



LEGISLATIVE ASSEMBLY

PRIVILEGES COMMITTEE

**PERSON REFERRED TO IN THE
LEGISLATIVE ASSEMBLY**

MRS BELINDA CLARKSON

NOVEMBER 2007

ORDERED TO BE PRINTED

**BY AUTHORITY
GOVERNMENT PRINTER FOR THE STATE OF VICTORIA**

MEMBERS OF THE COMMITTEE

Mr T Lupton MP	Chair
Mr R Clark MP	Deputy Chair
Mr C Carli MP	
Mr H Delahunty MP	
Mrs J Maddigan MP	
Hon Dr D Napthine MP	
Mr D Nardella MP	
Mr B Stensholt MP	
Mr M Thompson MP	

STAFF

Ms B Noonan, Assistant Clerk Committees, Legislative Assembly
Ms K Murray, Manager Procedure Office, Legislative Assembly

REPORT

- 1 On 21 May 2007 the Speaker of the Legislative Assembly received a submission from Mrs Belinda Clarkson seeking redress under Standing Order 227, relating to the protection of persons referred to in the Legislative Assembly. The Speaker sought additional information from Mrs Clarkson relating to her submission, which was received by the Speaker on 19 July 2007.
- 2 The submission referred to a statement made by Ms Danielle Green, Member for Yan Yean, on 15 February 2007. The Speaker, having accepted the submission as a submission for the purposes of the Standing Order, referred it to the Committee on 31 July 2007.
- 3 Under Standing Order 227(4), Mrs Clarkson was asked to prepare a draft response to the remarks made in the House for the Committee's consideration. Mrs Clarkson's response was received by the Committee on 16 August 2007.
- 4 The Committee met in private session on 8 August 2007 and 19 September 2007 and, in examining the submission, was guided by the requirements and tests laid down in Standing Order 227. These are attached as Appendix 1.
- 5 The Committee agreed to consider the submission under Standing Order 227(5).
- 6 After scrutiny of Mrs Clarkson's submission to the Speaker of 19 July, and the draft response received by the Committee on 16 August 2007, the Committee resolved by a majority decision to recommend to the House, under Standing Order 227(1), that no further action should be taken by the House in relation to the submission from Mrs Clarkson.
- 7 The Committee draws attention to Standing Order 227(9) which requires that, in considering a submission under this Standing Order and reporting to the House, the Committee shall not consider or judge the truth of any statements made in the House or the submission.

Recommendation

That no further action be taken in respect of the submission from Mrs Belinda Clarkson.

**Committee Room
21 November 2007**

APPENDIX 1: EXTRACT FROM STANDING ORDERS

227 Citizen's right of reply procedure

- (1) Where a person (the applicant) has been referred to in the House by name, or in such a way as to be readily identified, he or she can send a written submission (the submission) to the Speaker asking for an appropriate response to be incorporated into the parliamentary record.
- (2) The submission must include a claim that, as a result of the reference:
 - (a) the applicant has been adversely affected:
 - (i) in reputation; or
 - (ii) in relation to dealings or associations with others; or
 - (b) the applicant has been injured in connection with his or her occupation, trade, office or financial credit; or
 - (c) the applicant's privacy has been unreasonably invaded.
- (3) The Speaker will refer the submission to the Privileges Committee (the Committee) if the Speaker is satisfied that:
 - (a) 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 Committee; and
 - (b) that it is practicable for the Committee to consider the submission under this Standing Order.
- (4) When a submission is referred, the secretary of the Committee will contact the applicant to draw his or her attention to the Committee's guidelines for preparing a brief draft statement in a correct form for incorporation.
- (5) The Committee may decide not to consider a submission referred to it if:
 - (a) it considers that the subject of the submission is not sufficiently serious; or
 - (b) it considers that the submission is frivolous, vexatious or offensive in character; or
 - (c) the submission was received more than six months after the relevant comments were made in the House and the applicant has not shown exceptional circumstances to explain the delay.
- (6) If the Committee decides to consider a submission, it may hold discussions with the applicant and any member who referred to the applicant in the House.
- (7) The Committee will meet privately when considering a submission.
- (8) The Committee will not publicly release a submission, or its proceedings in relation to a submission, but may present to the House minutes of its proceedings and all or part of a submission.

- (9) In considering a submission and reporting to the House, the Committee will not consider or judge the truth of:
- (a) any statements made in the House; or
 - (b) the submission.
- (10) In its report to the House, the Committee may make either of the following recommendations:
- (a) that no further action should be taken by the House in relation to the submission; or
 - (b) that a response by the applicant, set out in the report and agreed to by the applicant and the Committee, should be published by the House or incorporated in Hansard.
- (11) The Committee will not make any other recommendations.
- (12) A document presented to the House under paragraphs (8) or (10):
- (a) in the case of a response by an applicant, will be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character; and
 - (b) will not contain any matter, the publication of which would have the effect of unreasonably:
 - (i) adversely affecting or injuring a person; or
 - (ii) invading a person's privacy, in the manner referred to in paragraph (2); or
 - (iii) adding to or aggravating any such adverse effect, injury or invasion of privacy.
- (13) The Committee may agree to guidelines and procedures relating to its consideration of submissions, providing they are consistent with this Standing Order.

EXTRACT FROM THE PROCEEDINGS

The minutes of the proceedings of the Committee show the following divisions which took place during the consideration of the draft report.

Wednesday 21 November 2007

Motion made and question — That paragraphs 1 to 7 of the draft report stand part of the report (Mr Nardella, seconded Mr Carli); and, after debate —

Amendment proposed — That the words ‘by a majority decision’ be inserted after ‘the Committee resolved’ in paragraph 6 (Dr Napthine).

Question — That the amendment be agreed to — put.

Ayes 4: Mr Clark, Mr Delahunty, Dr Napthine, Mr Thompson.
Noes 3: Mr Carli, Mr Nardella, Mr Stensholt.

Question agreed to.

Question — That paragraphs 1 to 7 of the draft report, as amended, stand part of the report — put.

Ayes 4: Mr Carli, Mr Delahunty, Mr Nardella, Mr Stensholt.
Noes 3: Mr Clark, Dr Napthine, Mr Thompson.

Question agreed to.

Motion made and question — That the recommendation stand part of the report (Mr Nardella, seconded Mr Carli) — put.

Ayes 4: Mr Carli, Mr Delahunty, Mr Nardella, Mr Stensholt.
Noes 3: Mr Clark, Dr Napthine, Mr Thompson.

Question agreed to.

Motion made and question — That the draft report, as amended, be the report of the committee (Mr Nardella, seconded Mr Carli) — put.

Ayes 4: Mr Carli, Mr Delahunty, Mr Nardella, Mr Stensholt.
Noes 3: Mr Clark, Dr Napthine, Mr Thompson.

Question agreed to.

