

**Parliament of South Australia
HOUSE OF ASSEMBLY**

CITIZEN'S RIGHT OF REPLY

On 6 May 2010 the House of Assembly adopted for the period of the current session of the Parliament a resolution to provide for a Citizen's Right of Reply. The text of the resolution is set out below. It provides full detail of the purpose of the Right of Reply, the method by which a citizen can seek redress and the criteria for a right of reply and the procedure the House of Assembly will adopt in consideration and redress of the matter.

The Right of Reply is intended to provide an opportunity for any member of the South Australian community to seek to have adverse references to them made in the course of the proceedings of the House of Assembly corrected in the Hansard (the publicly available transcript of debate). The resolution adopted by the House of Assembly sets out the procedure.

Any person ('person' for the purposes of this resolution is also taken to mean an unincorporated association) may make a submission in writing to the Speaker of the House of Assembly –

The Speaker
House of Assembly
Parliament House
ADELAIDE 5000

Further information contact –

The Office of the Clerk
House of Assembly
Parliament House
ADELAIDE 5000

Email – clerksoffice@parliament.sa.gov.au

Extract from the Sessional Orders of the House of Assembly adopted on 6 May 2010

4 Right of Reply

That for the remainder of the session the House of Assembly to make available to any person who believes that he or she has been adversely referred to during proceedings of the Assembly the following procedure for seeking to have a response incorporated into Hansard—

1 Any person who has been referred to in the House of Assembly by name, or in another way so as to be readily identified, may make a submission in writing to the Speaker—

(a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and

(b) requesting that his or her response be incorporated into Hansard.

2 The Speaker shall refer the submission to the Standing Orders Committee as soon as practicable.

3 The Standing Orders Committee shall reject any submission that is not made within a reasonable time.

4 If the Standing Orders Committee has not rejected the submission under clause 3, the Committee shall give notice of the submission to the Member who referred in the Assembly to the person who has made the submission.

5 In considering the submission, the Standing Orders Committee—

(a) may confer with the person who made the submission;

(b) may confer with any Member;

(c) must confer with the Member who referred in the Assembly to the person who has made the submission at least one clear sitting day prior to the publication of the response;

but

(d) may not take any evidence;

(e) may not judge the truth of any statement made in the Assembly or the submission.

6 If the Standing Orders Committee is of the opinion that—

(a) the submission is trivial, frivolous, vexatious or offensive in character; or

(b) the submission is not made in good faith; or

(c) the submission has not been made within a reasonable time; or

(d) the submission misrepresents the statements made by the Member; or

(e) there is some other good reason not to grant the request to incorporate a response into Hansard;

the Committee shall refuse the request and inform the person who made it of the Committee's decision.

7 The Standing Orders Committee shall not be obliged to inform the Assembly or any person of the reasons for any decision made pursuant to this resolution. The Committee's decision shall be final and no debate, reflection or vote shall be permitted in relation to the Committee's decision.

8 Unless the Standing Orders Committee refuses the request on one or more of the grounds set out in paragraph 6 of this resolution, the Committee shall report to the Assembly that the response in terms agreed between the Committee and the person making the request should be incorporated into Hansard and the response shall thereupon be incorporated into Hansard.

9 A response—

(a) must be succinct and strictly relevant to the question in issue;

(b) must not contain anything offensive in character;

(c) must 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 of this resolution, or

(ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or

(iii) unreasonably aggravating any situation or circumstance;
and

(d) must not contain any matter the publication of which might prejudice—

- (i) the investigation of any alleged criminal offence,
- (ii) the fair trial of any current or pending criminal proceedings, or
- (iii) any civil proceedings in any court or tribunal.

10 In this resolution—

- (a) `person' includes a corporation of any type and an unincorporated association;
- (b) `Member' includes a former Member of the House of Assembly.