

Privileges Committee

Citizen's Right of Reply

(Mr Heath Aston)

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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 Greg Donnelly MLC	Australian Labor 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)	

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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 1 March 2013, the President of the Legislative Council, the Hon Don Harwin MLC, received a submission from Mr Heath Aston requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to comments made by the Hon Robert Borsak MLC concerning Mr Aston during debate in the Council on 20 February 2013.¹ The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 4 March 2013.
- 1.4 The Committee met in private session on 19 March 2013, 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 Aston 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 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.
- 1.6 The Committee recommends:

Recommendation 1

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

The Hon Trevor Khan MLC
Chair

¹ *LC Hansard* (20/02/2013) 17678.

Appendix 1 **Reply to comments by the Hon Robert Borsak MLC in the Legislative Council on 20 February 2013**

On Wednesday 20 February at 6.40 pm, Shooters and Fishers Party MLC, the Honourable Robert Borsak, delivered a speech in the Legislative Council that questioned my ability as a journalist, my professionalism and my motives.

I believe the comments have damaged my standing in my profession.

Mr Borsak's claims are largely incorrect. There are significant factual errors, which I can prove.

1. I am not the state political editor of the *Sydney Morning Herald*. That is Sean Nicholls.
2. I have never written a story about Robert Borsak shooting an elephant in Africa. A search of the Fairfax stories library reveals no such story.
3. I am not against 'conservation and humanitarian programs' in Africa. In fact, I have no opinion of those programs because I know nothing about either of them and have never written about them.
4. I have never 'delighted in running stories about alleged perjury' by Mr Borsak. Again, there is no story written by me about Mr Borsak on this subject.
5. Mr Borsak claims 'Mr Shoebridge seems to be the only politician in this Parliament who speaks to Mr Aston'. That is patently untrue. I can prove the opposite. If a journalist only spoke to only one person in Parliament that person would clearly be a sub-standard professional – which is the obvious imputation being made by Mr Borsak.
6. Mr Borsak does state correctly that I wrote a story about the suspension of Andy Mallen from the Game Council and his subsequent reinstatement. The Minister for Primary Industries chose to suspend the two Game Council employees and I reported her decision in a story. As Mr Borsak acknowledges, I have since reported, more than once, that Mr Mallen was cleared and reinstated.

For the reasons stated above, I believe Mr Borsak's speech has smeared my character and injured me in my profession.

Appendix 2 Minutes

Minutes No 15

Tuesday 19 March 2013

Members' Lounge, Parliament House, Sydney, at 7.31 pm

1. Members present

Mr Khan, *Chair*

Ms Fazio, *Deputy Chair*

Mr Ajaka

Mr Donnelly

Miss Gardiner

Mr Mason-Cox

Revd Mr Nile

2. New members of the Committee

The Chair noted the advice of the Leader of the Opposition discharging Mr Primrose from the Committee and appointing Mr Donnelly to the Committee.

4. Correspondence

The Committee noted the following item of correspondence:

Received

- Letter dated 4 March 2013 from the President to the Chair forwarding correspondence from Mr Heath Aston requesting a right of reply.

6. Citizen's right of reply – Mr Heath Aston

The Committee considered the Chair's draft report.

The report was read.

The Committee deliberated.

Resolved, on the motion of Ms Fazio:

1. That the Chair prepare and submit a draft report on the request for a citizen's right of reply by Mr Aston, recommending that a response by Mr Aston in a form of words agreed to by Mr Aston and the Committee be incorporated in Hansard.
2. That the report be adopted.
3. That the report be signed by the Chair and presented to the House.
4. That the Clerk advise Mr Aston and the Hon Robert Borsak of the proposed tabling of the report.

10. Adjournment

The Committee adjourned at 8.17 pm until Tuesday, 16 April 2013 at 2.00 pm.

Stephen Frappell

Clerk to the Committee