

Standing Committee on Parliamentary Privilege and Ethics

**Report on person referred to  
in the Legislative Council  
(Mr T Bidder) (No 2)**

Ordered to be printed according to resolution of the House  
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## 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](http://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<sup>1</sup>

Australian Labor Party

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<sup>1</sup> Discharged from the Committee on 26 September 2002: *Minutes of the Proceedings of the Legislative Council*, No. 37, 26 September 2002, entry no. 5.



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## Report

- 1.1** On 5 September 2002 the President of the Legislative Council, the Honourable Dr Meredith Burgmann MLC, received a submission on behalf of Mr Tim Bidder requesting the incorporation of a response under the Legislative Council's resolution of 13 November 1997,<sup>2</sup> relating to the protection of persons referred to in the Legislative Council.
- 1.2** The submission referred to statements made by the Honourable Lee Rhiannon MLC during debate in the Legislative Council on 26 June 2002<sup>3</sup> in relation to the adoption by the House of a report by the Committee concerning an earlier request by Mr Bidder for a citizen's right of reply.<sup>4</sup> The President, having accepted the submission for the purposes of the resolution, referred it to the Standing Committee on Parliamentary Privilege and Ethics on 10 September 2002.
- 1.3** The Committee met in private session on 26 September 2002, and decided, according to paragraph 4 of the resolution, to consider the submission. In considering the submission, the Committee did not find it necessary to consult either Mr Bidder or the Honourable Lee Rhiannon on the matter. It has decided to recommend the submission's incorporation in *Hansard*.
- 1.4** The Committee draws attention to paragraph 4(2)(b) of the resolution 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:

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### 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*.

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The Hon. Helen Sham-Ho MLC  
Chair

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<sup>2</sup> *Minutes of the Proceedings of the Legislative Council*, No. 16, Thursday 13 November 1997, Entry No. 2.

<sup>3</sup> *Hansard* (pamphlet), 26 June 2002, pp. 3744-3747.

<sup>4</sup> Standing Committee on Parliamentary Privilege and Ethics, *Report on person referred to in the Legislative Council (Mr T Bidder)*, Report No. 16, June 2002.



## **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

1. On 26 June 2002 the Legislative Council adopted report no. 16 of the Standing Committee on Parliamentary Privilege and Ethics entitled 'Report on person referred to in Legislative Council (Mr T Bidder)' dated June 2002.
2. The submission published in that report responded to statements and imputations made to the Legislative Council on 9 April 2002 by the Honourable Lee Rhiannon (**first speech**).
3. The Standing Committee on Parliamentary Privilege and Ethics had decided that in accordance with the Legislative Council's Resolution of 13 November 1997, my response should be incorporated into Hansard (**my reply**).
4. The Chair of the Committee, the Honourable Helen Sham-Ho, moved that the report be adopted by the House on 26 June 2002.
5. On that occasion, immediately following the motion, the Honourable Lee Rhiannon made a further speech which identified me, compounded the harm caused by her first speech and made inaccurate statements which have had a further severe adverse effect upon my reputation as well as my dealings and associations with others (**second speech**).

## The Honourable Lee Rhiannon's second speech

6. The statements contained in the Honourable Lee Rhiannon's second speech have caused me extreme hurt and embarrassment. Her statements, which are incorrect have compounded the damage done by her first speech.
7. The Honourable Lee Rhiannon's second speech reads in part:

In his reply Mr Bidder has stated that I made a number of accusations against him. In fact, I made only two statements specifically concerning Mr Bidder: that he is an associate of Mr Darren Jones, mayor of Warringah Council, and that he is a Liberal Party supporter. They are the only specific statements I made about Mr Bidder. I did not allege any improper conduct on his part specifically. Certainly, I made allegations of improper conduct, but either they concerned other specific individuals, or I did not identify a culprit. At every stage I have simply attempted to bring to light highly disturbing allegations so that they can be properly investigated. I have never claimed to have the answer to every question in this murky picture. Nevertheless, Mr Bidder is entitled to his reply. He is entitled to put his side of the events. But he is not entitled to make incorrect assertions. He has stated in his reply—a document that is privileged and has been reported in the media—that he is not a Liberal Party supporter and that it is incorrect to state that he is an associate of Mayor Darren Jones. He has refuted the only two specific comments I made about him.

I have in my possession a number of statutory declarations that have been provided to me. Later, I will seek leave to have those documents incorporated in Hansard. They contain information which directly contradicts Mr Bidder's statement. One is from Mr

Vincent De Luca who is a State councillor of the Liberal Party of Australia He is involved in the community on the northern beaches and has a long history in the Liberal Party in that area. In his declaration he attests that Mr Bidder has been a strong supporter of both Mayor Jones and the Liberal Party. He states that at the 1999 State election he witnessed Mr Bidder handing out how-to-vote cards for Mr Jones, then the Liberal candidate for the seat of Manly. At the 2001 Federal election Mr De Luca attended-

8. After some debate, the Honourable Lee Rhiannon continued to refer to the statutory declaration from Mr Vincent De Luca, as well as statutory declarations from Mrs Roslyn De Luca and Ms Patricia Parsons.
9. The Honourable Lee Rhiannon then expended considerable time drawing inaccurate detail from the statutory declarations she had before her. She sought leave to incorporate those statutory declarations in Hansard but was not granted leave. She then concluded by saying:

I will continue to work to bring to light allegations of wrongdoing at Warringah Council. The people of Warringah clearly deserve better.

10. After saying these words, the House agreed to the motion moved by the Honourable Helen Sham-Ho and my reply was incorporated into Hansard.

### **Response**

11. In my reply to the Honourable Lee Rhiannon's first speech I objected to the Honourable Lee Rhiannon's use of words that suggested that I was in some way associated with or implied in improper conduct on the part of Warringah Council.
12. Whilst the House granted me the right to reply, the Honourable Lee Rhiannon has compounded the damage caused to me by her first speech with the further innuendos contained in her second speech.
13. In her second speech the Honourable Lee Rhiannon suggests that in her first speech she made only two statements 'specifically concerning Mr Bidder'. This misses the point at hand which is that in the Honourable Lee Rhiannon's 'simply attempt(ing) to bring to light highly disturbing allegations so that they can be properly investigated', I have been identified and had my reputation severely damaged.
14. The Honourable Lee Rhiannon says 'I have never claimed to have the answer to every question in this murky picture'. In raising those questions both in her first speech and her second speech and associating me with that line of inquiry, the Honourable Lee Rhiannon continues to associate me with imputations of corruption and even alleged criminal conduct in relation to the death of the developer. The Honourable Lee Rhiannon has not attempted to contact me, either before her first speech or her second speech, to discuss with me matters that have, through her speech, improperly involved me and damaged by reputation.
15. The Honourable Lee Rhiannon says 'I made allegations of improper conduct, but either they concerned other specific individuals, or I did not identify a culprit'. In reply, I say that in painting a 'murky picture' and posing questions to which she had no reply, the Honourable Lee Rhiannon has associated me with imputations of improper conduct

16. The Honourable Lee Rhiannon says of me: 'I did not allege any improper conduct on his part specifically'. This is an ambiguous explanation which compounds the imputations contained in the Honourable Lee Rhiannon's first speech.
17. In her second speech the Honourable Lee Rhiannon reventilated her assertion that I am a 'liberal party supporter' and 'associate of Mayor Darren Jones'. I am an individual who reserves the right to assist any political candidate on the basis of my own assessment from time to time of policies, issues and personalities. I am not a member of the Liberal party and nor do I feel myself bound to provide support to any party. The Macquarie Dictionary defines 'associate' as 'companion, comrade, confederate, accomplice or ally'. Whilst I may be described as an 'acquaintance' of Mayor Jones I believe that the Honourable Lee Rhiannon's invented 'association' between me and Mayor Jones is an attempt to create unfounded suspicion of underhand dealing.
18. Similarly, the Honourable Lee Rhiannon suggests that in my reply I claim to be a 'Greens supporter'. I have never claimed to be a Greens supporter any more than I have claimed to be a Liberal party supporter. In my reply I stated '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'. My personal politics are a matter for me alone and are irrelevant to the issue at hand — the Honourable Lee Rhiannon's use of parliamentary privilege has besmirched my reputation.
19. There was nothing in the extracts of the statutory declarations quoted by the Honourable Lee Rhiannon in the House that contradicted the material in my reply. There are elements of those extracts which are false.
20. My first reply sought to redress the damage from the allegations made against me in the Honourable Lee Rhiannon's first speech. Whether (as asserted by her) I handed out how-to-vote cards for Mr Tony Abbott at the 2001 Federal election (which is true) or handed out how-to-vote cards for Mr Jones at the 1999 State election (which is false) is immaterial to the major issue. The statutory declarations upon which the Honourable Lee Rhiannon seeks to rely serve only to demonstrate the unreliable basis upon which the Honourable Lee Rhiannon has sourced and continues to base her damaging statements.
21. The key element of my reply was that 'I strenuously reject the suggestion that my development application for 26 Ocean Grove, Collaroy, was improperly approved'. The Honourable Lee Rhiannon has not withdrawn that suggestion. The Honourable Lee Rhiannon suggests that as it is my belief that I can help an individual Liberal candidate without being a supporter it follows that I cannot be believed on any subject.
22. I do not propose to use my further reply to dwell on the inaccuracies and minutiae of the Honourable Lee Rhiannon's first or second speech. Those statements to the Legislative Council have caused injury to my credit, character, reputation and profession.
23. I strenuously denied those hurtful and embarrassing accusations and implications.

24. In her second speech, the Honourable Lee Rhiannon has made further statements which adversely affect my reputation in respect of dealings and associations with my community. In her statements to the Legislative Council she has inferred that I am a liar.
25. I express my continued regret, hurt and distress that has followed the Honourable Lee Rhiannon's second speech which, rather than providing me and my family with an apology and retraction, effectively compounds and expands on the damaging statements made by her.