

Standing Orders and Procedure
Committee



LEGISLATIVE
ASSEMBLY

Citizen's Right of Reply – City of Newcastle



Report 1/58 – October 2023

New South Wales Parliamentary Library cataloguing-in-publication data:



A catalogue record for this
book is available from the
National Library of Australia

ISBN: 978-1-925214-33-8

The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "newly risen, how brightly you shine".

Contents

Membership _____	2
Chair's foreword _____	3
Chapter One – The City of Newcastle's request for a Right of Reply _____	4
Appendix One – Citizen's Right of Reply procedure (adopted 9 May 2023) _____	5
Appendix Two – Terms of reference _____	7

Membership

Chair	The Hon. Greg Piper MP
Members	Mr Adam Crouch MP Mr Alister Henskens MP The Hon. Ron Hoenig MP The Hon. Sonia Hornery MP Ms Janelle Saffin MP Mr Gurmeh Singh MP The Hon. Steve Whan MP
Contact details	Legislative Assembly Standing Orders and Procedure Committee Parliament House Macquarie Street Sydney NSW 2000
Telephone	(02) 9320 2696
E-mail	LAClerk@parliament.nsw.gov.au
Website	Legislative Assembly Standing Orders and Procedure Committee

Chair's foreword

At a meeting of the Standing Orders and Procedure Committee held on 22 August 2023, the Committee resolved that no further action should be taken by the Committee or the Legislative Assembly in respect of a submission made on behalf of the City of Newcastle, seeking a Citizen's Right of Reply in response to comments made by the Hon. Sonia Hornery MP, Member for Wallsend, in the Legislative Assembly on 31 May 2023.

It should be noted that, in accordance with Clause 6 of the Citizen's Right of Reply procedure adopted by the Legislative Assembly on 9 May 2023, the Committee has not judged the truth of any statements made in the Legislative Assembly or the submission.

I commend the report to the House.



The Hon. Greg Piper MP
Chair

Chapter One – The City of Newcastle's request for a Right of Reply

- 1.1 On 20 June 2023, the Chief Executive Officer of the City of Newcastle, Mr Jeremy Bath, wrote to the Speaker seeking a Citizen's Right of Reply on behalf of the City of Newcastle in response to a Private Member's Statement made by the Hon. Sonia Hornery MP, Member for Wallsend, in the Legislative Assembly on 31 May 2023.
- 1.2 On 20 June 2023, the Office of the Speaker wrote to Mr Bath and advised that his submission had been referred to the Standing Orders and Procedure Committee (**the Committee**) for consideration.
- 1.3 The Committee considered Mr Bath's submission during its meetings on 7 and 22 August 2023.
- 1.4 The Member for Wallsend, a member of the Committee, was not present during the Committee's discussion of this issue on either date, nor was she provided with a copy of Mr Bath's submission or any materials associated with it.
- 1.5 On 22 August 2023, the Committee resolved, in accordance with Clause 7(a) of the Legislative Assembly's Citizen's Right of Reply Resolution adopted on 9 May 2023 (**Appendix One**), that no further action should be taken by the Committee or the Legislative Assembly in respect of Mr Bath's submission.
- 1.6 In making this decision, the Committee had regard to the fact that the City of Newcastle is an elected, representative body which has other avenues of response available to it. The Committee noted that the City of Newcastle had already used some of those avenues to respond to multiple aspects of the Member for Wallsend's Private Member's Statement.
- 1.7 In accordance with Clause 6 of the Citizen's Right of Reply procedure, at no time did the Committee consider or judge the truth of any statements made in the Legislative Assembly or the submission while coming to its decision.

Appendix One – Citizen's Right of Reply procedure (adopted 9 May 2023)

That, during the current Parliament, unless otherwise ordered, the following Citizens' Right of Reply be adopted:

- (1) That where a submission is made in writing by a person who has been referred to in the Legislative Assembly by name, or in such a way as to be readily identified:
 - (a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person be able to have consideration given to an appropriate response being published by the Legislative Assembly or incorporated into Hansard, and the Speaker is satisfied:
 - (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Orders and Procedure Committee;
 - (d) the submission was received within 6 months after the relevant comments were made in the House unless the applicant can show exceptional circumstances to explain the delay; and
 - (e) that it is practicable for the Committee to consider the submission under this resolution, the Speaker shall refer the submission to that Committee.
- (2) That the Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Legislative Assembly.
- (3) That if the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any Member who referred in the Legislative Assembly to that person or corporation.
- (4) That in considering a submission under this resolution, the Committee shall meet in private session.
- (5) That the Committee shall not publish a submission referred to it under this resolution of its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Legislative Assembly.
- (6) In considering a submission under this resolution and reporting to the Legislative Assembly the Committee shall not consider or judge the truth of any statements made in the Legislative Assembly or the submission.
- (7) That in its report to the Legislative Assembly on a submission under this resolution, the Committee may make either of the following conclusions:
 - (a) that no further action be taken by the Committee or the Legislative Assembly in relation to the submission; or

(b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Legislative Assembly or incorporated in Hansard by the Speaker.

(8) That a document presented to the Legislative Assembly under paragraph (5) or (7):

(a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and

(b) shall not contain any matter the publication of which would have the effect of

(i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or

(ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

(9) That a corporation making a submission under this resolution is required to make it under their common seal.

(10) The provisions of Standing Order 306 do not apply to any report made by the Committee to the Legislative Assembly under this resolution.

Appendix Two – Terms of reference

The Standing Orders and Procedure Committee has been appointed to inquire into, and report on any matter relating to the Standing Orders or the procedures of the House and its committees.