



Speech by

**Hon. D. HAMILL**

**MEMBER FOR IPSWICH**

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Hansard 2 March 2000

**MR SPEAKER'S RULING**

**Motion of Dissent**

**Hon. D. J. HAMILL** (Ipswich—ALP) (Treasurer) (12.55 p.m.): Mr Speaker, I find the remarks made by the Leader of the Liberal Party to be really quite extraordinary. To be suggesting that, somehow or other, the ruling was made to try to protect the Treasurer during debate on the Bill before the House is a departure into fantasy land by the honourable member for Moggill. If I recall the debate last night, the member for Moggill agreed with me on quite a number of occasions on very substantive points as to why the Bill in question was so flawed. If the member for Moggill is suggesting that I need protection when he agrees with me, all I can say to him is that he should not agree with me. I do not need his protection and I do not need his support.

I come to the matter at hand. I believe that there was a good degree of confusion on the part of the Opposition, which resulted in some confusion in the House, as to what exactly the Leader of the Opposition was attempting to do with the motion that he sought to move. When he rose initially he talked about a procedural motion that he was going to pursue in relation to the Bill that was before the House. He discussed this procedural motion. Later on the procedural motion became a motion—an amendment to the question which was before the House. The question before the House, of course, was that the Bill be read a second time.

The Leader of the Opposition was clearly confused as to the import of the words that he was seeking to move—whether it would be a formula of words which would require, as is the case with procedural motions, the immediate consideration of the House of the procedural motion, or whether it was an amendment to the question—the question being that the Bill be read a second time.

It is important to have recourse to the particular Standing Orders to which the member for Indooroopilly had recourse in arguing his case as to why Mr Speaker's ruling should be dissented from. To understand Standing Order 248—which was the Standing Order to which the honourable member for Indooroopilly referred—I think it is important that we also have recourse to the Standing Orders which immediately precede it. With regard to the business of the House at the time when the ruling was made, the House was proceeding to debate a Bill which had been introduced by the member for Caboolture under Standing Order 244, which reads—

"The Order of the Day for the resumption of the second reading of a Bill being read, and Debate concluded, the Question shall be put, 'That the Bill be now read a Second Time.' "

The debate was proceeding under that Standing Order.

There is, of course, provision in Standing Order 245 for amendments to the timing at which the question "That the Bill be now read a second time" may be put. The Standing Orders give a number of illustrations as to how that timing may be amended. Specifically, it mentions "on this day Three months," "on this day Six months," by deleting the word "now", or at any other time.

We have just had a debate about the significance of Standing Order 246, which states that amendments to questions must be relevant to the Bill. We then come to Standing Order 248, and I believe that this is where the confusion has arisen—confusion which stemmed firstly from the question

of whether it was a procedural motion or an amendment. The Opposition now argues that it was not a procedural motion but, rather, an amendment.

Standing Order 248 deals with the referral of Bills to committees. In dealing with Standing Order 248, let us carefully consider the words as they appear in the Standing Order. The Standing Order reads—

"A Bill, having been read the Second time, shall be ordered to be committed to a Committee of the Whole House, either then or at a future time, or it may first be referred to a Select Committee."

The Opposition purports to say that its amendment was seeking the committal of the Bill to a select committee, but the Opposition has ignored an important part of the provisions set down in Standing Order 248. It states—

"A Bill, having been read the Second time ..."

Standing Order 248 refers to a committal of a Bill following the vote being taken on the second-reading. I suggest that it would have been quite competent for the Leader of the Opposition to move that the Bill be referred to a select committee following the vote on the second reading, following the decision of the House as to whether the Bill will be read the second time, not before. It is also relevant to consider the other question as to whether there was a select committee available to receive the Bill had it been so referred. However, I will perhaps develop that point after the House rises for the luncheon adjournment.

Sitting suspended from 1.01 p.m. to 2.30 p.m.

**Mr HAMILL:** Before the House rose for the luncheon adjournment, I was discussing the import of Standing Order 248, which, of course, is the Standing Order upon which the Opposition relied and is relying in respect of this dissent motion. I will just remind honourable members of the substance of Standing Order 248, which, of course, was the Standing Order that was being invoked by the member for Indooroopilly in his moving of this dissent motion. It states—

"A Bill, having been read the Second time, shall be ordered to be committed to a Committee of the Whole House, either then or at a future time, or it may first be referred to a Select Committee."

The point I was making was that, in relation to that Standing Order, the Bill must have already been read the second time. In other words, the second-reading debate would have been concluded and the question that the Bill be read a second time would, in fact, have been put to the House, and the House would have expressed its view in respect of that question. Then and only then would it have been appropriate for the Leader of the Opposition, or whoever, to move that the question—or in this case, the Bill—be committed to the attention of a select committee of the House as an alternative to the Bill proceeding to the Committee of the Whole House.

**Mr Beanland:** Look up 245.

**Mr HAMILL:** If the member had been paying attention to what I said before lunch, he would know that I dealt with Standing Order 245 quite comprehensively. In relation to Standing Order 248, which is exactly what the Leader of the Opposition was trying to do last night, there was neither a select committee in place to which the Bill could be referred, nor was it the appropriate time to invoke the course of action that Standing Order 248 contemplates. Had the Leader of the Opposition sought to establish a select committee and then, following the consideration by the House of the question that the Bill be now read a second time he might then have sought to move for the referral of the Bill to a select committee, I submit that that would have been not only in order but also it would have been a proper matter upon which the House could then have exercised its judgment.

We have a problem of timing. As the Opposition knows very well, it has a major problem with timing across a whole range of matters. The Liberal Party has a major problem with timing. The time is not right for the Liberal Party. The time is not right for the aspirations of the likes of the member for Clayfield. Likewise, it was not the right timing that the Opposition was indulging in in trying to move for this select committee consideration of the Bill.

In relation to this legislation, I make the further point that it was introduced into the House in April last year. There would have been ample opportunity for the Opposition to suggest to have select committees and so on and so forth in the intervening months. But, no, no, no, they do not do anything like that. Even though they know full well—in fact, I took an interjection from the Leader of the Opposition on this matter last night—that the whole question of the competition principles agreement is currently under review and that the Commonwealth has a timetable in April this year, that is next month, to undertake that review, suddenly it is felt desirous to refer to a select committee a Bill which has been sitting around for 10 months and on which that committee is not going to report back until September.

What real sincerity is there in this attempt by the Leader of the Opposition to establish a select committee? The same degree of sincerity that we have come to expect from him: no sincerity whatsoever! It is a sham, it is grandstanding, it was there for no effect other than just to try to have a platform for the Leader of the Opposition upon which he could make a big man of himself.

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