

Privileges Committee

Citizen's Right of Reply (Mr R Bailey)

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Terms of Reference

The inquiry was conducted in accordance with standing orders 202 and 203, which were adopted by the Legislative Council on 5 May 2004: *Minutes of the Proceedings of the Legislative Council*, No 52, Wednesday 5 May 2004, Entry No. 10.

Committee Membership

The Hon Kaye Griffin MLC *Chair*

Australian Labor Party

The Hon Jenny Gardiner MLC *Deputy Chair*

Liberal Party

The Hon Greg Donnelly MLC

Australian Labor Party

The Hon Amanda Fazio MLC

Australian Labor Party

The Hon Don Harwin MLC

Liberal Party

Revd The Hon Fred Nile MLC

Christian Democratic Party (Fred Nile Group)

The Hon Ian West MLC

Australian Labor Party

Table of Contents

Report	1
Appendix 1 Response by Mr Bailey, agreed to by Mr Bailey and the Committee, according to standing order 203 (4) (b).	3

Report

- 1.1** On 23 April 2008, the President of the Legislative Council, the Honourable Peter Primrose MLC, received a submission from Mr Russell Bailey, an Elder of Redeemer Baptist Church and the Bursar of Redeemer Baptist School, requesting the incorporation of a response under standing orders 202 and 203 of the Legislative Council relating to the protection of persons referred to in the Legislative Council.
- 1.2** The submission referred to statements made by Dr John Kaye MLC during the adjournment debate in the Legislative Council on 3 April 2008.¹ The President, having considered the submission under standing order 202 (2), referred it to the Privileges Committee on 29 April 2008.
- 1.3** The Committee met in private session on 14 May 2008, and decided, according to standing order 203, to consider the submission. The Committee, having consulted with Mr Bailey in writing, met again on 18 June 2008 and agreed to the attached response. The response, which the Committee now recommends for incorporation in *Hansard*, has been agreed to by Mr Bailey and the Committee in accordance with standing order 203 (4)(b).
- 1.4** The Committee draws attention to standing order 203 (3)(b) which requires that, in considering a submission under the resolution, the Committee must not consider or judge the truth of any statements made in the House or in the submission.
- 1.5** The Committee recommends:

Recommendation 1

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

The Hon. Kayee Griffin MLC
Chair

¹ *LC Hansard*, 3 April 2008, pp 6385-6386.

Appendix 1

**Response by Mr Bailey,
agreed to by Mr Bailey and
the Committee, according to
standing order 203 (4)(b)**

Appendix 1

Reply to comments by Dr John Kaye MLC in the Legislative Council on 3 April 2008

Pursuant to Standing Order 202 of the Standing Orders of the Council, I claim a Citizen's Right of Reply to statements made about me in the Council by Dr John Kaye MLC on 3 April 2008.

These statements have adversely affected my dealings with suppliers of goods and services to the Redeemer Baptist School and Redeemer Baptist Church, my association with leaders of other Schools and Churches, and my reputation as one of the leaders of Redeemer Baptist School and Church.

In his speech to the Council on 3 April 2008, Dr Kaye repeated allegations which he had previously made in the Council in regard to Redeemer Baptist School and Redeemer Baptist Church. Dr Kaye stated that there was 'ongoing tax fraud' and 'ongoing Centrelink fraud'. He also stated that there were 'abusive practices of the school' that should be exposed. As an Elder of Redeemer Baptist Church and the Bursar of Redeemer Baptist School, I deny these allegations most emphatically.

The School has already been the subject of extensive public scrutiny by a number of different government agencies over the last four years, as a result of various allegations of the type that Dr Kaye continues to repeat in the Council. No wrongdoing by the School has been uncovered, or adverse findings made against it.

That is because there is no truth in any of these allegations.

At the conclusion of six months of investigation of the allegations which Dr Kaye referred to, the Office of the Board of Studies NSW concluded in a letter to the School dated 15 November 2005 that 'these concerns were not substantiated' and that they intended 'to take no further action with regard to them'. In similar vein the NSW Ombudsman stated in a letter to the School dated 9 May 2005: 'I consider that the school took reasonable steps to ensure that the reportable allegations were thoroughly investigated'.

Another allegation made by Dr Kaye is that 'Redeemer Baptist School has misused the courts'. I also deny this allegation.

The School has taken legal action where it believed it was necessary to do so to safeguard the interests of the School community, including its children and their parents. It has only done so on rare occasions when it believed, with the benefit of legal advice, that such action was necessary and appropriate. The School respects our system of justice and rejects most emphatically that it has ever abused the courts.

The rule of law is a basic tenet of civilised society. It is not 'barbaric', as Dr Kaye says, to appeal to the courts to make a judgment concerning disputes. That is why we have the legal system: to protect our fundamental rights.

As to the relationship between Redeemer and Mr Glossop, the School has never given instructions to its lawyers 'to crucify Mr Glossop', nor did it ever threaten Mr Glossop with 'bankruptcy and jail'. The court case involving the School and Mr Glossop has now been settled and I have sent Dr Kaye a copy of a letter which the School received from Mr Glossop with respect to the settlement.

Mr Glossop wrote to the School on 27 February 2008 as follows:

I am very happy that we were able to bring the litigation between the school and myself to a final conclusion. I believe this has been a very stressful period for all concerned. It is regrettable that the relationship we once shared when my daughter attended your school has deteriorated over time. I hold no ill feeling against you the school, or any other parties related to this matter. My only concern now is to get on with my life and put the past four years behind me ... I wish you and the school all the best now and into the future.

On the last occasion that the Council provided me a Citizen's Right of Reply with respect to statements made about me in the Council by Dr Kaye, he subsequently repeated his statements in the House (Hansard, 25 September 2007, 11:34am). Dr Kaye indicated on that occasion that he had never contacted me to hear my response to the various allegations he has made. I sent an email to Dr Kaye following his latest speech against me in the Council. But it remains the case that Dr Kaye has not made any contact with me or the School about any of the matters that he has raised in the Council.

The Elders of the Redeemer Baptist Church and the community of Redeemer Baptist School will not be deterred by Dr Kaye from their commitment to the education and welfare of all our students, both past and present. We pray that Dr Kaye will come to an understanding that the allegations he makes are without foundation.