

Tassie Speaker's credibility gets pulp treatment

Gunns pulp mill may have claimed an early casualty – the credibility of the Speaker of the Tasmanian House of Assembly, Mr Michael Polley.

The Parliamentary veteran, first elected in 1972, appears to be claiming more power than he possesses, and making up crimes and punishments, in a nervy and un-Speaker-like reaction to the pressures of the pulp mill debate.

Mr Polley has 'convicted' and 'sentenced' a person over comments on an ABC Radio Hobart interview, without checking facts.\

He has also told the man – wrongly – that he has no right of appeal against the Speaker's ruling.

On 22 August, during debate on the pulp mill in the House of Assembly, Mr Polley ordered the ejection of Jim Collier, a Launceston resident vehemently opposed to the Gunns project, who was interjecting in the House. The Speaker, in fact, went even further, evicting all observers and closing the public gallery entirely, effectively shutting the door of Parliament House on the people of Tasmania.

The next day the Speaker wrote to Mr Collier, banning him from the House for six months, saying:

“Whilst some benefit of the doubt may be extended to persons who are clearly ignorant of the behaviour expected of visitors in the Public Gallery, your comments on radio this morning in which you appeared to take some pride in having disrupted the conduct of the proceedings of the Parliament on three occasions leaves me with no alternative but to deny you access to the precincts of the House of Assembly for a period of six months.”

Collier says he has been harshly treated by a 'kangaroo court'. “I've been tried, sentenced and punished without being permitted to utter a single word in my defence... which would not be accepted in any court of law.

“I don't think the Speaker had all the facts; the tone of his letter indicated he didn't. So I asked him how I could appeal. He told me, by return letter, that there was no avenue of appeal open to me in respect of the Speaker's decision.”

That's wrong, of course. It is open to Mr Collier to ask his MP to get the House to review the Speaker's ruling, a quite customary avenue of appeal in parliamentary proceedings,

albeit in unusual circumstances in this case. So Mr Polley is clearly wrong on one of his points of law and parliamentary procedure.

Even more fundamentally, Mr Polley quoted the Parliamentary Privilege Act 1858 (that's correct, 1858) as "providing the necessary authority for me to issue verbal orders for the removal of persons creating or joining in any disturbance in the House or its precincts."

However, the Parliamentary Privilege Act 1858 gives him no such powers. The Speaker can order someone be arrested and detained, but it is the House that decides what the punishment will be.

And the House can effectively only 'sentence' someone to detention for the rest of the parliamentary session, a matter of maybe a week or two. Even a decision of the House does not have the power to deny someone access to the parliament in advance.

Mr Polley ordered Mr Collier evicted from the House, then 'punished' him for six months on manufactured laws and rules, instead of giving the House the opportunity to decide on punishment.

Mr Polley, by his own letter, has admitted he is banning someone from parliament because of what that person said on a radio interview.

If anyone is in contempt of the Tasmanian House of Assembly in this case, it may well be its Speaker.

The Speaker, Mr Michael Polley, owes Mr Jim Collier of Launceston an apology, CLA says. CLA has written to Mr Polley, questioning his rulings (see [letter](#), 6 Sept 07), and also issued a [media release](#)

Article by Bill Rowlings is CEO/secretary of Civil Liberties Australia. CLA supports the Speaker's ejection of Mr Collier for interjecting, but not his closing of the public gallery to the people, or making up laws to punish people and denying Tasmanians a clear right of appeal.

Civil Liberties Australia

CLA

**Assn No 04043 Box 7438 FISHER ACT 2611 Australia
www.cla.asn.au**