's meeting on 4 December 2001 and, at that meeting, councillors voted for a site inspection to be conducted the following Tuesday, 12 December 2001. That day, after the site inspection, the Development Application was approved on a 4 to 3 show of hands by the majority councillors. Thereafter a rescission motion was lodged by minority councillors, however, the Development Application was finally approved by Council on 5 February 2002;
- (vi) At no stage did any improper conduct take place regarding the Application.

The Honourable Lee Rhiannon also claims that persons objecting to my Development Application have been subjected to intimidation and harassment. I have no knowledge of such incidents. Any allegation that I have intimidated or harassed opponents to my Application is both untrue and without foundation. Any such accusation is particularly damaging to me.

I value my reputation and standing in the community, particularly with my near neighbours. Any inference that I have "obstructed and delayed" the development applications of my neighbours and subjected them to "public attacks with untrue accusations" is unfounded and distressing to me and my family. I have never set out to "cause anguish" for the "adjoining property owners of 26 Ocean Grove, Collaroy".

Conclusion

The Honourable Lee Rhiannon has made statements which clearly identify me and adversely affect my reputation in respect of dealings and associations with my community.

The Honourable Lee Rhiannon's statements to the Legislative Council have caused injury to my credit, character, reputation and profession.

The Honourable Lee Rhiannon's speech infers that I have harassed, attacked and intimidated persons. The Honourable Lee Rhiannon suggests that I am involved in corrupt dealings and that I have obstructed and delayed the development applications of my neighbours. Her words imply that I am an associate of corrupt local government officials and may go so far to suggest that I may be implicated in serious crime.

I strenuously deny these accusations and implications. I have suffered extreme hurt and embarrassment as a result of the Honourable Lee Rhiannon's comments in the House.

Appendix 2

Minutes of the Committee's proceedings

Minutes of the proceedings

Meeting No. 17

Wednesday 12 June 2002

at Parliament House, Sydney at 1.00 pm

MEMBERS PRESENT

Mrs Sham-Ho (in the Chair)

Ms Forsythe	Revd Mr Nile
Mr Kelly	Mr Primrose
Ms Gardiner	

Apologies were received from Ms Fazio and Ms Saffin.

In attendance: Lynn Lovelock, Velia Mignacca and Janet Williams.

Minutes of meeting no. 16 were confirmed on motion of Mr Kelly.

Correspondence received:

- (i) Letter dated 22 May 2002 to the Chair from the President, referring a submission from Gilbert and Tobin, on behalf of Mr Tim Bidder, to the Standing Committee on Parliamentary Privilege and Ethics

Citizen's right of reply – Mr Tim Bidder

The Committee deliberated.

Resolved, on motion of Revd Mr Nile: That the Chair prepare and submit a draft report on the request for a citizen's right of reply by Mr T Bidder, recommending that a response by Mr Bidder, in a form of words agreed to by Mr Bidder and the Committee, be incorporated in Hansard.

Resolved, on motion of Mr Primrose: That the report be adopted.

Resolved, on motion of Ms Gardiner: That the report be signed by the Chair and presented to the House.

Resolved, on motion of Ms Gardiner: That the Clerk advise the citizen and the Member concerned of the proposed tabling of the Report.

The Committee adjourned at 1.09 pm sine die.

Lynn Lovelock
Clerk to the Committee