

## Right of Reply

Sometimes people are offended or aggrieved by remarks made by parliamentarians or by the contents of a parliamentary report.

As members of Parliament under Article 9 of the Bill of Rights 1689 and the *Western Australian Parliamentary Privileges Act 1891* have the freedom to speak their minds without fear of legal action for what they might say, people may sometimes feel adversely affected by some of these statements.

In many Parliaments this has led to the adoption of a procedure known as 'the right of reply'. In Western Australia, the Report of the Parliamentary Standards Committee (1989) inquired into the desirability of adopting a formal avenue of reply for the Parliament.

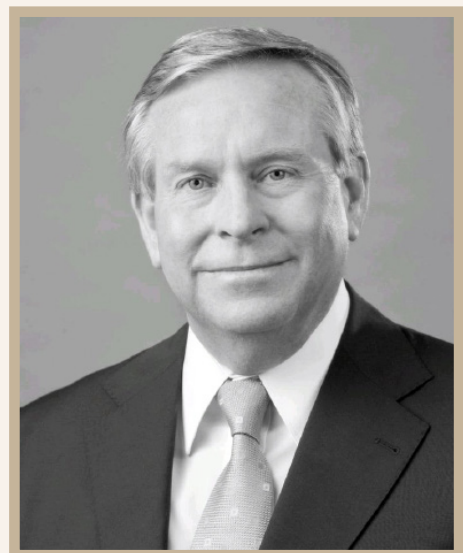
It was also suggested that an important part of the process of political education by the Parliament should be concerned with improving awareness of the areas of redress already available.

Finally, it was decided not to adopt a right of reply procedure partly because it was thought there may be too many requests to handle. A few years later the Commission on Government (COG) considered the 'right of response'. It was informed that the procedure had been adopted by the Senate and some other states. COG found public support for the protection afforded to parliamentarians by parliamentary privilege, but opinion also showed that this needed to be balanced by an individual's right of reply when an aggrieved person was likely to have suffered 'harm' as a result of a member's comments made under parliamentary privilege.

On 18 November 1997, Colin Barnett, a future Premier, moved a motion to adopt 'the right of reply' in the Legislative Assembly. This was after the Legislative Assembly Standing Orders and Procedures Committee had supported the proposal.



The committee examined processes available to citizens at the time, such as asking a member to act on their behalf, presenting a petition or even seeking media focus on the matter.



Hon Colin Barnett



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This motion was strongly supported by Dr Geoff Gallop, another future Premier, who had campaigned for the measure and brought attention to developments in the House of Representatives where it had just been accepted.



Dr Geoff Gallop

Soon the 'right of reply' became part of the Standing Orders of the Legislative Assembly, whereby an approved reply is printed in Hansard.

If a person or corporation adversely affected decides to exercise 'the right of reply', they should firstly examine the parliamentary pamphlet titled 'Responses from Persons Adversely Referred to in theHouse'. This pamphlet sets out the main steps that need to be followed, some of which are:

- make a written application to the Speaker for a reply to be published in Hansard;
- specify your name and contact details;
- include a brief summary stating why you believe that you have been adversely referred to; and
- include the name of the member of Parliament and the date the adverse reference occurred.

If the request appears appropriate, the Speaker will refer the matter to the Procedure and Privileges Committee. The committee will then consider the request in detail and report to the house whether or not a response should be published. The Procedures and Privileges Committee endeavours to deal quickly with each request, and will suggest changes if it is necessary to comply with Standing Order 114 of the Legislative Assembly. It is not the role of either the Speaker or the committee to determine whether the original allegations made by the member or the contents of the proposed response are truthful. There has been a steady stream of 'right of reply' requests published in Hansard. However, the prediction that there may be a flood of requests has not transpired.

To date, the 'right of reply' has not been adopted by the Legislative Council. Instead of creating a new set of rules for aggrieved citizens the Council has chosen to allow citizens to rely on a parliamentary procedure that has existed for centuries – that of the petition.

