



LEGISLATIVE COUNCIL

PRIVILEGES COMMITTEE

Citizen's Right of Reply (Clarence Valley Council and general manager)



Report 105

December 2025

Privileges Committee

Citizen's Right of Reply (Clarence Valley Council and general manager)

Published on 18 December 2025

New South Wales. Parliament. Legislative Council. Privileges Committee. Report no. 105.

Citizen's Right of Reply (Clarence Valley Council and general manager)

"December 2025"

Chair: Hon Stephen Lawrence MLC



A catalogue record for this
book is available from the
National Library of Australia

ISBN: 978-1-923392-17-5

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Terms of reference

The inquiry was conducted in accordance with standing orders 208 and 209

Committee details

Committee members

Hon Stephen Lawrence MLC	Australian Labor Party	<i>Chair</i>
Hon Natasha Maclaren-Jones MLC	Liberal Party	<i>Deputy Chair</i>
Hon Wes Fang MLC	The Nationals	
Hon Sue Higginson MLC	The Greens	
Hon Bob Nanva MLC	Australian Labor Party	
Hon Peter Primrose MLC	Australian Labor Party	
Hon Rod Roberts MLC	Independent	

Contact details

Website	www.parliament.nsw.gov.au
Email	privilege@parliament.nsw.gov.au
Telephone	

Secretariat

Sharon Ohnesorge, Clerk Assistant – Procedure

Rhia Victorino, Director

Madeleine Dowd, Director

Peta Leemen, Principal Council Officer

Irene Penfold, Council Officer

Recommendations

Recommendation 1

1

That a response by Councillor Ray Smith PSM on behalf of the Clarence Valley Council and its general manager, in the terms specified at Appendix 1, as agreed to by Cr Smith and the committee, be incorporated in *Hansard*.

Report

- 1.1 Standing orders 208 and 209 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 4 November 2025, the President of the Legislative Council, the Hon Ben Franklin MLC, received a submission from Cr Ray Smith, Mayor, Clarence Valley Council on behalf of the Clarence Valley Council and its general manager, requesting the incorporation of a response under standing orders 208 and 209.
- 1.3 The submission referred to comments made during debate in the Council by Dr Amanda Cohn on 23 October 2025. The President, having considered the submission under standing order 208(2), referred it to the Privileges Committee on 18 November 2025.
- 1.4 The committee met in private session on 10 December 2025, and decided, according to standing order 209, to consider the submission. The response, which the committee now recommends for incorporation in *Hansard*, has been agreed to by Cr Smith and the committee in accordance with standing order 209(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 Councillor Ray Smith PSM on behalf of the Clarence Valley Council and its general manager, in the terms specified at Appendix 1, as agreed to by Cr Smith and the committee, be incorporated in *Hansard*.

The Hon Stephen Lawrence MLC

Chair

Appendix 1 Reply to comments made in the Legislative Council by Dr Amanda Cohn

In accordance with Standing Order 208 of the Legislative Council I respond to statements made in the NSW Parliament by Dr Amanda Cohn on 23 October 2025, which have adversely affected the reputation of the Clarence Valley Council and its general manager.

On 23 October 2025, Dr Amanda Cohn made the following statement:

The decisions made by local government councillors make a tangible difference every day to the communities they represent. That is why it is so important they are well informed. The Minister for Local Government agrees. In September he said, "Councillors are entitled to whatever information they need to have to make their decisions. Withholding material from councillors who are entitled to it is not appropriate." That is why what is happening at Clarence Valley Council is so concerning. I draw the attention of Parliament and the community to the following matters.

Firstly, without consulting the governing body, the general manager at Clarence Valley Council engaged a council solicitor to issue a concerns notice, with council as the client, against a local community group, alleging defamation of the general manager. The community group had simply provided information to councillors that it had obtained from a Government Information Public Access Act [GIPAA] application, which the general manager had not provided to councillors prior to voting on the relevant matter. The general manager refused three notices of motions from a councillor trying to obtain a copy of the concerns notice and all documents, and did so without declaring a conflict of interest. The general manager then claimed to take over the concerns notice personally, at least two months after the concerns notice was issued to the community group.

Ratepayer Craigh McNeill lodged a GIPAA request for the concerns notice and all documents. When council claimed it did not have the concerns notice, Mr McNeill lodged an application with the NSW Civil and Administrative Tribunal [NCAT]. I am informed that incorrect information has been provided by council in a number of NCAT proceedings. Council denied having the concerns notice. It claimed the general manager issued the concerns notice after taking over the matter. It also claimed that the concerns notice was issued to two members of the community group. Those two members have not received a concerns notice.

Secondly, the general manager terminated 136 long-term casual occupancy agreements across council's four holiday parks. That was deemed an operational matter and councillors were warned not to get involved. It was also contrary to council's previous resolution to withdraw the terminations of the long-term casual occupancy agreements. Four other council resolutions over the past three years have not been implemented at all, and two implemented only partially. It was implied in correspondence to the casual occupants that council gave delegation to the general manager to make the decision to terminate the occupants, which was not the case.

Some 101 occupants have taken the council to NCAT. To date, there have been four NCAT proceedings. The NCAT proceedings on 16 October had 88 occupants. Upon inquiry to the general manager for all correspondence, the response was, "Aside from the fact that council is not the applicant and has therefore not submitted anything to NCAT, access to information would only be reasonable if council was the litigant, as this would be a decision of the council by way of resolution." The council also removed 34 sites at Brooms Head Holiday Park in contravention of council's plan of management.

Thirdly, the general manager continues to refuse to provide a copy of her contract to councillors and, when requested to do so, has said, "You are not required to review my performance as you are not a member of the performance panel. Nor are you required to vote on my performance review."

There is no official function that you are involved in that requires you to have access to appendices to my contract." Then, upon inquiry to the mayor, one councillor was curiously emailed that the contract could not be provided as it is a legal document and is confidential. An electronic copy could not be provided, but a hard copy could be reviewed in the chambers.

Fourthly, legal advice is deliberately provided to councillors at the last minute—for example, about an hour before a meeting. The general manager claimed in an email that that is to protect the confidentiality of the legal advice, but it really prevents councillors from properly considering the advice prior to making decisions. I asked the Minister at budget estimates whether, in instances where advice has been provided or exists and has been given to a mayor or general manager, all councillors should have access to that advice if it relates to a decision they are being asked to make. The Minister was clear that "If it's a relevant issue that is needed for the decision-making process of the governing body, they should have it." When will Clarence Valley Council be held to account for failing to follow the Local Government Act, and for those poor administrative and governance decisions? The community deserves to have confidence in their local council. [*Hansard*, NSW Legislative Council, 23 October 2025 pp 83-84.]

I provide the following response to Dr Cohn's claims in relation to the issuing of a Concerns Notice of Defamation and the refusal of Notices of Motion relating to exposure of the general manager's private business.

1. The general manager advised the mayor and councillors of the day she was seeking legal advice, and further that the matter had become a private matter.
2. The Office of Local Government advised the recipients of the Concerns Notice, that it was a private matter.
3. The findings of *McNeill v Clarence Valley Council* [2024] NSWCATAD 325 has determined the matter of the Concerns Notice to be a private matter.
4. The Office of Local Government advised as the matter was private and subject to personal legal privilege, any Notice of Motion seeking to access that information should be ruled out of order. This advice was accepted by two mayors over a period of 12 months during the term of council in which the Notices of Motion were submitted.
5. The Concerns Notice was received by two members of the public, one of whom is now a councillor, as evidenced by the multiple times the recipient has raised the matter publicly on all forms of media.
6. Despite the advice of the general manager's legal team that she had as strong defamation case, she decided not to pursue the matter in July 2024.
7. In February 2025, a councillor sought \$25,000 of ratepayer's funds to investigate claims of wrongdoing by the general manager in relation to the issuing of the Concerns Notice two years prior and claims of perjury by a member of staff in provision of information relating to the Concerns Notice, in NCAT.

I provide the following response to Dr Cohn's claims in relation to the issuing of 136 long-term casual occupation agreements on Crown Land Holiday Parks managed by Clarence Valley Council and the removal of sites from the foreshore at Brooms Head Holiday Park.

1. Councillors attended a workshop with consultants to the Council in relation to future management of the Holiday Parks.

2. The general manager issued the termination notices to 136 Holiday Van owners, in accordance with the Holiday Parks (Long-term casual occupation) Act NSW 2002.
3. The general manager holds the delegated authority to do so.
4. Two councillors then attempted to intervene in the matter, bringing a number of Motions before the Council by way of Extraordinary Meetings.
5. In June 2025, the Council resolved

"That council acknowledge flaws in resolution 4.2025.2 from the Extraordinary Meeting of 11 April 2025 and understand that this resolution may need alteration to ensure that it is a lawful decision of council." This being the final decision on the matter.
6. 98 Holiday Van owners have appealed the termination, properly in NCAT in accordance with the Holiday Parks (Long-term casual occupation) Act NSW 2002.
7. Council is not the litigant in this matter, it is the respondent.
8. Council manages its Holiday Parks in accordance with the s 68 Approval to Operate.
9. Removal of long-term casual occupation agreements serves to meet the objectives of the Crown Lands Plan of Management and is supported by Crown Lands.
10. The foreshore sites at Brooms Head were removed as they were in breach of the Crown Land Management Act NSW 2016 and the Protection of the Environment Operations Act NSW 1997 and Council's Approval to Operate through encroachment on public community land and access and by leakage of raw effluent into the lagoon. The action was supported by Crown Lands and the Environment Protection Authority.

Appendix 2 Minutes

Draft minutes no. 35

10 December 2025

Privileges Committee

Via videoconference and Room 1254, 9.34 am

1. **Members present**

Mr Lawrence (*Chair*) (*via videoconference*)

Mrs Maclaren-Jones (*Deputy Chair*) (*via videoconference*)

Mr Donnelly, substituting for Mr Nanva

Mr Fang (*via videoconference*)

Ms Higginson (*via videoconference*)

Mr Murphy, substituting for Mr Primrose (*via videoconference*)

Mr Roberts (*via videoconference*)

Secretariat in attendance: Stephen Frappell (until 9.55 am), Sharon Ohnesorge, Rhia Victorino, Madeleine Dowd, Peta Leemen, Irene Penfold.

2. **Previous minutes**

Resolved, on the motion of Ms Higginson: That draft minutes no. 34 be confirmed.

3. **Correspondence**

The committee noted the following items of correspondence:

Received

- 18 November 2025 – Letter from the President to the Chair referring the request from Cr Ray Smith PSM, Mayor, Clarence Valley Council for a citizen's right of reply on behalf of the Council and its general manager.
- ***

Sent

- ***

4. **Citizen's right of reply – Clarence Valley Council and general manager**

Resolved, on the motion of Mr Donnelly:

- (a) That the Chair prepare and submit a draft report on the request for a citizen's right of reply by Cr Ray Smith PSM, recommending that a response by Cr Smith in a form of words agreed to by Cr Smith and the Committee be incorporated in Hansard.
- (b) That the report be adopted.
- (c) That the report be signed by the Chair and presented to the House or, if out of session, to the Clerk.
- (d) That the Clerk advise Dr Amanda Cohn MLC and Cr Smith of the proposed tabling of the report.

5. ***

6. ***

7. ***

8. ***

9. ***

10. **Adjournment**

The committee adjourned at 10.09 am *sine die*.

Sharon Ohnesorge
Committee Clerk

