



Speech by
**Mr DENVER
BEANLAND**

MEMBER FOR INDOOROOPILLY

Hansard 2 March 2000

MR SPEAKER'S RULING

Motion of Dissent

Mr BEANLAND (Indooroopilly—LP) (12.36 p.m.): I move—

"That Mr Speaker's ruling that the amendment to the second reading of the Competition Policy Reform (Queensland) Repeal Bill moved by Mr Borbidge was out of order be dissented from."

Last evening in this place the member for Surfers Paradise, the Leader of the Opposition, moved an amendment to legislation under debate. That amendment was to the motion for the second reading of that legislation. The Leader of the Opposition moved a motion to delete all words after Bill and insert—

"... be referred to an All Party Select Committee to consider and report on the conduct, impact and future of National Competition Policy in Queensland.

The Select Committee to comprise four members nominated by the Government, three nominated by the Leader of the Opposition and one nominated by and from among the Independents.

And to report to the House by 1 September 2000."

That amendment moved by the Leader of the Opposition was accepted by the Deputy Speaker.

Some time after the Leader of the Opposition had finished his speech, the deputy leader of the coalition, the member for Moggill, the Leader of the Liberal Party, rose to second the amendment to the Competition Policy Reform (Queensland) Repeal Bill that was then under debate in the Parliament. When the deputy leader of the coalition finished his speech, Mr Speaker came into this Chamber and informed the House that—

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

Some time after this amendment had been accepted to the Competition Policy Reform (Queensland) Repeal Bill in the second reading debate, Mr Speaker ruled that the amendment was out of order. From the comments that were then made, I understand that the Speaker indicated to the Parliament that the reason for that decision was that Standing Order 248 states—

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

Mr Speaker indicated that there was no select committee to which the member had referred the matter, that no select committee had been appointed. My point is that the member for Surfers Paradise, the Leader of the Opposition, indicated in his amendment the establishment of a select committee. The amendment stated quite clearly—

"The Select Committee to comprise of four members nominated by the Government, three nominated by the Leader of the Opposition and one nominated by and from among the Independents."

The amendment also gave the date the committee was to report. That is quite clear. I contend very clearly that that is in fact in order when Bills are being amended in relation to Standing Order 245, which allows members to amend the second reading. The facts are that Mr Borbidge's amendment sought to establish a select committee. The Standing Orders do not go anywhere near saying that amendments have to spell out who is going to be on that select committee.

Chapter XIII of the Standing Orders, Appointment and Conduct of Committees, states very clearly what the rules are in relation to committees. Those committees include select committees, as well as committees of the House. For example, rule 182 states—

"A Committee shall consist of no more than 8 Members."

What was proposed by the Leader of the Opposition was a select committee of no more than eight members.

The actual appointment of members can occur at some later time, as was envisaged by the Leader of the Opposition. It is quite clear from his amendment that the Government has to appoint four members, the Opposition three and that an Independent be appointed. Time has to be given in order for the parties to be able to do that. It is quite clear that the amendment was in fact proper and correct in terms of the Standing Orders. After all, there are many committees established in this place where the appointment of committee members occurs at some other point in time.

On a number of occasions last year the Parliament referred matters to standing committees. I recollect that the Legal, Constitutional and Administrative Review Committee was the recipient of two matters last year. One of those matters related to the Transplantation and Anatomy Act Amendment Bill on 1 April 1999. The member for Maroochydore moved an amendment to the second reading of that Bill that the matter be referred to the Legal, Constitutional and Administrative Review Committee for consideration and report back to the House on 1 August 1999. That amendment was accepted and duly passed by the Parliament. The second occasion related to the Electoral Amendment Bill, on 1 December 1999. Likewise, on that occasion the member for Warwick, the Deputy Leader of the Opposition, moved an amendment to the Electoral Amendment Bill to refer it to the Legal, Constitutional and Administrative Review Committee. In due course, that amendment was also carried on the second reading. There can be no contention that it is not covered under Standing Order 245, because clearly it is, and it has been covered by this Parliament during this session on at least two occasions and perhaps others.

As to the point made by Mr Speaker that no select committee was first established—the select committee was sought to be established by this motion. I accept that, if the motion had not included reference to a select committee, Mr Speaker would have been correct and his ruling would have been in order. But I contend that it was not in order, because that select committee is covered by the amendment. Of course, the amendment had been accepted by the Deputy Speaker. No doubt he had considered these matters in the first instance.

I noticed that it was not until some minutes after the amendment had been moved that the Treasurer became very agitated indeed. I paid great attention to the Treasurer's agitation. I was in the Chamber at that time. He started to race around the Chamber and talk to various people. He left the Chamber a couple of times and came back in. The Treasurer can become as agitated as he likes about this amendment, but the fact is that it was in its proper form when it was moved. Regardless of whether or not the Treasurer wants to have to debate it, he can vote against it. He can do as he pleases. He may even vote for it, as I thought he might have, to bring this matter before a select committee of the Parliament. For his own reasons, he did not want to do that. But he did not even want to vote against it, as the Government had the option to do.

I believe it is incorrect to say that the amendment is not in its correct form and is not covered by the Standing Orders. The Standing Orders contain a chapter on the appointment and conduct of parliamentary and select committees. There is nothing under that chapter which indicates that this amendment is not covered by it. In fact, far from it; the reverse is the case.

The Opposition clearly believes that this amendment is in order and is an appropriate course of action to take. We hear so much huff and puff from this Government about competition policy. Suddenly it does not want these matters to be aired. What does it have to hide, or is it all just huff and puff? Why does the Government not want a select committee appointed before which various Federal officials can debate this matter? There is obviously a bit more to it, and it is evident from the Treasurer's agitation that he is trying to hide something. I strongly urge all members to support this motion of dissent.