



Factsheet No. 10 – Citizens’ Right of Reply

It is essential for the effective operation of Parliament that Members of Parliament are able to speak freely without fear of prosecution or being sued for what they say. This freedom is protected by the common law, the *Bill of Rights 1688* and the New South Wales *Defamation Act 2005*.

However, Members’ freedom of speech can also leave members of the public vulnerable to being adversely referred to in the Parliament without having an avenue to respond. To balance Members’ freedom of speech the Legislative Assembly of New South Wales has a procedure called the “Citizens’ Right of Reply”.

This factsheet explains the process and the possible outcomes of the Citizens’ Right of Reply procedure.

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► What is the Citizens’ Right of Reply?

The procedure for the Citizens’ Right of Reply is agreed to by all Members of the Legislative Assembly and is set out in what is known as a ‘resolution’. The latest version of the Citizens’ Right of Reply procedure was adopted by the Legislative Assembly on 15 September 2015.

The “Right of Reply” is not an automatic right, but rather an avenue for individuals or corporations to *request* a response. It is a decision of the Legislative Assembly Standing Orders and Procedure Committee as to whether a response is given, or not.

The procedure enables persons or corporations that are referred to in the Assembly by name (or in a way that they can be readily identified) to write to the Speaker if they consider that they have been adversely affected by what has been said.

► How do you request a Citizens’ Right of Reply?

A written request to the Speaker for a response must be made within 6 months of an individual or corporation being referred to in the Assembly and should be addressed as follows:

The Hon. Shelley Hancock, MP
Speaker of the Legislative Assembly
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

► What is the role of the Speaker?

The Speaker initially looks at all submissions for a Right of Reply, to check that they are not obviously trivial, frivolous, vexatious, or offensive, and that it is practicable to consider the submission under the Right of Reply procedure. If the Speaker is satisfied that the request is appropriate she may then refer it to the Standing Orders and Procedure Committee (the Committee) for consideration.

► What is the role of the Standing Orders and Procedure Committee?

If the Committee decides to consider a submission for a Right of Reply, which it is not bound to do, it may report its conclusions to the Assembly as to whether, or not, a response from an individual or corporation should be published by the Legislative Assembly or incorporated into Hansard.

When considering submissions the Committee may meet with the person or corporation affected, and/or with the Member concerned. These meetings are held in private.

At no point does the Speaker or the Committee judge the truth, or otherwise, of any statements made in the Legislative Assembly or submissions for a Right of Reply. This aspect of the process is explicitly stated in the procedure itself.

► What happens next?

If the Committee, in its report to the Assembly, has concluded that a Right of Reply should be granted, the response may be published by the Legislative Assembly or incorporated in Hansard by the Speaker. Recent practice has been for the Committee to publish the response as part of its report to the Assembly.

What will you read next?



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