

Privileges Committee

Citizen's Right of Reply

(Mr Brendan Ritson)

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How to contact the committee

Members of the Privileges Committee can be contacted through the Committee Secretariat. Written correspondence and enquiries should be directed to:

The Clerk

Privileges Committee

Legislative Council

Parliament House, Macquarie Street

Sydney New South Wales 2000

Internet www.parliament.nsw.gov.au

Email privilege@parliament.nsw.gov.au

Telephone (02) 9230 2464

Facsimile (02) 9230 2761

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	

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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 3 September 2012, the President of the Legislative Council, the Hon Don Harwin MLC, received a submission from Mr Brendan Ritson requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to comments made by Revd the Hon Fred Nile MLC and the Hon John Hatzistergos MLC concerning Mr Ritson during Question Time in the Council on 4 March 2008.¹ The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 25 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 Mr Brendan Ritson 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 citizens' 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 Mr Brendan Ritson, in the terms specified at Appendix 1, as agreed to by Mr Ritson and the Committee, be incorporated in *Hansard*.

The Hon Trevor Khan MLC
Chair

¹ *LC Hansard* (4/3/2008) 5745.

Appendix 1 Reply to comments by Revd the Hon Fred Nile MLC and the Hon John Hatzistergos MLC in the Legislative Council on 4 March 2008

I refer to the following comments by Revd the Hon Fred Nile MLC and the Hon John Hatzistergos MLC during Question Time on 4 March 2008:

'POLICE OFFICERS BREACH OF PRIVACY CHARGES

Reverend the Hon. FRED NILE: I ask the Attorney General, and Minister for Justice: Is it a fact that transsexual Brigitte Fell had a sexual relationship with Garrick Jacobson without informing him that he had undergone a sex change? Is it an offence under section 611 of the Crimes Act to have sexual relations with a person without their informed consent? Is it a fact that Constables Tyrone Stacey and Brendan Ritson allegedly informed Mr Jacobson of this crime and subsequently were charged with a breach of privacy? Will the Attorney General take action to have the charges against Constables Stacey and Ritson reviewed and dropped?

The Hon. JOHN HATZISTERGOS: This is a matter that I understand is before the court. I decline to comment in those circumstances.'

The comments refer to me by name and the subject matter of those comments has adversely affected me in reputation, in respect of dealings and associations with others and injured me in my former occupation as a police officer. In the absence of an accurate and up to date public record, the subject matter also has the potential to adversely affect my future dealings and associations with others.

Consistent with Reverend Nile's apparent view that the charges against me ought to have been dropped, on 30 July 2010 in the District Court His Honour Blackmore SC DCJ found there was no *prima facie* case against me and quashed my conviction.

I respectfully ask that this reply be incorporated in the parliamentary record (*Hansard*) pursuant to Standing Orders 202 and 203.