



PARLIAMENT OF VICTORIA

Legislative Assembly
Privileges Committee

Person referred to in the Legislative Assembly

Mrs Karina Okotel

November 2016

Privileges Committee Report No. 1
58th Parliament



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This report is available on the Committee's website.

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Report

1. On 15 March 2016 the Speaker of the Legislative Assembly received a submission from Mrs Karina Okotel seeking redress under Standing Order 227, relating to the protection of persons referred to in the Legislative Assembly.
2. The submission referred to a statement made on 11 February 2016 by Mr Steve Dimopoulos, Member for Oakleigh. The Speaker, having accepted the submission as a submission for the purposes of the Standing Order, referred it to the Committee on 22 March 2016.
3. The Committee met in private session on 13 April 2016 and decided to invite Mrs Okotel to provide more information to determine whether to consider her submission under Standing Order 227.
4. The Committee met in private session on 15 September 2016 and noted that Mrs Okotel had not provided further information to the Committee. The Committee decided to invite Mrs Okotel to provide the information requested by the Committee by 6 October 2016. Mrs Okotel provided a response to the Committee on 6 October 2016.
5. The Committee met in private session on 13 October 2016 to consider the submission and supplementary information provided by Mrs Okotel.
6. After scrutiny of Mrs Okotel's submission to the Speaker of 15 March 2016, and the supplementary information received by the Committee on 6 October 2016, the Committee resolved by a majority decision to recommend to the House, under Standing Order 227(5), that no further action should be taken by the House in relation to the submission from Mrs Okotel.
7. The Committee draws attention to Standing Order 227(9) requiring 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 Karina Okotel.

Committee Room
10 November 2016

Appendix

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.

and will report any such decision to the House.

- (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 that took place during the consideration of the draft report.

Thursday 10 November 2016

Motion made and question — That the recommendation stand part of the report (Mr Scott, seconded Ms D'Ambrosio) — put.

Ayes 5: Ms Allan, Ms D'Ambrosio, Ms Neville, Ms Sandell, Mr Scott.

Noes 3: Mr Morris, Ms Ryan, Mr Wells.

Question agreed to.

Motion made and question — That the draft report be the report of the committee (Mr Scott, seconded Ms D'Ambrosio) — put.

Ayes 5: Ms Allan, Ms D'Ambrosio, Ms Neville, Ms Sandell, Mr Scott.

Noes 3: Mr Morris, Ms Ryan, Mr Wells.

Question agreed to.

Legislative Assembly Privileges Committee

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