

Procedural Digest

No. 90*16–25 August 2011*

<i>August 2011</i>				
M	T	W	T	F
15	16	17	18	19
22	23	24	25	26

Bills

90.01 *Consideration in detail extended – dissent from ruling moved and withdrawn*

During consideration in detail of the National Health Reform Amendment (National Health Performance Authority) Bill 2011, the Minister for Health and Ageing presented a supplementary explanatory memorandum and was granted leave to move Government amendments (1) to (29) together. Following an exchange between the Minister and the Shadow Minister on the amendments, the Deputy Speaker put the question that the amendments be agreed to.

An Opposition Member then rose to seek the call, but the Deputy Speaker stated that he had already put the question as there had been no Members on their feet. Following a point of order, another Opposition Member advised that he would move dissent from the Deputy Speaker's ruling and debate ensued.

To assist the House, the Minister advised that she was happy for the debate on the bill to continue. The motion to dissent from the Speaker's ruling was withdrawn and consideration in detail continued for a further 40 minutes. At the conclusion of debate, the question on the amendments was put and agreed to, on division.

*Hansard: 17 August 2011, 8306-18
Votes and Proceedings: 2010-11/789-92*

SOs 86, 87, 117, 125, 148, 150, 153, 155

Business

90.02 *House meets early – ministerial statement, condolence motions and statements by indulgence given priority*

Pursuant to standing order 30(c), the House met at 1.15pm on Tuesday 16 August 2011. Priority was given to the discussion of a ministerial statement, two condolence motions and three statements on indulgence before question time.

*Hansard: 16 August 2011, 8125-39
Votes and Proceedings: 2010-11/773-4*

SOs 29, 30, 34, 49, 65

90.03 *Postponement of Government business*

On the motion, by leave, of a Government Member, business intervening before order of the day No. 5, Government business, was postponed to a later hour. A non-aligned Member then moved that the House concur with a resolution of the Senate to reduce energy use in Parliament House, and spoke briefly to the motion. The motion was seconded and agreed to.

Hansard: 17 August 2011, 8381
Votes and Proceedings: 2010-11/793

SOs 37, 261

90.04 *Motion to suspend standing orders to allow an explanation by a Member*

Following the consideration of private Members' business, the Manager of Opposition Business sought leave to move a motion requiring an explanation by the Member for Dobell. As leave was not granted, the Member moved to suspend so much of standing and sessional orders as would prevent him from moving the motion.

The Parliamentary Secretary for Agriculture, Fisheries and Forestry moved that the 'Member be no longer heard', and the question was negatived on division. The motion was seconded and further remarks made. The Leader of the House rose on a point of order, requesting the motion be ruled out of order on the grounds of it being 'overly lengthy'. The Speaker allowed the motion to proceed. The Leader of the House moved that the seconder be no longer heard, and the question was again resolved in the negative. The time allotted for the debate expired without the question on the motion being put.

Hansard: 22 August 2011, 8732-5
Votes and Proceedings: 2010-11/812-5

SOs 1, 34, 47, 80

90.05 *Two quorums called during a Member's speech*

During the second reading debate on the Schools Assistance Amendment Bill 2011 on 22 August 2011, a Government Member was interrupted by two quorum calls. A total of six quorum calls were made on that day. On 24 August 2011, another Government Member was twice interrupted by quorum calls during his contribution to the second reading debate on the Tobacco Plain Packaging Bill 2011.

Hansard: 22 August 2011, 8785-7; 24 August 2011, 9238-40

SO 55, 56, 57

90.06 *Leave denied to make a statement relating to pairing arrangements*

Following the acknowledgement of country and prayers, the Leader of the House sought leave to make a statement relating to pairing arrangements. Leave not being granted, the Leader of the House moved that so much of standing and sessional orders be suspended as would enable him to make the statement.

Following debate, the question was put and resolved in the negative, on division.

*Hansard: 24 August 2011, 9131-4
Votes and Proceedings: 2010-11/833-4*

SOs 47, 63

90.07 *Adjournment negatived to continue consideration of bill*

At approximately 7 pm, the Speaker proposed that the House adjourn. A Minister required that the question be put without debate. The question was negatived on the voices, to allow further consideration of the Tobacco Plain Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011. When the bills were each read a third time, the Minister for Health and Ageing moved that the 'House do now adjourn' and debate ensued until 8 pm.

*Hansard: 24 August 2011, 9281-92
Votes and Proceedings: 2010-11/839-41*

SOs 29, 31, 32

Committees

90.08 *Statement to discharge a committee's requirement to report*

By leave, the Chair of the Standing Committee on Education and Employment made a statement discharging the committee's requirement to provide an advisory report on the Schools Assistance Amendment Bill 2011. The Chair presented a copy of the statement, by leave, which she noted had been considered and endorsed unanimously by the Committee.

In the statement, the Chair noted that after consideration of the evidence, the committee had decided not to inquire further into the bill. The statement also commented on the broader process by which the bill had been referred to the committee. The Committee endorsed the recent recommendation of the Standing Committee on Procedure that the Selection Committee be required to provide reasons for its referral of bills to standing committees.

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

Note: The Selection Committee had determined that the bill be referred to the Committee in its report No. 26, presented on 23 June 2011.

*Hansard: 16 August 2011, 8174-6
Votes and Proceedings: 2010-11/777*

SOs 39, 199, 215, 222

90.09 *Statement to discharge a committee's requirement to report*

The Chair of the Standing Committee on Social Policy and Legal Affairs made a statement discharging the committee's requirement to provide an advisory report on the Legislative Instruments Amendment (Sunsetting) Bill 2011. By leave, the Chair presented a copy of the statement which, he noted, had been considered and endorsed unanimously by the Committee.

In the statement, the Chair noted that the Committee had not received any submissions and consequently had determined not to hold public hearings.

Note: The Selection Committee had determined that the bill be referred to the Committee in its report No. 27, presented on 7 July 2011.

Hansard: 18 August 2011, 8548-9
Votes and Proceedings: 2010-11/803-4

SOs 39, 199, 215, 222

90.10 *Joint select committee presents advisory report*

The Deputy Chair of the Joint Select Committee on Cyber-Safety presented the Committee's report entitled, *Review of the Cybercrime Legislation Amendment Bill 2011*, and, by leave, made a statement in connection with the report. In accordance with standing order 39(f), it was made a Parliamentary Paper.

Note: The Selection Committee had determined that the bill be referred to the Committee in its report No. 26, presented on 23 June 2011. While the Joint Select Committee's resolution of appointment does not specifically provide for the referral of bills, there is provision for the committee to 'report from time to time'.

Hansard: 18 August 2011, 8560-2
Votes and Proceedings: 2010-11/804

SOs 39, 63, 143, 222, 247

90.11 *Statement to discharge a committee's requirement to report*

The Chair of the Joint Committee on Corporations and Financial Services made a statement discharging the committee's requirement to provide an advisory report on the Superannuation Legislation Amendment (Early Release of Superannuation) Bill 2011. By leave, the Chair presented a copy of the statement, which he noted had been considered and unanimously endorsed by the Committee.

In the statement, the Chair 'echoed' the comments made by another committee chair regarding the referral of 'non-controversial' bills by the Selection Committee to committees for report.

Note: The Selection Committee had determined that the bill be referred to the Committee in its report No. 27, presented on 7 July 2011.

House Hansard: 22 August 2011, 8737-8

Senate Hansard: 23 August 2011, 5217-8

Votes and Proceedings: 2010-11/815

Senate Journals: 2010-11/1359

House SOs 39, 199, 222

Divisions

90.12 *Two Members vote 'aye' in successive divisions*

Debate resumed on the question that the Live Animal Export Restriction and Prohibition Bill 2011 be read a second time. Following the private Member's speech, the Deputy Speaker put the question. A division was called, but as there were fewer than four Members on the side for the 'ayes', the Deputy Speaker declared the question resolved in the negative. The names of the two non-aligned Members voting 'aye' were recorded in the *Votes and Proceedings*.

The following order of the day was then called on and debate resumed on the question that the Live Animal Export (Slaughter) Prohibition Bill 2011 be read a second time. A division on the question was called, but as only (the same) two non-aligned Members were on the side for the 'ayes', the Deputy Speaker declared the question resolved in the negative.

Note: Where four or fewer Members are on one side of the House after the doors are locked for a division, the Chair may declare the decision of the House immediately, without completing the count. The names of those in disagreement are recorded in the *Votes and Proceedings*.

Hansard: 18 August 2011, 8528-9

Votes and Proceedings: 2010-11/800

SOs 41, 127, 129

Main Committee

90.13 *Statement on indulgence to 'correct the record'*

On the resumption of proceedings in the Main Committee and by indulgence, a Member corrected a statement he had previously made during a condolence debate in the Main Committee.

Note: While standing orders allow a Member to make a personal explanation in the House, it occurs rarely in the Main Committee.

Hansard: 17 August 2011, 8471

SOs 65, 68, 185

90.14 *Main Committee suspended due to lack of quorum*

During debate on a private Member's motion, the Deputy Speaker noted that a quorum was not present, and suspended proceedings at approximately 1.30 pm. A quorum being present at 4.04 pm, the Chair was resumed and proceedings continued. Ten minutes later, the quorum was again lost, but proceedings resumed shortly after.

Note: While the Main Committee need not suspend when a quorum is called in the Chamber, the quorum required is the Deputy Speaker, one Government Member and one non-Government Member (standing order 184(b)).

Hansard: 22 August 2011, 8912, 8914

Votes and Proceedings: 2010-11/823

SOs 55, 184, 190

90.15 *Main Committee suspended due to lack of quorum*

At 9.31 am, the Deputy Speaker took the chair in the Main Committee. As a quorum was not present, the sitting was suspended. (The House had been considering motions to suspend standing and sessional orders.) A quorum being present at 10.01 am, the Chair was resumed and proceedings continued.

Hansard: 24 August 2011, 9293

Votes and Proceedings: 2010-11/843

SOs 184, 190

90.16 *Constituency debate on same-sex marriage*

In accordance with the resolution of the House of 5 July 2011, and amended on 7 July 2011, 30 Members spoke to the motion moved by the Member for Melbourne that 'parliamentarians, consistent with their duties as representatives, gauge their constituents' views on ways to achieve equal treatment for same sex couples including marriage' (*see entries 82.36 and 89.11*).

Hansard: 24 August 2011, 9301-38

Votes and Proceedings: 2010-11/843

SOs 41, 192

Members

90.17 *Deputy Speaker directs Member to leave during matter of public importance*

During her contribution to the matter of public importance debate, an Opposition Member was twice asked to withdraw objectionable words. The Deputy Speaker then directed her to leave the Chamber for one hour under standing order 94(a).

*Hansard: 17 August 2011, 8368
Votes and Proceedings: 2010-11/793*

SOs 91, 94

Parliamentary administration

90.18 *Opposition Member presents two bills regarding a Parliamentary Budget Office*

On 22 August 2011, an Opposition Member presented two (related) private Members' bills. The first sought to establish a Parliamentary Budget Office, similar to that recommended by the Joint Select Committee on the Parliamentary Budget Office in March 2011; the recommendation had been agreed to by the Government in July 2011. As distinct from the model proposed by the Committee, the private Member's bill would allow the Parliamentary Budget Office to confidentially cost policies submitted by Members and Senators throughout the year, rather than just before an election, and grant the Office powers to obtain information from government departments and agencies, rather than requiring the Office to negotiate memoranda of understanding to that effect or use freedom of information processes.

The second bill introduced by the Member would, if enacted, amend the current arrangements by which opposition parties may have their election commitments funded under the *Charter of Budget Honesty Act 1988*.

The bills were each read a first time, and in accordance with standing order 41(c), the second reading was made an order of the day for the next sitting.

*Hansard: 22 August 2011, 8722-6
Votes and Proceedings: 2010-11/811*

SO 41

90.19 *Government introduces bill to establish Parliamentary Budget Officer*

Pursuant to notice, on 24 August 2011, the Treasurer presented a bill to appoint a Parliamentary Budget Officer and to establish a Parliamentary Budget Office. The Treasurer presented an explanatory memorandum to the bill, and moved that it be read a second time. The bill implements recommendations made by the Joint Select Committee on the Parliamentary Budget Office, and the Government's response to those recommendations.

*Hansard: 24 August 2011, 9141-2
Votes and Proceedings: 2010-11/835-6*

SO 141

Petitions

90.20 *Petitions Committee member makes a statement*

Following the Chair's presentation of petitions and ministerial responses, a member of the Standing Committee on Petitions rose to make a statement in relation to the committee's work.

Note: Standing order 207(a) provides that the Chair and one other Member of the Committee may make statements concerning petitions and/or reports presented, and that the time for such statements not extend more than ten minutes (in total).

*Hansard: 22 August 2011, 8705-6
Votes and Proceedings: 2010-11/809*

SOs 34, 207

Private Members' business

90.21 *Leave denied to move an amendment to a private Member's motion*

Debate resumed on a private Member's motion proposed by an Opposition Member concerning the Home Insulation Program. The Member rose to speak, but, being out of his place, the Speaker directed him to return to his place to be allocated the call. From his place, the Member sought leave to move an amendment to his motion. Leave was denied and the question that the motion be agreed to was put and negatived on division.

*Hansard: 18 August 2011, 8524, 8530-2
Votes and Proceedings: 2010-11/799-803*

SOs 34, 41

90.22 *Rearrangement of private Members' business*

Upon a private Member's bill being called on, the Member fixed the next sitting Monday as the day for presenting the bill, pursuant to standing order 113.

Hansard: 22 August 2011, 8726
Votes and Proceedings: 2010-11/811

SOs 41, 113

90.23 *Second reading on Leader of the Opposition's bill*

On 4 July 2011, the Leader of the Opposition presented a bill to provide for a national plebiscite to be held by 26 November 2011 to ascertain whether the electorate supports the introduction of a price on carbon. Debate resumed on the motion that the bill be read a second time on 22 August 2011 and the Leader of the Opposition addressed the House and presented an explanatory memorandum to the bill. Debate was then adjourned until a later hour that day. Debate resumed at the allotted time, at the conclusion of which the resumption of debate was made an order of the day for the next sitting.

Hansard: 22 August 2011, 8727-30; 8837-50
Votes and Proceedings: 2010-11/811; 817

SOs 1, 41

90.24 *Amendment moved to suspension of standing orders to enable private Members' business*

On 25 August 2011, the Leader of the House, by leave, moved that so much of standing and sessional orders be suspended as would prevent an item of private Members' business being called on. To this, the Manager of Opposition Business moved, as an amendment, that a private Member's motion in his name be considered immediately. (The motion required the Member for Dobell to make a statement in the House regarding allegations of his conduct.)

Debate on the amendment ensued until the Speaker put the question that the amendment be agreed to. The result of the division being equal, the Speaker gave his casting vote with the 'noes', in accordance with precedents in *House of Representatives Practice*. The question was therefore negatived, and the question on the original motion was put and passed.

Note: When a motion to suspend standing and sessional orders is moved by leave of the House, the time limits are the same as for any other debate not otherwise provided by the standing orders. See *House of Representatives Practice*, p. 333.

Hansard: 25 August 2011, 9382-99
Votes and Proceedings: 2010-11/846

SOs 1, 41, 47, 135

Questions

90.25 *Member requests extension of time to complete question*

During question time, a non-aligned Member rose to ask a question without notice of the Prime Minister. Having been interrupted while asking the question, the Member asked that 'time be taken off' the overall time limit for asking a question (being 45 seconds). The Speaker ordered that the Member be heard in silence and the Member was allowed to continue with his question.

Hansard: 16 August 2011, 8146-7

SO 1

90.26 *One question asked at question time – suspension of standing orders moved*

After one question without notice, the Leader of the Opposition sought leave to move a motion requiring the Prime Minister to make a statement regarding the Member for Dobell. Leave not being granted, the Leader of the Opposition moved to suspend standing and sessional orders to allow a in those terms to be moved. Debate on the suspension motion ensued until the time allotted for the debate had expired. The question was put and negatived on division.

The Prime Minister then asked that further questions be placed on the Notice Paper, and question time concluded.

Hansard: 24 August 2011, 9210-6
Votes and Proceedings: 2010-11/837-8

SOs 47, 63, 97, 98

Speaker

90.27 *Acting Speaker takes the Chair*

On 18 August, the Deputy Speaker took the Chair as Acting Speaker, made an acknowledgement of country and read prayers.

Hansard: 18 August 2011, 8521
Votes and Proceedings: 2010-11/799

SOs 18, 38

90.28 *Speaker presents three letters in answer to questions*

Shortly after the acknowledgement of country and prayers, the Speaker presented three letters to individual Members, each responding to questions that had previously been asked of him under standing order 103. The questions had related to the organisation of a protest demonstration on 22 August 2011, the budget allocated to visitor services in Parliament House, and the organisation of an event at Parliament House.

*Hansard: 25 August 2011, 9381
Votes and Proceedings: 2010-11/845*

SO 103

Withdrawals

90.29 *Offensive words*

	Hansard	
	<i>Date</i>	<i>Page</i>
'Jenny, your people wanted an apology —'	16 August 2011	8154
'They have not been answered, dopey.'	17 August 2011	8312
<i>unrecorded</i>	17 August 2011	8352
<i>unrecorded</i>	17 August 2011	8352
'What a fool! What an idiot! What a liar ...'	17 August 2011	8365-66
'...lie ...'	17 August 2011	8367-68
'Good riddance!'	17 August 2011	8368
'... she gave up on peddling the falsehoods, she gave up on trying to spin the lie that has been put about—'	17 August 2011	8372
<i>unrecorded</i>	23 August 2011	9031
'That's where he made his money.'	24 August 2011	9240, 9244
<i>unrecorded</i>	25 August 2011	9393
<i>unrecorded</i>	25 August 2011	9454
'It is not surprising though that there is a deficit of trust because this government is based on a deliberate and duplicitous statement made by the Prime Minister prior to the last election on the issue of a carbon tax.'	25 August 2011	9472-73
'She made a deliberate and calculated statement designed to mislead the Australian people.'	24 August 2011	9473

SOs 89, 90, 92