



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

MOTIONS

Prime Minister

Attempted Censure

SPEECH

Thursday, 13 August 2015

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Thursday, 13 August 2015
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Questioner
Speaker Burke, Tony, MP

Source House
Proof No
Responder
Question No.

Mr BURKE (Watson—Manager of Opposition Business) (14:40): I seek leave to move the following motion:

That the House:

(1) notes that:

(a) the Royal Commissioner, the Honourable Dyson Heydon AC QC, agreed to speak at a Liberal Party fundraiser on Wednesday, 26 August 2015 at the Castlereagh Boutique Hotel in Sydney;

(b) the invitation to the Liberal Party fundraiser states that "cheques should be made payable to: Liberal Party of Australia (NSW Division)";

(c) the invitation also states, "All proceeds from this event will be applied to State election campaigning"; and

(d) that Mr Heydon has failed to rule out addressing Liberal Party fundraisers in the future; and

(2) censures the Prime Minister for failing to immediately sack his Royal Commissioner and establishing a Royal Commission that was biased from the start.

Leave not granted.

Mr BURKE: I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Watson from moving the following motion forthwith—That the House:

(1) notes that:

(a) the Royal Commissioner, the Honourable Dyson Heydon AC QC, agreed to speak at a Liberal Party fundraiser on Wednesday, 26 August 2015 at the Castlereagh Boutique Hotel in Sydney;

(b) the invitation to the Liberal Party fundraiser states that "cheques should be made payable to: Liberal Party of Australia (NSW Division)";

(c) the invitation also states, "All proceeds from this event will be applied to State election campaigning"; and

(d) that Mr Heydon has failed to rule out addressing Liberal Party fundraisers in the future; and

(2) censures the Prime Minister for failing to immediately sack his Royal Commissioner and establishing a Royal Commission that was biased from the start.

We have no choice but to suspend standing orders when we try to pursue a situation through questions and the Prime Minister cannot even maintain the same answers within the space of 30 minutes. What is the point of trying to pursue this issue through question time? It is one thing when the Prime Minister cannot agree with his Attorney-General; but he cannot even agree with himself between his first answer and his most recent answer. We have somebody before us who is willing to mislead this parliament, who thinks that he can get away with saying one thing and then saying the exact opposite only 30 minutes later and maybe no-one will notice. Well, people will notice, and people need to, because of the situation that has emerged today.

The events of today have exposed three things. In the first instance, the royal commissioner is conflicted. He is biased and he is conflicted. Second, if we are to take into account the argument that he has put in his own defence and that others have put in his defence, that maybe he was unaware it was a fundraiser, then he is incompetent.

In his job, he is meant to be the person who knows what questions to ask. Checking who is organising an event is not a bad question to ask. So, the royal commissioner is conflicted and biased, or, at best—the best we can end up with out of this—he is incompetent.

But the third thing is what this says about the Liberal Party. What we have learnt today is what this says about the Liberal Party. We had the situation previously—and it was a sign that we should have taken notice of—where Ian Harper, at the same time we had the Harper review, was wanting to attend fundraisers for the member for North Sydney. Maybe we should have realised then that the Liberal Party know absolutely no shame when it comes to misappropriating the requests and doing things the wrong way by having statutory officers engage in fundraising events for their party, because the one group that definitely knew the whole way through how inappropriate this was was the Liberal Party. The Liberal Party knew it was a fundraiser when they issued the invitation. The Liberal Party knew exactly what they were doing when they put this request out. When the front cover of the document has the Liberal Party logo, it is probably a hint that it is a Liberal Party function. But, if the Prime Minister does not get the hint at the Liberal Party logo—and we are working on the basis that he may have seen it before—the reason that we have to suspend standing orders and cannot pursue this simply through questions—

Ms Henderson: Mr Speaker, I rise on a point of order. You have previously ruled on the use of props by members opposite. The member is utilising a prop, and I would ask you—

Opposition members interjecting—

The SPEAKER: Members on my left will cease interjecting. The member for Corangamite will resume her seat. There is a difference in the *P ractice* between question time and speeches.

Mr BURKE: But, if that hint was not taken, maybe this would be a hint that the Prime Minister was willing to own up to at the beginning of question time but scurried away from the moment the questions continued: 'Cheques should be made payable to the Liberal Party of Australia, New South Wales division'—probably a political function. But, maybe if he did not twig at that, how about this one, Prime Minister: 'A receipt will be issued. All proceeds from this event will be applied to state election campaigning.' Maybe that is a hint.

What we have ended up with is a situation where somebody who was employed and appointed on the basis that he should know what questions to ask and should know something about probity instead has landed us in this situation. Make no mistake; the statement that went out today does not end the issue. Those opposite have wanted to say, 'He has withdrawn; it's over.' But read the words of that statement when he withdrew from the event. He could not attend any event that was described as a Liberal Party event. He would be unable to give this address, at least while he is in the position of royal commissioner. So he is already flagging, 'Hey, guys; don't forget about me. The moment this one's over, I'll be back there for your fundraiser.' He could not even hold back from making sure that he gets invited to the Liberal Party fundraisers again in the future.

You would have thought that the former Justice Heydon would have known, given that these are the words of a judgement he himself delivered in the case of *British American Tobacco Australia Services Limited v Laurie* in 2011, not that long ago. I quote from paragraph 139:

It is fundamental to the administration of justice that the judge be neutral. It is for this reason that the appearance of departure from neutrality is a ground of disqualification. ... it is the perception of the hypothetical observer that provides the yardstick.

Be in no doubt: if a juror behaved this way, they would be off the jury immediately. If a juror behaved this way, they would be gone. But somehow this Prime Minister reckons that a royal commissioner can behave this way and that is fine. The reason goes to the very character of this Prime Minister and why he started this royal commission to begin with: because he wanted someone who would be partisan. He wanted someone who would be biased. He wanted someone who would engage in—

Mr Christensen: Mr Speaker, I rise on a point of order. The member is debating the substance, not debating why this motion is important and should be brought forward. That is what he needs to be debating.

The SPEAKER: I call the member for Watson and ask him to bring himself back to the motion.

Mr BURKE: I have got to say, if these are not reasons why we should suspend standing orders, I do not know what are. The problem that we have in front of us is that the only way to be able to pursue this debate is to suspend standing orders, because the Prime Minister will not honestly answer a question. And we know he cannot answer a question honestly because, in the space of half an hour, he gave the opposite answer for the same question.

Dr Chalmers interjecting—

The SPEAKER: Member for Rankin, it is your final warning!

Mr BURKE: When asked, 'Which one do you agree with?' he says, 'Both. Black, white—they're both true.' That is where the Prime Minister got to in question time. But he also said, 'If you want to bring on a debate then let's have it.' So we said, 'Okay; we'll have a debate.' Do they give leave for it? No. And then, when we start to refer to issues in the debate during the suspension, they say, 'You can't do that—oh no. Quick, jump up with a point of order.' Those opposite—their embarrassment is for one reason only: they have been found out, found out by the entire Australian people. There is nowhere to hide for them on this one.

A royal commissioner cannot be a guest at a political party fundraiser. A royal commissioner cannot be a guest at a Liberal Party fundraiser. And those opposite know it. But, disturbingly, their party, back in April, thought this was okay. They have known. The Australian people have found out in the last few hours. Those opposite have known since April, and they never thought it was a problem. They have known since April, and they thought it was fine to continue. Those opposite thought: 'If this is what's going on, that's further proof that this commissioner is doing the exact sort of job that he was appointed to.' That is what they are doing. We have the recommendations that we had from the Prime Minister. He said, 'You appoint someone of this man's standing because you trust to his judgement.' Well, I bet you do, but the Australian people have no reason to trust when what they are given is conflict and bias.

The SPEAKER: Is the motion seconded?