

Standing Committee on Parliamentary Privilege and Ethics

**Report on person referred to
in the Legislative Council
(Dr J Goodman)**

Ordered to be printed 2 December 2003

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How to contact the Committee

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Terms of Reference

The inquiry was conducted in accordance with a resolution of the Legislative Council of 13 November 1997 which permits citizens who are referred to in the House to seek a right of reply by making a submission in writing to the President of the Legislative Council (*Minutes of the Proceedings of the Legislative Council*, No. 16, Thursday 13 November 1997, Entry No. 2).¹

The resolution is available on the Committee's page of the Parliament's website www.parliament.nsw.gov.au, or by contacting the Committee Secretariat.

¹ The terms of this resolution have been incorporated into Standing Orders 202 and 203, which were adopted by the Legislative Council as Sessional Orders on 14 October 2003 for remainder of the sittings of the House during 2003: *Minutes of the Proceedings of the Legislative Council*, No. 24, Tuesday 14 October 2003, Entry No. 20.

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 9 June 2003 the President of the Legislative Council, the Honourable Dr Meredith Burgmann MLC, received a submission from Dr James Goodman requesting the incorporation of a response under the Legislative Council's resolution of 13 November 1997,² relating to the protection of persons referred to in the Legislative Council.
- 1.2 The submission referred to statements made by the Honourable Michael Costa MLC, as Minister for Police, during Question Time in the Legislative Council on 31 October 2002.³ The President, having accepted the submission for the purposes of the resolution, referred it to the Standing Committee on Parliamentary Privilege and Ethics on 16 September 2003, following the re-establishment of the Committee in the 53rd Parliament.
- 1.3 The Committee met in private session on 13 October 2003, and decided, according to paragraph 4 of the resolution, to consider the submission. The response, which the Committee now recommends for incorporation in *Hansard*, has been agreed to by Dr Goodman and the Committee in accordance with paragraph 5(b) of the resolution.
- 1.4 The Committee draws attention to paragraph 4(2)(b) of the resolution 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 Dr Goodman, in the terms specified at Appendix 1, as agreed to by Dr Goodman and the Committee, be incorporated in *Hansard*.

The Hon. Peter Primrose MLC
Chair

² *Minutes of the Proceedings of the Legislative Council*, No. 16, Thursday 13 November 1997, Entry No. 2.

³ *Hansard*, 31 October 2002, p. 6300.

Appendix 1

**Response by Dr Goodman,
agreed to by Dr Goodman
and the Committee,
according to paragraph 5(b)
of the Legislative Council's
resolution of 13 November
1997**

Appendix 1

Reply to comments by the Hon Michael Costa MLC as Minister for Police in the Legislative Council on 31 October 2002

Context: an unbalanced Parliamentary Statement

I co-convened a research initiative at a university in NSW and on 8 November last year organised a meeting on civil disobedience at NSW Parliament House. The meeting was hosted by Ms Lee Rhiannon, MLC. On 31 October the meeting was condemned by the then Police Minister, Michael Costa. He accused Ms Rhiannon of ‘using the resources of this Parliament to teach people how to cause problems for our police and members of the community as they go about their business... a number of them are coming here to create violent disturbances; they are coming here to have a violent confrontation with the police.’ Further, he stated the meeting was part of ‘a process that could lead to violence’.

By characterizing the meeting in this way the Minister distorted the facts, maligning the organisers of the event and those likely to attend it, as well as the MLC hosting it. The Minister’s statement was published the following day in a front-page article in the Daily Telegraph, which directly mentioned the research initiative that organised the forum.

I now wish to claim the right of reply through the NSW Legislative Council’s ‘Citizen’s Right of Reply’ process. Specifically, I believe I have the right to clarify the role of the meeting that I organised, and the concept of civil disobedience on which it was based.

The Forum I organised at NSW Parliament House in November 2002 - ‘Civil Disobedience Today’ - re-asserted the traditions of civil disobedience. It did so at a time when this tradition is under threat, labelled as violent, even terrorist. The Federal Government has recently introduced anti-terrorist legislation, admitting it would jail political activists for organising protests. Security services, including ASIO, routinely monitor demonstrations and State Governments now regularly use the police service as a force against peaceful disobedience, in Victoria leading to a public inquiry and review of police practice.

The Forum

The Forum at NSW Parliament, ‘Civil Disobedience Today’ aimed to inform public debate amongst the media and policy-makers, as well as amongst protest groups. For this reason the Forum was deliberately held at NSW Parliament, the obvious place for a debate about political participation.

The Forum brought together academics from UTS, UNSW and University of Sydney, and debated key traditions of civil disobedience. These academics joined with advocates from anti-racist, labour, environmental and student organisations, debating the role of civil disobedience in social and political change in Australia. The papers from the Forum were made available to all participants from the organisers.

The Forum was timely and significant, and did not deserve to be condemned by the Police Minister. Personally I felt maligned for being accused of organising a Forum for ‘violent confrontation with the police’. Nothing could be further from the truth.