

2017

(No. 22)



PARLIAMENT OF TASMANIA

STANDING COMMITTEE OF PRIVILEGES

REPORT ON MATTERS PERTAINING TO AN APPLICATION FOR A CITIZEN'S RIGHT OF REPLY BY MR MILES HAMPTON

*Brought up by the Minister for Health and
Ordered by the House of Assembly to be printed.*

MEMBERS OF THE COMMITTEE

The Speaker (Chair)
The Minister for Health
Ms Giddings
Mr Llewellyn
Mr Shelton

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1 APPOINTMENT

- 1.1 The Standing Committee of Privileges is established at the commencement of each Parliament in accordance with the provisions of Standing Order No. 325 (previously SO 385) as follows:-
A Committee of Privileges, to consist of five Members, shall be appointed at the commencement of each Parliament to enquire into and report upon complaints of breach of Privilege which may be referred to it by the House."
- 1.2 Standing Order 352 (previously SO 422) provides for a procedure for a 'Citizens Right of Reply as follows:-
- (1) *A person who has been referred to in the House of Assembly by name, or in such a way as to be readily identified, may make a submission in writing to the Speaker –*
 - (a) *claiming that the person 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 person's privacy has been unreasonably invaded by reason of that reference; and*
 - (b) *requesting that the person be permitted to incorporate an appropriate response in the Parliamentary Debates (Hansard).*
 - (2) *If, upon considering a submission under this Order, the Speaker is satisfied that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character the Speaker shall then refer the matter to the Privileges Committee which may determine –*
 - (a) *that no further action be taken in relation to the submission; or*
 - (b) *that a response by the person who made the submission be incorporated in Hansard – and the Speaker shall inform the House of such decision.*
The response shall be incorporated into Hansard as an appendix to the record of debate for the next day's sitting.
 - (3) *In considering a submission under this Order the Committee –*
 - (a) *may confer with the person who made the submission;*
 - (b) *must give notice of the submission in writing to the Member who referred in the House of Assembly to that person and then consult with the Member*

- prior to any response being presented to the House; and
- (c) shall not consider or judge the truth of any statements made in the House or the submission.
- (4) A response presented to the House of Assembly –
- (a) shall be succinct and strictly relevant to the issue at hand and shall not contain any matter which may be 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 unreasonably invading a person's privacy, in the manner referred to in (1) above; or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.
- (5) The action of the Speaker or the Committee pursuant to the provisions of this Order shall be deemed to be final and no motion of dissent shall be permitted.
- (6) This Order shall have effect on and from the day upon which it passed the House of Assembly.
- (7) Any events prior to the passage of this Order are expressly excluded from its provisions.

2 APPLICATION BY MR MILES HAMPTON

- 2.1 On Sunday, 21 May last, the Chair of the Committee, the Speaker of the House of Assembly, Hon Elise Archer MP, received an email from Mr Hampton requesting an "opportunity for a Citizens Right of Reply relating to the Treasurer's remarks in Parliament on 3 May in which I was named and my reputation attacked and damaged".
- 2.2 On 26 May last, the Secretary of the Committee provided the Chair with the extract of Hansard of 3 May last who directed the Secretary to refer the matter to the Committee in accordance with Standing Order 352.
- 2.3 On 26 May last, Mr Hampton was advised by correspondence (emailed) from the Secretary, that the Chair having considered Mr Hampton's submission, had referred the matter to the House of Assembly Privileges Committee for its consideration. The Secretary further advised that a meeting would be arranged and that he would be advised of the outcome of the deliberations of the Committee.
- 2.4 The Committee met on 15 June last and took into consideration Mr Hampton's request. The Committee resolved to invite Mr Hampton to provide the Committee with the precise response he wished to have incorporated in *Hansard*.
- 2.5 On 22 June last, Mr Hampton was invited by correspondence (emailed) from the Secretary, to provide "the response you would wish to have incorporated into the Hansard of the House of

Assembly. His attention was drawn to the provisions of (now) Standing Order 352(4):-

A response presented to the House of Assembly –

- (a) shall be succinct and strictly relevant to the issue at hand and shall not contain any matter which may be 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 unreasonably invading a person's privacy, in the manner referred to in (1) above; or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person. (See Annexure 'A')
- 2.6 On Monday, 3 July Mr Hampton provided the "Right of Reply" that he requested be included in Hansard "at the earliest opportunity".
- 2.7 Receipt was acknowledged on 10 July and provided to the Committee on 14 July.
- 2.8 A further meeting of the Committee was held on 16 August when Parliament reconvened following the winter recess, where the submission was taken into consideration. Deliberations of that meeting were interrupted by the sittings of the House and the next available meeting for all Members to attend was arranged for 2:00 p.m., 13 September 2017.

3 CONSIDERATIONS OF THE COMMITTEE

- 3.1 The Committee has at all times acted in good faith in respect to this matter and has been concerned to reach a conclusion, which it had been hoped, would occur at its meeting of 13 September 2017.
- 3.2 The principal matter that has delayed the finalisation of the matter was the extensive nature of the response provided by Mr Hampton, both in its length and its scope (by its inclusion of other Members rather than the Treasurer) and which well exceeded the interpretation usually given to "succinct" as prescribed by Standing Order 352(4).
- 3.3 The Committee notes that the submission, that is the current subject of inquiry, was raised during proceedings on the Matter of Public Importance on 13 September 2017 and was apparently quoted in full, quite contrary to accepted Parliamentary practice when a matter is the subject of a Committee inquiry.
- 3.4 The Committee has at all times acted in good faith and in a non-partisan manner and the intervention made in the House on 13 September 2017 is a matter of considerable concern as to the legitimate process that was initiated by Mr Hampton and which was receiving appropriate attention.

4 CONCLUSION

- 4.1 The Committee is of the view that the contributions made in the House on 13 September 2017 have rendered any further inquiry entirely redundant and accordingly, the Committee will discontinue its consideration of this matter.

Parliament House
HOBART
13 September 2017

A handwritten signature in black ink, appearing to be 'Elise Archer', written in a cursive style.

Hon. Elise Archer MP
CHAIR

ANNEXURE 'A'



House of Assembly Privileges Committee



E-MAILED

22 June 2017

Mr Miles Hampton
C/- miles.h@me.com

Dear Mr Hampton,

Citizens Right of Reply

The Privileges Committee took into consideration your claim to a Citizens Right of Reply made pursuant to Standing Order 422 at its meeting on 15 June last.

In that regard, the Committee seeks to receive the response you would wish to have incorporated into the *Hansard* of the House of Assembly. I am also to advise you that, in the event a response is incorporated into *Hansard*, it will attract Parliamentary privilege and further, that in preparing your response you should bear in mind the provisions on Standing Order 422(4), which are as follows:-

- (4) A response presented to the House of Assembly –
- (a) shall be succinct and strictly relevant to the issue at hand and shall not contain any matter which may be 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 unreasonably invading a person's privacy, in the manner referred to in (1) above; or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Shane Donnelly', with a long, sweeping flourish extending to the right.

Shane Donnelly
CLERK OF THE HOUSE &
SECRETARY OF THE COMMITTEE