




Speech By
Michael Berkman

MEMBER FOR MAIWAR

Record of Proceedings, 14 November 2023

MOTION

Member for Maiwar, Finding of Contempt; Referral to Ethics Committee

 **Mr BERKMAN** (Maiwar—Grn) (6.57 pm): Here we go. We are not now even just debating the recommendations of the Ethics Committee; we are now debating another additional referral to the Ethics Committee to consider matters it has already considered. The committee has already received submissions on the penalty and it has not recommended that any penalty be dishd out, but that is not good enough for the House.

Honourable members interjected.

Mr BERKMAN: I take the interjections. I am not going to apologise for standing here and calling out this government's pride in locking up kids. That is what this all boils down to. It was the Leader of the House making a contribution when I interjected, speaking about how proud the government was of its policies of locking up children.

Mrs D'ATH: Mr Speaker—

Mr SPEAKER: Pause the clock, there is a point of order.

Mrs D'ATH: I rise to a point of order, Mr Speaker. The member for Maiwar has just repeated the same comments he made in the House that I took personal offence to and he was asked to withdraw and refused to at the time. The member has showed utter contempt by standing here tonight and repeating those same words after the Acting Speaker at the time told him to withdraw. I ask that he withdraw again.

Mr BERKMAN: On the point of order, Mr Speaker—

Mr SPEAKER: I have to deal with this point of order first. The member has found it personally offensive and asks that you withdraw.

Mr BERKMAN: On that point of order, in this instance—as was the case many months ago—I made no personal reflections on the member herself and no comments about—

Mr SPEAKER: This is not an opportunity to debate it, member. There is convention in this House that if a member has found something personally offensive, you will withdraw.

Mr BERKMAN: The committee report that is before the House—

Mr SPEAKER: Member, I am dealing with the point of order from the Leader of the House. I do not wish for you to continue to argue the point with me. I will ask you to sit down. You have nine minutes remaining for your contribution. I will ask you to withdraw as per the point of order by the Leader of the House.

Mr BERKMAN: I withdraw.

Mr SPEAKER: Thank you, member. Thank you, for the dignity of the House.

Mr BERKMAN: If the House cares to have a look at the report—maybe I can take a survey. Has anyone here who is expected now to vote on whether or not I am to be found in contempt of the House read it?

Honourable members interjected.

Mr BERKMAN: Ray has. Jim has.

Mr SPEAKER: It is not a time for rhetorical questions. You will direct your comments through the chair or I will ask you to resume your seat, member. The standing orders are here for a reason. I am giving you eight minutes and 42 seconds to make a contribution which is your right to have a right of reply. It is now your turn to use that time wisely.

Mr BERKMAN: Thank you, Mr Speaker. I am endeavouring to. Members are being asked to vote on whether or not I am to be found in contempt of the House and no more than a handful of them have actually read the report. We can go back to the contents of that report. The fundamental point here is that I did not withdraw my comment directed at the Leader of the House because (a) it was true. This government is proud of its record. There are countless examples on the record in here and in the public domain about how proud they are—how excited they are at their record of keeping kids behind bars.

Mr SPEAKER: Member, there are elements of the report that you can speak to, but I will ask you not to stray into arguing the point about whether something is correct or otherwise.

Ms Grace interjected.

Mr SPEAKER: Member for McConnel, I am providing a ruling.

Mr BERKMAN: I do not resile from the comments I made. At that point in time I took issue with the fact that I had not made any personal reflections. This is another example that has played out right now of where the terms of the standing orders themselves in the interests in the dignity of the House apparently do not mean much. I mean I might have spent more time trying to argue the point—which, in fact, the committee said I should have. In making its recommendations, it said that there were opportunities for me on my feet to take the point with the Speaker in the chair at the time and say, 'They weren't personal reflections. There is no point of order under the standing orders. I shouldn't be required to withdraw.'

Mr SPEAKER: Member, are you using this as an opportunity to now question whether the standing orders, which are what I must interpret and enforce in this place, are correct? If that is your point, it is not the appropriate time to do so. You can write to the Committee of the Legislative Assembly and you can make your points, but that is not for this particular time.

Mr BERKMAN: Mr Speaker, I am not challenging the correctness or otherwise of the standing orders. The standing orders are what they are. What I take issue with is the way members in this House use the standing orders. Standing order 234 provides for comments to be withdrawn where they make a personal reflection on another member and where a member takes offence. When I have not made a personal reflection on another member and they claim to take offence because of some impugned offence to the government at large, that is not something—I feel like I have to have some integrity in the way I conduct myself here and not bow to the misapplication of the standing orders.

Honourable members interjected.

Mr SPEAKER: Order! The member will be heard.

Mr BERKMAN: Anyway, we all know how this is going to go. It makes sense that the Leader of the House did not intend for there to be any time allowed for debate on these motions because they do not think that there should be any debate. We are supposed to just kowtow to whatever it is that the government thinks is going to happen. They have absolute control in here. This state is only going to be better off when there are no clear majorities, when we get to the point where power sharing is normal and where this kind of despotic approach to the business of the House and government generally is not the norm. We can all just look forward to the next election for that.

The Ethics Committee has already considered my conduct. It has come to the conclusion that no penalties are warranted. It made no suggestion that there should be further penalties if I did not apologise, yet now the House, in a predictable fashion, is going to come to the conclusion that it should go back to the Ethics Committee for them to make that decision again or a different decision. We can only assume it is going to go back to the Ethics Committee and they will make a different decision because that is what the Ethics Committee do. They find ways to punish naughty, naughty members who do not do whatever it is that they are unhappy with at the time.

Honourable members interjected.

Mr SPEAKER: Order, members!

Mr Stevens: Heard of the rule of law?

Mr BERKMAN: The rule of law, Ray asks.

Mr SPEAKER: Pause the clock, member for Mermaid Beach, you will direct your comments through the chair. I am waiting for the member for Maiwar to continue his contribution.

Mr BERKMAN: Anyway, I suppose I am going to be asked next time around to make an apology for not apologising and, if I do not apologise for not apologising, will I be suspended from the precinct for a day? I do not know. It is all just bunkum. I think at this point it is probably—everyone is a bit unhappy about having to be here at five past seven, so I might just finish my contribution and leave the chamber, and find me in contempt.

Honourable members interjected.

Mr SPEAKER: Order, members!

Ms Boyd interjected.

Mr SPEAKER: Member for Pine Rivers!

Mr BERKMAN: If the member for Pine Rivers is so upset, I could use up the remaining four minutes.

Ms Boyd interjected.

Mr SPEAKER: The member for Pine Rivers will cease her interjections. Member, you have the floor.

Mr BERKMAN: Thank you, Mr Speaker. I really do not know where to take this. Honestly, it is obscene that the committee can have gone right through its process and it can have concluded at the end that an apology is appropriate but make no recommendation for further penalty if an apology is not given, yet the Leader of the House has decided to send it back to the committee. What are we to make of that other than that the Ethics Committee is being used to bludgeon members that they do not like?

Mr SPEAKER: The term 'bludgeon' may be considered to be unparliamentary, member. Could you please withdraw?

Mr BERKMAN: Sure. I will withdraw that.

Mr SPEAKER: Thank you, member.

Mr BERKMAN: Let me rephrase: it is clear that the Leader of the House, in putting together and moving this motion, has simply sought to punish. She has in and of herself decided that it is time for me to get a punishment, so it has to go back to the Ethics Committee even though the Ethics Committee decided no punishment was appropriate. Anyway, we will see what comes out of it. Maybe the Ethics Committee is able to exercise a little independence having been called out at the point of the motion being put up. Maybe I should just flag at this point that my engagement with the committee in recent times has felt so incredibly futile, so pointless just trying to engage in meaningful dialogue with them, that I do not know that there is much point in engaging in future referrals. We will see how we go though, I suppose.