



Speech by
**Mr DENVER
BEANLAND**

MEMBER FOR INDOOROOPILLY

Hansard 2 March 2000

MR SPEAKER'S RULING

Motion of Dissent

Mr BEANLAND (Indooroopilly—LP) (11.30 a.m.): I move—

"That Mr Speaker's ruling that the amendment to the motion moved by the Premier was relevant to the subject matter of Mr Borbidge's motion be dissented from."

In rising to speak to this motion, I firstly refer to Standing Order No. 246, which states quite clearly—

"Amendments to be relevant

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

The other evening a motion was moved by the member for Surfers Paradise, the honourable Leader of the Opposition, which referred specifically to tree clearing, that is, the Vegetation Management Act. If one examines the amendment then moved by the Premier, the member for Brisbane Central, one finds that that amendment referred firstly to regional forest agreements—that is, the south-east Queensland forest agreements—and then went on to add some words about the Vegetation Management Act. The point is that the amendment related to regional forest agreements.

Erskine May's Parliamentary Practice 20th Edition sets out, under the section titled "Amendments to be relevant", the following matter—

"The fundamental rule that debate must be relevant to a question ... also means that every amendment must be relevant to the question to which it is proposed.

Stated generally, no matter ought to be raised in debate on a question which would be irrelevant if moved as an amendment, and no amendment should be used for importing arguments which would be irrelevant to the main question."

Of course, that is the issue. Clearly, the amendment moved by the Premier, the member for Brisbane Central, was irrelevant to the motion moved by the Leader of the Opposition.

Of course, the Government always has the ability to defeat motions and questions before the Parliament. Clearly, if one considers that evening, the Government would have easily had the numbers to defeat the motion moved by the Leader of the Opposition. Instead of doing that, the Government wanted to put in place an irrelevant amendment, and that is what occurred.

There are a number of past examples of this type of matter. On 22 September 1955, Acting Speaker Clark ruled—

"I have had an opportunity of studying the amendment moved by the hon. member for Fassifern, and I point out that the motion moved by the hon. member for Somerset deals with the abolition of the subsidy on tea and the reduction of the subsidy on butter. The amendment moved by the hon. member for Fassifern deals with a quota for margarine, and I am of the opinion that his amendment is not relevant to the motion of the hon. member for Somerset. I therefore rule the amendment out of order."

The debate goes on from there, with Mr Morris saying—

"... I should like to tell you that I have considered the amendment closely and I think your ruling is not a correct one. I advise you that I will have no alternative but to move at the appropriate time that your ruling be disagreed to."

The point is that that amendment was ruled out of order as irrelevant because, in that case, the motion related to the abolition of the subsidy on tea and the reduction of the subsidy on butter, and the amendment moved by the member for Fassifern dealt with a quota for margarine. That is a very simple and straightforward example of the matter under consideration today. It is a good example. Mr Speaker may smile, but it is his ruling that is being sought to be dissented from, and it is to his shame that this situation has been allowed to erupt. This was a very clear and precise motion.

For the benefit of Mr Speaker I will cite another past example of this type of matter, because I think that he needs to refer to them. They are relevant to this debate.

Mr Springborg: They're not taking it seriously.

Mr BEANLAND: The Government takes nothing seriously because it has the numbers.

Mr Springborg: They're treating this Parliament with contempt again.

Mr BEANLAND: The Government certainly does treat this Parliament with contempt.

On 27 February 1951 a matter arose concerning a police investigation into the Bulimba elections tribunal case, a very relevant and important case at the time.

Mr Springborg: A Labor Party dirty tricks campaign—another one.

Mr BEANLAND: This was very much a Labor Party exercise. On that occasion, the Clerk of the Parliament was requested in a motion to produce to the Inspector of Police ballot papers and a range of other documents. An amendment was moved to that motion by Mr Nicklin, who was the then Leader of the Opposition, to appoint a royal commission of inquiry into the election, of which the Elections Judge was to be the chairman, to investigate malpractices and corrupt practices at the last State election. That amendment was ruled out of order by Speaker Mann because, again, it was irrelevant to the original motion. That is a very good second example of this type of matter.

I will cite a third example. This one goes right back to 1923. Speaker Bertram ruled an amendment out of order as it was a direct negative of the original motion. So a number of cases, within this Parliament and elsewhere, indicate quite clearly that amendments moved to the original motion must be relevant, that is, they must be pertinent to the matter in hand. I submit that the amendment moved on this occasion was certainly not pertinent to the original motion. The motion moved by the Leader of the Opposition related to tree clearing. It had nothing at all to do with south-east Queensland forest agreements. Clearly, the Government wanted to improve its lot because it is copping a lacing from the timberworkers and timber millers of this State. I can understand why the Government wanted to incorporate this amendment—

Mr Speaker: It's all trees.

Mr BEANLAND:—but the fact is that it was irrelevant to the original motion. The motion clearly dealt with one matter, and Mr Speaker allowed an irrelevant amendment to be moved to that motion. Not only are there plenty of precedents on this matter within this Parliament but also the position is outlined quite clearly in the Standing Orders and Erskine May.
