
The Parliament of the Commonwealth of Australia

Report concerning an application for the publication of a response to references made in the House of Representatives

House of Representatives
Committee of Privileges and Members' Interests

September 2021
Canberra

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Membership of the Committee

Chair Mr Russell Broadbent MP

Deputy Chair Mr Patrick Gorman MP

Members Hon Kevin Andrews MP

Hon Anthony Byrne MP

Hon Damian Drum MP

Hon Joel Fitzgibbon MP (nominee of the Deputy Leader of the Opposition)

Mr Ian Goodenough MP

Mr Julian Leeser MP (nominee of the Leader of the House)

Hon Warren Snowdon MP

Ms Anika Wells MP

Mr Trent Zimmerman MP

Committee secretariat

Secretary	Mr Peter Banson
Research Officer	Ms Peggy Danaee
Administrative Officer	Ms Debbie Hardie

- 1.1 The committee has received an application, under the procedure adopted by the House on 27 August 1997, for the publication of a response to references made by a Member in the House on 16 and 24 March 2021.
- 1.2 In considering the submission, the committee has had regard to the terms of the House's resolution of 27 August 1997 (reproduced at Appendix A) and the guidelines which the committee has developed under paragraph 9 of the resolution (reproduced at Appendix B).
- 1.3 Paragraph 4 of the guidelines requires applications to demonstrate that a person who is named, or readily identified, has been subject to clear, direct and personal attack or criticism, and has been damaged as a result.
- 1.4 In his submission, the applicant asserts that the Member's remarks were made in such a way as to make him readily identifiable, and have adversely affected his image and reputation. The committee notes that the Member did not refer to the applicant by name in the statements in question, and the committee does not consider that there is any material in the references to enable his ready identification. Indeed, the committee has taken care to avoid naming the applicant or the Member concerned in this report, so as not to result in the identification of the applicant where such identification may otherwise have not been possible.
- 1.5 In light of these circumstances, the committee finds that a response from the applicant is not warranted.
- 1.6 It should be noted that, in coming to this conclusion, the committee makes no judgment as to the truth of the Member's statements or of the applicant's submission to the Speaker. Under paragraph 6 of the House's resolution of 27 August 1997, the committee is prevented from judging the truth of any statements made in the House or responses to such statements.

- 1.7 The committee recommends that no further action be taken by the House or the Committee in respect of the application.



MR RUSSELL BROADBENT MP
Chair
1 September 2021



Appendix A: Resolution of the House

Right of Reply of persons referred to in the House

Resolution adopted 27 August 1997, amended 13 February 2008 a.m.

That:

- (1) Where a person who has been referred to by name, or in such a way as to be readily identified, in the House, makes 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 the person's privacy has been unreasonably invaded, by reason of that reference to the person; and
 - (b) requesting that the person be able to incorporate an appropriate response in the parliamentary record;

and 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 Committee of Privileges and Members' Interests; and
- (d) that it is practicable for the Committee of Privileges and Members' Interests 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 House.
- (3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person who made the submission and any Member who referred in the House to that person.
- (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 House.
- (6) In considering a submission under this resolution and reporting to the House the Committee shall not consider or judge the truth of any statements made in the House or of the submission.
- (7) In its report to the House on a submission under this resolution, the Committee may make either of the following recommendations:
 - (a) that no further action be taken by the House or by the Committee in relation to the submission; or
 - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person and the Committee, be published by the House or incorporated in *Hansard*,and shall not make any other recommendations.
- (8) A document presented to the House under paragraph (5) or (7):
 - (a) in the case of a response by a person 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 unreasonably invading a person's 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.

- (9) The Committee may agree to guidelines and procedures, not inconsistent with this resolution, to apply to the consideration by it of submissions.
- (10) This resolution shall continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.



Appendix B: Guidelines

Protection of persons referred to in the House

Guidelines made under clause 9 of the resolution of the House of 27 August 1997, amended 13 February 2008 a.m., supplementary to the provisions of the resolution

The Committee of Privileges and Members Interests will consider each application for the publication of a response on its merits, but proposes that the following guidelines apply to the procedure:

- (1) an application must be received within 3 months of the making of the statement to which the person wishes to respond unless, because of exceptional circumstances, the committee agrees to consider an application received later;
- (2) applications should only be considered from natural persons, they should not be considered if lodged by or on behalf of corporations, businesses, firms, organisations or institutions;
- (3) applications should only be considered from persons who are Australian citizens or residents;
- (4) an application must demonstrate that a person who is named, or readily identified, has been subject to clear, direct and personal attack or criticism, and has been damaged as a result;

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- (5) applications must be concise, be in the character of a refutation or explanation only and must be confined to showing the statement complained of and the person's response and must not contain any offensive material;
 - (6) applications concerning statements made in the Federation Chamber may be considered;
 - (7) applications should not be considered from persons who wish to respond to a statement or remarks made in connection with the proceedings of a standing or select committee – such persons should contact the committee direct on the matter; and
 - (8) in considering applications, the committee will have regard to the existence of other remedies that may be available to a person referred to in the House and whether they have been exercised.