



LEGISLATIVE ASSEMBLY

PRIVILEGES COMMITTEE

**PERSON REFERRED TO IN THE LEGISLATIVE
ASSEMBLY**

MR EMANUELE CICCHIELLO

OCTOBER 2012

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REPORT

1. On 8 February 2012 Mr Emanuele Cicchiello made a submission to the Speaker of the Legislative Assembly seeking redress under Standing Order 227 relating to the protection of persons referred to in the Legislative Assembly.
2. The submission referred to statements made by the Member for Narre Warren North, Mr Luke Donnellan MP, during the adjournment debate on 22 November 2011. The Speaker accepted the submission for the purposes of the Standing Order and referred it to the Committee on 8 February 2012.
3. The Committee met in private session on 29 February 2012 and decided to invite Mr Cicchiello to prepare a draft response.
4. The Committee met again in private session on 23 May 2012 and noted that Mr Cicchiello had not responded to the Committee's invitation to prepare a draft response. The Committee resolved to write to Mr Cicchiello and request that a draft response be provided by 29 June 2012, otherwise the Committee would consider the matter closed.
5. The Committee met again in private session on 14 August 2012 and considered Mr Cicchiello's response of June 2012. The Committee resolved to ask Mr Cicchiello to revise his response.
6. The Committee met again in private session on 11 September 2012. The Committee decided to accept an application for a right of reply from under Standing Order 227(10) and accepted the revised response from Mr Cicchiello with amendments. In agreeing to accept the amended response, the Committee did not consider it necessary to consult further with Mr Cicchiello, or to consult with Mr Donnellan.
7. The Committee draws attention to Standing Order 227(9) which requires 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 in the submission.
8. Standing Order 227 is attached as Appendix 2.

Recommendation

That the response by Mr Cicchiello, specified at Appendix 1, be published with this report.

**Parliament House
9 October 2012**

Appendix 1

Response by Mr Emanuele Cicchiello under Standing Order 227

Statement by the Member for Narre Warren North

My issue is also for the Minister for Education, and the action I seek is that he, through the Victorian Institute of Teaching, suspend the licences of the teachers involved in the scandal at Lighthouse Christian College that was reported in the Herald Sun of 16 November 2011. The heading of that article reads ‘Students read wrong book in VCE exam fiasco’. I have had a parent approach me who is very distressed by this very ordinary exercise by some teachers.

[...]

Emanuele Cicchiello is the head of the senior school, a long-time Liberal Party candidate, last running in the federal seat of Holt.

[...]

[*Hansard*, pp 5577–8, 22 November 2012, Mr Luke Donnellan MP]

Response by Mr Emanuele Cicchiello

In the Member’s adjournment speech he erroneously suggested that I should be suspended by the Minister for Education because I was Head of Senior School at Lighthouse Christian College Keysborough. There, an unfortunate situation took place during the 2011 VCE Literature examination where students were allegedly not taught the correct curriculum, resulting in them being severely hampered during the exam.

The Member has made comments about me which are factually inaccurate. They may quite possibly cause me future harm both professionally and personally.

For the record, the facts of the matter are:

I ceased employment at Lighthouse Christian College Keysborough on the 17th December 2010. The event mentioned in Hansard took place on the 10th November 2011.

Appendix 2

Extract from the 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.