

# Procedural Digest

## No. 80

28–30 September 2010

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## Bills

### 80.01 *Bill to establish joint committee presented*

The Attorney-General, pursuant to notice, presented the Parliamentary Joint Committee on Law Enforcement Bill 2010. In his second reading speech, the Attorney-General advised that the bill would establish a Parliamentary Joint Committee on Law Enforcement, replacing and extending the functions of the current Parliamentary Joint Committee on the Australian Crime Commission.

*Hansard:* 30 September 2010, 274-5  
*Votes and Proceedings:* 2010/65

**SOs 141, 142**

## Business

### 80.02 *Ministerial arrangements*

When the House returned from hearing the Governor-General's speech in the Senate Chamber on 28 September (*see* entry 80.19), the Prime Minister informed the House of ministerial arrangements and the appointment of Government whips. The Leader of the Opposition and the Leader of the Nationals also announced shadow ministries and parliamentary party arrangements, respectively.

*Hansard:* 28 September 2010, 13-18  
*Votes and Proceedings:* 2010/7-9

**SO 6**

### 80.03 *Governor-General's speech reported and Address-in-Reply Committee appointed*

The Speaker reported the Governor-General's speech to the House. The House agreed to a motion by the Prime Minister to appoint an Address-in-Reply Committee (*and see* entry 80.06).

*Hansard:* 28 September 2010, 18-25  
*Votes and Proceedings:* 2010/9

**SO 6**

**80.04** *Condolence motion for soldiers killed in Afghanistan*

Following the election of Deputy Speaker and Second Deputy Speaker, the Prime Minister moved a motion of condolence regarding the deaths of Private Nathan Bewes, Trooper Jason Brown, Private Tomas Dale, Private Grant Kirby and Lance Corporal Jared Mackinney while on combat operations in Afghanistan in 2010. The Leader of the Opposition and other Members addressed the House in support of the Prime Minister's motion. Members rose as a mark of respect and the debate was adjourned on a motion by the Leader of the House. On a further motion by the Leader of the House, resumption of debate on the condolence motion was referred to the Main Committee.

*Hansard: 28 September 2010, 35-9  
Votes and Proceedings: 2010/10*

**SO 49**

**80.05** *Statements by indulgence concerning possible conflicts of interest*

The Minister for Defence and the Minister for Defence Materiel both, by indulgence, advised the House of possible conflicts of interest in relation to their Ministerial positions, and presented documents (letters) relating to the matters.

*Hansard: 28 September 2010, 40-1  
Votes and Proceedings: 2010/10*

**SO 65**

**80.06** *Presentation of Address in Reply to House*

The Address prepared by the committee appointed on 28 September (*see* entry **80.03**) was presented to the House on 29 September. The member of the committee who presented the address moved 'That the Address be agreed to' and made her first speech. Another member of the committee seconded the motion and reserved his right to speak. Debate continued.

*Hansard: 29 September 2010, 158-64  
Votes and Proceedings: 2010/58*

**SOs 6, 70, 116**

**80.07** *Members' 90 second statements return to House*

Following amendments to the standing orders agreed to at the previous sitting (*see* entry **80.25**), Members' 90 second statements occurred in the House on 29 September prior to question time.

*Note:* Members 90 second statements originally occurred in the House, but were moved to the Main Committee in the 42<sup>nd</sup> Parliament. The amended standing

orders provide for 15 minute periods of 90 second statements on Mondays, Wednesdays and Thursdays in the House.

Hansard: 29 September 2010, 169-71  
Votes and Proceedings: 2010/58

**SO 43**

### **80.08** *Statements on indulgence regarding Commonwealth Games*

The Prime Minister and the Leader of the Opposition both made statements on indulgence wishing Australia's athletes well at the upcoming Commonwealth Games in Delhi.

Hansard: 30 September 2010, 353-4

**SO 65**

### **80.09** *Suspension of standing orders – Selection Committee determinations*

Following the appointment of Members to the Selection Committee, the Leader of the House moved a suspension of standing and sessional orders to allow the Committee to meet on or after that day to make determinations in respect of private Members' and committee and delegation business for the following sitting Monday, and its determinations to be shown in the *Notice Paper* for that Monday. The motion was agreed to on the voices.

*Note:* The suspension motion was necessary because under the amended standing orders (*see* entry **80.25**) the Selection Committee is required to reports its determinations to the House in time to be published on the *Notice Paper* of the sitting Thursday before the Monday to which the determinations relate.

Hansard: 30 September 2010, 355  
Votes and Proceedings: 2010/68

**SOs 1, 39, 40, 41, 47, 222**

## **Chamber**

### **80.10** *Acknowledgement of country from the Chair*

Pursuant to amendments to the standing orders (*see* entry **80.25**), the Speaker took the Chair and made an acknowledgement of country prior to reading Prayers.

*Note:* The form of words for the acknowledgement at the beginning of each sitting is set out in the standing orders: "*I acknowledge the Ngunawal and Ngambri peoples*

*who are the traditional custodians of the Canberra area and pay respects to the elders, past and present, of all Australia's Indigenous peoples."*

Hansard: 30 September 2010, 259  
Votes and Proceedings: 2010/63

**SO 38**

## Committees

### **80.11** *Resolutions on powers and proceedings of three joint statutory committees*

During the second sitting of the 43<sup>rd</sup> Parliament, the House agreed to resolutions in relation to the powers and proceedings of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, the Parliamentary Joint Committee on the Australian Crime Commission and the Parliamentary Joint Committee on Corporations and Financial Services. Each resolution was to be sent by message to the Senate for its concurrence.

*Note:* The enabling Act of each committee requires a joint resolution of both Houses relating to the powers and proceedings of the committee.

Hansard: 29 September 2010, 143-7  
Votes and Proceedings: 2010/44-7

### **80.12** *Resolutions to appoint six joint standing committees*

During the second sitting of the 43<sup>rd</sup> Parliament, the House agreed to resolutions to appoint joint standing committees on:

- Electoral Matters,
- Foreign Affairs, Defence and Trade,
- the National Capital and External Territories,
- Migration,
- the Parliamentary Library and
- Treaties —

with each resolution also requesting the concurrence of the Senate.

Hansard: 29 September 2010, 50-2, 147-58  
Votes and Proceedings: 2010/49-51, 49-58

**SO 224**

### **80.13**     *Resolutions to appoint two joint select committees*

On separate motions by the Leader of the House, the House resolved to appoint a Joint Select Committee on Cyber-Safety, and a Joint Select Committee on Gambling Reform. As well as terms of reference and operating parameters, the resolutions specify the membership of each committee, and the dates for presentation of the final reports of the committees. Messages are to be sent to the Senate requesting concurrence and action to be taken accordingly.

*Note:* A Joint Select Committee on Cyber-Safety was appointed in the 42<sup>nd</sup> Parliament, but it had not presented its final report by the time the Parliament was prorogued and the House of Representatives dissolved for the general election.

*Hansard:* 29 September 2010, 147-8, 151-3  
*Votes and Proceedings:* 2010/47-9, 51-3

**SOs 223, 224**

### **80.14**     *Reports from committees of previous Parliament presented*

After question time, the Speaker presented five reports of committees which had been released after the last sitting of the House in the 42<sup>nd</sup> Parliament.

*Hansard:* 29 September 2010, 190-1  
*Votes and Proceedings:* 2010/58-9

**SO 247**

## **Opening of Parliament**

### **80.15**     *Opening of 43<sup>rd</sup> Parliament*

The 42<sup>nd</sup> Parliament was prorogued and the House of Representatives dissolved on 19 July 2010 and a general election held on 21 August 2010. In accordance with the Governor-General's proclamation, Senators and Members assembled in Parliament House at 10.30 a.m. on 28 September 2010. As Deputy of the Governor-General, the Chief Justice of the High Court (The Hon. Robert Shenton French AC) declared open the Parliament in the Senate Chamber, Members having proceeded there on request delivered by the Usher of the Black Rod. Members returned to the House of Representatives Chamber after being instructed to elect a Speaker.

*Hansard:* 28 September 2010, 1  
*Votes and Proceedings:* 2010/1-2

**SO 4**

### **80.16** *Returns to writs for general election*

Following the opening of Parliament on 28 September (*see* entry **80.15**), the Clerk presented the returns to writs for the general election on 21 August 2010.

*Hansard*: 28 September 2010, 1  
*Votes and Proceedings*: 2010/2-6

**SO 4**

### **80.17** *Members sworn*

After the returns to writs had been presented on 28 September (*see* entry **80.16**), the Deputy of the Governor-General, the Chief Justice of the High Court (The Hon. Robert Shenton French AC), administered the making and subscription of the oath or affirmation of allegiance by the 150 Members elected.

*Hansard*: 28 September 2010, 2-5  
*Votes and Proceedings*: 2010/6

**SO 4**

### **80.18** *Presentation of Speaker*

After his election as Speaker on 28 September (*see* entry **80.21**), the Speaker accompanied by Members presented himself to the Governor-General in the Members' Hall at 2.30 p.m. The Governor-General handed the Speaker an authority to administer to Members the oath or affirmation of allegiance. The Speaker laid the authority on the Table when he resumed the Chair.

*Hansard*: 28 September 2010, 12  
*Votes and Proceedings*: 2010/6-7

**SO 4**

### **80.19** *Governor-General's speech*

After the Usher of the Black Rod had delivered a message that the Governor-General desired the attendance of Members in the Senate Chamber, Members proceeded to the Senate Chamber to hear the Governor-General's opening speech. Members returned to the House of Representatives Chamber after the speech.

*Hansard*: 28 September 2010, 13  
*Votes and Proceedings*: 2010/7

**SOs 5, 6**

## **Questions**

### **80.20** *First question time under new rules*

The first question time following significant amendments to the standing orders (*see* entry **80.25**) occurred on Wednesday 29 September. Under the amended

standing orders, time limits apply of 45 seconds per question and 4 minutes per answer. Answers are now required to be directly relevant to questions, and only one point of order in respect of relevance may be raised during each answer.

The Speaker permitted one supplementary question to be asked by the Leader of the Opposition, which was responded to be the Prime Minister. While the standing orders did not change in respect of supplementary questions, informal agreement was reportedly reached between Members that the Leader of the Opposition or his/her delegate should be permitted one supplementary question per question time.

*Hansard: 29 September 2010, 171-90  
Votes and Proceedings: 2010/58*

**SOs 1, 86, 100, 104**

## Speaker

### **80.21** *Election of Speaker*

After Members had been sworn following the opening of the 43<sup>rd</sup> Parliament on 28 September, the Member for Scullin, Mr Harry Jenkins, as the only nominee, was declared to be elected Speaker. The Prime Minister, Leader of the Opposition and other Members congratulated Mr Jenkins.

*Note:* During the nomination, the mover and seconder both spoke in support of the nominee.

*Hansard: 28 September 2010, 5-6  
Votes and Proceedings: 2010/6*

**SOs 4, 10, 11, 12**

### **80.22** *Election of Deputy Speaker and Second Deputy Speaker*

At the first sitting of the 43<sup>rd</sup> Parliament on 28 September, a ballot was held for the election of Deputy Speaker and Second Deputy Speaker. The Member for Fisher, Mr Peter Slipper, had 78 votes and the Member for Maranoa, Mr Bruce Scott, had 71. The former was elected Deputy Speaker and the latter Second Deputy Speaker. The Prime Minister, Leader of the Opposition, Leader of the Nationals and other Members congratulated them.

*Hansard: 28 September 2010, 25-8  
Votes and Proceedings: 2010/9-10*

**SOs 13, 14**

### **80.23** *Speaker's statement regarding occupants of Chair*

During the first division of the 43<sup>rd</sup> Parliament, the Speaker made a statement advising that the arrangements for rostering occupants of the Chair, including at

times when divisions may be expected, are purely a matter for the Speaker, Deputy Speaker and Second Deputy Speaker in consultation with members of the Speaker's panel.

*Hansard*: 29 September 2010, 142

**SOs 16, 17**

### **80.24** *Appointment of Speaker's panel - Government Members only*

Following question time on the 3<sup>rd</sup> sitting of the 43<sup>rd</sup> Parliament the Speaker tabled a warrant appointing Mr Adams (Lyons), Ms Bird (Cunningham), Mr Georganas (Hindmarsh) and Mr Sidebottom (Braddon) to the Speaker's panel. Shortly afterwards the Leader of the House asked the Speaker whether it was the case that only Government Members had nominated for the Speaker's panel. The Speaker responded that appointments to the panel would be a continuing process.

The Speaker later tabled a further warrant appointing Ms Burke (Chisholm) to the Speaker's panel.

*Hansard*: 30 September 2010, 354, 355-6, 368  
*Votes and Proceedings*: 2010/67, 69

**SO 17**

## **Standing orders**

### **80.25** *Amendments to standing orders; agreed to with Opposition amendment*

The Leader of the House, by leave, amended a notice of motion he had placed on the *Notice Paper* to make amendments to the standing orders, and moved the motion. The amendments proposed numerous alterations, including changes to meeting times, speaking times, divisions, the orders of business for the House and Main Committee, rules for question time and private Members' business, structure and business of committees, inclusion of an acknowledgement of country prior to prayers, reinstatement of a Selection Committee and appointment of a House Appropriations and Administration Committee.

The Manager of Opposition Business, by leave, moved an amendment to the motion to make a change to proposed standing order 132, relating to the procedures for taking a new division in the case of miscarriage. Following debate, the amendment was agreed to on division, and the motion of the Leader of the House, as amended, was agreed to on the voices.

*Hansard*: 29 September 2010, 116-42  
*Votes and Proceedings*: 2010/31-43

**SOs 1, 2, 29, 31, 33, 34, 38, 39, 40, 41, 41A, 43, 54, 55, 86, 100, 104, 108, 132, 133, 141, 143, 192, 192A, 192B, 215, 222, 222A, 229, 232**



**80.26** *Sessional order agreed to*

The House agreed to a motion moved pursuant to notice by the Leader of the House, which proposed a sessional order (142A) providing for questions at the end of Members' second reading speeches on government bills.

A five minute question period is provided for under the sessional order, with limits of 30 seconds for questions and 2 minutes for answers. Members are not obliged to take questions, and the question period does not apply to Ministers' second reading or summing up speeches, or to the speech of the main opposition speaker on each bill.

The sessional order was adopted for the remainder of the session. Included in earlier amendments to the standing orders was a reduction in the time limit for second reading speeches from 20 to 15 minutes (*see* entry **80.25**).

*Hansard*: 29 September 2010, 42-3  
*Votes and Proceedings*: 2010/43-4

**SO 142A****80.27** *Resolution on government responses to committee reports*

The Leader of the House moved a motion requiring the government to present its response to recommendations in each committee report within 6 months of the report's presentation. The motion included provisions for further action in the event that a response was not presented within the timeframe. The House agreed to the resolution on the voices.

*Hansard*: 29 September 2010, 143  
*Votes and Proceedings*: 2010/44

**SO 247****Withdrawals****80.28** *Offensive words*

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**SOs 89, 90, 92**