

Procedural Digest

No. 91*12 – 22 September 2011*

<i>September 2011</i>				
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Bills

91.01 *Prime Minister introduces first bill in Clean Energy legislation package*

On 13 September, the House met at 12 noon, in accordance with a motion agreed to at the previous sitting (see entry **91.18**). The Prime Minister introduced the Clean Energy Bill 2011, the first of 19 bills in the Clean Energy legislation package. The other bills in the package were then introduced by the Minister for Climate Change and Energy Efficiency, the Treasurer and the Minister for Families, Housing, Community Services and Indigenous Affairs.

Note: While allowed by the standing orders, it is rare for a Prime Minister to introduce a bill (see entry **83.01** for a previous occurrence).

Hansard: 13 September 2011, 9845-73
Votes and Proceedings: 2010-11/875-8

SOs 141, 142

91.02 *‘Programming’ motion moved on notice*

On the same day the Clean Energy legislation package was introduced, the Leader of the House moved, pursuant to notice, a ‘programming’ motion. The motion required that so much of standing and sessional orders be suspended as would prevent a concurrent second reading debate on the nineteen bills contained in the package. The programming motion also prescribed the number of questions allowed on second reading amendments, consideration in detail amendments, and those put on the remaining stages of the bills. In accordance with the motion, the Steel Transformation Plan Bill 2011 would be treated separately to all other bills in the package, following the second reading debate.

The motion required the second reading debate to be concluded no later than 11 October 2011. Following the debate, one question would be put on any second reading amendments proposed by the Opposition, any necessary questions on amendments moved by other Members, and one question on the second reading of all the bills together.

With respect to the consideration in detail stage, to be concluded no later than Wednesday 12 October 2011, one question would be put on all Government amendments, one question would be put on all Opposition amendments, and any necessary questions would be put on amendments moved by any other Member. Further questions necessary to complete the detail stage would then be put. The motion outlined separate requirements for the consideration in detail stage of the Steel Transformation Plan Bill 2011.

An Opposition amendment to the motion was negated on division. The question on the original motion was then agreed to on division (70 'ayes' to 69 'noes'). (Had the motion to suspend standing orders not been moved on notice, it would have required an absolute majority—that is, 76 Members—to pass, in accordance with standing order 47.)

Note: The suspension of standing orders to 'program' the passage of a bill may be likened to a kind of guillotine (see 5th edition of *House of Representatives Practice* at p. 384, and entries **86.01** and **87.02** for other recent occurrences).

Hansard: 13 September 2011, 9937-46, 9959-61

Votes and Proceedings: 2010-11/884-6, 887-9

SOs 34, 47, 106, 118, 142, 145, 148, 150, 155, 180, 182

91.03 *Opposition amendments negated to Parliamentary Budget Officer bill over successive sittings*

On 13 September, during consideration in detail of the Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2011, the Shadow Treasurer moved Opposition amendment (1) and debate ensued.

On 19 September, debate resumed on the bill and on the Opposition amendment. In the course of debate, an Opposition Member refused to withdraw an imputation on the Deputy Speaker's request. The Deputy Speaker instructed the Opposition Member to resume her seat. The amendment was negated on division and debate on the bill adjourned.

The following evening, debate resumed on the bill and the Shadow Treasurer moved amendment (2) circulated in his name. At 9.30 pm, and in accordance with standing order 31, the Deputy Speaker proposed that the House adjourn. On the motion of the Leader of the House, the question was put without debate and negated on division. Consideration in detail resumed and the question that the amendment be agreed to was put and negated on division. In succession, the Shadow Treasurer moved Opposition amendments (3) to (5) together, by leave; (6) and (7) together, by leave; (8), (10) and (11) together, by leave; (9) and (12). Each of the amendments was negated on division. The question that the bill be agreed to was put and resolved in the affirmative on division. On the motion of

the Parliamentary Secretary to the Treasurer, by leave, the bill was read a third time.

Hansard: 13 September 2011, 9961-76; 19 September 2011, 10499-10535;
20 September 2011, 10882-10939
Votes and Proceedings: 2010-11/889, 918-9; 930-9

SOs 60, 148, 150, 155

91.04 *Revised draft regulations presented*

The Minister for Indigenous Health presented a final version of the draft Tobacco Plain Packaging Regulations 2011. The Minister noted that the regulations replaced the previous draft regulations tabled on 6 July 2011 (*see entry 89.02*).

Hansard: 22 September 2011, 11165
Votes and Proceedings: 2010-11/948

SO 199

Business

91.05 *Statements by indulgence on the '9/11 Terrorist Attacks'*

The Prime Minister and the Leader of the Opposition made statements by indulgence on the ten-year anniversary of terrorist attacks in the United States on 11 September 2001. The Prime Minister tabled a letter received the evening before from the President of the United States of America, Barack Obama. As a mark of respect and to indicate the House's support for these comments, all Members rose in their places. The Deputy Leader of the House then moved that further statements by indulgence on the matter be permitted in the Main Committee and the motion was agreed to.

Hansard: 12 September 2011, 9600-2
Votes and Proceedings: 2010-11/860

SOs 65, 183, 199

91.06 *Condolence motion moved prior to question time – death of former Member announced*

At 2 pm on 13 September 2011, the Prime Minister moved a condolence motion in relation to the death of the Hon. David Francis Jull. In accordance with standing order 49, the condolence motion took precedence over other business, including questions without notice. The Prime Minister's remarks were endorsed by the Leader of the Opposition. All Members present rose in silence as a mark of respect. Debate was adjourned and the order of the day referred to the Main Committee for further debate.

Hansard: 13 September 2011, 9875-7
Votes and Proceedings: 2010-11/879

SOs 34, 49, 183

Committees

91.07 *Reports discharging committee inquiries*

The Chair of the Joint Select Committee on Gambling Reform presented the Committee's final reports on the Poker Machine Harm Reduction Tax (Administration) Bill 2008 and the Poker Machine (Reduced Losses—Interim Measures) Bill 2010 and, by leave, made a statement in connection with the reports. The Chair explained that the Committee had decided to discharge the inquiries given the work already undertaken by the Committee in its first inquiry and report, and the work similarly undertaken by the Senate Standing Committee on Community Affairs.

House Hansard: 12 September 2011, 9570-1

Senate Hansard: 12 September 2011, 5739

Votes and Proceedings: 2010-11/859

Senate Journals: 2010-11/1414

SOs 39, 222

91.08 *Resolution to appoint a Joint Select Committee on Australia's Clean Energy Future Legislation*

The Leader of the House moved a motion on notice to appoint a Joint Select Committee on Australia's Clean Energy Future Legislation to inquire into the provisions of the legislation introduced into the House that day. As well as terms of reference and operating parameters, the resolution specified the membership of the Committee and a date for presentation of its final report (4 October 2011).

The Manager of Opposition Business moved an amendment to the motion to alter the membership of the Committee. To this amendment, the Leader of the House proposed a further amendment which was agreed to on division. The Manager of Opposition Business' amendment, as amended, was then agreed to.

A further Opposition amendment, to extend the Committee's reporting date (to 7 October 2011), was proposed and agreed to on the voices. The original motion, as amended, was agreed to on division.

Hansard: 13 September 2011, 9916-37

Votes and Proceedings: 2010-11/881-4

SO 223

91.09 *Joint committee report to be debated in the Main Committee*

The Leader of the House, by leave, moved that the House take note of the Joint Standing Committee on the National Broadband Network report tabled out of session on 31 August. Debate was adjourned and resumption of debate made an order of the day for the next sitting. The Minister then, by leave, moved that the order of the day be referred to the Main Committee for debate and the question was agreed to on the voices.

Hansard: 14 September 2011, 10094
Votes and Proceedings: 2010-11/892

SOs 183, 199, 202

91.10 *Statements made in connection with a committee inquiry*

Pursuant to standing order 39(a), the Deputy Chair of the Standing Committee on Regional Australia and another committee member made short statements in connection with the current inquiry into 'fly-in, fly-out' workforce practices.

Note: Standing Order 39 (a) provides for the Chair or Deputy Chair to make a statement in relation to an inquiry.

Hansard: 19 September 2011, 10423-5
Votes and Proceedings: 2010-11/915

SOs 39, 215

91.11 *Senate amendment to resolution of appointment of joint select committee*

A message was received from the Senate, seeking the concurrence of the House to an amendment to the resolution of appointment of the Joint Select Committee on Cyber-Safety. The amendment sought to extend the reporting date of the Committee's final report to 30 April 2013. The consideration of the message was made an order of the day for the next sitting.

Note: The Joint Select Committee on Cyber Safety was established on 25 February 2010 (see entry **75.07**) and its resolution of appointment was previously amended on 16 November 2010 (see entry **82.20**).

Hansard: 19 September 2011, 10448-9
Votes and Proceedings: 2010-11/917

SOs 224, 261

91.12 *Treaties Committee report presented by a committee member*

During committee and delegation business time, a member of the Joint Standing Committee on Treaties presented *Report 119: Treaty tabled on 5 July 2011*.

Note: While it is in order for a committee member to present a report, the task is usually left to the Chair or Deputy Chair of the committee. In this case, the Chair

of the Committee was away on parliamentary business overseas and the Deputy Chair is a Senator.

Hansard: 19 September 2011, 10560-1
Votes and Proceedings: 2010-11/920

SO 226

91.13 *Senate varies terms of reference of Electoral Matters Committee inquiry*

A message from the Senate was reported transmitting a resolution to extend the time for presentation of the Joint Standing Committee on Electoral Matters' report on the funding of political parties and election campaigns.

Note: Concurrence of the House was not required because the inquiry was originally referred by the Senate.

Hansard: 22 September 2011, 11157
Votes and Proceedings: 2010-11/947

SOs 224, 261

Main Committee

91.14 *Main Committee suspended due to lack of quorum*

During private Members' business time, the Deputy Speaker noted that a quorum was not present, and suspended proceedings at approximately 6.29 pm. A quorum being present at 6.33 pm, the Chair was resumed and proceedings continued.

Hansard: 19 September 2011, 10672
Votes and Proceedings: 2010-11/925

SOs 184, 190

Matter of Public Importance

91.15 *Deputy Speaker directs Members to leave during matter of public importance*

During the discussion of a matter of public importance on 20 September 2011, the Deputy Speaker directed two Members to leave the Chamber for one hour for continuing to interject after a warning had been given from the Chair.

Hansard: 20 September 2011, 10827-8
Votes and Proceedings: 2010-11/929

SOs 91, 94

91.16 *Business of the day called on – matter of public importance not discussed*

Following question time, the Speaker informed the House that a definite matter of public importance had been submitted by an Opposition Member. The proposed discussion received the necessary support (of at least 8 Members). As the Opposition Member rose to address the House, the Leader of the House moved that the business of the day be called on. The question was put and agreed to on division.

*Hansard: 22 September 2011, 11244-5
Votes and Proceedings: 2010-11/950-1*

SO 46

Members

91.17 *Leave of absence*

On 13 September, on the motions of the Chief Government Whip and the Chief Opposition Whip, the House granted a leave of absence to two Members for parliamentary business overseas.

*Hansard: 13 September 2011, 9915
Votes and Proceedings: 2010-11/880*

SO 26

Order of Business

91.18 *House to meet early and government business given priority*

On Monday 12 September, the Leader of the House moved, by leave, that the time and order of business for the following sitting day be changed. The motion required that the House meet at 12 noon and that priority be given to government business between 12 noon and 2 pm. The Leader of the House advised that the motion would facilitate the introduction of the Clean Energy legislation package. The question was agreed to on the voices.

Note: The House usually meets at 2 pm on Tuesdays.

*Hansard: 12 September 2011, 9624
Votes and Proceedings: 2010-11/861*

SOs 29, 30, 34, 63

91.19 *House to meet early and government business given priority*

The Leader of the House moved, pursuant to notice, a motion to suspend standing orders to enable changes to the time and order of business for Tuesday 20 September 2011. The motion required that the House meet at 9 am (rather than 2 pm), that priority be given to government business until 2 pm, and that any divisions called for in that time by Members other than Ministers be deferred until

the conclusion of the discussion of a matter of public importance. The Leader of the House advised that these arrangements had been made to allow more time for debate on the Clean Energy legislation package. Following debate, the question was agreed to on the voices.

Hansard: 15 September 2011, 10259-64

Votes and Proceedings: 2010-11/899

SOs 29, 30, 34, 47

91.20 *House to meet early and government business given priority*

On Wednesday 21 September, the Leader of the House moved, pursuant to notice, a motion to suspend standing orders to enable changes to the time and order of business for Tuesday 11 October 2011. Like the motion moved the week before (see entry **91.19**) the motion required that the House meet at 9 am (rather than 2 pm), that priority be given to government business until 2 pm, and that any divisions called for in that time by Members other than Ministers be deferred until the conclusion of the discussion of a matter of public importance. Debate on the motion ensued until 7 pm, at which time the Deputy Speaker proposed that the House adjourn and the adjournment debate commenced.

Hansard: 21 September 2011, 11067-86

Votes and Proceedings: 2010-11/944

SOs 29, 30, 31, 34, 47

Private Members' Business

91.21 *Reference of private Member's bills to Main Committee*

On 12 September the Chief Government Whip, by leave, moved that the Parliamentary Budget Office Bill 2011 and the Charter of Budget Honesty Amendment Bill 2011 (both private Member's bills) stand referred to the Main Committee for further consideration at the interruption of private Members' business at noon that day. The question was agreed to. This was prior to the second reading being moved on the bills, which occurred later that day.

Hansard: 12 September 2011, 9535

Votes and Proceedings: 2010-11/857

SOs 41, 143

91.22 *Leader of the Opposition presents third version of a bill*

The Leader of the Opposition presented, pursuant to notice, the Wild Rivers (Environmental Management) Bill 2011. In presenting the bill, the Leader of the Opposition remarked that this was the third time he had presented substantially the same bill, as previous versions had been removed from the *Notice Paper* in accordance with standing order 42.

Note: The Selection Committee had determined that the bill be presented on 12 September 2011 and that its presenter be allowed to speak for 10 minutes in its report No. 29, presented on 24 August 2011.

Hansard: 12 September 2011, 9549-50

Votes and Proceedings: 2010-11/858

SOs 41, 42, 222

91.23 *Private Member's bills debated cognately in House and Main Committee*

On 12 September, motions for the second reading were moved consecutively on the Parliamentary Budget Office Bill 2011 and the Charter of Budget Honesty Amendment Bill 2011. Debate ensued on the second bill in the package and the two bills were debated cognately. Later, in the Main Committee, the second bill in the package was called on to allow the cognate debate to continue.

Note: The Selection Committee had allotted forty minutes for the cognate debate in the House and another forty minutes in the Main Committee, in its report No. 29, presented on 24 August 2011.

Hansard: 12 September 2011, 9550-9, 9793-7

Votes and Proceedings: 2010-11/858, 870

SOs 41, 222

91.24 *Rearrangement of private Members' business*

During private Members' business time, an Opposition Member moved that an order of the day be postponed until the next sitting. The postponement had been moved at the request of the Member in whose name the notice stood, pursuant to standing order 113.

Hansard: 12 September 2011, 9695

Votes and Proceedings: 2010-11/863-4

SOs 41, 113

91.25 *Private Member's bill considered in detail*

The Auditor-General Amendment Bill 2011 was read a second time on 7 July 2011 (*see entry 89.13*). As determined by the Selection Committee in its report No. 29, time was allotted for consideration in detail of the bill in the Main Committee on 12 September 2011. The bill, by leave, was taken as a whole and to facilitate the discussion, the Deputy Speaker proposed that the question on each amendment or group of amendments be deferred until the conclusion of debate on all amendments.

An Opposition Member moved, by leave, Opposition amendments (1) to (3) together. A Government Member, by leave, presented a supplementary explanatory memorandum and moved Government amendment (1). Debate on the amendments then ensued until the time allotted by the Selection Committee

had expired. The debate was adjourned and the resumption of debate made an order of the day for the next sitting.

Hansard: 12 September 2011, 9722-36

Votes and Proceedings: 2010-11/868

SOs 41, 148, 149, 150, 222

91.26 *Private Member's bill discharged by Senate*

On 13 September, the Nationals Whip in the Senate moved to discharge the Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2011 from the Senate Notice Paper. The question was agreed to on the voices. The bill was passed by the House of Representatives on 10 February 2011 (see entry 83.10).

Senate Hansard: 13 September 2011, 5906

Senate Journals: 2010-11/1437

SOs 37, 41, 42

91.27 *Six items of private Members' business voted on during government business time, including third reading of a bill*

On the motion of the Leader of the House, four items of private Members' business were reported from the Main Committee for further consideration. The Leader of the House then moved, by leave, to suspend standing and sessional orders to enable these, and another two items of private Members' business, to be considered immediately (in government business time):

- to the first order of the day—a motion concerning foetal alcohol spectrum disorder—an amendment was proposed by the sponsoring Member. The amendment, and the motion, as amended, were agreed to on the voices;
- the second order of the day—concerning the New South Wales sugar industry—was agreed to on the voices;
- when the third order of the day—a motion seeking to establish an inquiry into bank note bribery allegations—was called on, debate resumed briefly. With less than five Members voting on the side for the 'ayes' when a division was called for, the names of those in the minority were recorded in the Votes and Proceedings and the question that the motion be agreed to was negatived;
- the fourth order of the day continued the consideration in detail of the Auditor-General Amendment Bill 2011 (see entry 91.25). The question that Opposition amendments (1) to (3) be agreed to was put and negatived on division. The question that the Government amendment be agreed to was put and resolved in the affirmative on division. The bill, as amended, was then agreed to on division. Following some debate, the question that the bill be read a third time was put and agreed to on division;

- to the fifth order of the day—a motion concerning early childhood learning—a non-aligned Member moved an amendment. The amendment was seconded, and negatived. The original motion was agreed to on division; and
- the sixth order of the day—the second reading of the Leader of the Opposition’s Carbon Tax Plebiscite Bill 2011—was negatived on division.

Hansard: 15 September 2011, 10290-10301

Votes and Proceedings: 2010-11/901-10

SOs 41, 47, 63, 110, 116, 118, 142, 150, 155

91.28 *Private Member presents bill identical to private Senator’s bill*

A private Member presented the Constitutional Corporations (Farm Gate to Plate) Bill 2011 six days after an identical bill was presented in the Senate by a private Senator. The private Senator’s bill had not been passed by the Senate and remained on the Senate Notice Paper.

Hansard: 19 September 2011, 10425-7

Senate Hansard: 13 September 2011, 5906-7

Votes and Proceedings: 2010-11/915

Senate Journals: 2010-11/1437

SOs 41, 141

91.29 *Second reading debate on Leader of Opposition’s bill*

The Chief Opposition Whip, by leave, for the Leader of the Opposition, moved the second reading of the Wild Rivers (Environmental Management) Bill 2011. The bill had been presented by the Leader of Opposition at a previous sitting. The Chief Opposition Whip and other Members spoke before debate was adjourned and made an order of the day for the next sitting.

Note: The Selection Committee had allocated a time to debate this bill in its report No. 31, presented on 14 September 2011.

Hansard: 19 September 2011, 10437-48

Votes and Proceedings: 2010-11/916

SO 41

Questions

91.30 *Question ruled out of order – part of another question ruled out of order*

During question time, the Manager of Opposition Business asked the Prime Minister a question which asked her to reconcile remarks she had recently made about the High Court Chief Justice with those made about a member of her party. Following two points of order, the Speaker ruled the question out of order.

The next question was to the Minister for Families, Housing, Community Services and Indigenous Affairs. The Speaker ruled that the last two parts of the question (relating to 'risks' and the Government's response thereto) were out of order, but allowed the first part. The Speaker enforced the ruling during the Minister's response.

Hansard: 14 September 2011, 10082-4

SOs 98, 100, 101

91.31 *Two supplementary questions ruled out of order*

Following a question from a Government Member to the Minister for Climate Change and Energy Efficiency, the Leader of the Opposition sought to ask a supplementary question of the Minister. The Speaker ruled that the supplementary question was out of order as it related to a question from a Government Member.

The Speaker then gave the call to an Opposition Member who asked a question of the Prime Minister. At the conclusion of the Prime Minister's answer, the Leader of the Opposition asked a supplementary question of the Prime Minister, 'based on the answer she [had] just given.' Following a point of order, the Speaker ruled the question out of order, on the basis of principles he had laid out at an earlier sitting (see *HR Debates* 20.10.10, p. 859 and pp. 939-40).

Hansard: 15 September 2011, 10330, 10332

SOs 98, 100, 101

91.32 *Opposition question ruled out of order*

During question time, the Manager of Opposition Business asked the Prime Minister a question contrasting the behaviour of a backbench Member and a member of the national executive of the Australian Labor Party. Following a point of order, the Speaker ruled the question out of order, on the basis that backbench Members were not the responsibility of the Prime Minister.

Hansard: 21 September 2011, 11030-2

SOs 98, 100, 101

Withdrawals

91.33 *Offensive words*

	Hansard	
	<i>Date</i>	<i>Page</i>
<i>unrecorded</i>	12 September 2011	9607
'The fact is that the Treasurer and the Prime Minister cannot risk being exposed, yet again, for making yet another lie.'	12 September 2011	9824
'That is a lie, and they know it is a lie.'	13 September 2011	9891
'...lie...'	13 September 2011	9897
<i>unrecorded</i>	13 September 2011	9899
'And he's an idiot!'	13 September 2011	9905
'I know the Leader of the House has rigged a few elections internally in the Labor Party over the years and has rigged a few outcomes...'	13 September 2011	9922
<i>unrecorded</i>	14 September 2011	10082
<i>unrecorded</i>	14 September 2011	10082
'It is not only the member for North Sydney who is deliberately misleading us in this debate.'	14 September 2011	10104
'...a Prime Minister was re-elected by one of the most calculated deceptions...'	14 September 2011	10137
'...lied...'	15 September 2011	10262
'That's a lie, Mr Speaker.'	15 September 2011	10346
<i>unrecorded</i>	15 September 2011	10347
<i>unrecorded</i>	15 September 2011	10347-8
<i>unrecorded</i>	15 September 2011	10350
'What a fraud – what an absolute hoax.'	15 September 2011	10353-4
'This deceitful Prime Minister.'	15 September 2011	10357
'...the Prime Minister lied to our country before the election...'	19 September 2011	10456
<i>unrecorded</i>	19 September 2011	10531
'...lie...'	19 September 2011	10551

<i>unrecorded</i>	20 September 2011	10898
'...you treating with contempt the Charter of Budget Honesty.'	20 September 2011	10908
<i>unrecorded</i>	21 September 2011	11038
'...in the interests of their grubby attempt to fundraise, we are unable to proceed with other votes because they want to get out of the House, again demonstrating that if they cannot run the country they will wreck the parliament and that if we cannot govern in the national interest we have to put their interests first.'	22 September 2011	11262

SOs 89, 90, 92