House of Representatives

Procedural Digest

No. 94

17-24 November 2011

November 2011					
M	T	W	T	F	
14	15	16	17	18	
21	22	23	24	24	

Bills

94.01 Senate bill introduced and referred to the Main Committee

The House received a message from the Senate transmitting for concurrence the Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011. The bill was read a first time and the second reading made an order of the day for a later hour. The bill was then referred to the Main Committee where, later, the Minister for Infrastructure and Transport presented an explanatory memorandum, moved the second reading, and made a second reading speech. Debate ensued. The bill was then read a second time and returned to the House without amendment.

The following day, the bill was reported to the House and read a third time.

Hansard: 22 November 2011, 13228; 13477-84; 23 November 2011, 13590 Votes and Proceedings: 2010-11/1080; 1116; 1127

SOs 141, 142, 143, 166

94.02 Extended sitting for passage of the Minerals Resource Rent Tax Bill 2011 and related bills

On 22 November 2011, during second reading debate of the Minerals Resource Rent Tax Bill 2011 and ten related bills, a non-aligned Member moved an amendment to the Minerals Resource Rent Tax Bill 2011. The House divided on the question that the amendment be agreed to and with fewer than five Members voting 'Aye', the Deputy Speaker declared the question resolved in the negative. In accordance with standing order 127, the names of the Members voting in the minority were recorded in the Votes and Proceedings.

Later, during consideration in detail of the Minerals Resource Rent Tax Bill 2011, a non-aligned Member moved a motion to suspend standing orders to allow him to move amendments which would increase the scope of a charge to the bill. The Speaker ruled the motion out of order and explained that the proposed action would be contrary to standing order 179, which provides that only a Minister may initiate a proposal to change the scope of any charge and only a Minister may move an amendment to a proposal that increases or extends the scope of the proposed charge.

The Minerals Resource Rent Tax Bill 2011 was then a read third time, following division. The House debated the remaining bills consecutively. Five of the bills were considered in detail and government amendments to two of the bills were agreed to on division. Amendments moved by a non-aligned Member to three of the bills were negatived on division. A division was called for on the second and third reading of each bill and each bill was passed by the House. The sitting was then adjourned, at 2.42 am.

Hansard: 22 November 2011, 13228-71, 13313-451 Votes and Proceedings: 2010-11/1080, 1082-1114

SOs 31, 33, 47, 127, 179

94.03 Correction to explanatory memorandum presented

The Minister for Defence Materiel presented a correction to the explanatory memorandum for the Stronger Futures in the Northern Territory Bill 2011.

Hansard: 23 November 2011, 13590 Votes and Proceedings: 2010-11/1128

SO 199

94.04 Senate bill introduced and passed all stages

The Social Security Legislation Amendment (Family Participation Measures) Bill 2011 was received from the Senate and read a first time. The Minister for Regional Australia, Regional Development and Local Government moved the second reading and debate, by leave, ensued. The debate was interrupted by Members' Statements at 1.45 pm.

Later, debate resumed and the bill was read a second time, with two non-aligned Members recording their dissent. Consideration in detail commenced and two Opposition amendments were negatived on the voices. The bill was then read a third time.

Hansard: 23 November 2011, 13590-601, 13649-68 Votes and Proceedings: 2010-11/1128, 1132

SOs 63, 141, 142, 148, 155, 166, 167

Business

94.05 Address by President of the United States of America

The House met at 10.26 am on 17 November, in accordance with the resolution agreed to at the previous sitting (*see* entry **93.09**). After the acknowledgement of country and prayers, the Speaker welcomed the President of the Senate and Senators to the sitting of the House.

The President of the United States of America, the Honourable Barack Obama was then announced, and welcomed by the Speaker. Following welcoming remarks

from the Prime Minister and the Leader of the Opposition, President Obama addressed Members and Senators. When President Obama had left the Chamber, the Speaker adjourned the House at 11.16 am, in accordance with the resolution of 3 November.

Note: This was a sitting of the House, not a joint meeting of the two Houses. Senators were invited (by way of a message) to attend as guests.

Hansard: 17 November 2011, 12843-52 Votes and Proceedings: 2010-11/1057-9

SO 257

94.06 Prime Minister makes ministerial statement on Afghanistan

The Prime Minister, by leave, made a ministerial statement on Afghanistan and presented a copy of the statement. Standing orders were then suspended to allow the Leader of the Opposition to respond. Following the Leader of the Opposition's response, the Leader of the House moved that the House take note of the document and debate was adjourned. He then 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: 21 November 2011, 12895-907 Votes and Proceedings: 2010-11/1063

SOs 34, 47, 63

94.07 Change to meeting time and order of business for Tuesday, 22 November 2011

The Leader of the House, by leave, moved a motion to allow the House to meet at 9 am on 22 November 2011 and that government business be accorded priority from 9 am until 2 pm. The motion also provided that any division on a question called (unless on a motion moved by a Minister) or counting of the House for a quorum, be deferred until the conclusion of the discussion of a matter of public importance, and that standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) be suspended for the sitting. The motion was agreed to on the voices.

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

Hansard: 21 November 2011, 12908 Votes and Proceedings: 2010-11/1064

SOs 31, 33, 34, 55, 111, 126

94.08 Attempted suspension of standing orders

Following the acknowledgement of country and prayers, an Opposition Member moved to suspend standing orders to allow him to move a motion requiring the Government, among other things, to release the GTEM carbon tax model.

The Leader of the House moved that the 'Member be no longer heard', and the question was negatived on division.

The motion to suspend standing orders was seconded and during the seconder's remarks, the Leader of the House moved that the 'Member be no longer heard'. The question was negatived on division. The time allotted for debate on the suspension motion expired without the question being put and the motion lapsed.

Hansard: 23 November 2011, 13531-3 Votes and Proceedings: 2010-11/1119-21

SOs 1, 34, 47, 80

94.09 Quorum calls made during Minister's second reading speeches

During the introduction of the Customs Amendment (Anti-Dumping Improvements) Bill (No.2) 2011 and the Access to Justice (Federal Jurisdiction) Amendment Bill 2011, both second reading speeches by the Minister for Home Affairs were interrupted by quorum calls by another Member.

Hansard: 23 November 2011, 13550-5

SO 55, 56, 66

Committees

94.10 Statement to discharge a committee's requirement to report

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade, by leave, made a statement discharging the Committee's requirement to provide an advisory report on the Defence Trade Controls Bill 2011 and the Customs Amendment (Military End-Use) Bill 2011. By leave, the Chair presented a copy of the statement. He explained that after consideration of the evidence, the Committee had decided not to inquire further into the bills to avoid duplication with a Senate committee inquiry.

Note: The Selection Committee had determined that the bills be referred to the Committee in its report No. 38, presented on 3 November 2011.

Hansard: 21 November 2011, 12912-3 Votes and Proceedings: 2010-11/1064

SOs 39, 199, 215, 222

94.11 *Treaties Committee report presented by a committee member*

A member of the Joint Standing Committee on Treaties presented the Committee's report entitled *Report 122: Treaties tabled on 23 August, 13 and 20 September and 13 October 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: 22 November 2011, 13311-2 Votes and Proceedings: 2010-11/1082

SOs 226, 247

94.12 Privileges and Members' Interests Committee presents report on draft code of conduct for Members of Parliament

The Chair of the Committee of Privileges and Members' Interests presented the Committee's report, entitled *Draft code of conduct for Members of Parliament: Discussion paper* and, by leave, made a statement in connection with the report. She noted that, if a code of conduct were adopted, the Committee considered it preferable that any code be in broad terms and be adopted by resolution of the House rather than by statute.

Hansard: 23 November 2011, 13640-1 Votes and Proceedings: 2010-11/1130

SOs 216, 247

94.13 Appropriations and Administration Committee presents report

The Speaker, as Chair of the Appropriations and Administration Committee, presented *Report No. 2, Annual Report 2010-11* and made a short statement in connection with the report.

Hansard: 23 November 2011, 13648 Votes and Proceedings: 2010-11/1131

SOs 216, 247

94.14 Variation to resolution of appointment of Joint Select Committee

The House concurred with a Senate resolution to extend the final reporting date of the Joint Select Committee on Cyber-Safety to 30 April 2013. The message had been reported to the House at a previous sitting (*see* entry **91.11**).

Hansard: 24 November 2011, 13766 Votes and Proceedings: 2010-11/1138

SOs 223, 224, 261

Order of business

94.15 Suspension of standing orders 31 and 33

At 4.30 pm, the question was proposed that the House adjourn. The Minster for Defence required that the question on the adjournment be put immediately without debate and the question was put and negatived. On the motion of the Minister, the House adjourned at 5.15 pm.

Hansard: 24 November 2011, 13839-50 Votes and Proceedings: 2010-11/1149

SOs 31, 33, 47, 63

Parliamentary staff

94.16 Death of a member of staff commemorated

Prior to question time on 24 November, the Prime Minister, on indulgence, informed the House of the death of Mrs Maureen Larkham, a member of staff of the Department of the House of Representatives. The Leader of the Opposition, also on indulgence, added his remarks on the death of Mrs Larkham.

Hansard: 24 November 2011, 13795-6

Private Members' business

94.17 Private Members' Business returned from Main Committee and voted on during Government business time

To facilitate the further consideration of items of private Members' business in the House that had not yet been returned from the Main Committee, the Leader of the House moved that certain Main Committee orders of the day be returned to the House. The question was agreed to.

On the motion of the Leader of the House, standing and sessional orders were suspended to enable five items of private Members' business to be called on and considered immediately (in government business time).

The first four private members' items—motions relating to the bombing of Darwin; the dairy industry; boycotts, divestment and sanctions campaign against Israel; and occasional child care funding—were agreed to on the voices.

When the fifth item—a motion relating to GST revenue for Western Australia—was called on, an amendment was moved which was negatived on division. The House then divided on the question that the motion be agreed to and with only two Members voting 'Aye', the Acting Speaker declared the question resolved in the negative and there was no count. In accordance with standing order 127, the names of the Members voting in the minority were recorded in the Votes and Proceedings.

Hansard: 24 November 2011, 13776-9

Votes and Proceedings: 2010-11/1139-1142

SOs 1, 34, 35, 41, 47, 126, 127

94.19 Senate agrees to private Member's bill

On 24 November 2011, the House received a message from the Senate, returning a private Member's bill, the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011, without amendments.

Hansard: 24 November 2011, 13834 Votes and Proceedings: 2010-11/1149

SOs 41, 175

Privilege

94.20 Speaker's statement on matter concerning Minister's second reading speech

An Opposition Member raised, as a matter of privilege, discrepancies between the Assistant Treasurer's second reading speech on the Superannuation Guarantee (Administration) Amendment Bill 2011 on 3 November, relating to abolition of the superannuation guarantee age limit, and versions of the speech on his website and in reported statements. The Member asked if it were possible for the record to be corrected and, if not, whether the matter might be referred to the Committee of Privileges and Members' Interests as a possible matter of contempt. The Speaker stated that he would consider the matter and report later to the House.

Note: The Member referred to this issue during the detail stage of the Tax Laws Amendment (Stronger, Fairer, Simpler and Other Measures) Bill 2011.

The Speaker responded the following day, having examined material provided by the Opposition Member and the *Hansard* record of the occasions on which the matter was raised in the House. The Speaker found it was not clear on the evidence available that a *prima facie* case had been made out that would cause him to give precedence to a motion to refer the matter to the Privileges Committee. The Speaker noted that the scope of the superannuation guarantee legislation was now beyond doubt, that the opposition Member had used another opportunity to debate the points raised and that this was consistent with remarks he had made previously that such differences were best pursued by Members using the various forms of the House. The Speaker also noted that an early resolution of this matter might have been assisted had the Assistant Treasurer's personal explanation made to the House on 3 November more carefully reflected upon what had been said in his speech.

Hansard: 22 November 2011, 13292-3 Votes and Proceedings: 2010-11/1080 Hansard: 23 November 2011, 13648-9 Votes and Proceedings: 2010-11/1130

SO 51

Speaker

94.21 *Speaker's resignation and election of new Speaker.*

Immediately after the acknowledgement of country and Prayers, the Speaker informed the House that he intended to tender his resignation as Speaker to the Governor-General later in the day and he then left the Chair. Proceedings continued until 12.03pm when the Acting Speaker left the Chair and the sitting was suspended until 12.43pm. When the sitting resumed, the Clerk read the Governor-General's communication to the House (that Mr Jenkins had tendered his resignation, that she had accepted it, and that she invited the House to elect a new Speaker). The Clerk conducted the election. Two Government Members moved and seconded a motion for Mr Slipper to take the Chair, and Mr Slipper stated that he accepted the nomination. The Manager of Opposition Business successively proposed nine government Members (all members of the Speaker's panel), with each proposal being seconded by an Opposition Member and each nominee declining to accept nomination.

Mr Slipper was then declared elected as Speaker and escorted to the Chair. He acknowledged the honour and took the Chair. The Prime Minister, Leader of the Opposition, two non-aligned Members and the Leader of the Nationals congratulated the Speaker.

This left the position of Deputy Speaker vacant and the Speaker conducted the election. Two Government Members moved and seconded a motion nominating Ms A. E. Burke for Deputy Speaker. The Manager of Opposition Business nominated Mr Scott, seconded by an Opposition Member. A ballot was held which resulted in 72 votes for Ms Burke and 71 votes for Mr Scott. Ms Burke was declared elected as Deputy Speaker and the Prime Minister congratulated her.

Hansard: 24 November 2011, 13741-2, 13782-95 Votes and Proceedings: 2010-11/1137, 1144-5

SOs 1, 10, 11, 12, 13, 14, 15, 17, 18, 19

Withdrawals

94.22 *Offensive words*

	Hansard	
	Date	Page
unrecorded	21 November 2011	12935
'The morons opposite'	21 November 2011	12938
'the lies that have been told'	21 November 2011	12940
'why did she lie to the Australian people'	22 November 2011	13274

unrecorded	22 November 2011	13275
'got the answer factually wrong'	22 November 2011	13288
'The member is dishonest.'	22 November 2011	13424
'deliberate misleading by the Assistant Treasurer'	22 November 2011	13425
'fraud'	23 November 2011	13627
'deception'	23 November 2011	13629
unrecorded	24 November 2011	13806

SOs 89, 90, 92