

Privileges Committee

Citizen's Right of Reply

(Mrs Julie Passas) (No. 3)

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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	

Table of contents

Report	1
Appendix 1	3

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 18 September 2012, the President of the Legislative Council, the Hon Don Harwin MLC, received a submission from Mrs Julie Passas requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to comments made by the Hon Amanda Fazio MLC concerning Mrs Passas during debate in the Council on 27 March 2012.¹ The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 18 September 2012.
- 1.4 The Committee met in private session on 23 October 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 Mrs Passas 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:

Recommendation 1

That a response by Mrs Julie Passas in the terms specified at Appendix 1, as agreed to by Mrs Passas and the Committee, be incorporated in *Hansard*.

The Hon Trevor Khan MLC
Chair

¹ *LC Hansard* (27/03/2012) 9846-9847.

Appendix 1 Reply to comments by the Hon Amanda Fazio MLC in the Legislative Council on 27 March 2012

It is with disappointment, sadness and hurt that I am once again writing to request a right of reply in respect of untrue comments made about me by the Hon Amanda Fazio MLC on 27 March 2012.

I note that I submitted a previous right of reply by letter dated 5 December 2011. It was subsequently published.

I respond to the relevant comments by Ms Fazio as follows:

‘Tonight I will give what I hope will be the last instalment of the saga of the appalling behaviour of Julie Passas. My contribution tonight will focus on her behaviour at the Ashfield pre-poll voting centre for the seat of Strathfield. I first encountered Julie Passas at the pre-poll centre when I attended with my daughter to vote. We were welcomed with a tirade of abuse and filth from Passas and her offsider, an intellectually challenged young man by the name of Thomas Carrie. The unfortunate factor was that similar tirades of abuse were directed towards other pre-poll voters who did not take a Liberal Party how-to-vote card. Later I was approached by the Strathfield Australian Labor Party’s campaign office to hand out how-to-vote cards at the Ashfield pre-poll centre because other campaign volunteers were unable to withstand continual abuse and threats from Julie Passas.’

1. The comment about my alleged ‘appalling behaviour’ is untrue and emotive.
2. I agree that I met Ms Fazio at the pre-poll voting centre but it is untrue that she was met ‘with a tirade of abuse and filth.’
3. It is likewise not true that ‘tirades of abuse were directed towards other pre-poll voters’.
4. It is also not true that ‘other campaign volunteers’ were subjected to ‘continual abuse and threats’.
5. When Ms Fazio arrived at the pre-poll voting centre, I asked her why she was telling lies about me in Parliament. This occurred in March 2011, after my first citizen’s right of reply had been published.
6. The fact of the matter is that I was the subject of abuse and threats, not Ms Fazio.

‘I was shocked to find that Passas was employed as the cleaner by the managers of the building where the pre-poll was located, which meant she had keys to the offices and businesses in the building. I raised my concerns about the security of the pre-poll centre with the returning officer and was reassured when he informed me that he had all the locks changed to keep Mrs Passas out of the pre-poll centre. However, she used her keys to access the parking garage for campaigning purposes and also to keep all of her campaign materials in the fire stairways. That included boxes of leaflets, how-to-vote cards and a number of corflute signs plus A-frame signs and other signs mounted on heavy wooden frames. Of course, anyone who claims to be

concerned about fire hazards – as Passas is on the record as being – should never break fire safety regulations in that manner. It was also doubly of concern that on the upper floors of the building were a coaching college and another educational institute. Just think of the problems of evacuating the building after hours when the fire stairways are full of Passas' campaign materials.'

7. I agree that I was a cleaner at the building where the pre-poll was located.

I am not, however, engaged as a cleaner by the manager of the building.

My engagement as a cleaner is by the individual occupants of the offices within the building, that is, by the individual owners of offices and occupants of the offices.

8. I have no knowledge as to whether or not locks were changed, although I have been informed by Mr Neeley, the Returning Officer at the time, that he has not told Ms Fazio that the locks were changed to keep me out.

The pre-poll office was located on the second (ie top) floor of the building. It was not one of the offices that I was responsible for cleaning, I had no access thereto and no purpose in going into that office, even if it had been possible.

I did clean another office on that floor but I had no keys to the pre-poll office.

Further, on the four occasions that I attended for cleaning of the other office whilst the pre-poll office was located on that floor, the pre-poll office was occupied and used by pre-poll personnel.

9. There was no change of locks 'to keep (me) out of the pre-poll centre'.

10. I did not use my keys to access the parking garage for campaigning purposes.

In this regard:

- a. The parking garage operates on a swipe card system.
- b. The garage was, however, not locked and anyone could have access thereto.
- c. I accessed the garage for entry and egress for cleaning activities.
- d. I did not use the garage for 'campaigning purposes', nor do I understand what is being alleged in this regard.

11. Material was kept not on the stairs but under the stairs.

The quantity of material involved was small in bulk and there was absolutely no obstruction.

In no way were the stairs 'full of Passas' campaign materials'. This is a deliberate exaggeration and distortion.

'What I encountered for the days when I was working at the Ashfield pre-poll centre was probably some of the worst behaviour I have ever seen at any polling place. Even other Liberal Party volunteers were ashamed of the behaviour of Julie Passas, but they were too scared to do anything about it for fear of being attacked by Passas. Passas made racist comments, such as shouting at a woman from the Indian subcontinent that she "stank and should go back where she came from", and "people like you aren't wanted in Australia". Passas also yelled right in the face of people she assumed could not speak English and in some sort of pigeon language told them, "floor 2, floor 2, you go vote – vote this way" and thrust Liberal Party material at them. Some people even retreated into neighbouring shops to get away from Passas but she followed them, bellowing racist comments until she was asked by the owners to get away from their businesses. A number of people complained about her dreadful and racist behaviour but the other Liberal workers could not restrain her from carrying on in such a disgraceful way.'

12. I deny the allegations of 'worst behaviour'.
13. I deny that other booth workers were 'ashamed' at my behaviour or that they were too scared to do anything because of fear of attack by myself.

Such statements are unsubstantiated, unidentified, uncorroborated and, most importantly, untrue.
14. I am unaware as to whether Ms Fazio is alleging that she personally witnessed such behaviour or that she is alleging what other, anonymous people are supposed to have said.
15. The comments about alleged racist abuse on my part are lies. Nothing of the sort ever happened.

Again, those comments are unsubstantiated and apparently anonymous hearsay.
16. I did not ever yell at people, irrespective of their grasp of the English language.
17. I note at this point that I am of Greek background and that I grew up with racist abuse and vilification. I am personally acquainted with the effects of racist abuse and I would be the last person to carry on in such manner.

I pointed out in my previous citizen's right of reply that I am heavily involved in ethnic community affairs and my family all come from ethnic backgrounds.

I am also a sponsor of ethnic, overseas students, I have such students stay at my home and I am the legal guardian for three years of another such student.
18. I was not aggressive to people, they did not try to escape to shops to get away from me and I did not treat anyone in any manner other than as helpful and respectful.
19. I was never asked by shop owners to move away from their shops.
20. Although Ms Fazio refers to 'a number of people' complaining, nothing is substantiated, persons are not identified and again it is all untrue.

'Passas chased people into the lift of the building, harangued them about how they should vote and made scandalous comments about the sitting member. She was told repeatedly by the returning officer that she was not to do this but refused to follow his directions. Eventually, after the police were called a number of times to resolve disputes caused by Passas, a yellow line was placed in the foyer of the building and no campaign workers were allowed to cross the yellow line. Of course, all campaign workers apart from Passas abided by this ruling from the returning officer and the police.'

21. I did not chase people into the lift, harangue them or make scandalous comments about the sitting member.

I did however ask her some questions when she attended at the booth, asking her to identify the school in the inner west at which she had taught, as alleged in her campaign material. I asked in a respectful manner.

Ms Fazio, however, rushed up and videoed the interaction on her phone, keeping her phone a short distance from my face (no more than 15 cm) the whole time.

22. I was not spoken to individually by the Returning Officer.

He spoke to all the booth workers collectively and, more importantly, he was responding to the behaviour of the Labor booth workers who were behaving in the manner alleged against me by Ms Fazio.

23. The police were called by me, not because of me, and were called because of harassment and intimidation directed at me.

24. I was not present when the yellow line was marked, the campaign director having shifted me elsewhere because of the constant nastiness and harassment towards me by the Labor booth workers. He replaced me with male booth workers.

'On the day before the State election I was quite relieved to arrive at the pre-poll centre and find that it was a Passas-free zone. The day went quite smoothly and the relations between the campaign workers from all sides were civilised and cordial. Senior local police called in to check that everything was going satisfactorily and they were informed by all present that everything was satisfactory because Passas was not there. Unfortunately, this did not last because Passas and her offsider turned up and things just kicked off from there. No sooner had she arrived than she chased someone across the yellow line and into the lift. I told her to stop, as it was in breach of the rulings given by the returning officer. I was then subjected to a tirade of threats and abuse from Passas. I informed two undercover police who were in an unmarked car at the corner that they should contact the Ashfield police station to get some uniformed officers to come straight away as trouble was developing.'

25. The comment that 'everything was going satisfactorily ... because (I) was not there' is also unsubstantiated, untrue, anonymous hearsay.

26. I did not chase anyone across the yellow line, as alleged.

27. On the occasion referred to by Ms Fazio, being the last night that the pre-poll was open, it closed at 8.00 pm.

There were three Liberal booth workers present at the premises.

As soon as I arrived, Ms Fazio, who was present, said to me 'I thought we had gotten the police to get rid of you.' I did not respond.

A former neighbour approached me and spoke with me. I had no brochures or material and was not working as a booth worker.

I also knew that my former neighbour was a committed Labor supporter.

She entered the building to vote and I entered to carry out my cleaning activities.

Ms Fazio told me that I was not permitted to cross the yellow line, notwithstanding that Ms Fazio and all the other booth workers were inside the line.

I pointed out that I was not working as a booth worker.

I went into the building, packed campaign material into my car in the basement, and went back to ground level to start cleaning.

'It was then that Passas' offsider confronted me screaming irrationally and standing right in my face. I raised a bundle of how-to-vote papers that I was carrying to cover my face to prevent being covered by spittle from this person who was literally foaming at the mouth. He then yelled out that I had assaulted him. The two police officers who were present dragged this man and Passas away from the polling place and warned them to keep away and not come within 30 metres of the polling place. Other Liberal Party workers who were present then apologised to me for the behaviour that I had been subjected to. I heard no more about the matter until a story appeared in the Sun-Herald on 15 May 2011 that claimed I had assaulted a Liberal Party campaign worker.'

28. What actually happened is as set out in paragraph 27 above.

29. I was not 'dragged' away, I was called to the side to speak with them.

The police suggested that I leave to avoid any other difficulty with Ms Fazio. I pointed out that I was there to clean offices and they agreed to that being done. They also agreed to my collecting campaigning material.

30. I did not reveal the story to the *Sydney Morning Herald*, or to any other newspapers, and I did not provide information to any newspaper, notwithstanding that I was contacted by newspaper reporters asking questions.

31. The police carried out an investigation.

I have read in the newspapers that Ms Fazio declined to give a statement and that there was insufficient evidence.

'Apparently Mrs Passas and her friends in certain sections of the Liberal Party had been shopping the story around to a range of media outlets. After a full police investigation, no action was taken on the matter. I thank Heath Aston from the Sydney Morning Herald for having the decency to publish the result of the police investigation, that is, there was no truth to the matters raised by Julie Passas and her friend. The Labor Party would not tolerate a campaign worker behaving as badly as Julie Passas regularly does. The Liberal Party condones her behaviour and certain sections encourage it. I believe this reflects very poorly on the Liberal Party of New South Wales and I urge its members to take some action to stop this situation occurring in the future.'

32. It is denied that the above story has been 'shopped around' by myself and my friends.
33. My understanding is that a prosecution did not proceed because of insufficient proof.
34. There was no finding, as alleged by Ms Fazio, that 'there was no truth to the matters raised by (myself) and (my) friend', whether by the police or otherwise.

It is scurrilous that Ms Fazio continues to constantly make untrue attacks upon me, and comments about me, under parliamentary privilege.

Were such comments to be made outside Parliament I would have no hesitation in instituting legal proceedings against Ms Fazio, making her justify the allegations.

I request that my response be published.