

Privileges Committee

**Report on person referred to
in the Legislative Council
(Ms S Wong)**

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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 Peter Primrose MLC *Chair*

Australian Labor Party

The Hon Patricia Forsythe MLC *Deputy Chair*

Liberal Party

The Hon Tony Catanzariti MLC

Australian Labor Party

The Hon Amanda Fazio MLC

Australian Labor Party

The Hon Jennifer Gardiner MLC

National Party

The Hon Kayee Griffin MLC

Australian Labor Party

The Revd the Hon Fred Nile MLC

Christian Democratic Party (Fred Nile Group)

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Report

- 1.1 On 6 June 2005 the President of the Legislative Council, the Honourable Dr Meredith Burgmann MLC, received a submission from Ms Scarlett Wong 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 the Honourable David Clarke MLC, during the adjournment debate in the Legislative Council on 9 December 2004.¹ The President, having considered the submission under standing order 202 (2), referred it to the Privileges Committee on 6 June 2005.
- 1.3 The Committee met in private session on 20 September 2005, 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 Ms Wong 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 Ms Wong, in the terms specified at Appendix 1, as agreed to by Ms Wong and the Committee, be incorporated in *Hansard*.



The Hon. Peter Primrose MLC
Chair

¹ *Hansard*, 9 December 2004, p. 13830.

Appendix 1

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

Appendix 1

Reply to comments by the Hon David Clarke MLC in the Legislative Council on 9 December 2004

I am writing in reply to comments made by David Clarke in an adjournment speech in the Legislative Council on 9th December 2004.

I believe that my reputation has been damaged by David Clarke's incorrect statement of events in the Legislative Council.

On Friday 3rd December I was driving with my friend in the car along Hospital Road. We were stationary in traffic, due to a truck blocking the road. To our left there was a car park with a few cars waiting at a boom gate. As the boom gate opened for one particular car he shot out of the car park and attempted to enter the queue of traffic by forcing himself between my car and the car in front. As the traffic was at a complete standstill we were unable to accommodate this manoeuvre and his car appeared to be dangerously close to my car. This move surprised my friend and I as we did not see how the other driver intended to make any progress in the small space between my car and the car in front. After witnessing this I shook my head and made a comment to my friend and said "How rude!".

Upon seeing this the driver of the offending car wound down his window and began to shout "What did you say?". Surprised at his reaction, we chose to ignore it. We kept our windows wound up, then proceeded with ordinary conversation between ourselves.

This action appeared only to aggravate the other driver as he then opened the door of his car and angrily strode to my window. Fearful for our safety, I told my friend to lock her door as I did the same. The driver then banged on my window, and I wound it down slightly, but was worried to wind it down any further. He asked me "What did you say just then?". I truthfully replied "I told my friend that I thought you were being rude". This made him very angry and he shouted "Well I think you're rude - and I'm reporting you to the police!". Surprised, I asked "Why are you reporting me to the police?" and he replied "Because you were the one that was rude and didn't let me in." Realising he was getting into a rage, I quickly wound up my window again while he continued to yell.

As he walked away, he yelled "We do things differently in Australia".

It is upsetting that someone who should know better would publicly set such an example of road rage and racial abuse, and believe that such behaviour and sentiments are acceptable. Furthermore, it is upsetting to read Mr Clarke's very different and obscured version of events.

Both my friend and I are first and second generation Australians. While Mr Clarke may find it appropriate to make a point of distinguishing my friend as "Anglo", we not only find it irrelevant, but also offensive that he discerns people by their appearance. It is of great concern that Mr Clarke calls us "precious" for finding his behaviour offensive.