



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

DISSENT FROM RULING

SPEECH

Wednesday, 8 December 2004

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Wednesday, 8 December 2004	Source House
Page 93	Proof No
Questioner	Responder
Speaker Gillard, Julia, MP	Question No.

Ms GILLARD (Lalor) (3.42 pm)—Having reserved my right to speak, I will seek to exercise it now. The position we are in here is that the opposition, specifically the member for Wills, has sought the MPI. That went by letter to the Speaker in the usual course. I would refer you to page 561 of *House of Representatives Practice*, which is one of the pages that deals with matters of public importance in this place. I specifically refer you to the paragraph which says:

A matter is put before the House only if the Speaker has determined that it is in order ...

Indeed, Mr Deputy Speaker Causley, as you may well know, this is one of the determinations of the Speaker that is beyond challenge. The Speaker's selection of the MPI—because competing MPIs may be filed—is beyond challenge in this place. In fact, oppositions in the past have sought to challenge the Speaker's selection of an MPI, and it is specifically made clear in *House of Representatives Practice* that this is a matter that falls to the Speaker and falls to the Speaker alone.

The member for Wills did what is required by the standing orders today—that is, he sent a letter to the Speaker. The Speaker made two very important determinations, having received that letter. He determined that the matter was in order and he determined that it was the matter of priority that should go forward for debate today on the matter of public importance. I do not know whether other letters were filed with the Speaker, and I suspect neither do you, Mr Deputy Speaker, but if contending letters were filed then the Speaker would have ruled that this was the matter of importance to go forward.

The DEPUTY SPEAKER—I remind the member for Lalor that this is a motion of dissent. It is on the dissent.

Ms GILLARD—Exactly, and I am explaining to you, relying on *House of Representatives Practice*, why your ruling is wrong.

Mr McMullan—Mr Deputy Speaker Causley, on a point of order: you are entitled to remind other people about the standing orders. You should remember them. You are not participating in this debate; you are supposed to be chairing it.

The DEPUTY SPEAKER—I am reminding the member for Lalor about what the dissent motion is. It is not a debate; it is a dissent.

Mr McMullan—It is a debate on a motion.

The DEPUTY SPEAKER—It is a dissent from the ruling.

Ms GILLARD—Thank you, Mr Deputy Speaker. My point to you is this, and it is relevant to the dissent motion: the Speaker must have ruled that the question about the abuse by Nationals ministers and parliamentary secretaries of the government's Regional Partnerships program was in order. He must have ruled that the question was in order or it would not be before us now as the matter of public importance, distributed on everybody's seats, on the blue. It may be that if you, Mr Deputy Speaker Causley, were the Speaker, and you had been presented with that letter from the member for Wills, you may have formed the view that that was not in order and ought to be something that should be done by way of substantive motion. But the truth is that your judgment about that matter is not strictly relevant. The relevant judgment is the Speaker's and it has been exercised, and the question has been ruled in order or it would not be before the parliament this afternoon.

Having come before the parliament ruled in order by the Speaker—the question about the abuse by Nationals ministers and parliamentary secretaries of the government's Regional Partnerships program—then it must be in order for the member for Wills and opposition members who speak in this debate to put before the House substantive argument as to why that is the case. If the question is in order then it must follow that standing at the dispatch box and putting down evidence about how Nationals ministers and parliamentary secretaries have

abused the government's Regional Partnerships program is in order. That is precisely what the member for Wills was doing in his contribution—no more, no less. He was going grant by grant, program by program, evidencing—in what I would say was a most convincing fashion—the fact that there has been abuse of these various programs by Nationals ministers and parliamentary secretaries.

Mr Truss—But he defied the Deputy Speaker.

Ms GILLARD—I am not assisted by the minister at the table, who clearly, like the Leader of the House, has not been supplied with a copy of *House of Representatives Practice*. On another point, it does disturb me that for some reason we are all in possession of copies and the government never seems to be, when copies were put in people's boxes. Clearly, the Leader of the House did not get one and I do not think the minister at the table did either. But it may be that you, Mr Deputy Speaker, took objection to a phrase used by the member for Wills in the debate.

Ms GILLARD—I am talking about this big book.

Mr Martin Ferguson—It hasn't got pictures, has it, Warren?

The DEPUTY SPEAKER—The member for Batman!

Ms GILLARD—I will be awaiting a new initiative from the Leader of the Opposition which will be 'Reading to The Nationals ministers from *House of Representatives Practice*'. No doubt, I will be required to participate in that program myself, but if we are going to get through this big book page by page we will probably have to do more than one story a night. In today's story for Nationals ministers out of the big book that they have apparently never seen, may I say this: it may have been that you, Mr Deputy Speaker, thought the term 'Calamity De-Anne Kelly' was inappropriate.

The DEPUTY SPEAKER—The member—

Ms GILLARD—I am quoting for the purpose of illustrating the dissent. It may have been that you thought that term was inappropriate. If you formed the view that that term was inappropriate then the course you ought to have taken is to have asked the member for Wills to withdraw that remark, or you may have chosen to remind the member for Wills of his obligation to refer to members in this House by either their seat or the highest office that they hold.

If you had taken that course then the approach I would have taken would be to say that I could understand why you took that course, and I would wonder why that course was not more frequently taken by holders of the chair when, apparently, it is routinely ignored when government ministers in question time get up time after time and refer to members of the opposition by anything but their proper titles. If you find these matters offensive and you are looking for some reading—and if you accumulated it, it would be a big book—I would invite you, Mr Deputy Speaker, to read *Hansard*. You might want to do some searching on the number of names the Leader of the Opposition has been referred to in question time, even in the short number of sitting days that we have been back since the election. I am not going to refer to any of those names, but if we are all honest with ourselves then we know that, when the Leader of the House gets up or perhaps when Treasurer Costello gets up to answer a question, it will be inevitable—

Ms GILLARD—He always comes to listen to me because he knows he might learn something. I did say, as we moved across the chamber today, that he would be well advised to get himself a copy of this book, but he appears to not have one yet—certainly not with him.

The DEPUTY SPEAKER—The member for Lalor will refer to members by their seats or by their titles.

Ms GILLARD—What I am saying is that if you had determined to say to the member for Wills that that reference to the Minister for Veterans' Affairs was not a reference by her proper title then that may have been an appropriate course, but it would be a course that we would want consistently applied. I ask you to reflect on question time today, where I would have to say that I personally, in the course of a couple of answers by Treasurer Costello and the Minister for Health and Ageing, was referred to by anything but my proper title. If we are going to get precious about those things—and perhaps we should, to lift the standards of the House—then we would anticipate that, every time any member of the House rises to their feet and uses a term other than 'the Leader of

the Opposition' or 'the Manager of Opposition Business' or 'the Deputy Leader of the Opposition' or 'shadow Treasurer' or whatever it may be, they would be asked by the Speaker to withdraw the remark and to only refer to the person by their title. You know that does not happen and I know that does not happen. It may be a standard that you would seek to enforce, Mr Deputy Speaker, but if you are going to seek to enforce it then you would need agreement across the Speaker's panel and from the Speaker that that was going to occur, because it certainly has not occurred today.

But, as we know, Mr Deputy Speaker, the course you took was not that—a course that we may have interpreted as within the standing orders but whose constant application in the House we might have wondered about. The course you took was to sit the member for Wills down and to prevent him from continuing his contribution. It is from that ruling that we dissent, and it is in that ruling that, with all due respect, Mr Deputy Speaker, you have erred. You have erred because all the member for Wills was doing was making a contribution that was within the bounds of the MPI. That MPI invited him to do exactly as he did, which was to detail the abuse by Nationals ministers and parliamentary secretaries of the government's Regional Partnerships program.

What I heard him to be saying during the course of the MPI is that the government has operated a Regional Partnerships program. Within it there is a subset program known as SONA. There are questions about the way in which those grants have been distributed. There are questions about who those grants have been distributed to. There are questions about conflict of interest pertaining to staff members who were on a parliamentary secretary's staff when grants were distributed. There have been questions about the paperwork, who it was issued by and whether it was issued by a government minister who had appropriate authority to issue it. These were matters about which we were seeking clarification in question time today, and the member for Wills was doing no more and no less than laying before the parliament the case which makes out the proposition of the MPI—that there has been abuse of the government's Regional Partnerships program by Nationals ministers and parliamentary secretaries.

We do not expect the government, or members of it, to agree with that proposition—although, curiously, in the corridors you never know what might be said. As a matter of general rule, we of course do not expect the government to agree with that proposition. But that is what the MPI is all about. If the government does not agree with that proposition then it gets to have its say, and it gets to have an amount of time to have its say that is equal to that of opposition speakers.

Where this has all gone off the rails—and off the rails quite spectacularly—is that, in taking the course of conduct that you have and in ruling the way you have, you have effectively put the House in the position where the member for Wills was precluded from having his full time on the MPI debate. The member for Wills was precluded from laying out the case he sought to put on behalf of his constituency and on behalf of the opposition generally. You have precluded him from completing that case. You have protected the government from a continuation of that debate. But I do not understand that the same course will be taken when the government minister speaks—the government minister will get the full 15 minutes to defend the government. How can it be right that a ruling is made that cuts short the time of the member for Wills for laying out the case which he passionately believes in and which is supported by members of the opposition? Apparently you object to that, even though it is within the bounds of the MPI as moved, and then you are going to let the government minister at the table have the full 15 minutes.

I say to you, Mr Deputy Speaker, that the ruling you have made is not within the way in which MPIs are known to go on both sides. If these MPIs are going to be brought to an end when there are reflections on other members, which is what you have done today, then I must say I can well remember the day I was the mover of the MPI in my capacity as shadow minister for health and I believe that the Leader of the House, the current Minister for Health and Ageing, started his contribution by walking to the dispatch box and saying, 'What a streak of misery she is!' I remember that day. I took it as a bit of a compliment at the time that I might have been making the minister for health miserable. I do not recall, but I believe you may well have been in the chair, Mr Deputy Speaker, because you so routinely are for matter of public importance debates. I do not recall you, at that stage, forming the view that, if the minister for health wanted to put that case—which is of course absurd and could not be argued—he had better do it by way of substantive motion.

The ruling you have made is wrong. It is wrong in relation to standing orders, it is wrong as a matter of *House of Representatives Practice*, it is wrong vis-a-vis the ruling the Speaker has made about this proposition being within order and it is certainly contrary to the way in which this House has functioned on MPIs in the past.
(Time expired)

Question put:

That the motion (**Mr Latham's**) be agreed to.