

Privileges Committee

Citizen's Right of Reply

(Councillors James Hawkins,
Jeff Maybury, Graham Smith
and Bob Pynsent)

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Terms of reference

The inquiry was conducted in accordance with standing orders 202 and 203.

Committee membership

The Hon Kaye Griffin MLC	Australian Labor Party	Chair
The Hon Jenny Gardiner MLC	The Nationals	Deputy Chair
The Hon Greg Donnelly MLC	Australian Labor Party	
The Hon Don Harwin MLC	Liberal Party	
Revd the Hon Fred Nile MLC	Christian Democratic Party	
The Hon Mick Veitch MLC	Australian Labor Party	
The Hon Ian West MLC	Australian Labor Party	

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Chapter 1 Report

- 1.1 Standing orders 202 and 203 of the Legislative Council provide a mechanism for a person¹ who has been adversely referred to by a member of the Legislative Council in proceedings of the House to seek a right of reply to that adverse mention through the incorporation of a response in *Hansard* or in the *Minutes of Proceedings*.
- 1.2 On 30 August 2010, the President of the Legislative Council, the Hon Amanda Fazio MLC, received a submission from Councillors James Hawkins, Jeff Maybury, Graham Smith and Bob Pynsent from Cessnock City Council requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to statements made by Ms Sylvia Hale concerning Cessnock City Council during the adjournment debate in the House on 24 June 2010.² The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 31 August 2010.
- 1.4 The Committee met in private session on 9 September 2010, 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 the Councillors 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 Councillors James Hawkins, Jeff Maybury, Graham Smith and Bob Pynsent, in the terms specified at Appendix 1, as agreed to by the Councillors and the Committee, be incorporated in *Hansard*.

The Hon Kayee Griffin MLC
Chair

¹ A person includes an unincorporated association, a corporation and a body corporate; SO 203(6).

² *LC Hansard* (24/6/2010) 24740-24741

Appendix 1 Reply to comments by Ms Sylvia Hale MLC in the Legislative Council on 24 June 2010

The ALP representatives on Cessnock City Council wish to claim a right of reply to statements made by Ms Sylvia Hale MLC on the final day of the Autumn sittings of the House, 24 June 2010, in a speech recorded in *Hansard* as commencing at 3.55 pm.

During her speech Ms Hale referred to an alleged conspiracy, involving well-placed members of the ALP, to replace the general manager of Cessnock City Council as a means of placating the Minister for Planning, the Hon Tony Kelly MLC. At a later point in her speech, Ms Hale specifically referred to the four ALP councillors as probable co-conspirators.

Being the councillors named in that context, we wish to categorically refute the allegations made by Ms Hale, and to seek rectification of those statements in the House.

While the ALP councillors were concerned at the quality of the written response prepared by the general manager and officers to the Minister for Planning's show cause notification on Council's planning powers, at no time was any threat made to the general manager's tenure. Indeed, Councillor Smith was a member of the panel undertaking an open recruitment process in accordance with Council's resolution, as the end of the general manager's previous contract was imminent.

The ALP councillors had no knowledge of any alleged discussions regarding termination of the general manager's tenure until media reports of Ms Hale's speech appeared on the Saturday following the conclusion of the Autumn session. While there had been rumours in the community about such matters no ALP councillor had been approached on the specific matter of the general manager's tenure.

Upon becoming aware of Ms Hale's speech, the ALP councillors took immediate steps through local media and other avenues to counteract the impression conveyed by Ms Hale's words. Our responses were selectively reported, and almost always in conjunction with a reference back to Ms Hale's speech. Even when Councillor Smith led our team during a mayoral minute debate unanimously expressing confidence in the general manager to the completion of the recruitment process, local media reported our actions through the lens of Ms Hale's comments. Copies of press releases and letters to the editor can be provided.

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

This request has been sighted by, and endorsed by, all ALP councillors, including Councillor Pynsent, who has been overseas throughout the period following these events, but who has remained in email contact, and supports the comments and requests in this correspondence.