

Privileges Committee

# **Citizen's Right of Reply**

(Mr Brian Boyle)

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## **Terms of reference**

The inquiry was conducted in accordance with standing orders 202 and 203.

## Committee membership

The Hon Trevor Khan MLC	The Nationals	Chair
The Hon Amanda Fazio MLC	Australian Labor Party	Deputy Chair
The Hon John Ajaka MLC	Liberal Party	
The Hon Jenny Gardiner MLC	The Nationals	
The Hon Matthew Mason-Cox MLC	Liberal Party	
Revd the Hon Fred Nile MLC	Christian Democratic Party (Fred Nile Group)	
The Hon Peter Primrose MLC	Australian Labor Party	

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## Report

- 1.1 Standing orders 202 and 203 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 21 June 2012, the President of the Legislative Council, the Hon Don Harwin MLC, received a submission from Mr Brian Boyle, Chief Executive Officer, Game Council of New South Wales, requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to comments made by the Hon Jeremy Buckingham MLC, the Hon Cate Faehrmann MLC and Mr David Shoebridge MLC concerning Mr Boyle during debate in the Council on 20 June 2012.<sup>1</sup> The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 28 June 2012.
- 1.4 The Committee met in private session on 21 August 2012, 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 Boyle and the Committee in accordance with standing order 203(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:

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### Recommendation 1

That a response by Mr Brian Boyle, Chief Executive Officer, Game Council of New South Wales, in the terms specified at Appendix 1, as agreed to by Mr Boyle and the Committee, be incorporated in *Hansard*.

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The Hon Trevor Khan MLC  
Chair

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<sup>1</sup> *LC Hansard* (20/06/2012) 13123, 13125 and 13152.





## Appendix 1      **Reply to comments by the Hon Jeremy Buckingham MLC, the Hon Cate Faehrmann MLC and Mr David Shoebridge MLC in the Legislative Council on 20 June 2012**

I wish to make a submission under Standing Order 202 in respect of a number of statements by members of the Legislative Council on Wednesday 20 June 2012 in the second reading debate and Committee proceedings on the Game and Feral Animal Control Amendment Bill.

I believe the statements by the Hon Jeremy Buckingham, the Hon Cate Faehrmann and Mr David Shoebridge have had an adverse effect on my reputation that is injurious to my occupation and possible future occupation. I am currently employed as the CEO of the Game Council of NSW and have been a public servant for 26 years. The second reading debate and Committee proceedings were unusual for the repeated mentions of me and misleading or incorrect statements by three of The Greens members of the Legislative Council.

Mr Buckingham stated that:

1.      ***‘On the day of the announcement the people of Orange saw Brian Boyle go up Mount Canobolas, which was shrouded in thick, pea soup fog – you could not see 50 metres ahead – and say, “Isn't it great that I will be able to shoot up here? I can let off a high-powered rifle through a thicket of bush, in the fog, with no idea who else is in the park.” Inevitably, someone will end up being shot.’***

The Mount had cloud over it but it was not shrouded in fog. The area where the interview with the television crew was clear – as seen in the excerpts on the ABC program that night.

I never at any time made the statement attributed to me by Mr Buckingham.

2.      ***‘I live in Orange and this is also my experience of the Game Council. It is a little fiefdom for Brian Boyle and his Shooters and Fishers Party mates. There is a \$1 million kickback for these guys...’***

Mr Buckingham is implying corrupt activity by myself in receiving or being part of a \$1 million ‘kickback’.

Ms Faehrmann stated that:

***‘The reason that members are speaking to the amendment is the political nature of the Game Council; this clause in the bill gives a lot of authority to one person, who traditionally has been a political figure in the Shooters and Fishers Party.’***

I have no ties to or membership of any political party – I am a public servant and have been so continuously since 1986.

Mr Shoebridge stated that:

1. ***'We should be very clear about this. Mr Boyle engages repeatedly in the political dialogue that goes on in this State about the expansion of hunting. He regularly comments, for example, on the political debate about having 12-year-old kids unsupervised out in State forests stabbing pigs to death. He regularly commentates, in fact has attended political meetings –***

...

***– that my party has organised in western Sydney. He attended and addressed the meeting. He engages in political debate. He attends the meetings in order to engage in political debate. And he engages regularly in political debate across the State. He is a political figure, and he is going to be basically a tsar, in charge of some \$5 million budget, standing in the shoes –***

Mr Shoebridge is referring to a meeting at Padstow Senior Citizens Centre in Bankstown on 6 July 2011. I did not attend the meeting – it was attended by Mr John Mumford, Chairman of the Game Council and Messers Douglas Shupe and Stephen Larsson, both of whom are appointed Councillors on the Game Council of NSW. My diary notes and calendar will confirm I was in Orange and was involved in meetings that day.

2. ***'Mr Boyle will be in charge of about \$2.5 million of direct grants made every year by this Government. In their lean years they will get \$2.5 million, but no doubt in coming years, after the Government has sacked another 15,000 public servants, they will have yet more millions of dollars to lavish on the Game Council, and give it to just one person to engage in his ongoing political advancement here in New South Wales. It is not by accident that the two current Shooters and Fishers Party members of Parliament find their way into this Chamber after sitting as chairs of the Game Council. It is a deeply political organisation and, unlike the Nature Conservation Council, is not a statutory body. The Nature Conservation Council is a non-government organisation and does not rely upon block grant funding, as does the Game Council; and the Nature Conservation Council does not have statutory powers, as does the Game Council. This amendment is about good governance; it is about not giving one person \$5 million and the powers of a statutory body.'***

I have no ties to or membership of any political party – I am a public servant, and I have not been at any time and am not engaged in or have any interest in 'political advancement'.