

STANDING COMMITTEE ON ADMINISTRATION AND
PROCEDURE

Application for Citizen's Right of Reply:
President of the
ACT Volunteer Brigades Association

AUGUST 2007

Report 1

Committee membership

Wayne Berry MLA (Presiding Member)

Jacqui Burke (until 6 June 2006)

Vicki Dunne MLA (from 6 June 2006 to 14 November 2006)

Deb Foskey MLA

Karin MacDonald MLA

Mary Porter MLA (vice Ms MacDonald 23 May and 29 June to 27 July 2007)

Brendan Smyth MLA (from 14 November 2006)

Secretary: Tom Duncan

Assistant Secretary: Janice Rafferty

Resolution of appointment

In 1995 the Legislative Assembly for the Australian Capital Territory (the Assembly) adopted Standing Order 16, which established the Standing Committee on Administration and Procedure (the Committee).

Standing Order 16 authorises the Committee to inquire into and report on, among other things, the practices and procedure of the Assembly.

The continuing resolution establishing a citizens right of reply procedure (agreed to by the Assembly on 4 May 1995) provides that, if the Speaker receives a submission under this resolution, he may, under certain conditions, refer it to the Standing Committee on Administration and Procedure.

Application for Citizen's Right of Reply – President of the ACT Volunteer Brigades Association

1. Mr Pat Barling, on behalf of the ACT Volunteer Brigades Association, has made an application under the procedure adopted by the Assembly on 4 May 1995, for the publication of a citizen's right of reply to references made in the Legislative Assembly on 15 March 2007.
2. In considering Mr Barling's submission, the committee has had regard to the terms of the Assembly resolution (see Appendix A).
3. The committee considered Mr Barling's initial application and on 24 May 2007 requested that Mr Barling provide further information as to how he and/or the organisation had been adversely affected in the matter with particular reference to paragraphs (1) and (1) (a) of the resolution of the Assembly.
4. Additional information was submitted by Mr Barling on 12 June 2007 and following considerable discussion at a meeting on 24 July 2007 the Committee was deadlocked on whether to grant a citizen's right of reply. As it could not reach a resolution on the matter, the committee agreed, having regard to the limitations set by paragraph 7 of the resolution on a citizen's right of reply, that it would report that no further action be taken by the Committee in relation to the submission. At a meeting held on Friday 17 August 2007, the Committee adopted this report.
5. The Committee therefore recommends that no further action be taken by the Assembly in relation to the submission.

Wayne Berry MLA

Presiding Member

August 2007

Appendix A

CITIZEN'S RIGHT OF REPLY

Resolution agreed by the Assembly on 4 May 1995

Protection of persons and corporations referred to in the Legislative Assembly

- (1) Where a person or corporation who has been referred to by name, or in such a way as to be readily identified in the Assembly, makes a submission in writing to the Speaker:
 - (a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the persons privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person or corporation be able to incorporate an appropriate response in the parliamentary record; if the Speaker is satisfied:
 - (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Committee on Administration and Procedure; and
 - (d) that it is practicable for the Standing Committee on Administration and Procedure to consider the submission under this resolution; the Speaker shall refer the submission to that Committee.
- (2) The Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Assembly.

4 Standing Committee on Administration and Procedure

- (3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person or corporation who made the submission and any Member who referred in the Assembly to that person or corporation.
- (4) In considering a submission under this resolution, the Committee shall meet in private session.
- (5) The Committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Assembly.
- (6) In considering a submission under this resolution and reporting to the Assembly the Committee shall not consider or judge the truth of any statements made in the Assembly or of the submission.
- (7) In its report to the Assembly on a submission under this resolution, the Committee may make either of the following recommendations:
 - (a) that no further action be taken by the Assembly or by the Committee in relation to the submission; or
 - (b) that a response by the person or corporation who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Assembly or incorporated in Hansard; and shall not make any other recommendations.
- (8) A document presented to the Assembly under paragraph (5) or (7):
 - (a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a persons privacy, in the manner referred to in paragraph (1); or

- (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person or corporation.
- (9) A corporation making a submission under this resolution is required to make it under their common seal.
- (10) This resolution has effect from the commencement of the Third Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.