



Speech by
**Mr DENVER
BEANLAND**

MEMBER FOR INDOOROOPILLY

Hansard 22 July 1999

MR SPEAKER'S RULING

Motion of Dissent

Mr BEANLAND (Indooroopilly—LP) (2.30 p.m.): I move—

"That Mr Speaker's ruling of 11 June 1999, which ruled out of order the dissent motion appearing on the Notice Paper in the name of Mr Beaneland, be dissented from."

Mr Speaker, on 11 June you ruled out of order the motion of dissent from your ruling that I had moved on the previous day on the basis that you had made no ruling. However, the Hansard record of 10 June, page 2408, shows that you indicated quite clearly that you had made a ruling by warning members under Standing Order 124 and that if members were unhappy with the ruling they should move dissent from your ruling. I did so accordingly. Furthermore, you indicated that you had made a ruling and a few moments later indicated the same again. Therefore, Mr Speaker, you indicated twice that you had given a ruling. In fact, you made not one but two rulings.

Furthermore, you were then questioned by the member for Nerang in relation to Standing Order 124, and that appears at page 2408 of Hansard. The honourable member questioned you over this matter and quoted part of Standing Order 124. Mr Speaker replied, "Exactly, and I have given a ruling". According to Hansard, the record of this place, on three occasions, Mr Speaker, you stated that you had made a ruling. I think it is quite clear from the point of view of members of this Chamber and members of the public who might read the Hansard that a ruling was made in relation to certain matters under Standing Order 124.

From time to time this is certainly a House of robust debate, as it should be. That is particularly so during question time when questions are asked of Ministers. In this case, it was the Minister for Fair Trading. Of course, Ministers are put under scrutiny during question time. Probably the most important part of the parliamentary process is when Ministers are questioned about their portfolios and their responsibilities. Under our modern Westminster system, that is normally a robust time. It is a time when it is fair to say that the daily activities of the Parliament are at the forefront. At that particular time the Minister was being questioned on an issue and she was certainly being pressured to answer.

If one reads Hansard of that question time, one will see that members were named under Standing Order 124 for raising points of order. I go back to the Hansard itself. The Leader of the Opposition had, in fact, received no warning previously. He was simply warned under Standing Order 124. There is no indication that the member for Noosa was ever warned under Standing Order 123A, although he had received a specific warning previously from Mr Speaker. Again, he was not warned under Standing Order 123A, but was given a straight warning.

I contest that members were not persistently and wilfully obstructing the business of the House. Of course, Standing Order 124 quite clearly refers to members wilfully and persistently obstructing the business of the House. In fact, Standing Order 123A talks about the power to order the withdrawal of a disorderly member. I contest that that is the appropriate Standing Order in the first instance in such circumstances. In fact, the notes for Deputy Speakers and Temporary Chairmen when enforcing order in the Chamber highlight the requirements on members of Standing Orders, particularly Standing Order 123A. In many respects, Erskine May backs up what I am saying in relation to this matter, particularly in relation to warnings. Standing Order 123A confers the power to order the withdrawal of a disorderly

member, which in this instance I believe was the appropriate Standing Order under which a warning should have been issued. However, before that occurs, it is quite obvious and apparent that members are to be warned only following repeated calls for order to the member by the Speaker. That is set out quite clearly in the Standing Orders. The Speaker has to stipulate that the warning refers to a particular member and is not a general warning. However, in this case Standing Order 123A was not used.

I might say that after the last election we heard a great deal from the Government about Standing Order 123A. Government members told us that new Standing Order 123A was going to raise parliamentary standards. It was the new sin-bin. Members could be asked to leave the Chamber for the day, but they were still able to vote. No doubt that was fine while the Labor Government did not have the numbers. However, I notice that now that the Labor Party has the numbers, that order has not been used. That is strange! Of course, the Government does not have the luxury of the previous Standing Order 123A, and perhaps it might want to revert to it, as it was able to suspend members from the House for a day, which included suspending them from voting. Quite clearly, it spells that out.

Mr SPEAKER: It is still there.

Mr BEANLAND: The old Standing Order 123A is there but, of course, the House has adopted a new Standing Order 123A for the time being.

Mr SPEAKER: It is still there. That same order is still there. It is Standing Order 123A(2).

Mr BEANLAND: Quite clearly that option is there, but it has not been taken. It is quite obvious that Standing Order 123A was the appropriate order to use in this case. That order grants the power to order the withdrawal of a disorderly member. Standing Order 124 relates to order in the House itself.

There has been a longstanding requirement, which I understand dates back some centuries, that there must be repeated calls to a particular member in relation to a matter before that member is warned and then asked to leave the Chamber or, in fact, is removed from the Chamber under Standing Order 124. There is no doubt that, should a member fail to leave the Chamber when requested to do so by the Speaker, the Speaker can invoke Standing Order 124 to ensure that the Speaker's will is enforced. In these cases, that was not done.

When one checks the Hansard of the day, one sees that, when members were rising to raise points of order, this incident occurred. On four occasions the member for Noosa had to rise on a point of order before he was able to gain the Speaker's attention. The Hansard spells out exactly how that situation occurred. On the fourth occasion, when he had finally gained the Speaker's attention, the Speaker warned him under Standing Order 124. After that fourth attempt by the member for Noosa to raise that point of order—and, of course, any member is entitled to raise a point of order in this Chamber at any time—the Leader of the Opposition, who had not been warned, then rose to his feet to take a point of order. He, too, was warned under Standing Order 124.

It is clear, Mr Speaker, that the warnings were not carried out according to the Standing Orders. There cannot be much doubt about that, given that the member was warned under Standing Order 124 when there was not, I contend, persistent and wilful disruption of the House. The Chair always has the ability to rise and to silence members—something that former Speaker Turner used to great effect quite regularly. Of course, Mr Speaker, you may do so at any time. If members do not come immediately to order, Mr Speaker, you have the ability to take further action.

I contend that the appropriate rulings have not been made under the Standing Orders. It is for that reason, Mr Speaker, that I rose in the Chamber to move a motion of dissent against your ruling. The Hansard record shows that you made certain rulings and warned the member without giving appropriate cautions.
