



Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

Hansard 7 November 2001

AMENDMENTS TO BILLS

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Education) (6.15 p.m.): I rise to second the amendment that has been moved by the Premier to the motion put forward by the member for Nicklin. I am pleased to support the spirit of the motion that was put forward by the member for Nicklin and to second the amendment that is being put forward by the Premier. The amendment that is now before the House goes a considerable way to clarifying the intention and to achieve the purpose that the member for Nicklin originally set out to achieve.

I have had a number of discussions with the member for Nicklin about this proposal. He is right when he says to the House that the reaction of government members was originally a little lukewarm. That was not because government members were not keen for the scrutiny committee to have the capacity to look at amendments where appropriate. We were concerned with the way that the motion originally was constructed, as the need for the scrutiny committee to look at amendments prior to their being debated might have led to not only a delay in the passage of bills but also a stifling of the debate. The way that the motion, as amended, is constructed goes a long way to remedying those concerns.

I understand that this suggestion was originally conceived by the member for Nicklin after he had some discussions with people from the federal Senate. As the Premier has outlined, the situation in the Senate is slightly different as the federal parliament is bicameral. Not surprisingly, after amendments to a bill are put forward and passed during the committee stage of a debate on a bill in the House of Representatives, it can take some months before that bill is subsequently debated in the Senate. The Senate scrutiny committee has plenty of opportunity to consider the bill as amended and, therefore, to make comments on the amendments as they have been debated during the committee stage of the bill in the House of Representatives.

Because we are a unicameral parliament, we are not in a position to follow that practice to the letter. In my view, it would not always be practical. In fact, on many occasions it would not be practical for us to require that the scrutiny committee look at the amendments. This motion and the amendment mean that, wherever possible, those who are seeking to amend bills before the House, whether they are ministers or private members, should make every effort to ensure that the members of the House get those amendments in plenty of time to look at them and that the scrutiny committee gets them in time to comment on them and report back to the parliament.

In my experience in debating bills before this chamber, from both sides of the House, it is true to say that there have been many occasions when amendments may well have changed the substance of a bill as it had originally been reported on by the scrutiny committee. That has been outlined by some of the previous speakers. However, it has been my experience that, more often, amendments significantly improve the application, intention and readability of the bills that we consider. If such an amendment can be moved on the floor of the chamber during the debate, I would not like to see a situation where we effectively stifled that capacity.

Many amendments that are brought forward during the committee stage of a bill are very technical and almost trivial in nature, but they are important to the outline of the bill. I would not expect the scrutiny committee to occupy too much of its time considering and reporting on things such as renumbering. We all have to acknowledge that the best consultation processes that are put in place in

the development of policy and legislation do not always result in a perfect outcome. We let ourselves, the people whom we represent and the legislative process down if we remove the capacity for all members on any side of the House to move an amendment with little or, in some cases, no notice during a debate on a clause in a bill.

The nature of debate in this place changes with the changing nature of the make-up of the parliament. The member for Gladstone will recall, as will the member for Gregory, that during the 1995 to 1998 parliament there was often a great deal of debate on the clauses, simply because of the very tight make-up of the parliament at the time. It was not unusual for amendments to be brought forward during the debate on the floor of the parliament and for those amendments to either change the bill or, on many occasions, to significantly improve it. While that may not be a practice that has emerged very often in this parliament, we need to be very careful to make sure that the rules provide for that to happen at any stage where it might be appropriate.

I have to stress that these rules apply to all bills and not just to those brought forward by the government. They will also place an obligation on the movers of private members' bill, thus giving government members the opportunity to amend those bills from the floor. The amendment confers a new function on the scrutiny committee. It does that in accordance with section 5 of the Parliamentary Committees Act, but it makes that function discretionary, which I think is important.

Time expired.
