




Speech By
Michael Berkman

MEMBER FOR MAIWAR

Record of Proceedings, 24 March 2026

MOTION

Dissent from Speaker's Ruling

 **Mr BERKMAN** (Maiwar—Grn) (11.52 am): I move—

That Mr Speaker's ruling on 4 March 2026 in relation to the member for Maiwar's question without notice to the Premier and Minister for Veterans on the same date be dissented from.

The motion standing on the *Notice Paper* in my name is a motion of dissent from the Speaker's ruling on 4 March 2026 that my question without notice on that date was out of order. The substantive question, which was preceded by a preamble with two factual statements, was to the Premier. Specifically, the question was—

Does the Premier accept that it is possible to criticise the State of Israel and its actions without being anti-Semitic?

In addressing the motion, I will necessarily refer to both the ruling in the House on 4 March on page 450 of the *Record of Proceedings* and to the Speaker's detailed reasons circulated the following day and in the *Record of Proceedings* on page 504.

This is not a motion I bring lightly. It is brought in good faith, and I bring it in the interests of the proper functioning of this parliament. There are only 92 members in this House who can put a spotlight on parliamentary procedure in this way, and clearly fewer than half of those members are ever going to do that. In that context, motions like this are integrally important to address declining public confidence in the institution, no matter how predictable the government's position or the outcome of the motion may be.

I will start by detailing what I consider to be an incongruence between the ruling at the time and the post-hoc explanation that we saw in the Speaker's detailed reasons. The detailed reasons of the Speaker make clear that he had considered possible issues around the anticipation of debate but was 'inclined to allow the question'. We saw that in the House as well where the Speaker was apparently about to allow the question. He in fact called the Premier before the Leader of the House rose on a point of order. At this point—between the question and the Leader of the House rising—the Speaker spent about 45 seconds, on my timing, taking advice, and both the detailed reasons and his conduct suggest that he was inclined to let the question through.

The full reasons make clear that the Speaker subsequently came to a different view after taking further advice. Again, on my timing there were a mere 13 seconds between the Leader of the House rising and making his point of order and the ultimate decision from the Speaker. The ultimate decision, he said, was that he came to the view that 'the question was either seeking an opinion and/or was a hypothetical question' and so was prohibited under standing orders. I would submit to you, Deputy Speaker, and to other members that that is at odds with what the Speaker said on the day. Having apparently reached that conclusion—as set out in the detailed reasons that it was either an opinion and/or a hypothetical—the ruling at the time from the Speaker said that 'the legislation we are debating today' was among the aspects of the question that he thought were questionable.

I will digress for a moment to say that surely there can be no contention that anticipation of debate was really at play in a question time where no fewer than 12 government members got to their feet and put Dorothy Dixers to ministers to provide an opportunity to do nothing more than hurl allegations of anti-Semitism at the member for Cairns. The member for Cairns is perfectly capable of speaking for himself, but I will note that the members for Mulgrave, Nicklin, Cook, Oodgeroo, Barron River and Pumicestone all dished out such Dorothy Dixers on Tuesday, 3 March. On Wednesday, 4 March, it was the members for Gregory, Barron River, Scenic Rim, Hervey Bay, Burnett and Lockyer.

We all heard the responses. The intention of those Dorothy Dixers was clear: to point the finger at the member for Cairns and call him an anti-Semite. While their questions did not refer to anti-Semitism, the relevant standing order 231 makes absolutely no distinction between the questions and the responses. What we saw was a government executing a premeditated plan to make question time all about allegations of anti-Semitism, and ministers were allowed to make whatever fulsome responses they chose along those lines without any question of possible anticipation of the debate.

In the context of this dissent motion, I will make clear that I agree with that element of the Speaker's decision. I question, though, how it remained a feature of his ruling at the time, while it was taken out of consideration in the detailed reasons. It is important to note as well that the unamended bill that was before the House at that point did not actually address anti-Semitism at all, other than its inclusion in the performative title of the bill.

Nonetheless, anticipating the upcoming debate was the only concern the Speaker specifically raised. There is a direct conflict between what the Speaker said at the time in the chair and what was then laid out in his detailed rulings to justify that decision. Deputy Speaker, I would submit respectfully that one could reasonably maintain concerns about whether or how, in those 13 seconds before the Speaker's ruling, he could have properly considered the basis for ruling the question out of order. It is a concerning possibility that the ruling might have been more directly a reaction to government discomfort with the question through the point of order raised by the Leader of the House. That is the case especially in circumstances where I was not afforded the opportunity to respond to the point of order.

I will briefly raise a concern around the fact that the basis of the ruling remains unclear. The words in the detailed reasoning are—

I came to the view that the question was either seeking an opinion and/or was a hypothetical question ...

It might be fair enough for a member of this House to put forward an argument in those terms, but we as members are expected to understand and apply the standing orders in a way that is resolute to their terms. Under this ruling, we still have three possibilities as to why the question was out of order: it was seeking an opinion, it was asking a hypothetical question or it was both—that is, seeking an opinion and asking a hypothetical question. If we are to comply with our obligations with standing orders, we have to rely on being able to understand what they mean and what the Speaker's view is. Whether or not members in this House agree with the ruling, none of us is in a position now to understand the actual singular basis for the question to be ruled out of order.

The Speaker's detailed reasons go on to say that the question was 'seeking an answer based on belief or supposition'. I would submit that that is simply not the case. The question stated—

Does the Premier accept that it is possible to criticise the State of Israel and its actions without being anti-Semitic?

I was not asking for a statement of belief; I was asking as a matter of fact if one can be critical of the State of Israel and its actions without being anti-Semitic. I was not asking the Premier to suppose anything. Yes, the question included the word 'possible', but it was a very straightforward question asking for a factual response on policy.

The government has directly invited itself into this debate. It is a highly relevant policy question in circumstances where they have banned certain words and also in the broader context of their just making up labels. Rallies against war crimes and genocide are now being labelled as 'pro-Hamas' by people who are not interested in distinguishing between civilian lives in Gaza and members of a proscribed organisation.

The Premier and other ministers have in this place and elsewhere made sweeping allegations of anti-Semitism. The Premier and the government appear to be taking their cues directly from the Queensland Jewish Board of Deputies and the Executive Council of Australian Jewry, and the position of those organisations appears to be that any criticism of Israel, the Israeli occupying forces in the Palestinian territories or Israeli government leadership is anti-Semitic. This government is not listening to other Jewish voices in the community, let alone the members of the multicultural community more broadly.

Dr ROWAN: Mr Deputy Speaker, I rise to a point of order. It is related to relevance in the sense of the prescribed nature of the motion as it is. Whilst I have given some latitude, I ask you to bring the member back to the substance of the actual motion.

Mr DEPUTY SPEAKER (Mr Krause): I will take some advice. Member for Maiwar, I have been listening very carefully to your comments and appreciate that the points you have been making have been very relevant thus far. However, I do take the view that you are straying into discussion about matters that are not strictly relevant to the procedural motion. I would ask you to please confine your comments to the procedural motion before us, as you have done thus far.

Mr BERKMAN: That was context I was trying to put around the submission that this is not just a legitimate question but an important policy question. The Premier's understanding, this government's policy, on what is and is not anti-Semitism is absolutely fundamental to Queenslanders exercising their rights and living in society today. I still want to know the answer to the question, and I know countless Jewish people who oppose the Israeli genocide in Gaza who would also like to know the answer to the question. I ask on their behalf. They would like to know: under this government's policy, is their opposition to Israel's conduct anti-Semitic? The Premier cannot continue to hide behind parliamentary procedure on this issue and—

Dr ROWAN: Mr Deputy Speaker, I rise to a point of order.

Mr DEPUTY SPEAKER: Before I take that point of order, I am going to talk to the Clerk.

Dr ROWAN: Mr Deputy Speaker, I rise to a point of order. My point of order is the same as my previous point of order. It related to remaining relevant to the procedural motion as opposed to the substance of the topic.

Mr DEPUTY SPEAKER: Member for Maiwar, again, I have been listening and I consider that you have strayed somewhat into matters relating to whether people can protest a conflict and still not be anti-Semitic and also matters that were not actually raised in the question you asked of the Premier in relation to which you are dissenting from the ruling of the Speaker. With one minute and 15 seconds remaining on the clock, I would encourage you to remain relevant to the procedural motion and not extraneous matters that are not relevant on procedural grounds.

Mr BERKMAN: The point that is important here is that the Premier had called things anti-Semitic that simply are not, and we as a state—we as citizens of Queensland—deserve to know what is this government's policy on criticising the actions of Israel. Just spraying 'anti-Semitism' everywhere has the consequence of devaluing or minimising genuine anti-Semitism of the kind we saw in Bondi. It undermines the common struggle against anti-Semitism that we all should share. He can criminalise what he considers to be anti-Semitic, but we cannot even ask what the Premier means by this.

Mr DEPUTY SPEAKER: Member for Maiwar, if you could address members and refer to them by their correct titles that would be appreciated.

Mr BERKMAN: Apologies, Mr Deputy Speaker; it was a reference to the Premier. We have to be able to ask what is and is not anti-Semitic as a concrete factual question with real legal consequences. The Speaker's ruling went on to mention that questions should be based on facts, not speculative scenarios. To that end, I want to table some facts: the UN Human Rights Council's legal analysis on Israel's conduct in Gaza, a November 2024 press release from the ICC about arrest warrants, the International Association of Genocide Scholars' resolution on the situation in Gaza, the UN's Human Rights Watch statement and the UN reported impacts snapshot from 18 February 2026.

Tabled paper: Bundle of documents regarding the conflict in Gaza [381](#).

(Time expired)