



Speech by

Dr DAVID WATSON

MEMBER FOR MOGGILL

Hansard 2 March 2000

MR SPEAKER'S RULING

Motion of Dissent

Dr WATSON (Moggill—LP) (Leader of the Liberal Party) (12.44 p.m.): I rise to support and second the motion moved by the member for Indooroopilly.

It is important to re-establish the sequence of events that occurred yesterday in evaluating whether or not Mr Speaker acted properly last night when he ruled the amendment moved by the Leader of the Opposition out of order. The sequence of events went like this: the Leader of the Opposition discussed the proposed amendment with the Premier earlier that day. The Leader of the Opposition gave the Government time to consider the proposal. Secondly, the amendment had been discussed with the Clerk of the Parliament, and the Leader of the Opposition had received certain advice. Thirdly—and this is pretty important—at the beginning of Mr Borbidge's speech yesterday, he foreshadowed the following motion—

"That this House establish an all-party select committee to consider and report on the conduct, impact and future of National Competition Policy in Queensland ..."

He then went on to explain what the select committee should be comprised of, in terms of it being four members from the Government, three from the Opposition and one from the Independents.

The important point is that that motion was then tabled in this Parliament. Then the Clerk, together with the Deputy Speaker, the member for Ashgrove—a person who has been here a considerable period, has served the community in two different electorates and who was the Speaker of this House for six and a half years—sat and discussed that motion. Then, in handwriting, I believe it was the Clerk—maybe it was the Deputy Speaker—who altered the motion, and that motion came back to the Leader of the Opposition to be formally moved. Later in his speech, Mr Borbidge formally moved the motion that had been written out.

That sequence of events is important. The Opposition was being advised by the Clerk. The Opposition was being advised after discussions between the Clerk and the Deputy Speaker, a former Speaker of this House, somebody who has a reasonable amount of experience, I would proffer; somebody for whom I have the greatest respect. He was the one who then recognised the motion proposed by the Leader of the Opposition. At no time during that whole process was there any question at all about this motion not being in a proper form. There was never any suggestion that this motion was not consistent with the Standing Orders.

Then you came in, Mr Speaker, without having been in the Chamber, without the benefit of knowing what went on. You said—

"Before anyone speaks, I am going to make a ruling on this matter. I have just come into the House. I have conferred with the Clerk. I have also brought my own decisions into this. I now rule this motion out of order."

I want to emphasise those words—

"I have conferred with the Clerk. I have also brought my own decisions into this."

Did the Clerk of the Parliament give different information to the Leader of the Opposition? When the Clerk was discussing the issue and advising the Deputy Speaker, did he provide different advice to the

Deputy Speaker than he provided to you, Mr Speaker? I cannot answer that; I was not a party to those discussions. But I would find it remarkable if that is the case.

The Leader of the Opposition tabled the original motion. Based upon advice, he amended what he was originally putting forward. The Deputy Speaker of the Parliament—the former Speaker for six and a half years—accepted the advice of the Clerk. We then have you, Mr Speaker, making a different decision. I think your decision was wrong. I think your decision was not consistent with the information with which we were provided. It is not consistent with the decision made by the former Speaker—the current Deputy Speaker.

The decision was not even supported by Standing Order 248 to which you alerted the House, Mr Speaker. Standing Order 248 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."

Nowhere in that Standing Order does it say that a select committee has to exist. Your premise, Mr Speaker, is that the select committee has to exist before this House can refer a Bill to a select committee. The fact of the matter is that the motion contained the necessary elements. It was an integral part of the motion.

We are all aware that this House is the master of its own destiny. That is why, despite the Standing Orders, a member—and this is often done by the Leader of the House—can come into this place and move a motion, notwithstanding the Standing Orders. The Standing Orders act as a guide to conducting the business of this place, but they are not the be-all and end-all of everything that goes on in the House. The Standing Orders cannot necessarily anticipate every aspect. One has to interpret the Standing Orders in a way which allows reasonable debate.

There is nothing in the Standing Orders which precludes the House from establishing a select committee at the same time as it is referring a Bill to a select committee. There is nothing in Erskine May that prohibits that. There is nothing in the House of Representatives Practice that prohibits that. The House is the master of its own destiny and has the right to refer a Bill to a select committee. It also has the right to establish a select committee at that time. If that is not the case, the Standing Orders should state specifically that Bills can only be referred to committees which have already been established. In that event, we would have to move suspension of that Standing Order. But that is not the case here.

Mr Speaker, you have interpreted this particular Standing Order in a way which is not supported by the advice that we were given by the Deputy Speaker. This matter was not brought to the attention of any honourable member. It was a decision that you made, Mr Speaker, despite the advice given to honourable members. It was a decision which ignored the ability of this House to be master of its own destiny. The decision was made in order to protect the Treasurer who, for some reason, decided that he did not like the motion.

Mr Hamill: I wasn't seeking protection from anybody.

Dr WATSON: You should have been seeking protection last night. The decision was made despite the fact that the Leader of the Opposition had discussed the situation earlier with the Premier. The Premier indicated to the Leader of the Opposition that he was prepared to look at it and discuss it with the Leader of the House. There was nothing in your ruling, Mr Speaker, which indicated that you discussed this matter with the Leader of the House or the Premier.

This is a very narrow interpretation of this particular Standing Order. Mr Speaker, your interpretation was narrow and it is not supported by any of the information that was available to me. Quite frankly, it is a decision which should not be supported by this House.
