

Privileges Committee

Citizen's Right of Reply (Mr M Tebbutt)

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Terms of Reference

The inquiry was conducted in accordance with standing orders 202 and 203, which were adopted by the Legislative Council on 5 May 2004: *Minutes of the Proceedings of the Legislative Council*, No 52, Wednesday 5 May 2004, Entry No. 10.

Committee Membership

The Hon Kaye Griffin MLC *Chair*

Australian Labor Party

The Hon Jenny Gardiner MLC *Deputy Chair*

Liberal Party

The Hon Greg Donnelly MLC

Australian Labor Party

The Hon Amanda Fazio MLC

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Revd The Hon Fred Nile MLC

Christian Democratic Party (Fred Nile Group)

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Report

- 1.1 On 14 August 2008, the President of the Legislative Council, the Honourable Peter Primrose MLC, received a submission from Mr Martin Tebbutt requesting the incorporation of a response under standing orders 202 and 203 of the Legislative Council relating to the protection of persons referred to in the Legislative Council.
- 1.2 The submission referred to statements made by the Minister for Lands, the Hon Tony Kelly MLC, in the answer to Question Number 1842 (7) submitted by Ms Sylvia Hale MLC in the Legislative Council on 3 June 2008.¹ The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 15 August 2008.
- 1.3 The Committee met in private session on 23 October 2008, 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 Tebbutt and the Committee in accordance with standing order 203(4)(b).
- 1.4 The Committee draws attention to standing order 203(3)(b) which requires that, in considering a submission under the resolution, the Committee must not consider or judge the truth of any statements made in the House or in the submission.
- 1.5 The Committee recommends:

Recommendation 1

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

The Hon. Kayee Griffin MLC
Chair

¹ *Questions and Answers Paper*, No. 54, 3 June 2008, p 2163. The answer was received on 8 July 2008 during the adjournment of the House, and published in *Questions and Answers Paper*, No. 63, 28 August 2008, pp 2375-2376.

Appendix 1

**Response by Mr Tebbutt,
agreed to by Mr Tebbutt and
the Committee, according to
standing order 203 (4)(b)**

Appendix 1

Reply to the answer given by the Minister for Lands, the Hon Tony Kelly MLC, to Question Number 1842 submitted by Ms Sylvia Hale MLC in the Legislative Council on 3 June 2008

I submit that I have been adversely affected:

- (a) in reputation,
- (b) in respect of dealings or associations with others

by an answer to Question No. 1842 (7) directed to the Honourable Tony Kelly MLC, Minister for Lands on 3 June 2008, and answered on 8 July 2008.

Question: “If the Tebbutts’ application to purchase the freehold title to their property was the only one authorised in the three months immediately prior to commencement of the 3 percent regulation between March and July 2004 how could a refund ‘set a precedent?’”

Answer: “The processing of Mr Tebbutt’s application concluded on 28 August 2002, when agreement was reached to the purchase price.”

The processing of the application actually concluded on 27 July 2004, nearly two years later.

By providing and allowing this incorrect statement to stand I believe that my reputation and truthfulness is adversely affected, and in particular in relation to my continuing dealings and associations with other members of Parliament over this unresolved matter.