

Privileges Committee

# The right of reply process

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## Terms of reference

1. That this House notes that:
  - (a) on 13 November 1997, this House adopted a right of reply procedure in a resolution of continuing effect, based on the right of reply procedure in the Australian Senate,
  - (b) this procedure was subsequently incorporated in the current standing orders 202 and 203 adopted on 5 May 2004, and
  - (c) since the adoption of the right of reply procedure, the Privileges Committee has presented 30 reports recommending the incorporation of a right of reply in Hansard.
2. That the Privileges Committee review the right of reply procedure including, but not limited to, the possible introduction of an appropriate time limit on requests for rights of reply.
3. That the Committee report by the last sitting day in June 2012.

These terms of reference were referred to the Committee by the House.

*LC Minutes (22/2/2012) 716-717.*

## 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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## Chair's foreword

The right of reply procedure enables persons who have been adversely referred to in the House to request the publication of a response in the parliamentary record. Requests for a right of reply are submitted to the President of the Legislative Council who may refer them to the Privileges Committee for consideration. Having considered a request, the Privileges Committee may recommend to the House that a response be incorporated in Hansard.

The present inquiry required the Committee to review the right of reply procedure in the Council, with particular reference to the possible introduction of an appropriate time limit on requests for rights of reply. The inquiry was prompted by the receipt of a request for a right of reply to statements made in the House over 15 years ago. It represents the first occasion on which the Council's right of reply procedure has been formally reviewed.

In conducting the inquiry, the Committee undertook an analysis of right of reply requests in the Council since the introduction of the procedure in 1997. The Committee also examined right of reply procedures in other comparable Parliaments with particular reference to any time limits on requests.

The Committee concluded that the right of reply procedure is working well in the Council, but that it would be desirable to introduce a time limit for requests. In that regard the Committee considered it would be reasonable to expect that requests for a right of reply should be received within 12 months of the relevant comments being made in the House, unless the applicant can show exceptional circumstances to explain the delay.

The Committee intends to implement this time limit as a matter of practice without seeking any change to the relevant standing orders of the House relating to the right of reply. The Committee will publicise the change in practice by an appropriate amendment to the guide to the right of reply procedure published on the Committee's website.

The Hon Trevor Khan MLC

**Chair**





# Chapter 1 Introduction

## Establishment of the inquiry

- 1.1 On 4 August 2011, the Committee resolved to seek a reference from the House for an inquiry to review the right of reply process, with particular reference to the possible introduction of an appropriate time limit on requests for a right of reply. The proposal for such an inquiry arose from a right of reply request submitted by a citizen who sought to respond to comments made in the House in November 1995. While the citizen in that case subsequently withdrew her request for a right of reply, and the matter did not proceed, the request raised the issue of whether there is a need for the introduction of a time limit on the receipt of right of reply requests.
- 1.2 On 22 November 2011, the Chair tabled at a meeting of the Committee draft terms of reference for an inquiry into the right of reply process in line with the Committee's resolution of 4 August 2011. The Committee resolved that the Chair give notice of and move the terms of reference in the House.
- 1.3 On 22 February 2012, on the motion of the Chair of the Committee, the House referred the present inquiry to the Committee.<sup>1</sup> The terms of reference for the inquiry are set out on page iv of this report.

## Conduct of the inquiry

- 1.4 On 14 March 2012, the Chair, on behalf of the Committee, wrote to all members of the Legislative Council with a short paper outlining the right of reply process, including a discussion of the issue of time limits for the receipt of right of reply requests, and inviting submissions to the Committee's inquiry. No submissions were received in response to this invitation. In the absence of any submissions from members, the Committee undertook an analysis of the right of reply procedure as it has operated in the Legislative Council since 1997 and aspects of comparable procedures in other Parliaments.
- 1.5 At its meeting on 19 June 2012, the Committee resolved to adopt this report.

## Structure of this report

- 1.6 Chapter Two outlines the right of reply procedure and how it has evolved over time and provides an overview of the use of the procedure since its inception in 1997.
- 1.7 Chapter Three canvasses the need for the introduction of an appropriate time limit on requests for rights of reply, with reference to the practices of other Australasian Parliaments.

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<sup>1</sup> *LC Minutes (22/2/2012)* 716-717.



## Chapter 2 The right of reply procedure

The right of reply procedure was adopted by the Legislative Council in a resolution of continuing effect on 13 November 1997, based on the model used in the Australian Senate.<sup>2</sup> The procedure was later incorporated in the current standing orders 202 and 203, adopted on 5 May 2004.

### Method of operation

#### Submissions seeking a right of reply

- 2.1** Standing order 202(1) provides that any person (interpreted as including a corporation, body corporate or unincorporated association) who believes they have been adversely mentioned in the House by name, or in such a way as to be readily identifiable, may make a written submission to the President of the Legislative Council requesting that an appropriate response to the adverse statements made in the House be included in the parliamentary record.
- 2.2** Under standing order 202(2), the President must consider the submission as soon as practicable and decide whether it should be referred to the Privileges Committee for further consideration. A submission may not be appropriate for referral to the Committee if the subject matter is trivial, frivolous, vexatious or offensive in character.

#### The role of the Privileges Committee

- 2.3** Where a submission is referred to the Privileges Committee, the Committee may decide not to consider the submission if in its opinion the subject matter is not sufficiently serious or is frivolous, vexatious or offensive in character. The Committee must report its decision to the House.<sup>3</sup>
- 2.4** Where the Committee decides to consider a submission, the Committee must meet in private, although it may confer with the person who made the submission or the member who referred to the person in the House. The Committee must not itself publish the person's submission or any part of the submission except in its report to the House.
- 2.5** Having considered a submission, the Committee may report to the House either that a response in a form of words agreed to by the person and the Committee be published in the Minutes or *Hansard*, or that no further action be taken. Any response included in a report of the Committee must not contain anything offensive in character or any matter that would unreasonably adversely affect, injure or invade a person's privacy.
- 2.6** In considering a submission, the Committee 'must not consider or judge the truth of any statement made in the House or in the submission'. The Committee's role is not to investigate

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<sup>2</sup> The Australian Senate was the first parliamentary chamber to adopt a right of reply procedure on 25 February 1988.

<sup>3</sup> In practice the Committee has never decided not to consider a submission under this provision.

the member's statements or the accuracy of the person's submission but to enable the person to respond to the member's statements in accordance with the requirements of the standing orders.

- 2.7** The Senate Committee of Privileges, which has led the way in providing a right of reply mechanism, has observed that a primary reason for the success of the process is that the committee makes no judgment as to the truth or otherwise of the assertion made by either the senator concerned or the responders:

This feature is vital, as otherwise the process would be bogged down endlessly by claim and counter-claim involving the committee in an inappropriate adjudicative function.<sup>4</sup>

- 2.8** While there is provision for the Privileges Committee to 'confer with, but not take evidence from any person', in practice the Committee has never met with the person seeking a right of reply or with the member who referred to the person in the House. If it is necessary for a submission to be edited so that it conforms to the requirements of the standing orders, the Committee normally confers with the person by telephone and email to suggest amendments and obtain the person's agreement.

### **Consideration by the House**

- 2.9** After the Committee's report has been tabled in the House, the Chair of the Committee (or other relevant member of the Committee) moves a motion on notice proposing that the House adopt the report. If the House agrees to this motion the response is published in the *Hansard* for that day.
- 2.10** Under standing order 203(7) a notice of motion to adopt a report from the Committee on a right of reply is placed on the Notice Paper as Business of the House for six sitting days after notice of the motion has been given. This procedure ensures that there is ample opportunity for the House to consider the item. If the notice is not dealt with within that period the notice is placed on the Notice Paper as general business.

### **Use of the procedure – 1997 to 2012**

- 2.11** In the 15 years since the right of reply procedure was adopted by the Legislative Council the Privileges Committee has received 35 right of reply requests, with 33 subsequently forming the basis of reports to the House, representing an average of a little over two requests per year. The Committee has never had to consider more than four requests in a year. This manageable level of requests appears to accord with experience in the Senate where fears about the Senate Privileges Committee being 'swamped' by requests following introduction of the right of reply procedure proved to be unfounded.<sup>5</sup>
- 2.12** All but two of the submissions referred to the Committee have resulted in a recommendation that a response be incorporated in *Hansard*. In the first instance, the submission was not

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<sup>4</sup> Senate Committee of Privileges, *Parliamentary privilege, Precedents, procedure and practice in the Australian Senate 1966-2005*, 125<sup>th</sup> report, December 2005, p 24.

<sup>5</sup> *Ibid*, p 21.

accepted by the Committee because it was provided by a solicitor on behalf of the person concerned. In the second instance, the person withdrew their submission after it had been referred to the Committee.

- 2.13** All but one of the Committee's reports have been adopted by the House. In 1998, the second right of reply dealt with by the Committee was referred back to the Committee for further consideration with a requirement to examine the 'appropriateness of the present guidelines in relation to procedures agreed to by the House involving citizen's right of reply'.<sup>6</sup> However, this reference to the Committee subsequently lapsed with the expiry of the 51<sup>st</sup> Parliament and was not later re-referred by the House to the Committee.
- 2.14** Submissions seeking a right of reply have been received from a wide range of persons and groups. They include individuals from fields as diverse as academia, religious organisations, local government and the building industry, as well as private citizens. The statements to which such submissions have sought to respond have included comments made by members during adjournment debates, debates on bills and answers to questions without notice. Three submissions have sought to respond to comments in answers to questions on notice published in the *Questions and Answers Paper* rather than in statements made in the House.
- 2.15** The Committee has consistently sought to ensure that the right of reply process is executed as swiftly as possible, although at times there have been unavoidable delays due to the Committee not meeting during parliamentary adjournments or needing to be re-established in a new Parliament. Approximately 79 per cent of reports (26 reports) have been tabled within three months of a response being sought with approximately 30 per cent (10 reports) being tabled within one month.

#### **Modifications to the procedure**

- 2.16** The right of reply procedure has remained virtually unchanged over the last 15 years. However there have been some minor changes to the wording of the procedure and to the practices of the Committee.

#### ***Changes to the wording of the procedure – motions to adopt reports***

- 2.17** As noted earlier, standing order 203(7) provides that a notice of motion to adopt a report from the Privileges Committee on a right of reply is to be placed on the Notice Paper as Business of the House for six sitting days. If not dealt with within that period, it is then placed on the Notice Paper as general business. This provision was not included in the original resolution of continuing effect adopted in 1997.
- 2.18** Under the original resolution, following the tabling of a right of reply report, the notice of motion to adopt the report stood in the name of the Committee Chair as an item of private members' business and was subject to the rules of precedence applying to such business. This procedure had the potential to lead to delays in the adoption of reports, as occurred when a

<sup>6</sup> *LC Minutes* (12/11/1998) 861.

report of the Committee tabled in October 1999<sup>7</sup> was not adopted until some thirteen months after its tabling in the House.

- 2.19** To minimise the potential for such delays, in 2000, the House adopted a resolution that provided that a notice of motion to adopt a report on a right of reply be placed on the Notice Paper as Business of the House for six days after the giving of the notice of motion.<sup>8</sup> This change was reaffirmed when new sessional orders were adopted in March 2002. A further change was adopted in April 2003, before the adoption of the current standing orders in 2004.
- 2.20** The effect of this change has been twofold: first it has ensured that motions to adopt right of reply reports are dealt with expeditiously; and secondly, it has raised the prominence of these notices of motions so as to alert members to consider a right of reply report prior to deciding upon its adoption.

### *Changes to Committee practice*

- 2.21** Since the introduction of the right of reply procedure in 1997, the Committee has adopted a number of practices to ensure that members of the House have sufficient opportunity to consider a right of reply report before voting on the adoption of the report. Before the report is tabled in the House, the Committee advises the member referred to in the report of the report's anticipated tabling. The Committee also ensures that the member receives a copy of the report as soon as possible after tabling. In addition, in some cases, the Chair has waited several days after the report has been tabled before moving a motion in the House to adopt the report.
- 2.22** A more recent innovation by the Committee has been the publication of a revised guide to the right of reply procedure. The guide is expressed in clear and accessible language and is available on the Committee's website. It highlights the requirements of the standing orders concerning citizens' responses and alerts readers to the fact that the Committee will edit submissions that do not comply with these requirements. While it is difficult to assess the extent to which the guide has enhanced the public's understanding of the right of reply procedure, the Committee's impression is that submissions received since publication of the revised guide have contained less extraneous material, and required fewer editing changes, than earlier submissions.

## **Conclusion**

- 2.23** The right of reply procedure provides a mechanism which allows persons adversely referred to in the House to have their voice heard or their views put in the same forum as the original comments were made. As has been noted by the Senate's Committee of Privileges, the process is usually 'quick, cheap and effective for the purpose of enabling persons to put their side of the story', and is available to all persons regardless of skill or financial capacity.<sup>9</sup> In considering submissions seeking a right of reply the Privileges Committee is expressly precluded from

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<sup>7</sup> Standing Committee on Parliamentary Privilege and Ethics, Report No. 10, *Person referred to in the Legislative Council (Mr L R Allen)*, October 1999.

<sup>8</sup> *LC Minutes (6/12/2000)* 814.

<sup>9</sup> Senate Committee of Privileges, *Parliamentary privilege, Precedents, procedure and practice in the Australian Senate 1966-2005*, 125<sup>th</sup> report, December 2005, p 24.

investigating the truth of statements made by the member or the citizen. Consequently, publication of a citizen's response implies no reflection on the statements made by the member or endorsement of the response.

- 2.24** While the right of reply procedure has worked effectively to date, Chapter 3 examines a particular issue: whether a deadline should be adopted for receipt of a right of reply request in response to statements made in the House.





## Chapter 3 Time limits on the seeking of a right of reply

As discussed in Chapter Two, in the 15 years since the right of reply procedure was adopted by the Legislative Council, there has been little need to consider any major changes to the operation of the procedure. Recently, however, an issue has arisen as to whether a time limit should be adopted for the receipt of requests for a right of reply.

This issue arose following receipt by the Committee of a request for a right of reply over 15 years after the matter referred to in the request was raised in the House. While the citizen subsequently withdrew their request and the matter did not proceed, the Committee nevertheless examines the issue further below.

### The experience in other Parliaments

- 3.1 Standing orders 202 and 203 do not specify any time limits on the right of reply process. In particular, they do not set a deadline for the receipt of a request for a right of reply from a person referred to in the House. However, other Houses of Parliament or their committees do apply time limits to the request for a right of reply.
- 3.2 All of the sixteen Houses of Parliament within Australia and New Zealand provide a right of reply procedure. In addition to the New South Wales Legislative Council, five other Houses currently do not apply any deadline on the receipt of a request for a right of reply:
  - The Victorian Legislative Council
  - The Tasmanian Legislative Council
  - The Tasmanian House of Assembly
  - The Western Australia Legislative Council
  - The Western Australia Legislative Assembly.
- 3.3 The remaining Houses of Parliament within Australia and New Zealand do apply time limits to the receipt of a request for a right of reply:
  - The Senate Committee of Privileges has expressed the position that persons seeking a right of reply should generally do so within three months of the matter arising in the Senate, unless there are exceptional circumstances.
  - The House of Representatives Committee of Privileges has adopted guidelines that provide that an application for a right of reply must be received within three months of the matter arising in the House unless, because of 'exceptional circumstances', the Committee agrees to consider an application received later.
  - The standing orders of the New Zealand House of Representatives require that applications for a right of reply must be made within three months of the matter arising in the House. There is no provision for consideration of late applications.

- The New South Wales Legislative Assembly requires a request for a right of reply to be made within six months of the relevant comments being made in the House, unless the person making the request can show exceptional circumstances to explain the delay.
- The South Australian House of Assembly and Legislative Council sessional orders require that submissions be made within a ‘reasonable time’. However, what constitutes a reasonable time is not specified.
- The Victorian Legislative Assembly sets a six month time frame for a request for a right of reply unless the applicant can demonstrate exceptional circumstances which explain the delay in making the submission.
- Standing Order 280(3) of the Queensland Legislative Assembly states that a person shall ensure a submission is received by the Speaker within the term of the Parliament in which the person has been adversely referred to.
- The relevant resolution of the Legislative Assembly of the ACT provides that a submission should be received by the Speaker as soon as practicable after the making of the statement to which the person wishes to respond, preferably within three months.
- The right of reply guidelines of the Northern Territory Legislative Assembly provide for a three month deadline, but also provide for the Committee, because of exceptional circumstances, to agree to consider an application received after the deadline.

3.4 These arrangements are shown in the table below.

**Table 1 Time limits to the receipt of a request for a right of reply in other Australasian Parliaments**

	3 month time limit	6 month time limit	Reasonable time	As soon as practicable	Within the term of the Parliament	Late applications received in 'exceptional circumstances'
The Senate	X					X
House of Representatives	X					X
New Zealand House of Representatives	X					
ACT Legislative Assembly	X			X		
Northern Territory Legislative Assembly	X					X
NSW Legislative Assembly		X				X
Victorian Legislative Assembly		X				X
South Australian House of Assembly			X			
South Australian Legislative Council			X			
Queensland Legislative Assembly					X	

## A time limit for the receipt of requests for a right of reply in the Legislative Council

### The need for a time limit

- 3.5 The recent experience of the Committee in receiving a request for a right of reply in response to comments made more than 15 years ago suggests that the Committee should establish a timeframe for the lodgment of requests. The House seeks to finalise the official records of the House within a reasonable period of time after the proceedings are concluded. The same principle should be applied to requests for a right of reply.

### The length of a time limit

- 3.6 In those Houses where there are time limits on the receipt of requests for a right of reply, the time limits range from three months, to the span of the life of the Parliament in which the adverse statements were made, to a 'reasonable time'.
- 3.7 Further guidance as to a reasonable length of time for the receipt of requests for a right of reply in the Legislative Council may be gained from past experience. As indicated in the previous chapter, since 1997, the Committee has received 35 requests for a right of reply. Of those 35 requests, 16 were received within three months of the matter arising in the House, while a further eight were received within six months. Only four requests, including the request that prompted the Committee to consider this matter, involved a delay of over one year.
- 3.8 Based on this assessment, the Committee believes that a 12 month time frame for the receipt of a request for a right of reply would strike an appropriate balance between the need for reasonable limits on the process, the desirability of finalising the parliamentary record, and the importance of ensuring that citizens are not unfairly denied access to a right of reply. The Committee also understands that under uniform defamation law now in force in Australia, plaintiffs have 12 months in which to bring an action for defamation.

### Exceptional circumstances

- 3.9 Five of the Australian and New Zealand Houses of Parliament which apply time limits to the receipt of a request for a right of reply also make provision for their time limits to be waived in 'exceptional circumstances'.<sup>10</sup> While exceptional circumstances are not defined, they potentially capture scenarios such as:
- A person not being aware of a reference to them in *Hansard* for understandable reasons such as being overseas or incapacitated

<sup>10</sup> The New South Wales Legislative Assembly, the Australian Senate, the Australian House of Representatives, the Victorian Legislative Assembly and the Northern Territory Legislative Assembly.

- A reference to a person in *Hansard* becoming more readily and publicly available than it was in the past through changes to internet search engines, or through the digitisation of *Hansard* records.

**3.10** As indicated, the Committee believes that there is merit in establishing a 12 month timeframe for the receipt of a request for a right of reply, thereby setting a clear expectation that citizens should seek a reply as soon as practicable and not at a time most advantageous to them. At the same time, however, the adoption of an ‘exceptional circumstances’ provision would recognise that there may be circumstances that prevent a citizen from seeking a reply within that 12 month timeframe or in which a right of reply is nevertheless appropriate.

### **Implementing a time limit**

**3.11** Those Houses of Parliament within Australia and New Zealand that apply time limits to the receipt of a request for a right of reply do so by a variety of means. In some Houses, a deadline has been included in the relevant standing or sessional orders or resolutions of the House. In other Houses, the relevant committee has published ‘guidelines’ on the right of reply procedure which include reference to particular timeframes for the receipt of submissions. In the Senate, the Committee of Privileges has decided as a matter of practice that persons seeking a right of reply should generally do so within a particular timeframe unless exceptional circumstances are shown.

**3.12** Reflecting this diversity of approaches, a time limit for submissions could be introduced in the Legislative Council by an amendment to the relevant standing orders 202 and 203, by the adoption of guidelines by the Committee, or simply by the Committee adopting a time limit as a matter of practice.

**3.13** In the Committee’s opinion, this latter approach of adopting a time limit as a matter of practice is the most appropriate mechanism. Such an approach would be consistent with the position in the Australian Senate. The Senate’s resolution providing for the right of reply makes no mention of a timeframe for the receipt of requests. However, the Senate Committee of Privileges has stated in a report similar to this one that submissions should be received within three months unless exceptional circumstances can be shown.<sup>11</sup>

## **Conclusion**

**3.14** Having reviewed the operation of the right of reply procedure in the Legislative Council and other Australian Parliaments and the New Zealand Parliament, the Committee has concluded that it would be desirable to introduce a time limit of 12 months for the receipt of a request for a right of reply from the relevant comments being made in the House, unless the applicant can show exceptional circumstances to explain the delay.

**3.15** While the Committee intends to implement this measure as a matter of practice, without seeking any change to the standing orders, the Committee will amend its published guide to the right of reply procedure to reflect this new practice.

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<sup>11</sup> Senate Committee of Privileges, *Parliamentary privilege, Precedents, procedure and practice in the Australian Senate 1966-2005*, 125<sup>th</sup> report, December 2005, p 21.

## Appendix 1 Minutes of proceedings

Note: Asterisks indicate text which has been omitted as not relevant to the current inquiry.

### Minutes No. 2

Thursday 4 August 2011

Members' Lounge, Parliament House, Sydney, at 7.05 pm

#### 1. Members present

Mr Khan (*Chair*)

Ms Fazio (*Deputy Chair*)

Mr Ajaka

Ms Gardiner

Mr Mason-Cox

In attendance: David Blunt, Velia Mignacca.

#### 2. Apologies

Revd Mr Nile

Mr Primrose

#### 3. \*\*\*

#### 4. Correspondence

The Chair noted the following items of correspondence received:

##### *Received*

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- Email dated 17 June 2011 from Ms Heather Noske to the Committee secretariat in relation to her request for a right of reply. (Please note: Ms Noske subsequently verbally withdrew her request for a right of reply).
- Email dated 24 July 2011 from Ms Heather Noske to the Committee secretariat also in relation to her request for a right of reply.

#### 5. \*\*\*

#### 6. General business

The Committee deliberated in relation to the further correspondence received from Ms Heather Noske.

The Clerk briefed members on issues relating to the timing of citizens' rights of reply considered by the Committee since 1998.

The Committee deliberated.

Resolved, on the motion of Mr Mason-Cox: That the Committee seek a reference to review the citizen's right of reply procedure, particularly in relation to the possible introduction of an appropriate time limit on requests for rights of reply.

#### 7. Adjournment

The Committee adjourned at 7.30 pm, *sine die*.

David Blunt  
**Clerk to the Committee**

**Minutes No. 4**

Tuesday 22 November 2011

Members' Lounge, Parliament House, Sydney, at 1.15 pm

**1. Members present**

Mr Khan (*Chair*)

Ms Fazio (*Deputy Chair*)

Mr Ajaka

Miss Gardiner

Mr Mason-Cox

Revd Mr Nile

Mr Primrose

In attendance: David Blunt, Stephen Frappell.

**2. \*\*\***

**3. \*\*\***

**4. \*\*\***

**5. Other business**

At its meeting on 9 November 2011, the Committee requested that the Committee secretariat provide an update on other business before the Committee.

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The Chair tabled draft terms of reference for an inquiry into the right of reply process, with particular reference to the possible introduction of an appropriate time limit on requests for rights of reply. These draft terms of reference arose out of the request for a right of reply from Ms Heather Noske, requesting the incorporation of a response to comments made in the House in November 1995.

The Committee deliberated.

Resolved, on the motion of Ms Fazio: That the Chair give notice of and move the terms of reference in the House, with the reporting date amended to the last sitting day in April 2012.

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**6. Adjournment**

The Committee adjourned at 1.45 pm until Thursday, 24 November 2011 at 1.00 pm.

David Blunt  
**Clerk to the Committee**

**Minutes No. 6**

Tuesday 21 February 2012

Members' Lounge, Parliament House, Sydney, at 7.03 pm

**1. Members present**

Mr Khan (*Chair*)  
 Ms Fazio (*Deputy Chair*)  
 Miss Gardiner  
 Mr Mason-Cox  
 Revd Mr Nile

In attendance: David Blunt, Stephen Frappell.

**2. Apologies**

Mr Primrose

3. \*\*\*

4. \*\*\*

5. \*\*\*

6. \*\*\*

7. \*\*\*

8. \*\*\*

9. \*\*\*

**10. Inquiry into the right of reply process**

At the Committee's meeting on 22 November 2011, the Committee resolved that the Chair give notice of and move in the House terms of reference for an inquiry into the right of reply process, with a reporting date of the last sitting day in April 2012.

The Chair subsequently gave notice of this matter in the House on 23 November 2011.

The Chair indicated that he would be moving the notice in the House the following day (Wednesday, 22 February 2012), with the reporting date amended to the last sitting day in June 2012.

11. \*\*\*

**12. Adjournment**

The Committee adjourned at 7.22 pm, *sine die*.

David Blunt

**Clerk to the Committee**

**Minutes No. 7**

Tuesday 13 March 2012

Members' Lounge, Parliament House, Sydney, at 7.01 pm

**1. Members present**

Mr Khan (*Chair*)  
 Miss Gardiner  
 Mr Mason-Cox  
 Mr Primrose

In attendance: Stephen Frappell.

**2. Apologies**

Ms Fazio (Deputy Chair)  
Mr Ajaka  
Revd Mr Nile

**3. Confirmation of minutes of previous meeting**

Resolved, on the motion of Mr Mason-Cox: That minutes no. 6 be confirmed.

**4. Inquiry into the right of reply process**

The Chair tabled the inquiry terms of reference.

The Committee deliberated on the conduct of the inquiry.

Resolved, on the motion of Mr Primrose: That:

- 1) the Chair to write to all members of the Legislative Council with a short paper outlining the right of reply process in the Legislative Council and inviting submissions by Friday, 4 May 2012.
- 2) the secretariat to prepare a discussion paper for the Committee on the specific issue of time limits on the right of reply process.

**5. Adjournment**

The Committee adjourned at 7.03 pm, *sine die*.

Stephen Frappell

**Clerk to the Committee**

**Minutes No. 9**

Wednesday 23 May 2012

Members' Lounge, Parliament House, Sydney, at 1.01 pm

**1. Members present**

Mr Khan (*Chair*)  
Ms Fazio (*Deputy Chair*)  
Mr Ajaka  
Miss Gardiner  
Mr Mason-Cox  
Revd Mr Nile

In attendance: Steven Reynolds, Stephen Frappell, John Young.

**2. Apologies**

Mr Primrose

**3. \*\*\***

**4. Correspondence**

The Chair noted the following item of correspondence:

***Sent***

- Letters dated 14 March 2012 from the Chair to all members inviting submissions to the Committee's review of the right of reply procedure.

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**5. Inquiry into the right of reply process**



The Committee noted that on 14 March 2012, the Chair wrote to all members of the Legislative Council with a short paper outlining the right of reply process and inviting submissions to the Committee's inquiry by Friday, 4 May 2012.

No submissions were received.

Resolved, on the motion of Mr Mason-Cox: That the secretariat prepare a draft report for the Committee on the right of reply process, with specific attention to the issue of time limits on the right of reply process, for consideration at the next meeting of the Committee on 19 June 2012.

6. \*\*\*

7. **Adjournment**

The Committee adjourned at 1.07 pm until 19 June 2012.

Stephen Frappell  
**Clerk to the Committee**

**Minutes No. 10**

Tuesday 19 June 2012

**Members' Lounge, Parliament House, Sydney, at 7.19 pm**

1. **Members present**

Mr Khan (*Chair*)  
 Mr Ajaka  
 Miss Gardiner  
 Mr Mason-Cox  
 Mr Primrose  
 Revd Mr Nile

In attendance: Steven Reynolds, Stephen Frappell, John Young.

2. **Apologies**

Ms Fazio (*Deputy Chair*)

3. **Confirmation of minutes of previous meeting**

Resolved, on the motion of Revd Mr Nile: That minutes no. 9 be confirmed.

4. **Inquiry into the right of reply process**

The Chair submitted his draft report entitled 'The right of reply process', which, having been previously circulated, was taken as being read.

The Committee deliberated.

Resolved, on the motion of Mr Ajaka : That the draft report be the report of the Committee and that the Committee present the report to the House, together with the Committee's discussion paper and correspondence relating to the inquiry.

5. \*\*\*

6. **Adjournment**

The Committee adjourned at 7.20 *sine die*.

Stephen Frappell  
**Clerk to the Committee**