

Right of Reply – Abuse of Parliamentary Privilege

My name is Laurie Patton and I am the Executive Director of Internet Australia. Internet Australia is one of 113 chapters of the global Internet Society, which has more than 90,000 members in 100 countries and is the primary organisation overseeing the development of the Internet globally. The Internet Society is currently celebrating 25 years since it was formed by the very people who invented the Internet. Internet Australia has been in existence since 1996. It is regularly sought out for comments by mainstream and technical media, and often approached for advice and assistance by organisations such as the Productivity Commission and the ACCC. It has appeared before numerous parliamentary committees, including the Senate Select Committee on the NBN. Many of its directors and members are internationally recognised experts. In its role as the not-for-profit peak body representing Internet users, Internet Australia and its directors and members add constructively to the broad community debate about the NBN and provide independent, informed comment. A survey of members last year found that 80 percent do not believe NBN Co's fibre-to-the-node technology will meet the country's future needs. This has been backed up by a more recent Essential poll that in addition to revealing similar community dissatisfaction with the NBN found that 88 percent of respondents see the Internet as becoming an essential service, like water and electricity.

I am writing to exercise my right of reply pursuant to an invitation from the Senate Standing Committees on Environment and Communications and to respond to false and defamatory comments made under the cloak of Parliamentary Privilege at Senate Estimates on Thursday 25 May 2017 by the CEO of NBN Co, Mr Bill Morrow ("the abuse of Parliamentary Privilege"). It is relevant and related that this is the second time Mr Morrow has abused Parliamentary Privilege by making false and defamatory comments about Internet Australia and about me.

As the Hansard transcript of Mr Morrow's latest abuse of Parliamentary Privilege shows, Senator Ludlam referred Mr Morrow to his first abuse of Parliamentary Privilege when he had asked Mr Morrow about the social media practices of NBN Co and its habit of blocking people who post on social media sites negative comments or complain about receiving poor service. This exchange between Senator Ludlam and Mr Morrow is from Mr Morrow's most recent appearance before the Senate Standing Committee on Environment and Communications:

Senator LUDLUM: ...you did go in pretty hard on Mr Patton. We checked back in and discovered that actually he was not one of the people that had been blocked at the time [i.e. the original abuse of Parliamentary Privilege]

My reply is that Senator Ludlam is correct and I was not blocked at the time of the first abuse of Parliamentary Privilege. Mr Morrow therefore gave false evidence on the earlier occasion.

The transcript of Mr Morrow's latest abuse of Parliamentary Privilege also includes the following exchange between Senator Ludlum and Mr Morrow:

Senator LUDLAM: No, he is not a troll. This conversation is going straight off the rails then.

Mr Morrow: He is a troll and he should be declared a troll. Look at the behaviour. Look at the definition of 'troll'. It is an independent worldwide—

Senator LUDLAM: I understand what the definition of 'troll' is. I come across them every single day, and that is honestly not how I would categorise Mr Patton.

.....

Mr Morrow: He is critical of it [NBN]. He meets the exact description of 'troll'.

My reply to this exchange is that using the description of 'troll' to describe my social media activities is false, without foundation and defamatory. My social media posts do not meet the definition of a troll as asserted by Mr Morrow (being critical of NBN Co is not a definition of a troll) and Senator Ludlum was correct in rebutting Mr Morrow's false assertion.

Moreover, Wikipedia defines a 'troll' as "someone who posts inflammatory, extraneous, or off-topic messages in an online community, such as an online discussion forum, chat room, or blog, with the primary intent of provoking readers into an emotional response or of otherwise disrupting normal on-topic discussion".

My social media posts and those of Internet Australia regularly contain links to some of the numerous media articles that expose the inferior nature of the current NBN rollout and our posts often support or endorse those observations. But none of our posts could be described as the posts of a troll – defined as posts which are “inflammatory, extraneous or off-topic”. Our comments are factual, relevant and appropriate for such an organisation. Our posts are regularly re-posted by others who presumably share our serious concern about the state of the NBN. Mr Morrow might not like people or organisations posting observations that are critical of the NBN but that does not make them trolls.

The transcript of Mr Morrow's latest abuse of Parliamentary Privilege contains the following further exchange between Senator Ludlum and Mr Morrow:

Senator LUDLAM: Let us go to the merits of some of the concerns that they have raised rather than attacking the conduct. What about the merits of the issues that they have raised about NBN? Nothing?

Mr Morrow: No. He has no merits. He lies about everything he puts on there. He fabricates things, without fact. He has no knowledge. He has never worked in the telecom industry. He has no understanding of the technology at all. What would you want us to do?

My reply to those comments made by Mr Morrow is a denial and a repudiation. I have access to a range of extremely well-qualified engineers and technicians on whom I call for the technical information and background that is used by me on Internet Australia's behalf. The comments that I have made on Internet Australia's behalf are factual and relevant.

During his latest abuse of Parliamentary Privilege Mr Morrow was seated directly beside his Minister, Senator Fifield, and senior executives of NBN Co, none of whom took steps to intervene to halt Mr Morrow during his defamatory outburst. However, such a move was made by the Chair and Mr Morrow's unacceptable behaviour was canvassed by Senator Ludlum in this exchange:

CHAIR: I was about to say—

Senator LUDLAM: If you are raising those allegations against a member of the Senate, the chair would have already called you out. If it is somebody outside—

Mr Morrow: But he is not a member of the Senate.

Senator LUDLAM: No, he is not. He cannot actually defend his name.

It is needless to say distressing to be falsely attacked and defamed for merely doing one's job, at any time. For a senior executive of a government business enterprise to launch such an attack at a Senate Estimates hearing to which Parliamentary Privilege applies elevates the offence. I am unable to commence defamation proceedings to seek redress and the only recourse I have is to exercise this limited right of reply to Mr Morrow's false and defamatory comments.

I appreciate being accorded the opportunity to exercise this right of reply by the Senate Standing Committees on Environment and Communications. I also respectfully request that Mr Morrow be required to unreservedly apologise to me and to retract his comments or else be appropriately dealt with by the Senate for his blatant abuse of Parliamentary Privilege on two occasions. It is very clear that Mr Morrow will not apologise or retract of his own accord, as this exchange demonstrates:

Senator LUDLAM: ...Can we just get to the merits, because I am a little bit surprised. Maybe I should not be, because this is how the conversation went last time. My questions say, 'Is Mr Morrow willing to apologise about the misunderstanding?' but I guess we have crossed that one off on the list.

Mr Morrow: No, I would not apologise to him for anything.

Thank you again for the opportunity to exercise this right of reply.

Yours sincerely

LAURIE PATTON | Executive Director, Internet Australia