



Speech by

# Mr BRUCE LAMING

## MEMBER FOR MOOLOOLAH

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Hansard 2 March 2000

### MR SPEAKER'S RULING Motion of Dissent

**Mr LAMING** (Mooloolah—LP) (2.53 p.m.): In this debate I will make no particular comments about the National Competition Policy, because that is not what we are debating. It was unfortunate that the honourable member for Ashgrove, a previous Speaker, said that we should get on with business. I suppose we would be getting on with business had not the ruling been made that the amendment was out of order. However, that ruling was made and a decision was taken to dissent from that ruling. That is a very important function of this House.

In my contribution I will go through the elements as clinically as possible and ask the following questions. The first question is: can an amendment be moved? Section 88 of our Standing Orders indicates that amendments are in order. The next question is: are some amendments out of order? Since it has been ruled that this amendment is out of order, one should perhaps look at the instances when amendments are out of order. Page 491 of Erskine May lists what sorts of amendments are out of order. One can assume that, in respect of any amendments not contained in the extensive list of about nine different ways in which an amendment can be out of order, the requirement is on the honourable member claiming that the amendment is out of order to convince the House that it is indeed out of order. Of the nine instances cited, the first is that the amendment is irrelevant. Clearly, this amendment was not irrelevant to the subject. The second instance cited is an amendment that has already been negatived. Clearly, that does not apply. The third instance is where an amendment is inconsistent or contrary to the Bill.

**Government members** interjected.

**Mr LAMING:** I am glad Government members are listening. I am only up to No. 4; there are five to go.

Fourth, an amendment is inadmissible if it is intelligible without subsequent amendments or Schedules. That does not apply. The fifth instance is where it reverses the principle of the motion. It did not do that. Sixthly, it is not in order to leave out a clause. That does not relate to the amendment. Seventh, the amendment cannot be unintelligible, ungrammatical, incoherent or inconsistent. That certainly does not apply. Eight, the amendment cannot be vague, trifling or hold the spirit of the motion in mockery. That does not apply. Nine, the amendment cannot be in the wrong place. That is certainly not the case, although Government members have suggested that it might have been—a claim that I will put to bed shortly. The amendment does not fit into any of those categories. Therefore, I contend that the amendment was in order. It was accepted by an experienced former Speaker of the House. It was formally seconded by the member for Moggill. The amendment was accepted by the House, because 24 minutes of debate elapsed before the amendment was challenged by the Chair. Members opposite either spoke to the amendment or interjected during the debate. The members for Ipswich, Chermside, Capalaba and Townsville joined the debate.

Why was it subsequently ruled out of order? Mr Speaker referred to Standing Order 248, which has been read a few times today, and I will not go through it again. Basically, it states that a Bill may be referred to a committee after being read a second time. The Treasurer relied very heavily on this. But this Standing Order does not say that a Bill must be read a second time before it can be sent to a committee. It states that it may be referred to a committee after being voted on at the second-reading

stage. This procedure is available only to a Minister or a member who has carriage of the Bill. It is not available to another member. There are other potential problems if the Bill passes a second-reading and the Committee recommends amendments that are contrary to the principles already agreed to. Our Standing Orders are wisely constructed and offer Standing Orders 245 and 246 for just this purpose, which refer specifically to amendments to Bills. Standing Order 246 states—

"Any other Amendment may be proposed to such Question provided that the Amendment is strictly relevant to the Bill."

It certainly fulfilled that criterion. Mr Speaker went on to say in his ruling that "there is no select committee to which the member has referred it". That is the central issue of the ruling. I must dissent from this statement also, because the establishment of the relevant committee is covered in the amendment itself. If the amendment were passed, the committee would therefore be established. How often do we pass legislation in this place that creates committees and boards upon which the very same legislation relies? All the time! All the necessary components of just such a select committee were clearly outlined in the amendment. Some debate from the Government suggested that a select committee cannot be set up in this way. I dissent from this also, and I refer members to pages 612 and 613 of Erskine May.

**Mr Hamill:** Which edition?

**Mr LAMING:** It is the 21st edition. It states—

"Committees have also been appointed by the passing of an amendment to a question, and following the agreement of the House to a motion moved by a private Member."

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