

Procedural Digest

No. 89
4–7 July 2011

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Bills

89.01 *Private Senators' bill introduced and referred to a committee*

The Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010, a private Senators' bill sponsored by Senators Xenophon and Brown, was received from the Senate on 4 July 2011 and read a first time. It was ordered that the second reading be made an order of the day for the next sitting.

On 7 July 2011, the Selection Committee referred the bill to the Standing Committee on Economics (and *see* entry 89.08).

Hansard: 4 July 2011, 7288; 7 July 2011, 8059
Votes and Proceedings: 2010-11/715; 767

SOs 143, 166, 215, 222

89.02 *Bill presented with explanatory memorandum and draft regulations*

When presenting the Tobacco Plain Packaging Bill 2011, the Minister for Health and Ageing also tabled an explanatory memorandum and draft regulations. The Minister then moved that the bill be read a second time.

The draft regulations outline requirements for plain packaging of tobacco products, and were presented with the bill for the purpose of information.

Note: As explained in *House of Representative Practice* (p. 590), Ministers do not require leave to present an explanatory memorandum or other document connected to a bill before the House.

Hansard: 6 July 2011, 7708-11
Votes and Proceedings: 2010-11/742

SOs 141, 142

89.03 *Senate bill introduced and passed all stages*

The Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 was received from the Senate and read a first time. The Minister for Human Services presented the explanatory memorandum and moved that the bill be read a second time. Following her second reading speech, debate ensued immediately, by leave. Following debate, the second and third readings were carried on the voices.

Hansard: 6 July 2011, 7830-8

Votes and Proceedings: 2010-11/748

SOs 63, 138, 141, 142, 155, 166, 167

89.04 *All but one Opposition amendments withdrawn*

In consideration in detail of the Competition and Consumer Amendment Bill (No. 1) 2011, an Opposition Member noted that, 'as a consequence of the quite constructive collaboration with the government', he would withdraw all the Opposition's amendment save for (2). The Member then moved the amendment which was negated on the voices.

The Parliamentary Secretary then moved two sets of Government amendments and presented a supplementary explanatory memorandum. The amendments were agreed to on the voices.

Immediately following, a third set of amendments was moved by a non-aligned Member, and negated on the voices. The bill, as amended, was agreed to.

Hansard: 7 July 2011, 8015-22

Votes and Proceedings: 2010-11/764-5

SOs 63, 148, 149, 150, 155

Business

89.04 *Three 'ministerial statements' made*

Shortly after the acknowledgement of country and prayers, the Minister for Defence updated the House on the situation in Afghanistan, and presented a paper in connection with the statement. By leave, standing orders were suspended to allow the Shadow Minister for Defence Science, Technology and Personnel to address the House.

The Minister then presented a document entitled *HMAS Success Commission of Inquiry — Allegations of unacceptable behaviour and the management thereof — Part two: The management of the allegations and personnel involved, May 2011 (redacted version)*, and, by leave, made a statement in connection with the report.

On indulgence, the Minister continued to address the House regarding the retirement of the Chief Executive Officer of the Defence Materiel Organisation, Dr Stephen Gumley. The Shadow Minister also made comments in relation to the redacted report of inquiry and Dr Gumley.

Hansard: 7 July 2011, 7965-79
Votes and Proceedings: 2010-11, 755
SOs 47, 63, 65, 199

Committees

89.05 *Second interim report of the Procedure Committee*

The Chair of the Procedure Committee presented a report entitled *Interim Report No. 2: Monitoring and review of procedural changes implemented in the 43rd Parliament—Referral of bills to committees by the House Selection Committee*.

The report recommended a change in relation to the number of members of the Selection Committee required to refer a bill to a standing committee (currently, a bill may be referred to committees on the motion of one member). The Committee also recommended that the Selection Committee provide reasons for the referral of bills.

The Chair made a statement in connection with the report, by leave.

Hansard: 4 July 2011, 7291
Votes and Proceedings: 2010-11/716
SO 221, 63

89.06 *Changes to membership of the Selection Committee*

On 6 July, the Deputy Speaker reported that the Speaker had received advice from the Chief Government Whip nominating one Member to replace another on the Selection Committee. On the motion, by leave, of the Minister for Resources and Energy, the changes were agreed to.

Note: The change in the committee's membership reflected a change in the role of Government Whip.

Hansard: 6 July 2011, 7730
Votes and Proceedings: 2010-11/745
SOs 63, 222

89.07 *Privileges committee granted extension of time to report—Chair presents updated Register of Interests*

The Leader of the House moved, pursuant to notice, that the Committee of Privileges and Members' Interests be granted an extension of time until the end of 2011, to report on its inquiry into a draft code of conduct for Members of Parliament.

A short time later, the Chair presented the committee's *Register of Members' Interests for the 43rd Parliament—Notifications of alterations of interests received during the period 24 March 2011 and 6 July 2011*. Since the beginning of the 43rd Parliament, these statements have been published on the Parliament of Australia website at: <http://www.aph.gov.au/house/committee/pmi/registermeminterests.htm>

Hansard: 7 July 2011, 7992, 7994
Votes and Proceedings: 2010-11/762, 763

SOs 63, 216

89.08 *Four supplementary members appointed to committee*

The Leader of the House, by leave, moved a motion to appoint four supplementary members to the Standing Committee on Economics for the committee's inquiry into the Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2011. Two of the Members were from the Government, one was an Opposition Member, and the other a non-aligned Member. The motion was agreed to on the voices.

Note: Standing order 215(d) provides for a maximum of two extra Government Members and two extra non-Government Members to be appointed to a committee for a particular inquiry.

Hansard: 7 July 2011, 8060
Votes and Proceedings: 2010-11/767

SOs 215, 229

Members

89.09 *Personal explanation made following prayers*

Following the acknowledgement of country and prayers, a Minister sought the Speaker's permission to make a personal explanation about remarks attributed to her in a newspaper report. The Minister tabled the transcript of a press conference.

Hansard: 4 July 2011, 7247
Votes and Proceedings: 2010-11/711

SO 68, 199

89.10 *Disorderly question time – four Members ‘sin-binned’*

Following a general warning during question time on 6 July, the Speaker directed four Members to leave the Chamber for one hour. Throughout question time, the Speaker repeated his concern that Members were ignoring how they were perceived by the general public, particularly when they appeared not to ‘show respect or civility to a fellow MP’.

Hansard: 6 July 2011, 7780, 7781, 7783, 7787, 7782
Votes and Proceedings: 2010-11/747

SOs 91, 92, 94, 97

Order of business

89.11 *Suspension of standing orders to allow constituency debate*

On 18 November 2010, a private Member’s motion was agreed to, as amended, by the House. The motion called ‘on all parliamentarians, consistent with their duties as representatives, to gauge their constituents’ views on ways to achieve equal treatment for same sex couples including marriage’ (*see entry 82.36*).

On 5 July 2011, the Leader of the House moved to suspend so much of standing and sessional orders as would allow Members, should they choose, the opportunity to report the results of their constituency consultation on this motion in the Main Committee on Wednesday, 17 August 2011. The motion was agreed to on the voices.

On 7 July 2011, the resolution was amended to enable the debate to occur on Wednesday 24 August 2011, rather than 17 August 2011.

Hansard: 5 July 2011, 7653-4; 7 July 2011, 8060
Votes and Proceedings: 2010-11/735; 767

SOs 41, 47, 63, 192

88.12 *Motion to suspend standing orders to allow a motion relating to the sitting schedule*

Following the consideration of private Members’ business, the Manager of Opposition Business sought leave to move a motion regarding the sitting schedule. Leave not being granted, the Member moved a suspension of so much of standing orders as would allow the motion to be moved.

The Leader of the House moved that the ‘member be no longer heard’, and the question was negatived on division. The motion was seconded and debate

continued. When the Leader of the House began to address the motion, the Manager of Opposition Business moved that he be no longer heard, and the question was negatived on division.

The time allotted for the debate under standing order 1 expired. The Speaker put the question on the suspension of standing orders, and the motion was negatived on division.

Hansard: 7 July 2011, 7986-92
Votes and Proceedings: 2010-11/759-62
SOs 1, 34, 47, 80, 117, 125

Private Members' business

89.13 *Standing orders suspension — Private Members' motions moved during Government business time — Private Member's bill read a second time*

During Government business, the House agreed to a motion moved by the Leader of the House, by leave, to suspend standing and sessional orders to allow three private Members' motions to be called on immediately.

The question on the motion that the Auditor-General Amendment Bill 2011, a private Member's bill, be read a second time, was put and agreed to on division. In accordance with standing order 41(e), further consideration of the bill would be accorded priority over other private Members' business, and the Selection Committee would determine times for consideration of the remaining stages.

The other two items of private Members' business were then dealt with.

Hansard: 7 July 2011, 7983-5
Votes and Proceedings: 2010-11/756-7
SOs 1, 34, 35, 41, 47

Withdrawals

89.14 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
<i>unrecorded</i>	4 July 2011	7317
'Tricky Nicky!'	4 July 2011	7333
'... other lie that this Prime Minister ...'	5 July 2011	7597
'... from such a barbaric person as he is.'	5 July 2011	7617
'... listening to the member for Newcastle lie and lie about her party's uncOSTed broadband plan.'	5 July 2011	7629

'... slagging and bagging of members ...'	6 July 2011	7785
'...when you lie to the Australian people via the media...'	7 July 2011	8050
' ... because the Prime Minister lied to those Australians.'	7 July 2011	8063
'... the Prime Minister deliberately misled the Australian people.'	7 July 2011	8063
'The charlatan, the spiv or the climbing on the back of workers ...'	7 July 2011	8067

SOs 89, 90, 92