

Privileges Committee

# **Citizen's Right of Reply**

(Mrs Julie Passas)

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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

<b>Report</b>		<b>1</b>
<b>Appendix 1</b>	<b>Reply to comments by the Hon Amanda Fazio MLC in the Legislative Council on 23 November 2011</b>	<b>3</b>

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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 5 December 2011, 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 23 November 2011.<sup>1</sup> The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 13 December 2011.
- 1.4 The Committee met in private session on 21 February 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:

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### Recommendation 1

That a response by Mrs Passas, in the terms specified at Appendix 1, as agreed to by Mrs Passas 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* (23/11/2011) 7700-7701.





## Appendix 1 Reply to comments by the Hon Amanda Fazio MLC in the Legislative Council on 23 November 2011

I respectfully request that I be permitted a Citizen's Right of Reply in respect of the damaging, unfounded and hurtful comments made about me by the Hon Amanda Fazio MLC in the Legislative Council on 23 November 2011.

I set out Ms Fazio's comments and my responses, as follows:

***'a homophobic, racist, irrational harridan named Julie Passas...'***

I completely deny such allegations. I have supported gay rights and always stood against racism. If required, I can produce both documentary evidence and persons who will attest to my support of gay rights and religious and ethnic equality. I am of Greek and Lebanese background and I host overseas students.

***'She campaigned for the closure of public toilets in Ashfield Park because she claimed that poofers and perverts frequented them.'***

At the time I lived immediately adjacent to the park in the vicinity of the public toilets. In about 1994 I became aware from personal observation, from neighbour complaints and from comments by others that the public toilets and surrounding area were being used for gay sex and for gay meetings. The traffic from cars was continuous throughout the night and the area became known for such activity. I successfully campaigned for the area to be patrolled and for new toilets to be built. It is not true that genuine park users were deprived of the ability to use the toilets in that they were already in a disgusting, substandard condition.

***'... The Councillor revealed also that Passas had threatened her life in the council chambers in April 2000 and had assaulted her in the council kitchen in April 2001.'***

I totally deny the truth of such allegations. The allegations had no substance. An Apprehended Violence Order (AVO), to which I had consented without admissions, was sought to be extended by the councillor but refused by the Court. Indeed that councillor only sought an AVO a lengthy time after the alleged threats when I sought an AVO against Ashfield's Mayor. I note that I consented only after having spent \$7,000 in legal fees and after being advised to consent without admissions to conclude the matter without further cost.

***'The havoc then moved on to a spate of apprehended violence orders being taken out by other Ashfield councillors against Julie Passas'***

No other councillors sought an AVO against me.

***'... Councillor Bonanno won the case in January and also a later costs hearing, but he was concerned that Councillor Passas might not be able to pay.'***

I have never avoided payment of a debt in my life. I agree that I was ordered to pay the costs of the other side in my application for an AVO against Councillor Bonanno and that such costs amounted to

approximately \$100,000. I paid in accordance with that determination and the costs of my own solicitors, to the extent that my husband and I mortgaged our house to do so.

I believe that the Court should never have made the costs order it did and I agree that I complained about Magistrate Mrs Betts, a complaint upheld in my favour.

***'... when dealing with another apprehended violence order against her Mrs Passas, unhappy at being unrepresented in court, lodged a complaint to the Judicial Commission regarding the conduct of Justice Jennifer Betts ... The Judicial Commission considered the matter fully and dismissed the allegations of Julie Passas - because she is a liar'***

I applied to the Court to revoke the AVO to which I had consented previously, without admissions. I appeared unrepresented before Magistrate Betts who cut me off and would not let me present evidence. I lodged a formal complaint which was upheld by the Conduct Division of the Judicial Commission of New South Wales. That determination includes the following:

The Conduct Division further notes that the evidence establishes that in respect of the Passas and Castle complaints, actual injustice can be seen to have been done in the sense that each hearing proceeded to a determination in the absence of a duly conducted judicial hearing.<sup>1</sup>

***'A range of apprehended violence orders were taken out because of the behaviour of Julie Passas.'***

This is denied, refer to my comments earlier.

***'The Sydney Morning Herald noted that the departure of Councillor Passas meant that there would be less bile and stated that her contribution to council had contributed more bile than a gall bladder ward.'***

I deny that any such comments were made by the Sydney Morning Herald.

Furthermore, the SMH published a retraction when it stated that Cr Maher's AVO had been continued. That retraction stated that the AVO had been consented to without admissions, had not been extended and had expired.

***'Councillor Cheung lost her position on the council when it was revealed that Councillor Passas had been involved in her false enrolment on the electoral role.'***

This is totally denied. There was no 'false enrolment' and I was not involved in Ms Cheung's enrolment.

Ms Cheung was elected to Council twice and was twice challenged as to her place of residency. As regards the first challenge, Ms Cheung took the matter to the Supreme Court and was successful. As regards the second challenge, the Administrative Decisions Tribunal found against Ms Cheung but, on my understanding, financial considerations prevented a further judicial review of the decision.

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<sup>1</sup> Report of an Inquiry by the Conduct Division of the Judicial Commission of New South Wales in relation to Magistrate Jennifer Betts, 21 April 2011, p 45.

I remain adamant that Ms Cheung was a genuine resident of the Ashfield council area.

Councillor Cheung did not lose her position when ‘it was revealed that (I) had been involved in her false enrolment’.

I was not called as a witness in either of the two proceedings, nor was any adverse comment made about me by any of the determining bodies and persons.

***‘Part of the evidence ... were ... 51 telephone calls from her home phone in Hurstville to the Liberal party campaign director, Julie Passas.’***

I have no knowledge of such allegations, nor am I privy to the evidence presented to the Administrative Decisions Tribunal in the second proceedings.

I agree that Ms Cheung had a flat in Hurstville, she may well have made telephone calls from that flat, but when she stood for election to Council she was a resident of Ashfield and Summer Hill.

I even helped her find places to live.

***‘The Joint Standing Committee on Electoral Matters received a submission about the false enrolment and Julie Passas’ involvement.’***

I am not familiar with any such submission and had not heard of it prior to Ms Fazio’s reference to it.

***‘There was also her fabricated response to comments I made in debate on a citizen’s right of reply. Councillor Passas lied in her response.’***

The citizen’s right of reply exists because the freedom of speech afforded to members of Parliament can leave citizens vulnerable to allegations being raised about them in Parliament.

But for such a right, I would have little avenue for redress.

Ms Fazio’s comments are already being disseminated on the Internet, painting me as a lying, cheating, dishonest, homophobic, racist and irrational person.

It causes me great pain to know that I am being spoken of in the above manner under parliamentary privilege, without any recourse but for a citizen’s right of reply.

Ms Fazio then belittles such right, claiming further that I have ‘fabricated’ my response, that I have ‘lied’.

She denigrates those persons who have provided written references.

I am willing to provide corroborative evidence of every comment I have made, and to refute each and every allegation made against me, evidence by way of documents, transcripts and personal evidence by numerous witnesses.

I stand by every comment I have made and I deny every adverse allegation made by Ms Fazio.

I also respect and stand by the people who have supported me.

I further note, in passing, that I am not a Councillor now and was not a Councillor when the previous citizen's right of reply was made.

***'The one thing I refer to members is Julie Passas' involvement in the waste of \$648,618 of taxpayers' money in a complaint she made about a Roads and Traffic Authority property at 89 Liverpool Road, Ashfield. What a disgrace.'***

I have no knowledge or information as to the monies involved in the matter to which Ms Fazio refers.

The properties concerned were a group of dilapidated shops owned by the Roads and Traffic Authority (RTA) at the corner of Liverpool Road and Elizabeth Street. The shops were supposedly vacant, boarded up and awaiting demolition.

On occasion as I drove past in the evenings, I observed signs of human habitation and occupation at such 'vacant' substandard, boarded up shops.

I note that while I was on Council I regularly raised issues relating to fire safety as a woman died in a boarding house fire at 83 Liverpool Road, Ashfield during my term on Council.

Council took my concerns in respect of 89 Liverpool Road up with the RTA and I believe that the RTA placed 24 hour security guards there. The shops were subsequently demolished.

If this has cost \$684,618, then I have no knowledge of it and I cannot be held responsible for the manner in which the RTA dealt with the matter.

The RTA report in response to the Council referral stated that the properties were unsafe in the event of fire.

If Ms Fazio is critical of me for taking the stance that I did out of concern for human life, then I stand by that action and say that I would do it again if the situation arose again.