

Privileges Committee

Citizen's Right of Reply

(Mr Mike Rayner)

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Order 231

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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	
Revd the Hon Fred Nile MLC	Christian Democratic Party (Fred Nile Group)	
The Hon Peter Primrose MLC	Australian Labor Party	
The Hon Matthew Mason-Cox MLC	Liberal Party	

Table of contents

Report		1
Appendix 1	Reply to comments by the Hon Marie Ficarra MLC in the Legislative Council on 24 November 2010	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 11 February 2011, the then President of the Legislative Council, the Hon Amanda Fazio MLC, received a submission from Mr Mike Rayner, General Manager of Tweed Shire Council, requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to statements made by the Hon Marie Ficarra concerning Mr Rayner during the adjournment debate in the House on 24 November 2010.¹
- 1.4 Following the commencement of the 55th Parliament, the new President, the Hon Don Harwin, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 2 June 2011.
- 1.5 The Committee met in private session on 16 June 2011, 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 Mr Rayner and the Committee in accordance with standing order 203(4)(b).
- 1.6 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.
- 1.7 The Committee recommends:

Recommendation 1

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

The Hon Trevor Khan MLC
Chair

¹ *LC Debates* (24/11/2010) 28105.

Appendix 1 Reply to comments by the Hon Marie Ficarra MLC in the Legislative Council on 24 November 2010

On 24 November 2010, the Hon Marie Ficarra MLC during a speech in the Upper House stated that I had launched a campaign of vilification and politically motivated complaints against Councillor van Lieshout who was at the time the Mayor of Tweed Shire Council.

The statement is untrue, hurtful to my character and has impinged on my good reputation.

Following three unsuccessful phone calls to Ms Ficarra's office, I wrote to her on 29 November 2010 seeking evidence supporting the statements made by her. I followed that letter with a further written request on 11 January 2011. She did not respond.

Ms Ficarra has not provided evidence of any action undertaken by me that did not meet an acceptable standard of ethical behaviour and/or were part of 'a campaign of vilification and politically motivated complaints ...' despite a number of requests from me to provide such information.

Ms Ficarra's statement was extensively reported in the media which represented a further impingement on my reputation.

I, therefore, submit that under the provisions of Standing Order 202 I have been adversely affected in reputation by Ms Ficarra's speech.