

Procedural Digest

No. 82

15–25 November 2010

November 2010				
M	T	W	T	F
15	16	17	18	19
22	23	24	25	26

Bills

82.01 *Opposition amendment moved to Senate amendments; further amendment ruled out of order*

Having resumed the sitting of Thursday 25 November which was suspended over the weekend (See entry **82.13**), the House considered Senate amendments to the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010. A Minister moved that the amendments be agreed to. An Opposition Member moved an amendment to one of the Senate amendments. Following debate, the amendment was negated on division. The same Opposition Member then moved another amendment. The Speaker ruled the amendment out of order as it was consequent on the earlier amendment, which had been negated.

The question that the Senate amendments be agreed to was then debated. A motion by an Independent Member that the question be put was negated on division, and following further debate the question was agreed to on the voices.

Hansard: 25 November 2010, 3904-17
Votes and Proceedings: 2010/266-9

SOs 124, 158, 160

Business

82.02 *Statements by indulgence on release of Aung San Suu Kyi*

Prior to question time the Prime Minister and Leader of the Opposition made statements by indulgence regarding the release of Aung San Suu Kyi from house arrest in Burma. The Leader of the House then suggested that the Selection Committee might consider allocating private Members' business time in the House or Main Committee in order to allow other Members to speak on the matter.

Hansard: 15 November 2010, 2201-2

SOs 65, 222

82.03 *Change to meeting time and order of business for next sitting*

The Leader of the House moved a motion by leave setting the commencement of the sitting the following day at 11 a.m. with Government business to take priority until 2 p.m., and any divisions called for during that period to stand deferred until after the matter of public importance. He explained that the extra hours were intended to provide additional Members the opportunity to contribute to the debate on the Prime Minister's statement regarding Afghanistan. The question was agreed to on the voices.

Hansard: 15 November 2010, 2223-4
Votes and Proceedings: 2010/174

SOs 29, 30, 34, 55, 63

82.04 *Election petitions*

The Clerk presented copies of three election petitions (*Freemantle v. O'Neill & Ors*; *Green v. Bradbury & Ors*; and *Briscoe-Hough v. Melham & Ors*) concerning the election of Members for the Divisions of Robertson, Lindsay and Banks.

Hansard: 15 November 2010, 2224
Votes and Proceedings: 2010/174-5

82.05 *House meets early — Government business given priority*

In accordance with the motion agreed to at the previous sitting (*See entry 82.03*), the House met at 11 a.m. on Tuesday 16 November and debate continued on the motion to take note of the Prime Minister's statement regarding Australia's commitment to Afghanistan until question time was called on at 2 p.m.

Hansard: 16 November 2010, 2543
Votes and Proceedings: 2010/1-26

SOs 29, 34, 35

82.06 *Member corrects remarks by indulgence*

Following prayers, the Shadow Treasurer, by indulgence, advised the House that an amount of money specified in comments he had made in the House during the previous sitting was incorrect. The Member informed the House of the correct figure.

Hansard: 16 November 2010, 2453

SO 65

82.07 *Statements by indulgence on anniversary of apology to forgotten Australians and former child migrants*

Prior to question time the Minister for Families, Housing, Community Services and Indigenous Affairs and an Opposition Member made statements by indulgence recognising the anniversary of the official apology to the forgotten Australians and former child migrants.

Hansard: 16 November 2010, 2491-2

SOs 65

82.08 *Statements by indulgence on royal engagement*

Prior to question time the Prime Minister and Leader of the Opposition made statements by indulgence congratulating Prince William and Kate Middleton on their engagement to be married.

Hansard: 17 November 2010, 2573-4

SO 65

82.09 *Suspension of standing orders not carried by an absolute majority*

During question time, the Leader of the Opposition moved a suspension of standing and sessional orders to enable him to move a motion requiring the Government to immediately publish a certain document. Debate ensued on the suspension motion, after which the question was put. The result of the division was 74 ayes and 71 noes, but as an absolute majority had not been obtained the motion was not carried.

Note: Standing order 47(c)(ii) provides that a motion for suspension of standing orders moved without notice can only be carried by an absolute majority of Members (at least 76 out of 150).

Hansard: 18 November 2010, 3019-25

Votes and Proceedings: 2010/215-6

SOs 47, 106

82.10 *Statements by indulgence on New Zealand mine explosion*

Prior to question time the Prime Minister and Leader of the Opposition made statements by indulgence regarding the recent explosion at the Pike River coalmine in New Zealand, noting that 29 miners remained trapped underground.

Hansard: 22 November 2010, 3167-8

SO 65

82.11 *Statements by indulgence on death of Professor Frank Fenner*

Prior to question time the Prime Minister and Leader of the Opposition made statements by indulgence noting the death of Emeritus Professor Frank Fenner, and acknowledging his achievements as a scientist.

Hansard: 23 November 2010, 3423

SO 65

82.12 *Statements by indulgence on Australian cricket team*

Following question time the Leader of the Opposition and the Leader of the House made statements by indulgence wishing the Australian cricket team well in the upcoming Ashes series.

Hansard: 24 November 2010, 3636

SO 65

82.13 *Extended sitting—Suspended over weekend*

The House met for the last sitting day of the year on Thursday 25 November. Standing orders 31 (automatic adjournment of the House) and 33 (limit on new business after 10 p.m.) were suspended in anticipation of an extended sitting, on a motion by the Leader of the House. The sitting was suspended at 6.50 p.m. and resumed at 12 noon on Monday, 29 November.

Upon resumption the House considered various items of business, including several bills which had been returned from the Senate with amendments. The Leader of the House then moved that the House do now adjourn, and the question was put and passed at 2.15 p.m.

Hansard: 25 November 2010, 3773, 3884-918

Votes and Proceedings: 2010/258, 263-9

SOs 29, 31, 33, 47

82.14 *Statements on disasters in New Zealand and Cambodia*

The Prime Minister made a statement regarding the victims of the New Zealand mine disaster (*and see* entry **82.10**). The Leader of the Opposition and Leader of the Nationals made statements by indulgence on the matter, and Members rose in their places as a mark of respect. The Prime Minister then made a statement regarding the loss of life during the water festival in Phnom Penh, Cambodia. The Leader of the Opposition also made a statement on the matter by indulgence and Members again rose in their places.

Later in the sitting another Member made a statement by indulgence regarding the New Zealand mine explosion.

Hansard: 25 November 2010, 3774-6, 3834-5
Votes and Proceedings: 2010/258

SO 65

82.15 *Statements by indulgence on soccer World Cup bid*

Prior to question time the Prime Minister and Leader of the Opposition made statements by indulgence regarding Australia's bid to host the soccer World Cup in 2022.

Hansard: 25 November 2010, 3813-4

SO 65

82.16 *'Parliamentary doctor' recognised by indulgence*

Following question time the Chief Opposition Whip, by indulgence, noted the medical services provided to Members of the House by the Member for Moore, Dr Mal Washer, and thanked Dr Washer for his contribution on behalf of all Members.

Hansard: 25 November 2010, 3834

SO 65

82.17 *Remarks by indulgence on Whips' staff numbers*

Following question time the Special Minister of State, by indulgence, commented on remarks which had been made earlier by the Leader of the Nationals in respect of the staffing allocation for National Party whips. The Leader of the Nationals, by indulgence, also made some comments on the matter.

Hansard: 25 November 2010, 3843

SO 65

82.18 *Statements by indulgence on national disaster season*

Following question time the Attorney-General and Shadow Minister for Justice, Customs and Border Protection made statements by indulgence regarding the upcoming fire and cyclone season in Australia.

Hansard: 25 November 2010, 3844

SO 65

Committees

82.19 *Advisory report on bill presented*

The Chair of the Standing Committee on Education and Employment presented an advisory report on the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010, incorporating a dissenting report. The Chair and Deputy Chair of the Committee made statements by leave, and the Chair then moved that the House take note of the report. Debate was adjourned and the report was referred to the Main Committee for debate.

Note: The Selection Committee had determined that the bill be referred to the Committee in its report No. 3 presented on 21 October 2010.

Hansard: 15 November 2010, 2181-5
Votes and Proceedings: 2010/171

SOs 143, 222

82.20 *Amendment to resolution of appointment of joint select committee*

The Leader of the House, by leave, moved a motion to amend the resolution of appointment of the Joint Select Committee on Cyber-Safety and to send a message to the Senate requesting its concurrence. The amendment reduces the membership of the committee by one, removing the provision for one member of the committee to be nominated by a non-aligned Member. The motion was agreed to on the voices.

Hansard: 16 November 2010, 2513
Votes and Proceedings: 2010/186

SO 224

82.21 *Amendment to resolution of appointment of joint standing committee*

The Leader of the House, by leave, moved a motion to amend the resolution of appointment of the Joint Standing Committee on the Parliamentary Library and to send a message to the Senate requesting its concurrence. The amendment removes the requirement for each joint Chair of the Committee to alternate between a Senator and a Member each Parliament. The motion was agreed to on the voices.

Hansard: 16 November 2010, 2513-4
Votes and Proceedings: 2010/186

SO 224

82.22 *Supplementary members appointed to committee*

A Minister, by leave, moved a motion to appoint two supplementary (Opposition) members to the Standing Committee on Regional Australia for the committee's inquiry into the impact of the Murray-Darling Basin Plan in regional Australia. The motion was agreed to on the voices.

At a later sitting, the Leader of the House, by leave, moved a motion to appoint two supplementary (Government) members to the Committee for the same inquiry. Again, the motion was agreed to on the voices.

Note: Standing order 215 provides for a maximum of two extra Government Members and two extra non-Government Members to be appointed to a committee for a particular inquiry.

Hansard: 16 November 2010, 2531; 18 November 2010, 2957
Votes and Proceedings: 2010/187, 211

SOs 215, 229

82.23 *Resolution to appoint joint select committee*

On a motion by the Leader of the House, the House resolved to appoint a Joint Select Committee on the Parliamentary Budget Office. As well as terms of reference and operating parameters, the resolution specified the membership of the committee, and the date for presentation of the committee's final report. A message is to be sent to the Senate requesting concurrence and action to be taken accordingly.

Hansard: 18 November 2010, 2957-9
Votes and Proceedings: 2010/187, 211-3

SOs 223, 224

82.24 *Statements regarding committee inquiry*

In accordance with the determinations of the Selection Committee, the Chair and Deputy Chair of the Standing Committee on Regional Australia made statements regarding the Committee's inquiry into the impact of the Murray-Darling Basin Plan in regional Australia.

Note: The amended standing orders (*see* entry **80.25**) provide for statements relating to inquiries during the periods for committee and delegation business on Mondays.

Hansard: 22 November 2010, 3114-7
Votes and Proceedings: 2010/219

SOs 39, 222

82.25 *Supplementary members appointed to committees*

The Leader of the House, by leave, moved a motion to appoint a supplementary (Australian Greens) member to the Standing Committee on Climate Change, Environment and the Arts for the committee's inquiry into the National Radioactive Waste Management Bill 2010. The motion was agreed to on the voices.

Later in the sitting, the Leader of the House, by leave, moved a similar motion to appoint a supplementary (Opposition) member to the Standing Committee on Economics for the committee's inquiry into the Competition and Consumer (Price Signalling) Amendment Bill 2010. Again, the motion was agreed to on the voices.

Note: Standing order 215 provides for a maximum of two extra Government Members and two extra non-Government Members to be appointed to a committee for a particular inquiry.

Hansard: 25 November 2010, 3842, 3885
Votes and Proceedings: 2010/261, 263

SOs 215, 229

Debate

82.26 *Division on motion to adjourn debate*

During second reading debate on the Tax Laws Amendment (2010 Measures No. 4) Bill 2010, a Parliamentary Secretary moved that the debate be adjourned. An Opposition Member then made some comments, purportedly on the question that the debate be adjourned, before being instructed by the Deputy Speaker that the motion was not one on which debate is permitted under the standing orders. The question that the debate be adjourned was then put and agreed to on division.

Hansard: 15 November 2010, 2195-8
Votes and Proceedings: 2010/172-3

SOs 78, 79

82.27 *Member speaks a second time, by leave*

An Opposition Member, who had already made a second reading speech on the bill before the House, was granted leave to speak again to the bill before the Minister summed up the debate.

Hansard: 22 November 2010, 3208-9
Votes and Proceedings: 2010/224

SOs 1, 63, 69

82.28 *Member granted extension of time for speech*

During debate in the Main Committee on the Address in Reply to the Governor-General's speech, on a motion by a Government Member, an Opposition Member was granted an extension of time after the 20 minutes he had been allotted expired.

Note: Another Member may move that a Member whose speech is interrupted (because the allotted time has expired) be granted an extension of time. If the motion is carried then the speech can continue for up to 10 minutes or half the original period allotted, whichever is shorter.

Hansard: 24 November 2010, 3733
Votes and Proceedings: 2010/248

SO 1

82.29 *Valedictory remarks on motion for leave of absence*

On the last sitting day of the year, the Leader of the House moved a motion for leave of absence to be granted to all Members from the end of the sitting until the date of the next sitting. Debate was adjourned until a later hour of the day, and was resumed twice and used as a vehicle for Members to make valedictory speeches. As is the tradition for valedictory remarks, time limits were not applied to the speeches.

Hansard: 25 November 2010, 3774, 3776-98, 3800-6
Votes and Proceedings: 2010/258-60

SOs 1, 26

Divisions

82.30 *Deferred divisions not to interrupt speeches*

A division called for on Opposition amendments during consideration in detail of a bill was deferred until after 8 p.m. Debate on the bill was adjourned and the House continued with other items of Government business.

A Member was speaking on the second reading of a bill at 8 p.m., and the Manager of Opposition Business queried on points of order why the deferred division was not being dealt with immediately. The Chair responded that the deferred division would proceed when the Member speaking had completed her speech. The Member speaking advised that she was willing to defer the remainder of her remarks until later, and debate was interrupted to proceed with the deferred division.

During the division the Speaker, who had since taken the Chair, advised the House that it had been the practice to allow a Member who was speaking at the end of the period of deferred divisions to complete their speech before any deferred divisions were proceeded with.

Hansard: 16 November 2010, 2573-6

Votes and Proceedings: 2010/190-1

SOs 34, 133

82.31 *Tied vote on amendment to suspension of standing orders –
Speaker gives casting vote*

The Leader of the House moved a suspension of standing orders to enable three items of private Members' business to be brought on and considered immediately. The Manager of Opposition Business moved an amendment to add words to the motion with the effect of bringing two further items of private Members' business on for consideration.

Following debate the question that the words proposed to be added be so added was put. The result of the division was 72 ayes and 72 noes, and the Speaker gave his casting vote with the noes, citing precedents for retaining a proposition in its original state. The question that the (original) motion be agreed to was then carried on the voices.

Hansard: 18 November 2010, 2944-50

Votes and Proceedings: 2010/205-6

SOs 35, 41, 47, 135

82.32 *Deferred division on motion to adjourn debate not proceeded with*

During second reading debate on the Human Rights (Parliamentary Scrutiny) Bill 2010, the Leader of the House moved that the debate be adjourned. The question was put and a division called for was deferred until 8 p.m. Debate continued on the bill and was interrupted at 8 p.m. (at which time committee and delegation business and private Members' business is scheduled to begin in accordance with standing order 34). First, a deferred division which had been called for on an earlier bill was proceeded with. Following the division, the Speaker advised that the deferred division on the question that the debate be adjourned (on the Human Rights (Parliamentary Scrutiny) Bill 2010) would not be proceeded with as the debate had already been adjourned automatically pursuant to standing order 34.

Hansard: 22 November 2010, 3236, 3253-4

Votes and Proceedings: 2010/225-6

SOs 34, 79, 133

Members

82.33 *Member 'sin-binned' between items of business; naming withdrawn by Speaker*

After several points of order regarding a document tabled by the Leader of the House (the 2011 parliamentary sittings calendar) an Opposition Member was ordered several times to resume his seat and, continuing to interject, was ordered to withdraw from the Chamber for one hour. The Member continued to interject and was named by the Speaker. The Speaker explained the status of the tabled document and subsequently withdrew the naming of the Member. The Member then withdrew from the Chamber for one hour.

Hansard: 22 November 2010, 3255
Votes and Proceedings: 2010/226

SOs 29, 91, 92, 94

82.34 *Resolution regarding draft code of conduct for Members*

The Leader of the House moved a motion proposing the development of a draft code of conduct for Members of Parliament by the Privileges and Members' Interests Committee, in consultation with the equivalent committee in the Senate. The House agreed to the resolution on the voices.

Hansard: 23 November 2010, 3422-3
Votes and Proceedings: 2010/236

Private Members' business

82.35 *Member denied leave to amend notice; Amendment moved to motion by another Member*

During the time allotted for private Members' business, a Member sought leave to modify the terms of his motion as it stood on the Notice Paper before he moved it. Leave was not granted, and the Member moved his motion in its original form. During debate on the motion, another Member moved an amendment to the motion, in similar terms to the amendment that the proposer had attempted to make to his notice. The amendment was seconded and debate continued until the expiry of the time allotted, when debate was adjourned and made an order of the day for the next sitting.

Hansard: 15 November 2010, 2286-300
Votes and Proceedings: 2010/176-7

SOs 41, 63, 110, 121

82.36 *Private Member's motion amended and agreed to*

In accordance with a suspension of standing orders moved by the Leader of the House, a private Member's motion regarding same-sex marriage was called on for consideration. An amendment to the motion (proposing to replace words in the motion with other words) had been moved at the previous sitting (*see entry 82.35*), and the question that the words proposed to be omitted stand part of the question was immediately put. The question was negatived on division and the question that the words proposed to be inserted be so inserted was then agreed to on division. The question that the motion, as amended, be agreed to was then put and also agreed to on division.

Hansard: 18 November 2010, 2954-7
Votes and Proceedings: 2010/207-10

SOs 41, 47, 121, 222

82.37 *Amendment to private Member's motion negatived – votes recommitted due to confusion*

In accordance with a suspension of standing orders moved by the Leader of the House, a private Member's motion regarding mental health was called on for consideration. An amendment to the motion (proposing to replace words in the motion with other words) was moved by another Member, and the question that the words proposed to be omitted stand part of the question was put. The question was negatived on the voices. The next question put was that the motion be agreed to, which was agreed to on the voices.

Later, the Speaker made a statement noting that there had been confusion relating to the questions put on the amendment and the original motion and proposed that the questions be put again. With the agreement of the House the Speaker again put the question that the words proposed to be omitted stand part of the question, which was agreed to on division. The question that the original motion be agreed to was then put again, and agreed to on the voices.

Note: If a question that the words proposed to be omitted stand part of the question is negatived, the next question to be put is that the words proposed to be inserted (i.e. by the amendment) be so inserted.

Hansard: 25 November 2010, 3773, 3798-800
Votes and Proceedings: 2010/257-60

SOs 41, 47, 122, 132, 222

Questions

82.38 *Extension of time granted for answer*

When the Minister for Foreign Affairs had concluded answering a question without notice, the Manager of Opposition Business moved that the Minister be granted an extension of time. The question was agreed to on the voices, and the Minister made a further brief remark.

Note: Under the standing orders another Member may move that a Member whose speech is interrupted (because the allotted time has expired) be granted an extension of time. If the motion is carried then the speech can continue for up to 10 minutes or half the original period allotted, whichever is shorter. Under the amended standing orders (*see* entry **80.25**), time limits apply of 45 seconds per question and 4 minutes per answer.

Hansard: 16 November 2010, 2510-1
Votes and Proceedings: 2010/185

SOs 1, 100, 104

82.39 *Statements by indulgence on allocation of call during question time*

Following question time the Leader of the House made a statement by indulgence advising that if a non-aligned Member rose to seek the call for the 6th question during question time, Government Members had been asked not to seek the call. He confirmed that this would have no impact on the number of questions asked by the Opposition during question time. The Manager of Opposition Business, by indulgence, responded that the Opposition was agreeable to the proposed arrangement, provided that out of the usual 20 questions asked, 10 questions continued to be available to the Opposition each question time.

Hansard: 18 November 2010, 3027

SOs 65

82.40 *Two questions in a row asked by Government Members*

During Question Time, the Speaker called two questions in a row from the government benches. The Speaker acknowledged his error and then allocated the next two questions to Opposition Members.

Hansard: 22 November 2010, 3177-9

SO 98

82.41 *Motion for extension of time ruled out of order*

When the Prime Minister had concluded answering a question without notice, the Manager of Opposition Business moved that the Prime Minister be granted an extension of time. The Speaker ruled that as the Prime Minister's time had not expired upon the conclusion of her answer, a motion for the extension of time could not be accepted.

Note: Under the standing orders another Member may move that a Member whose speech is interrupted (because the allotted time has expired) be granted an extension of time. If the motion is carried then the speech can continue for up to 10 minutes or half the original period allotted, whichever is shorter. Under the amended standing orders (*see* entry **80.25**), time limits apply of 45 seconds per question and 4 minutes per answer.

Hansard: 22 November 2010, 3182

SOs 1, 104

Speaker

82.42 *Three questions to the Speaker about Parliament House and administrative matters*

Following Question Time, three questions were asked of the Speaker in relation to his administrative responsibilities. The first question related to the water features at Parliament House, and the Speaker advised that attempts were being made to reinstate several of the water features, which may incorporate the harvesting of water from the air-conditioning towers.

The second question related to the resourcing of the Parliamentary Library, to which the Speaker responded that a study would be undertaken into the resourcing of the Library and the House committee system, and that preliminary bids for additional resourcing had been made.

The third question raised the noise caused by the use of lawnmowers and other machinery outside Members' offices between 7 a.m. and 9 a.m. on sitting days. The Speaker replied that he would take up the matter with the Department of Parliamentary Services.

Hansard: 15 November 2010, 2222

SO 103

82.43 *Question to the Speaker about Parliament House water features*

Following Question Time, a Member asked the Speaker when the remainder of the water features at Parliament House might be restored to service (some water features already having been reinstated using recycled water). The Speaker responded that the Department of Parliamentary Services was liaising with ACT authorities to gain permission for refilling of water features, and also noted that none of the features had been permanently closed and discussions were underway into how the appearance of any features which were not in use from time to time might be enhanced.

Hansard: 25 November 2010, 3833-4

SO 103

Withdrawals

82.44 *Offensive words*

	<i>Hansard</i>	
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'...follow the money.'	22 November 2010	3177
'Put my mouth where my money is, that is what you say.'	22 November 2010	3184
<i>unrecorded</i>	24 November 2010	3619
'You idiot.'	24 November 2010	3625
'...you dope.'	24 November 2010	3629-30
'...two Governor-General's speeches, two Labor governments all interwoven with the same thread of hypocrisy.'	24 November 2010	3711
<i>unrecorded</i>	25 November 2010	3818
'Simon got away with it.'	25 November 2010	3824
<i>unrecorded</i>	25 November 2010	3831
'That's a lie.'	25 November 2010	3906

SOs 89, 90, 92