

Privileges Committee

Citizen's Right of Reply

(Mr Garry Burns)

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How to contact the committee

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Terms of reference

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

Committee membership

The Hon Peter Primrose MLC	Australian Labor Party	Chair
Revd the Hon Fred Nile MLC	Christian Democratic Party (Fred Nile Group)	Deputy Chair
The Hon Greg Donnelly MLC	Australian Labor Party	
Ms Cate Faehrmann MLC	The Greens	
The Hon Trevor Khan MLC	The Nationals	
The Hon Natasha Maclaren-Jones MLC	Liberal Party	
The Hon Matthew Mason-Cox MLC	Liberal Party	
The Hon Natalie Ward MLC	Liberal 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 10 September 2019, the President of the Legislative Council, the Hon John Ajaka MLC, received a submission from Mr Garry Burns requesting the incorporation of a response under standing orders 202 and 203.
- 1.3 The submission referred to comments made by the Hon Mark Latham MLC concerning Mr Burns during debate in the Council on 8 August 2019.¹ The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 11 September 2019.
- 1.4 The committee met in private session on 19 September 2019, 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 Burns 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 Burns, in the terms specified at Appendix 1, as agreed to by Mr Burns and the committee, be incorporated in *Hansard*.

The Hon Peter Primrose MLC
Chair

¹ *Hansard*, Legislative Council, 8 August 2019, p 38.

Appendix 1 **Reply to comments by the Hon Mark Latham MLC in the Legislative Council on 8 August 2019**

My submission relates to the Hon Mark Latham MLC and his statements about me in the NSW Legislative Council on 8 August 2019.

I make these general submissions under Standing Orders 202 and 203 and ask that a response is to be published in Hansard by the Parliament.

1. I submit what Mr Latham has said in the NSW Legislative Council in relation to me as a private citizen of NSW should not have been said under Parliamentary privilege.
2. The matters Mr Latham mentions in relation to me and Mr Gaynor are before the NSW Local Court yet to be heard and this has a capacity to impinge on the independent court process.
3. My complaints against individuals before the Local Court are not vexatious, frivolous or lacking in substance as stated by Mr Latham.
4. What Mr Latham said in the Parliament in relation to me was pernicious to the public interest work that I do in the community and to my public profile.

Appendix 2 Minutes

Draft Minutes No. 2

Thursday 19 September 2019

Room 1136, Parliament House, Sydney at 1.30 pm

1. Members present

Mr Primrose, *Chair*
Revd Nile, *Deputy Chair*
Mr Khan
Mr Mason-Cox
Mr Donnelly
Ms Faehrmann
Mrs Maclaren-Jones
Mrs Ward

In attendance: Steven Reynolds, Susan Want.

2. Confirmation of minutes of previous meetings

Resolved, on the motion of Mr Donnelly: That draft minutes no. 1 be confirmed.

3. Correspondence

Sent:

- ***

Received:

- Letter dated 11 September 2019 from the President to the Chair forwarding correspondence from Mr Garry Burns requesting a right of reply. A copy of the original letter is also attached.
- ***

4. Request for citizen's right of reply – Mr Garry Burns

The Committee considered the proposed edited version of the submission from Mr Burns.

The Committee deliberated.

Resolved, on the motion of Mr Donnelly:

1. That the Chair prepare and submit a draft report on the request for a citizen's right of reply by Mr Garry Burns, recommending that a response by Mr Burns in a form of words agreed to by Mr Burns 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 Burns and the Hon Mark Latham MLC of the proposed tabling of the report.

5. ***

6. Other business

The committee discussed:

- its annual meeting with the Ethics Adviser on a date to be confirmed
- a possible meeting between the Chair and the Chair of the Legislative Assembly Privileges and Ethics Committee to progress discussions about the Code of Conduct for Members
- possible ways of progressing an updated Memorandum of Understanding with the ICAC

7. Adjournment

The committee adjourned at 1.49 pm, *sine die*.

Susan Want

Clerk to the Committee