

Procedural Digest

No. 86*10–12 May 2011*

<i>May 2011</i>				
M	T	W	T	F
2	3	4	5	6
9	10	11	12	13

Bills

86.01 *Presentation of Budget and additional appropriation bills – ‘programming motion’ moved and agreed to*

On 10 May, the Treasurer presented Appropriation Bill (No. 1) 2011-2012, moved the second reading and delivered the budget speech. After the Treasurer had presented associated documents and statements, the Assistant Treasurer presented Appropriation Bill (No. 2) 2011-2012 and Appropriation (Parliamentary Departments) Bill (No. 1) 2011-2012. An explanatory memorandum was presented with each of these bills, although under the standing orders, this was not required.

Pursuant to standing order 180(b), the Speaker announced receipt of a message from the Governor-General recommending appropriation before each bill was presented.

Before the House adjourned, the Leader of the House was granted leave to move a motion relating to the arrangement of a cognate debate on the appropriation bills when agreed to. The motion suspended so much of standing and sessional orders as would prevent a cognate debate for all three bills and separate questions for the second readings or other motions necessary to conclude consideration of Appropriation Bill (No. 2) 2011-12 and Appropriation (Parliamentary Departments) Bill (No. 1) 2011-12.

Hansard: 10 May 2011, 3468-76

Votes and Proceedings: 2010-11/483-4

SOs 47, 63, 141, 147, 178, 180, 182

86.02 *Opposition consideration in detail amendments considered twice*

In concluding the second reading debate on the Corporations Amendment (Improving Accountability on Director and Executive Remuneration) Bill 2011, the Parliamentary Secretary to the Treasurer remarked on the Opposition's proposed consideration in detail amendments. Following a point of order, the Chair allowed the discussion. The Parliamentary Secretary further commented on the amendments once they had been moved in the consideration in detail stage of the bill. The question on the Opposition amendments was put and negatived. The Government subsequently moved, by leave, its amendments and presented a supplementary explanatory memorandum. The question on the amendments was agreed to on the voices, and the bill, as amended, was agreed to. The bill was then read a third time.

Note: Debate on the motion for the second reading is not always limited to the contents of the bill and may include 'the necessity for, or alternatives to, the bill's provisions' (*House of Representatives Practice*, p. 343).

Hansard: 12 May 2011, 3810-19
Votes and Proceedings: 2010-11/509-10

SOs 142, 148, 149, 150, 155

Business

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

At 2 pm on 10 May 2011, the Prime Minister moved a condolence motion in relation to the death of Mr Lionel Edward Rose, MBE. In accordance with standing order 49, the condolence motion took precedence over other business, including questions without notice. The motion was seconded 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.

The Speaker then informed the House of the death of the Hon. David Bruce Cowan, OAM, a former Member of the House. All Members present rose in silence as a mark of respect. The 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: 10 May 2011, 3413-4
Votes and Proceedings: 2010-11/477

SOs 34, 49, 65, 183

86.04 *Statements by indulgence on Mr Claude Stanley Choules*

The Prime Minister and the Leader of the Opposition made statements by indulgence on the death of the last known veteran to have served in the First World War, Mr Claude Stanley Choules. As a mark of respect and to indicate the House's support for these comments, all Members rose in their places. The 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: 10 May 2011, 3415
Votes and Proceedings: 2010-11/477

SOs 65, 183

86.05 *Ministerial statements by indulgence*

Immediately prior to question time, the Prime Minister and the Leader of the Opposition made statements by indulgence on the death of Osama Bin Laden, and the wedding of Prince William and Ms Catherine Middleton.

Hansard: 10 May 2011, 3416-7

SO 65

86.06 *Motion to suspend standing orders to allow an explanation by the Prime Minister*

On 10 May, the Leader of the Opposition moved, during question time, that so much of standing and sessional orders be suspended as would prevent him from moving motion a requiring an explanation by the Prime Minister.

During the debate, on a point of order, the Leader of the Opposition noted that the remarks of the Leader of the House were not limited to the purpose of the suspension. In response, the Speaker noted that, in future, he would direct all speakers to relate their remarks to the question (*see also 84.09*).

The time allowed for the debate having expired, the question on the motion was put. The House divided and the motion was negatived. The Prime Minister then asked that further questions be placed on the *Notice Paper*.

Hansard: 10 May 2011, 3425-32
Votes and Proceedings: 2010-11/478-9

SOs 1, 34, 47, 76

86.07 *Ministerial statement by leave regarding the sentence of Mr Scott Rush*

Debate on a bill was briefly interrupted to allow the Minister for Foreign Affairs to make a statement, by leave. The Minister informed the House of a decision of the Indonesian Supreme Court to accept an appeal to the death sentence of Mr Scott Rush (one of the Bali Nine). The Deputy Leader of the Opposition, by leave, made a statement in support of the Minister's comments.

Note: The specific questions raised in the motion were subsequently put to the Prime Minister during question time.

Hansard: 10 May 2011, 3465-6
Votes and Proceedings: 2010-11/483

SOs 1, 34, 63

86.08 *Minister speaks in adjournment debate*

On Tuesday 11 May 2011, the Minister for Defence was the last Government Member to speak in the adjournment debate in the Main Committee.

Note: While a Minister is not technically excluded from participating in an adjournment debate, the period is usually regarded as an opportunity for private Members. It has become convention to give preference for the call to backbenchers over front benchers from the same side of the House, and for the Chair to recognise a Minister when no other Member rises to speak.

Hansard: 11 May 2011, 3671-3

SOs 76, 191

86.09 *Ministerial statement prior to the introduction of a bill*

On 12 May, the Minister for Defence made a Ministerial Statement on Afghanistan, by leave, before he was scheduled to introduce a bill on military justice. Leave was granted for the Opposition spokesperson on defence to make a statement for an equivalent period of time.

Note: While a Minister may make a statement at any time, if leave is granted, time is allotted following question time in the order of business.

Hansard: 12 May 2011, 3787-96
Votes and Proceedings: 2010-11/506

SOs 1, 34, 63

86.10 *Motion to suspend standing orders to allow an explanation by the Treasurer*

Following the acknowledgement of country and prayers, an Opposition Member moved that so much of standing and sessional orders be suspended as would prevent him from moving a motion requiring an explanation by the Treasurer.

Having unsuccessfully raised a point of order, the Leader of the House moved 'that the member be no longer heard'. The House divided on the question and it was resolved in the negative. The motion having been seconded, the Leader of the House again moved 'that the member be no longer heard'. The House divided on the question and it was also resolved in the negative. Debate continued until the time allotted for the debate under standing order 1 expired. The question on the motion to suspend standing orders was put and resolved in the negative on division.

Note: The specific questions raised in the motion were subsequently put to the Prime Minister during question time.

Hansard: 12 May 2011, 3783-7
Votes and Proceedings: 2010-11/503-6

SOs 1, 47, 80

86.11 *Manager of Opposition Business makes a statement by indulgence*

Following reports from the Main Committee, the Manager of Opposition Business made a statement, on indulgence, regarding a response from the Minister for Mental Health and Ageing to a question without notice.

Hansard: 12 May 2011, 3891

SO 65

86.12 *Standing orders suspension — Private Members' motions moved during Government business 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.

Debate resumed on two of the motions and each was passed on the voices. When a Government Member then rose to speak to his motion, the Manager of Opposition Business raised a point of order. Once the Government Member had concluded his remarks, the motion was agreed to on division.

Hansard: 12 May 2011, 3889-91
Votes and Proceedings: 2010-11/513-5

SOs 1, 34, 35, 41, 47

86.13 *Quorum called prior to suspension of sittings*

Shortly before 6 pm, an Opposition Member drew attention 'to the state of the House'. The Leader of the House, on indulgence, remarked that 'the calling of a quorum by members of the Opposition at six o'clock on the night of the budget reply potentially would stop the Leader of the Opposition from giving his budget reply at 7.30 pm.' A quorum having been formed, business intervening between current debate and the Appropriation Bill (No. 1) was postponed, and the House was suspended until 7.30 pm.

Hansard: 12 May 2011, 3902-3

SO 55, 56, 57

Committees

86.14 *Joint Select Committee on Gambling Reform presents first report*

The Chair of the Joint Select Committee on Gambling Reform presented the committee's first report entitled *The design and implementation of a mandatory pre-commitment system for electronic gaming machines*. The Chair and the Deputy Chair made statements, by leave, in connection with the first report. The Chair then moved that the House take note of the report and the matter was referred to the Main Committee.

Before the Deputy Chair spoke, an Opposition Member rose on a point of order concerning arrangements for the debate. In response to the point of order, the Second Deputy Speaker remarked that 'there being no real objection', the Deputy Chair was granted leave to speak.

Hansard: 10 May 2011, 3452-5

Votes and Proceedings: 2010-11/482

SOs 39, 63, 183, 224, 247

86.15 *First House participating member appointed*

On 10 May, Mr Neville was appointed as a participating member to the Joint Standing Committee on the National Broadband Network. Mr Neville is considered to be the first Member of the House to be appointed a participating member to any committee.

Note: While a House committee may have up to four supplementary members, there is not currently provision for participating members. The appointment of

participating members is a Senate practice, extended to joint committees in the 43rd Parliament.

Hansard: 10 May 2011, 3451
Votes and Proceedings: 2010-11/481

SO 224

86.16 *Advisory report on bill presented*

The Chair of the Standing Committee on Education and Employment presented an advisory report on the Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011, incorporating a dissenting report. The Chair and a supplementary member of the Committee made statements, by leave.

The report included a recommendation (number 9) to amend the bill. When debate on the bill resumed at a later hour that day, the Government moved amendments (1) to (3) as proposed by the Committee. The question on the amendments was put and passed, and the bill, as amended, read a third time.

Note: The Selection Committee had determined that the bill be referred to the Committee in its report No. 18 presented on 24 March 2011.

Hansard: 11 May 2011, 3512-6; 3648-9
Votes and Proceedings: 2010-11/493; 497-8

SOs 143, 148, 150, 215, 222

86.17 *Amendments proposed to a committee's resolution of appointment for the purposes of an inquiry*

On 11 May, the Deputy Speaker reported a message from the Senate transmitting for the House's concurrence a resolution referring an inquiry to the Joint Standing Committee on Electoral Matters, and amending the Committee's resolution of appointment for the purposes of the inquiry. On the motion of the Special Minister of State, the message was considered immediately. The Minister then moved that the House concur with the resolution, with an amendment (to allow for the appointment of participating members). The question was agreed to on the voices.

Note: The Senate transmitted its concurrence of the House's amendment by message on Thursday 12 May 2011, and appointed 51 participating members.

Hansard: 11 May 2011, 3623-4
Votes and Proceedings: 2010-11/496-7

SOs 224, 261

86.18 *First report of the Appropriations and Administration committee*

On 12 May, the Speaker presented the first report of the House Standing Committee on Appropriations and Administration and made a statement in connection with the report.

The committee was appointed at the beginning of the 43rd Parliament, and is chaired by the Speaker (*see entry 80.25*).

Hansard: 12 May 2011, 3868
Votes and Proceedings: 2010-11/511

SOs 222A, 247

86.19 *Bill referred to committee – committee’s report presented the following day*

In its report (No. 19), present on 11 May, the Selection Committee determined that the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 be referred to the Standing Committee on Social Policy and Legal Affairs.

The following day, the Chair of the Standing Committee on Social Policy and Legal Affairs presented the committee’s unanimous report stating it would not further inquire into the bill. In the report the committee noted that the bill was, at that time, the subject of a Senate inquiry and the committee did not consider it could ‘significantly add to the work’ being undertaken by that committee.

Hansard: 12 May 2011, 3892
Votes and Proceedings: 2010-11/515

SOs 39, 143, 215, 222, 247

86.20 *Committee report presented during Government business time*

The Chair of the Standing Committee on Economics presented the committee’s report on the inquiry into Indigenous economic development in Queensland and the advisory report on the Wild Rivers (Environmental Management) Bill 2010. The Chair and the Deputy Chair made statements, by leave, in connection with the report. The Chair then moved that the House take note of the report and the matter was referred to the Main Committee.

Note: Although leave may be denied by one Member, once it is granted, it cannot be withdrawn and a ‘closure’ motion may not be moved.

Hansard: 12 May 2011, 3892-900
Votes and Proceedings: 2010-11/516
SOs 39, 63, 143, 183, 215, 222, 247

Matters of Public Importance

86.21 *Two matters of public importance proposed for discussion*

Having received two proposals for a discussion of a matter of public importance by noon on 12 May, the Speaker chose the matter proposed by an independent Member in preference to that proposed by an Opposition Member. The relevant standing order requires the Speaker to exercise his or her opinion on urgency and importance when more than one matter is proposed.

While a matter of public importance requires the support of eight members, all Members present in the Chamber rose to support the matter proposed by the independent Member.

Hansard: 12 May 2011, 3869-88
Votes and Proceedings: 2010-11/512

SO 46

Order of Business

86.22 *Early adjournment*

At 8.08 pm on Tuesday 10 May, following the presentation of the Appropriation bills, a Minister moved 'That the House do now adjourn'. The question was put and passed without debate, and the House adjourned.

Note: While the House usually sits until 10.30 pm on Tuesdays, a minister may move adjournment of the House without notice.

Hansard: 10 May 2011, 3476
Votes and Proceedings: 2010-11/485

SOs 29, 32, 34

86.23 *Suspension of standing order 31 for Budget reply speech*

The Leader of the House, by leave, moved that standing order 31 (automatic adjournment of the House) be suspended for the sitting on Thursday, 12 May 2011, to allow the House to adjourn automatically after the budget reply speech by the Leader of the Opposition. The motion was agreed to on the voices.

Note: While the Leader of the House had given notice of his intention to move this motion, he sought leave of the House to move it outside Government business time.

Hansard: 11 May 2011, 3607
Votes and Proceedings: 2010-11/496

SOs 31, 47, 63

Speaker

86.24 *Speaker's statement regarding behaviour on budget and budget reply nights*

Following question time on 10 May, the Speaker made some general remarks concerning chamber arrangements for budget night and budget reply night. He asked Members to ensure that guests arrived in a timely way. The Speaker warned that he would be upholding the principle that a Member with the call is entitled to speak without interruption. Accordingly, security staff would be directed to remove from the galleries any individuals who intervened in proceedings and offending Members would be directed to leave the Chamber under standing order 94(a), by written note.

Hansard: 10 May 2011, 3432

SOs 3, 91, 92, 94

86.25 *Speaker's statement regarding budget debate*

Immediately prior to the budget reply speech, the Speaker reminded the House that it had been agreed a 'general debate' be allowed on the Appropriations bills.

Hansard: 12 May 2011, 3903

SOs 60, 76

Withdrawals

86.26 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
<i>unrecorded</i>	10 May 2011	3421
'the clown over there, the shadow minister, just says ...'	11 May 2011	3598
<i>unrecorded</i>	11 May 2011	3711
'All feathers, no meat!'	12 May 2011	3866
<i>unrecorded</i>	12 May 2011	3894

SOs 89, 90, 92