



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

MOTIONS

Dissent from Ruling

SPEECH

Monday, 1 June 2015

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Date Monday, 1 June 2015
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Questioner
Speaker Burke, Tony, MP

Source House
Proof No
Responder
Question No.

Mr BURKE (Watson—Manager of Opposition Business) (15:09): I move—

The SPEAKER: No—oh, God!

Mr Burke: that the ruling be dissented from.

Mr Abbott: Madam Speaker, I ask that further questions be placed on the *Notice Paper*.

Mr Burke: No, you are out of order.

The SPEAKER: I would ask the clerk: was it formally moved? Did he move it? The clerk is of the opinion that it had been moved. So you may go ahead.

Mr BURKE: I move:

That the chair's ruling be dissented from.

Madam Speaker, what we have just seen in the ruling that you have given is ruling a question out of order without allowing the question to be stated. It is as simple as that. What was given at the beginning of the question set the context for it and, at the end of the question, the shadow minister for agriculture had just started to ask about future action taken by the Prime Minister with respect to the ministerial code of conduct, something which must be allowed. Make no mistake about the gravity of this: we have a ruling of a court reflecting on the behaviour of someone who is now a minister of the Crown. This is a significant issue, which we have a right to discuss within the parliament.

You cannot, simply because the preface to the question dealt with what happened to him prior to being a minister, rule that the latter part of the question is out of the order when it deals exactly with what the Prime Minister is going to do now in counselling or not counselling, giving a tick of approval or showing the disapproval that the Australian people feel and that a court now feels, about the behaviour of the Minister for Agriculture.

The contempt of the parliament is shown by the fact that the minister concerned cannot even remain within the chamber while this matter is being debated. The contempt for the parliament is shown by the fact that you as Speaker would not even allow a question to be completed, knowing full well that had the question been completed it was entirely within standing orders. You knew full well that you were not shutting down a question that was out of order; you were shutting down a debate within this parliament. You were shutting down a discussion about whether or not the behaviour in future of a minister of the Crown can be consistent with what a judge has now reflected on, whether the behaviour of a minister of the Crown in future should be allowed to occur in a way that has been deeply reflected on by a court and that goes directly to the benefit of someone who is a personal benefactor of that minister. This is a serious question to be asked within the parliament. And I think you well knew the gravity of it, when you decided to not allow the question to be completed. Because the only moment at which you could have said it was out of order would have been if the member for Hunter had completed at that moment. But he was continuing and you knew that he was continuing and so you stopped him there. You did not allow a rephrase, you did not allow a completion of the question in the full knowledge that, had there been a completion of the question, it was clearly within the standing orders.

A lot of the Australian people would like to know whether the Prime Minister thinks what the Minister for Agriculture did was okay. A lot of the Australian people want to know whether this Prime Minister gives a tick in the future for his ministers to interfere in private litigation. The email concerned was no small matter. This was somebody who was senior, not merely on the front bench of his party at the time but then, as in now, seen as a potential future Deputy Prime Minister when that side of the House is in office. In that context the question has to be allowed and that this parliament is a place where he can be answerable. From the behaviour of the

Prime Minister and how quickly they scurried out the door we know full well that it would appear the ministerial code of conduct will do nothing to improve his behaviour in the future. It appears that his own sense of right and wrong—given that he wrote the email when he did—shows that he thinks this sort of behaviour is okay. The one place where he needs to be answerable is on the floor of this parliament, and your ruling, Madam Speaker, said that this parliament will allow the issue to be suppressed. Your ruling said that this parliament will make no attempt to pull the Minister for Agriculture into line and that the Prime Minister cannot even be asked whether or not that behaviour will be acceptable in the future.

The way in which the benefactor concerned provided assistance to the Minister for Agriculture is not limited to him. Gina Rinehart flew three coalition MPs to Hyderabad in a private jet. It was not only the Minister for Agriculture who was concerned here; it was also the Minister for Foreign Affairs—who is not present here today—as well as the Minister for Agriculture, who has been a direct beneficiary of this individual. A direct beneficiary, who, as a member of the front bench and is seen as a future Deputy Prime Minister when there is a coalition government, is willing to try to interfere in private litigation.

Madam Speaker, be in no doubt that every time your rulings try to shut down debate in this parliament the Australian people know to look more carefully. Every time there is an attempt by this government to cover up, the warning lights go off throughout the entire community. There is no way in the world, at its simplest under the standing orders, that this ruling can be justified, because at its core, Madam Speaker, you ruled that a question was out of order when it had not been completed. You ruled, Madam Speaker, that you knew that a question you could not possibly have known the content of, because it had not been said out loud, was out of order. Madam Speaker, that sort of ruling makes a joke of the parliament. That sort of ruling makes a farce of this being question time. Be in no doubt: we had sort of given up on the concept that their answers will be relevant. We had sort of given up on the concept, after the ruling was made a while ago, that if we use 'fairness' in the question anything that relates to the word 'fair' is somehow in. We know that that ruling has been made. But now we are at the point where you will not even allow a question to be stated. You will not even give them a chance to evade, perform and cavort, and play the little games that this mob over here play in question time, because you cannot even bear to hear the full 30 seconds of an opposition statement. You cannot even bear to allow a question to go for the full 30 seconds allowed. You cannot even bear, Madam Speaker, for the question to set the context and then ask for the detail of what the Prime Minister will do now.

Madam Speaker, it is essential, if question time is going to remain some sort of question and answer session that goes back and forth, that there will at least be questions that are not dorothy dixers. But over the last few weeks, Madam Speaker, more and more, you have been ruling questions from the opposition as being out of order. Today your ruling took it to an absolutely new level, where the ruling was made before the question had been stated. Madam Speaker, there is no way on earth you knew whether or not a question that you had not heard was out of order.

The opposition handled it the correct way. We rose on points of order and asked if the question could be concluded, so that you could then rule. The member for Hunter even asked whether it could be rephrased, notwithstanding that you had ruled on something he had not even completed. The opposition has made every effort in question time today not to get to the point we are at right now. But we are at this point right now, Madam Speaker, because of the arrogance of this government and because of the way you have used your position in that chair to prevent questions from being asked.

This is an issue that goes to the heart of the character of the people who sit opposite. It goes to the heart of the character of the Minister for Agriculture. I agree, if we were asking whether the Prime Minister sanctions what was done in the past, prior to his being a minister—if that was what was being asked, it would have been out of order. But you ruled before the question got to the part about it being about future conduct as a minister, which undoubtedly was within standing orders—entirely within standing orders. And so in that context, Madam Speaker, we had no choice. We either accept a situation where this parliament becomes a joke, a situation where this parliament becomes a place where this government can cover up and be answerable to no-one, or we move dissent in a ruling that could not possibly have been accurate, for one very simple reason, Madam Speaker: how can you rule a question that you have not heard is out of order?

The SPEAKER: Is the motion seconded?