

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 Kayee 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 2 July 2007, the President of the Legislative Council, the Honourable Peter Primrose MLC, received a submission from Mr Russell Bailey, 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 20 June 2007.¹ The President, having considered the submission under standing order 202 (2), referred it to the Privileges Committee on 4 July 2007.
- 1.3** The Committee met in private session on 30 August 2007, 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 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 *Hansard*, 20 June 2007, p. 1348-9.

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 of Dr John Kaye MLC in the Legislative Council on 20 June 2007

Pursuant to Standing Order 202 of the Standing Orders of the Council, I claim a Citizen's Right of Reply to untrue statements made about me in the Council by Dr John Kaye, MLC, a member of the Greens, on 20 June 2007.

These statements have adversely affected my reputation and my dealings or associations with other pastors, bursars, teachers, and those in need whom I regularly help as a minister of the Gospel of Jesus Christ. The statements are also an unreasonable invasion of my privacy.

In his speech to the Council on 20 June 2007, Dr Kaye made allegations against the Redeemer Baptist School, of which I am the Bursar, stating that it was engaged in an 'extraordinary tax sham and welfare fraud'. He also made a number of allegations against me in relation to my private financial affairs.

Dr. Kaye provided no evidence to the Council to support his allegations. There is no extraordinary tax sham and welfare fraud being undertaken by the School or the Church, as Dr. Kaye alleges.

I am an Elder of Redeemer Baptist Church, I have been a teacher at Redeemer Baptist School since 1981, and I am the Bursar of Redeemer Baptist School.

At no time has Dr. Kaye made contact with the School to raise these matters, nor has he stated his sources. Dr Kaye refers to an opinion of N Panos and Associates, who are stated to be specialist tax lawyers. However, that firm has never contacted the School or been provided with any of the School's accounts or details of its operations. As I have not seen the written advice of these lawyers, I cannot say what is the basis of their alleged views, but without them having access to the relevant records and all the facts, they cannot possibly be in a position to give an authoritative or well informed opinion on these matters.

As to the legal status of staff including myself, there has been a decision of the Supreme Court of NSW in relation to the operation of the School and the nature of its relationship with its staff (*Redeemer Baptist School Ltd v Glossop & Ors* [2006] NSWCS 1201).

This decision confirms that members of the Ministry Order who contribute as staff of Redeemer Baptist School are volunteers.

Dr Kaye has never spoken to me about my personal financial situation. His presentation of facts and figures about my financial situation is wrong, with the exception of the stipend that I receive from the Church. I deny most emphatically that I have been involved in any wrongdoing or impropriety.

The School's finances are audited each year in accordance with government requirements for financial accountability. Following verification of financial records provided to the Australian Government in 2004, the Department of Education, Science and Training informed the School in writing that no amendments were to be made to the School's data. The School was commended for its compliance with financial accountability requirements: 'The care taken in completing the financial questionnaire and your cooperation throughout the verification exercise has been appreciated'.