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15 FEB 2010

LEGISLATIVE  
COUNCIL

SL 10/32

FAXED  
11-02-2010

11 February 2010

The Hon John Ajaka MLC  
Committee Chair  
Select Committee on the NSW Taxi Industry  
Legislative Council  
Parliament NSW  
Macquarie Street  
SYDNEY NSW 2000

By Facsimile: 02 9230 2981

Dear Mr Ajaka:

**RE: ENQUIRY INTO THE NSW TAXI INDUSTRY**

We refer to your letter of 5 February 2010 and note that you have chosen not to respond to my concerns set out in my letter to you of 1 February 2010. We note that your most recent letter simply again invites Mr Kermode to provide evidence to the Committee appointed to conduct the Enquiry into the Taxi Industry. Again the matter has been referred to me for response on the advice of Senior Counsel.

Firstly we would appreciate your response to the issues raised in both our letter of 1 February 2010 and our email sent to Ms Rachel Simpson on 5 February 2010. We note the advice of Mr Steven Reynolds, Clerk Assistant-Committees and Usher of the Black Rod that it would be inappropriate to discuss the matter informally.

Given that Mr Reynolds email communication made it clear that he would be submitting my correspondence to the Committee then I fail to see how you could take the view that I am seeking an informal response from you. You forwarded copies of the transcripts of the hearing to date presumably because you are either aware, or have a notion that the questions asked by Members of the Committee and the evidence in response to those to date is of such an inflammatory nature that Mr Kermode may feel such outrage that he will ignore Counsel's advice and attend upon the Enquiry to defend the many false and defamatory statements made about not only himself but members of his family as well – surely the Committee must feel embarrassed with the line of questioning taken by one member of your Committee.

Turning back to the issues raised in my email to you of 5 February it is clear from the transcript of evidence that the questions being asked, along with the responses do not fall within the following guidelines:

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"Committee hearings are not intended to provide a forum for people to make adverse reflections about specific individuals. The protection afforded to Committee witnesses under Parliamentary privilege should not be abused during these hearings. I therefore request that witnesses avoid the mention of individuals unless it is essential to address the terms of the reference".

I would appreciate your formal advice as to what sanctions are in place for those Committee witnesses who do in fact either abuse Parliamentary privilege or plainly perjure themselves when providing evidence to the Committee. In addition I also seek your formal advice as to what sanctions are available to those members of the Committee who ask questions that are clearly aimed at damaging the reputation of certain individuals and members of their families. In addition, please advise if Committee members have any obligation to provide the sources of their misguided and mischievous information. I am sure that there is no general intent for Parliament to establish Enquiries so as to provide some members of Parliament and the public the opportunity to sully the reputation of people because of the protection provided to any informant, witness or Committee member; however it is clear from the transcript to date that this is, unfortunately, exactly what has occurred.

Again I confirm that under normal circumstances Mr Kermode would have been delighted to assist the Government in relation to any matters within his knowledge relating to the Taxi Industry and in particular a matter he has championed for many years - Transport for the disabled, for which he has been the recipient of the Governments appreciation by way of being awarded both an AM and an MBE. As you would be aware these awards are not handed out as a matter of course and it is extremely disappointing to see the sheer waste of taxpayer's funds on what can only be described as a witch hunt. If it were not for Mr Kermode's belief and persistence since 1980 to insist on Transport for the disadvantaged people nationally – the system now in place would probably be non existent and those people would still be struggling.

There is no doubt that the attack on Mr Kermode by Fairfax Media has sparked a lot of interest with some who simply chose to believe the garbage published. As is evident from the transcripts it would appear clear to me that those who fed the Fairfax Media the misguided and defamatory information have also repeated it before the Committee. Of greatest concern however is the fact that structure of the Committee appears to create a perfect forum for anyone (including the Committee members) to promote misguided and defamatory information, without any opportunity for cross examination, or any other type of procedural fairness or natural justice.

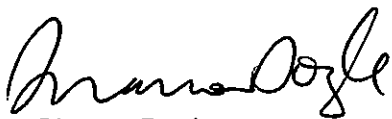
Your enquiry is providing these people with the perfect platform to destroy the reputation and hard work of others; with no recourse available to those whose reputations are ruined because of Parliamentary privilege. When it comes to Committee members however taxpayers have every right to expect that those elected officials should have made some independent enquiries of their own prior to simply believing information provided to them from less than reliable sources and repeating it in the course of the Enquiry.

It will indeed be interesting to see how those with their own obvious agendas and elected officials will react when those misguided allegations are tested before a Court and found

to be untrue and damaging. Given some of the performances before the Enquiry to date I will not be holding my breath in the hope that those involved will voluntarily apologise to Mr Kermode as they properly should but I hope for the sake of the community that their deceit and deficit of character be made known, so that their true characters are exposed so that no-one else can be subjected to their subversive and disgraceful tactics.

I await your response,

*Yours faithfully*

A handwritten signature in black ink, appearing to read 'Sharon Doyle', written in a cursive style.

Sharon Doyle  
**Company Secretary**