



Speech by

**Hon. J. FOURAS**

**MEMBER FOR ASHGROVE**

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Hansard 4 December 2002

### **RULINGS, MOTIONS OF DISSENT**

**Hon. J. FOURAS** (Ashgrove—ALP) (6.34 p.m.): Tonight the member for Nicklin opened the debate by referring to standing order 124 which allows the chair—in this case, the Speaker—to name a member who obstructs the authority of the chair. He unfortunately went on to say that he was worried that the Speaker would be waiting for the opportunity to name the member who brought on the dissent motion. That is a disgraceful slur on the independence of the Speaker. The Speaker in the chair keeps order to guarantee the procedures of this parliament. If somebody reflects on the chair or does not take a lawful direction from the chair, then that person has to be named. Nothing that the member for Beaudesert did that night brought any honour to him. He asked to be sent out. Any person in the chair, whether or not it was the Speaker, would have sent the member for Beaudesert out of this chamber on that night.

We are talking about setting some rules for fairer conduct of debate. We have the rules. The rules have withstood the test of time. We have been told that actions of the Speaker should not only be fair but also be seen to be fair. Standing orders in every parliament of Australia state that Mr Speaker shall sit in the chair. All parliaments in the Westminster system have that standing order. Somehow or other we here seem to think that having it brings some sort of pretence that we are not behaving properly. When I became Speaker I said that I would not wear a wig because I did not see my position as a judicial one, and I did not wear a wig. What we are seeing here is a perception that the Speaker decides. However, he is not a judge in his own court. He does not have to stand down because of conflicts of interest. The member for Nicklin is trying to apply legal rules to the parliamentary domain. Unfortunately, this underlines a total misunderstanding of the role of the Speaker.

The Speaker keeps order and ensures that there is proper procedure. The Speaker has no role in whatever decision the House takes on any dissent motion; the House decides. Therefore, I think that this process before the House tonight is wrong. This is not a matter to be decided by a motion before the House; rather, it should actually be a matter referred to the Standing Orders Committee. However, it is such a poor matter that I would not support the issue being referred to that committee at all. Erskine May states—

Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure and many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that this impartiality is generally recognised.

These sorts of debates destroy the dignity and authority of the parliament. In his comments, the Leader of the Opposition also reflected badly on the impartiality of the Speaker. I think they were disgraceful. What we are doing is breaking down the dignity and authority of this parliament.

In fact, what happens in other parliaments with regard to dissent motions? During the last dissent motion debated in this House I went through a number of dissent motions moved while I was Speaker. None of them had any foundation. All they were about was trying to throw some mud and make political point scoring of the issue. If the opposition cannot get enough two-minute speeches and questions, it cannot blame the Speaker for that, and that was the source of the dissent motion last time. *House of Representatives Practice* states—

In 1931 a motion of dissent was moved against a ruling given by Speaker Makin. During the debate on the motion ... Speaker Makin participated and stated

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However it has now become the established practice for the Chair not to participate during debate on a motion of dissent from a ruling ...

In those days in the House of Commons if members behaved the way some members behave now the Speaker would not see them. The Speaker would say, 'I will not see you until you apologise and start behaving properly.' That member would not get up on a question or to debate a bill, irrespective of whether or not they had put their name down. In fact, in 1950 Speaker Cameron refused to see a member who had been disrespectful until he apologised. In Canada there are no dissent motions. *House of Representatives Practice* states—

'The case for the abolition of appeals is overwhelming even in the absence of a permanent Speakership.

We use dissent motions here as a political ploy, but what we do in that process is destroy the authority of this parliament. The House of Commons also has no dissent motions. The issue here for the member for Nicklin is that we should desist from this concept of having dissent motion after dissent motion; rather, we should respect the authority of the chair, play the game and accept the umpire's decision. They are not always right, but in the end they have made such decisions with the best intentions and in the best interests of this institution.