

Privileges Committee

Citizen's Right of Reply

(Mr Michael Eberand)

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How to contact the committee

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Terms of reference

The inquiry was conducted in accordance with standing orders 202 and 203.

Committee membership

The Hon Peter Primrose MLC	Australian Labor Party	Chair
Revd the Hon Fred Nile MLC	Christian Democratic Party (Fred Nile Group)	Deputy Chair
The Hon Greg Donnelly MLC	Australian Labor Party	
Ms Cate Faehrmann MLC	The Greens	
The Hon Trevor Khan MLC	The Nationals	
The Hon Natasha Maclaren-Jones MLC	Liberal Party	
The Hon Matthew Mason-Cox MLC	Liberal Party	
The Hon Natalie Ward MLC	Liberal Party	

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Report

- 1.1 Standing orders 202 and 203 of the Legislative Council provide a mechanism for a person who has been adversely referred to by a member of the Legislative Council in proceedings of the House to seek a right of reply through the incorporation of a response in *Hansard* or in the *Minutes of Proceedings*.
- 1.2 On 12 September 2019, the President of the Legislative Council, the Hon John Ajaka MLC, received a submission from Mr Michael Eberand requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to comments made by Dr Mehreen Faruqi MLC concerning Mr Eberand during debate in the Council on 12 April 2018.¹ The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 13 September 2019.
- 1.4 The committee met in private session on 19 September 2019, and decided, according to standing order 203, to consider the submission. The response, which the committee now recommends for incorporation in *Hansard*, has been agreed to by Mr Eberand and the committee in accordance with standing order 203(4)(b).
- 1.5 The committee draws attention to standing order 203(3)(b) which requires that, in considering a submission seeking a citizen's right of reply, the committee must not consider or judge the truth of any statements made in the House or in the submission.
- 1.6 The committee recommends:

Recommendation 1

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

The Hon Peter Primrose MLC
Chair

¹ *Hansard*, Legislative Council, 12 April 2018, pp 46-47.

Appendix 1 Reply to comments by Dr Mehreen Faruqi MLC in the Legislative Council on 12 April 2018

On 12 April 2018, Dr Mehreen Faruqi made a statement about me in the Legislative Council.

Impact of statement

The statement by Dr Mehreen Faruqi was made with the benefit of parliamentary privilege, and has had severe impacts upon my reputation, my public standing, the trading of my 25 year old successful professional services business, and has adversely impacted my mental and physical health and upon my family. The statement also made public what was a legitimate and private transaction, that, given there was no wrong doing on my part, served no public benefit in being detailed. I was a member of the Greyhound Racing New South Wales Board. This is a position that does not pay a remuneration level consistent with the workload nor risk involved. I offered my services to that board, to serve the public interest, because I thought I could provide a good contribution to the state, as I have professional skills, long business experience, and am passionate about the potential contribution of greyhound racing to the state of New South Wales by way of jobs, socio economic benefits and recreational opportunities (particularly including opportunities for the young, the elderly and those within country areas where activities are limited). To my knowledge, none of the other connections of the other 165 greyhounds mentioned by Dr Mehreen Faruqi, have been made public.

In terms of my reputation, the subject matter ultimately was reported adversely in mainstream media including the *Sydney Morning Herald*, and internationally across social media platforms, the latter where commentary was particularly vicious.

The whole matter has caused severe reputational damage, severe business disruption, and severe anxiety for myself and my family at the time, and it still does.

This Right of Reply request is intended to assist myself and my family obtain some closure of the matter by correcting the public record in terms of my reputation.

Why the statement is incorrect

This statement is factually incorrect because:-

1. The greyhound Wandering Mija was not sent to Macau as was stated by Dr Mehreen Faruqi. Macau is known as a destination reportedly very poor for greyhounds (any google search will quickly show the reporting of conditions for greyhounds in Macau).
2. The Greyhound Wandering Mija is in fact reportedly living in good conditions in Dubai:

https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0008/272960/Ebrand-decision-5-9.19.pdf
3. I have a strong knowledge of greyhound racing websites, and I do not believe that they provide ear brands. If Dr Faruqi had cross referenced greyhounds by their ear brands, the process would

need to have involved the cross checking of the 166 greyhounds. Given the absence of ear brands on greyhound racing websites, Dr Mehreen Faruqi must have obtained that information from another source that she has not disclosed. It is important this be corrected, because I believe that as it is written, the statement made by Dr Mehreen Faruqi is not true.

4. The information given to Dr Mehreen Faruqi by Greyhound Racing New South Wales (a body created under the Greyhound Racing Act 2017) was wrong. In a subsequent press release, Greyhound Racing New South Wales noted that its subsequent investigations had identified the greyhound was in Dubai.
5. The statement infers wrong doing on my part, which is simply untrue. The fact is that my family and I have a deep affection for our greyhounds and that our practices are to lawfully sell, rehome or retain our greyhounds as pets. We treat them as pets for life, before, during and after racing, regardless of how successful they are. We have very successfully rehomed many greyhounds as pets, both through the Greyhounds as Pets program, and privately.

On 5 September 2019, I was cleared of the allegations of breaches of the rules of racing in relation to the greyhound Wandering Mija by the independent Racing Appeals Tribunal, which in its deliberations noted **(171)** "A right thinking person would not condemn the appellant for his conduct".

(This finding can be read here;

https://www.gwic.nsw.gov.au/__data/assets/pdf_file/0008/272960/Eberand-decision-5-9.19.pdf)

Appendix 2 Minutes

Draft Minutes No. 2

Thursday 19 September 2019
Room 1136, Parliament House, Sydney at 1.30 pm

1. Members present

Mr Primrose, *Chair*
Revd Nile, *Deputy Chair*
Mr Khan
Mr Mason-Cox
Mr Donnelly
Ms Faehrmann
Mrs Maclaren-Jones
Mrs Ward

In attendance: Steven Reynolds, Susan Want.

2. Confirmation of minutes of previous meetings

Resolved, on the motion of Mr Donnelly: That draft minutes no. 1 be confirmed.

3. Correspondence

Sent:

- ***

Received:

- ***
- Letter dated 13 September 2019 from the President to the Chair forwarding correspondence from Mr Michael Eberand requesting a right of reply. A copy of the original letter is also attached.

4. ***

5. Request for citizen's right of reply – Mr Michael Eberand

The Committee considered the proposed edited version of the submission from Mr Eberand.

The Committee deliberated.

Resolved, on the motion of Ms Faehrmann:

1. That the Chair prepare and submit a draft report on the request for a citizen's right of reply by Mr Michael Eberand, recommending that a response by Mr Eberand in a form of words agreed to by Mr Eberand and the Committee be incorporated in Hansard.
2. That the report be adopted.
3. That the report be signed by the Chair and presented to the House.
4. That the Clerk advise Mr Eberand and the former member now Senator Dr Mehreen Faruqi of the proposed tabling of the report.

6. Other business

The committee discussed:

- its annual meeting with the Ethics Adviser on a date to be confirmed
- a possible meeting between the Chair and the Chair of the Legislative Assembly Privileges and Ethics Committee to progress discussions about the Code of Conduct for Members
- possible ways of progressing an updated Memorandum of Understanding with the ICAC.

7. Adjournment

The committee adjourned at 1.49 pm, *sine die*.

Susan Want

Clerk to the Committee