

PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE COUNCIL

STANDING COMMITTEE ON
PARLIAMENTARY PRIVILEGE AND ETHICS

REPORT

ON

**PERSON REFERRED TO IN
THE LEGISLATIVE COUNCIL**

(MR L. R. ALLEN)

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Contact Details

Correspondence and telephone inquiries concerning the Committee or its work should be directed to:

Ms Lynn Lovelock
Clerk to the Committee
Standing Committee on Parliamentary Privilege and Ethics
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Telephone: (02) 9230 2024
Facsimile: (02) 9230 2761
e-mail: lynn.lovelock@parliament.nsw.gov.au

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Committee Membership

The Hon Helen Sham-Ho, MLC
Chair Independent

The Hon John Hannaford, MLC
Deputy Chair Liberal Party

The Hon Jenny Gardiner, MLC National Party

The Hon John Johnson, MLC Australian Labor Party

The Hon Anthony Kelly, MLC Australian Labor Party

Revd the Hon Fred Nile, MLC Christian Democratic Party

The Hon Peter Primrose, MLC Australian Labor Party

The Hon Janelle Saffin, MLC Australian Labor Party

SECRETARIAT

Ms Lynn Lovelock Clerk to the Committee

Ms Velia Mignacca Senior Project Officer

Ms Janet Williams Committee Officer

REPORT

- 1.1 On 23 September 1999 the President of the Legislative Council, the Honourable Dr Meredith Burgmann MLC, received a letter from Mr L. R. (Mick) Allen 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 Honourable Richard Jones MLC in the Legislative Council during Question Time on 28 October 1992, and in debate on 20 May 1993, and to statements made by a former Member, Mr Paul O'Grady, in the Legislative Council during the adjournment debate on 20 April 1993. 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 23 September 1999.
- 1.2 The Committee met in private session on 22 October 1999, 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 Allen, Mr Jones, or Mr O'Grady on the matter. The response, which the Committee now recommends for incorporation in *Hansard*, has been agreed to by Mr Allen and the Committee in accordance with paragraph 5 (b) of the resolution.
- 1.3 The Committee therefore recommends:

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

The Hon. Helen Sham-Ho, MLC
Chair

¹ Minutes No. 16, Thursday 13 November 1997, Entry No. 3.

APPENDIX 1

**RESPONSE BY MR L. R. (MICK) ALLEN,
AGREED TO BY MR ALLEN
AND THE STANDING COMMITTEE ON
PARLIAMENTARY PRIVILEGE AND ETHICS
ACCORDING TO PARAGRAPH 5 (B) OF THE
LEGISLATIVE COUNCIL'S RESOLUTION
OF 13 NOVEMBER 1997**

On a number of occasions during 1992, 1993 and 1994, my name was mentioned in the Legislative Council by Mr R S L Jones, MLC and Mr P F O'Grady, MLC.

Their remarks about me were published in newspapers circulating throughout the Shire of Bega Valley and cast aspersions on my character.

A newspaper report on Mr O'Grady's remarks calling me a "crook" was recently accepted and allowed as evidence by the Commissioner, in an inquiry into Bega Valley Council.

My reputation was adversely affected to a great extent. People I had known as friends avoided me and my family and my own Trade Association, the Caravan and Camping Industries Association, deserted me. At the time, I was immediate Past President and a recipient of awards bestowed on me for my honorary work for the Caravan Industry in NSW. My grandchildren too, were subject to disparaging remarks both by teachers and other children. My business, run in conjunction with my partners, all members of my family, suffered a considerable drop in revenue.

I will refer only to some instances out of the many times I was referred to in the Legislative Council in derogatory terms and another where it was inferred that I was using my position for gain.

On 28 October 1992, Mr Richard Jones asked "Does the draft report of the Local Government 212 Inquiry into the Bega Valley Shire Council and Twofold Beach Caravan Park recommend that development consent must be obtained for parts of Twofold Beach Caravan Park and that no new licence for its operation be issued until such consent has been obtained? Did Councillors have possession of this report when a new licence was issued to Shire President, Mick Allen, the proprietor of the Twofold Beach Caravan Park?"

The draft report was confidential to Councillors and senior staff and the Minister was therefore unable to respond until a final report was available. Licences were issued to all 26 Caravan Parks as they had expired on 31st August. The draft was not issued until 11th September. The inference in the question that Councillors, which included myself, had the draft report before the licences were issued cannot be sustained.

I have mentioned the above in the light of statements made by Mr P F O'Grady on 20 April 1993. I quote "After more than a year, the Minister for Local Government has released a scathing report damning the Twofold Bay Caravan Park development. Mick Allen, Shire President and part owner of the caravan park, celebrated the reception of the draft report by awarding himself with two new licences, so who knows what he will do tonight. Maybe he will award himself with another four. He is a crook; absolutely."

I have evidence that when the draft report was received, I was on holiday with my wife in Belmont. Also that the Chief Health and Building Surveyor, who issued licences under delegation, was also absent from the Shire in transit to New Zealand with a Council delegation after having issued the licences.

The Macquarie Dictionary classifies a "crook" as a "swindler" or "thief". Mr O'Grady had no ground whatsoever to label me a crook but nevertheless his statements were made public in the media.

Other statements made by Mr O'Grady have no basis for allegations of criminality.

Cr Mack Hopkins is no "mate" of mine. He declared a pecuniary interest at all times, and all decisions on Mirador were based on the proper considerations. The ICAC certainly found no wrong doing in this development nor in the Nethercote subdivision. A full Council had passed the Local Environment Plan signed by the Minister.

I have never insisted that tapes be wiped. I have never threatened to assault members of Council. The State Government approved regulations that taping of the Committee of the Whole by individuals could be disallowed.

I now quote Mr Richard Jones from Hansard on 20 May 1993. "No doubt some bad apples enter Local Government for personal gain. Some Councils are full of them; others have none at all. The majority of Councils are relatively clean. Honourable members will be very much aware of the notorious Mick Allen the Shire President of Bega Valley Shire Council. He is the kind of character who gives Local Government a bad name and spoils it for others. He has his illegal caravan park development on the foreshores having levelled the sand dunes to erect cabins".

My "illegal" development had been licensed long before I became the Shire President on land fully owned by myself and family.

It was later ruled to be unlawful by the Land and Environment Court despite the fact that the Bega Valley Shire Council had fully approved it under the Local Government Act - including the cabins. The Council had even signed a Deed of Agreement to that effect long before I became Shire President and when I was considered to belong to the minority faction. I have never used my position for personal gain and my civic record has been praised by Mr John Hatton - a noted upholder of the truth - in a published media release.

Another quote from Hansard on 20 May 1993, "A Section 212 Inquiry has been held into his activities" is not correct. The terms of the Inquiry were "To inquire into and report on the circumstances surrounding, and matters arising from the Council's handling of alleged unauthorised works at the Twofold Beach Caravan Park and any other related issues".

It severely criticised the previous Council for its actions and was based on interpretation of law - not on deliberate wrongdoing - certainly not on my part.

I have been finally vindicated in the Court by the conclusion that Twofold Beach possessed a five year approval under the 1993 Local Government Act.

All these aforementioned allegations have been recorded in Hansard and in the interests of my family and the Office of Shire President/Mayor should be corrected by recording my statements in Hansard to at least restore some of the damage that has emanated from the privilege to denigrate a citizen without fear of redress.

L R ALLEN ("MICK")
September 1999

APPENDIX 2

Minutes of the Proceedings

Meeting No. 4

Friday 22 October 1999

at Parliament House, Sydney at 10.00 am

MEMBERS PRESENT

Ms Sham-Ho (in the Chair)

Ms Gardiner	Revd Mr Nile
Mr Johnson	Mr Primrose
Ms Saffin	

Apologies were received from Mr Hannaford and Mr Kelly.

Correspondence received:

- (i) Letter dated 6 September 1999 from Mr L R Allen seeking right of reply.
- (ii) Letter dated 23 September 1999 from the President to the Chair referring Mr Allen's submission dated 6 September 1999 to the Committee for consideration under the resolution of the House of 13 November 1997.
- (iii) Letter dated 28 September 1999 from Mr L R Allen forwarding a submission made to the Commissioner of a public Inquiry into the Bega Valley Shire Council, together with a newspaper report.

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 L.R. Allen, recommending that a response by Mr Allen, in a form of words agreed to by Mr Allen and the Committee, be incorporated in *Hansard*.

The Committee continued to deliberate.

The Committee considered the draft report on the inquiry into a person referred to in the Legislative Council.

Resolved, on motion of Ms Saffin: That the Report be adopted.

Resolved, on motion of Revd Mr Nile: That the Report be signed by the Chair and presented to the House.

The Committee continued to deliberate.

Resolved, on motion of Mr Primrose: That the Clerk advise the persons concerned when the Report will be tabled in the House.

Resolved, on motion of Revd Mr Nile: That the Committee, at its next meeting, consider ways of improving the mechanisms for adopting and reporting citizen's replies to the House.

The Committee continued to deliberate.

The Committee agreed to consider the position and appointment of a Parliamentary Ethics advisor at its next meeting.

The Committee adjourned at 10.26 a.m. *sine die*.

Lynn Lovelock
Clerk to the Committee