



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**MOTIONS**

**Dissent from Ruling**

**SPEECH**

**Thursday, 18 June 2015**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Thursday, 18 June 2015  
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**Questioner**  
**Speaker** Burke, Tony, MP

**Source** House  
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**Mr BURKE** (Watson—Manager of Opposition Business) (12:54): I move:

That the Deputy Speaker's ruling be dissented from.

**Mr Morrison:** I have already moved my motion.

The DEPUTY SPEAKER ( Mr Vasta ): I have already made the call.

**Mr BURKE:** I know you have made the call and have made the ruling, and I move dissent. That you have made the ruling allows me to move dissent.

Honourable members interjecting—

**Mr BURKE:** Even the person who normally sits in that chair allows dissent motions.

Honourable members interjecting—

**Mr Pyne:** Mr Deputy Speaker, on a point of order, the Manager of Opposition Business cannot simply bellow at the dispatch box: 'I move dissent from your ruling.' It is disorderly conduct. If he wants to move motions, he needs to write them and sign them and hand them in to the Clerk.

**Mr BURKE:** Mr Deputy Speaker, you made a ruling that I was not able to raise a point of order. I moved dissent in that ruling.

The DEPUTY SPEAKER: With respect, I made the ruling that I had already given the call to the Minister for Social Services. That was the ruling.

**Mr BURKE:** Is that your ruling?

The DEPUTY SPEAKER: That is my ruling.

**Mr BURKE:** I move dissent in it. I move that the Deputy Speaker's ruling be dissented from. If that is your ruling, that is the one I am moving dissent in.

**Mr Pyne:** Mr Deputy Speaker, you have not made a ruling on a point of order. What occurred is that I distinctly saw and heard you call the Minister for Social Services. The Minister for Social Services moved that the motion be put while the Manager of Opposition Business bellowed at you: 'Point of order', but you did not actually recognise him at any point. He did not have the call, nor do you have to give it to him when you had already called the Minister for Social Services. How do you know the Minister for Social Services did not want to make a point of order? And, quite frankly, why would the Manager of Opposition Business's point of order overrule the Minister for Social Services? In fact, you did precisely the right thing, and the motion before the chair is that the motion be put. That is what is before the chair.

**Mr BURKE:** Subsequent to all the events that were just referred to by the Manager of Government Business, I asked you whether you had made a ruling. You, at that point, said that is your ruling. I have a right under standing orders to move dissent in that ruling and I have done so in writing. I now have a right to speak to the dissent motion.

Honourable members interjecting—

The DEPUTY SPEAKER: Order! I am going to seek advice from the Clerk.

Honourable members interjecting—

The DEPUTY SPEAKER: Order! I give the call to the Leader of Opposition Business.

**Mr BURKE:** It is a situation, in moving this dissent motion, that we would not be in were there competence from the Minister for Social Services. The only reason, Deputy Speaker, that you have been placed in this impossible position is that the Minister for Social Services could not be bothered letting the parliament know that the entire debate we have just had on the age pension is in fact now going to be voted on as a fundamentally different proposition. Each side of the House has made speech after speech and yet, at the eleventh hour, he seeks leave to introduce amendments that completely gut the bill. Apparently, we discover now, the deal that he has been talking about with the Greens, and the deal that the Greens have been claiming that they have got, is not in fact what is going to go through the House today. With the entire national debate that has been happening during the week, the entire debate that has been happening within this House during the course of the week, we find out at the last minute that they now want us to vote with a whole lot of the measures completely taken out—that the deal with the Greens and the dollar figure that was apparently attached to that deal were entirely untrue.

We should have had a situation, had they not tried to sneak this through the parliament in the way they have, Deputy Speaker, where we would have been able to raise these issues in the normal way. If the Minister for Social Services had had the capacity to dial the numbers on a telephone and call the shadow minister, call the member for Jagajaga, then we would have had the debate in the normal way.

But instead, when this government tries to cover up, the Labor Party will call it out on it. When this government tries to cover up and avoid there being any sort of a decent debate, then we end up with the House again in chaos. We end up again with the chaos that has characterised this legislation, with the chaos that we have seen during the course of this week from those opposite, now once again on full display here within the House of Representatives. Deputy Speaker—

**Mr Pyne:** Mr Deputy Speaker, on a point of order: a dissent motion has to deal with the issue which is being dissented from. It is not an opportunity for a wide-ranging speech about pension reform. The Manager of Opposition Business knows that full well. What he has to deal with is whether your decision not to call him on a point of order should be dissented from. He therefore has to deal with points of order, the precedents about points of order and the standing orders surrounding points of order—and nothing else. It is not a dissent motion about you and pensions, as, because you are in the chair, you do not have a position on pensions. So, if he continues to talk on pensions, I will continue to take this point of order, and he knows it.

The DEPUTY SPEAKER ( Mr Vasta ): I give the call to the Manager of Opposition Business, and I know that he will be relevant to the motion.

**Mr BURKE:** Thanks very much, Deputy Speaker. Threatened as we feel from the Leader of the House, threatening as he can be, he knows full well that a suppression of debate is exactly what they were pressuring the chair to do. The reason we have to move dissent is that the action taken by the chair was to prevent members from this side speaking. The action taken by the chair was to prevent there being a debate within this parliament. If those opposite think they can now try to prevent us from being up front and that that debate was whether or not Labor would stand in the way of pension cuts, well, you have another think coming. If those opposite think that we will somehow be silenced through their little procedural games and not defend Australia's pensioners, well, they have another think coming.

This entire game from those opposite is because they wanted to change the debate. They wanted to change the bill and did not want it to be honestly referred to within this House. And then, when I sought the call to raise these issues, those opposite immediately started to take points of order. Unfortunately, the Deputy Speaker ended up agreeing with them and making a ruling which had one impact. The impact was to say that this is a chamber where, according to those in government, only members of the Liberal and National parties need be heard. The ruling was that those who are standing in defence of pensioners will be silenced. The ruling was—in a complete abuse of the standing orders by the Deputy Speaker—that this government wants to get away with covering up what it is doing to Australia's pensioners.

**Mr Pyne interjecting—**

**Mr BURKE:** Don't you love the claims from the Leader of the House, who just took a point of order that he used as a speech? He just took a point of order that he used as a speech and now wants to say, 'Oh, but you're abusing standing orders.' The most extraordinary abuses of standing orders happen every day by the man sitting at the table opposite—every day in the way he behaves.

And unfortunately, Deputy Speaker, today you fell for it. Unfortunately, Deputy Speaker, you allowed the pressure that was brought on you by a member of your political party to affect how you handled yourself in that chair. Unfortunately, Deputy Speaker, it took until the very end of the entire objection back-and-forth before it occurred to you that you should seek advice from the clerks. I have to say: therein lies the problem. And, once you sought advice from the clerks, that was the first time you recognised that we had the right to move this motion, and we had the right to stand up for Australia's pensioners within this parliament.

The DEPUTY SPEAKER: Order! Order!

**Mr BURKE:** Deputy Speaker, I am allowed to reflect on you. It is a dissent motion.

The DEPUTY SPEAKER: Order! I was going to say that the advice from the clerks was contrary to what you just said. The clerks' advice was that I got the call and it was my decision to be made.

**Mr BURKE:** Deputy Speaker, if you want to be in the debate, you do not sit there, and that is our point. That is our point. If you want to get involved in the debate, there are 149 other places you sit in this room. All of them are available.

The DEPUTY SPEAKER: Order! You were reflecting upon the chair.

**Mr BURKE:** It's a dissent motion!

The DEPUTY SPEAKER: It doesn't matter—

Opposition members interjecting—

The DEPUTY SPEAKER: Order! There will not be any reflection on the chair. I give the call to the—

Honourable members interjecting—

**Mr Pyne:** Mr Deputy Speaker, the only matter—

The DEPUTY SPEAKER: Order! There will be silence in the chamber!

Honourable members interjecting—

The DEPUTY SPEAKER: Order! There will be silence.

Honourable members interjecting—

The DEPUTY SPEAKER: Order! There will be warnings that will be given.

Honourable members interjecting—

The DEPUTY SPEAKER: Order! All right. The next person that speaks is getting thrown out under 94(a). I give the call to the Leader of the House.

**Mr Pyne:** I have a point of order, Mr Deputy Speaker, and the point of order is that the Manager of Opposition Business can only deal with his right or not to take a point of order under the standing orders. Therefore, he can deal with that and whether you made the right decision or the wrong decision about a point of order. He cannot deal with any other matters. I know you have no material, and you are probably thanking me for taking this point of order, but the reality is that you actually have to stick to the debate.

The DEPUTY SPEAKER: I give the call to the Manager of Opposition Business, and he will be relevant.

**Mr BURKE:** If there were ever evidence of bias in the chair, it is direct participation in the debate. I have to say that what we have seen today—the claim that I cannot reflect on the chair during a dissent motion—is a ruling that begs a dissent motion, because what we are in is a situation where it is impossible to move a dissent motion without reflecting on your ruling. What you have illustrated in that is exactly the level of bias that shows why we should have been given the call, why the government should not be allowed to get away with the games that they are playing, and why Labor is the only group of people who are standing up for pensioners in this debate.

The DEPUTY SPEAKER: Is the motion seconded?