

Procedural Digest

No. 83

8 –10 February 2011

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Bills

83.01 *Prime Minister introduces two bills*

On 10 February, the Prime Minister introduced the Tax Laws Amendment (Temporary Flood Reconstruction Levy) Bill 2011, and the Income Tax Rates Amendment (Temporary Flood Reconstruction Levy) Bill 2011. The bills relate to the Government's proposal to impose a temporary levy to pay for damages to public infrastructure incurred by the summer's natural disasters. In introducing the first bill, the Prime Minister noted that this was "not just a routine piece of legislation".

In accordance with its mandate, the Selection Committee determined that these bills be referred to the House of Representatives Standing Committee on Economics.

Note: While allowed by the standing orders, it is rare for a Prime Minister to introduce a bill (*see* entry **64.04** for a previous occurrence).

Hansard: 10 February 2011, 377-82; 464
Votes and Proceedings: 2010-11/295; 303

SOs 141, 142, 222

83.02 *Additional appropriation bills introduced with explanatory memoranda*

On 10 February, Appropriation Bill (No. 3) 2010-2011 and Appropriation Bill (No. 4) 2010-2011 were introduced without notice to appropriate money from the consolidated revenue fund in order to meet requirements that had arisen since the previous budget. A message from the Governor-General message was reported prior to the introduction of each bill, and an explanatory memorandum was presented with each bill.

Note: Notice is not required for the introduction of appropriation bills and explanatory memoranda need not be presented under the standing orders.

Hansard: 10 February 2011, 386-92
Votes and Proceedings: 2010-11/296

SOs 141, 178, 179, 180, 182

83.03 *Senate bills referred to, and considered in, Main Committee*

On 8 February, the Chief Government Whip referred three Senate bills to the Main Committee. The following day, for each bill, the Minister for Home Affairs presented an explanatory memorandum, moved that the bill be read a second time, and made a second reading speech. Following debate, the Main Committee ordered that two of these, the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2010 [2011] and the Aviation Crimes and Policing Legislation Amendment Bill 2010 [2011] be reported to the House without amendment. The bills were subsequently read a third time in the House. Debate continued on the Crimes Legislation Amendment Bill 2010 on 10 February, at the conclusion of which the bill was ordered to be reported to the House.

Note: A bill introduced into and passed by the Senate is conveyed to the House under cover of a message transmitting the bill for concurrence. The action of reading the message in effect presents the bill to the House.

Hansard: 8-10 February 2011, 71, 242, 294-323, 494-503

Votes and Proceedings: 2010-11/274, 291, 293-4, 302

SOs 141, 142, 143, 148, 183, 198

Business

83.04 *Statements by indulgence on the awarding of the Victoria Cross – referral to Main Committee*

By indulgence, the Prime Minister and the Leader of the Opposition made statements on the awarding of the Victoria Cross to Corporal Benjamin Robert-Smith VC, MG. The matter was referred to the Main Committee for further debate.

Hansard: 8 February 2011, 3-4

SOs 65, 183

83.05 *Statements by indulgence regarding the sinking of the SIEV221*

Prior to Question Time, the Prime Minister made a statement, on indulgence, regarding the sinking of the SIEV221 vessel, near Christmas Island on 15 December 2010, and the resulting loss of life. The Leader of the Opposition, also by indulgence, supported the Prime Minister's statement.

Hansard: 9 February 2011, 190-1

SO 65

83.06 *Ministerial statement by leave regarding events in Egypt – suspension of standing orders to allow shadow minister to speak*

Prior to Question Time, the Minister for Foreign Affairs made a statement, by leave, regarding the Australian Government's response to the crisis in Egypt. A Government Member moved a suspension of standing and sessional orders, by leave, to allow the Opposition Spokesperson to respond to the statement for an equivalent period of time.

Hansard: 10 February 2011, 427-32
Votes and Proceedings: 2010-11/301

SOs 1, 47, 63

83.07 *Updated Ministry presented*

Before Question Time on 10 February, the Prime Minister presented a copy of the Third Gillard Ministry list as at 26 January 2011. The document was incorporated into *Hansard*.

Hansard: 10 February 2011, 441-3
Votes and Proceedings: 2010-11/303

83.08 *Statements by indulgence on Ms Gillian Harman*

Shortly following Question Time the Minister for Human Services and Social Inclusion advised the House, on indulgence, of the death of a woman who had spent a month volunteering in flood-hit Dalby in Queensland. An Opposition Member and the Speaker associated themselves and the House with the remarks.

Hansard: 10 February 2011, 465

SO 65

Debate

83.09 *Debate on condolence motions continued in Main Committee*

Having been referred to the Main Committee on Tuesday (*see* entry **83.14**), debate continued on the condolence motions on the summer's natural disasters (Wednesday) and on the death of Corporal Richard Edward Atkinson (Thursday). As a mark of respect to the memory of the deceased, all Members present stood in silence at the conclusion of each of the proceedings in the Main Committee. The matters were both returned to the House.

Hansard: 9-10 February 2011, 139-186, 402-27, 432-36, 440-41, 502-9
Votes and Proceedings: 2010-11/286-7, 294, 301, 302-3, 305-6

SOs 183, 197

Divisions

83.10 *Speaker's casting vote – recommittal of vote – passing of Private Member's bill*

In accordance with the recommendation of the Selection Committee's report (No. 8), the question that the Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010 be read a second time was put, without debate. The House divided and the numbers for the ayes and the noes being equal, the Speaker gave his casting vote with the ayes to allow discussion to continue.

Following debate on the bill's third reading, the Leader of the House moved (in accordance with standing order 132 'New division in case of confusion, error or misadventure') that standing and sessional orders be suspended to enable the House to divide again on the question that the bill be read a second time. The Leader of the House explained that the unforeseen absence of an Opposition Member had led to the vote being tied, and that a recommitted vote where that Member was paired with a Government Member would see the second reading of the bill carried if the votes were maintained. The Manager of Opposition Business indicated his agreement that the vote be recommitted. The suspension motion was agreed to and the question was put again on the second reading. The House divided and the vote was carried by a majority. The bill was then read a third time.

Hansard: 10 February 2011, 395-9
Votes and Proceedings: 2010-11/298-300
SOs 41, 47, 125, 132, 135, 148, 155, 222
(See also *Constitution*, s. 40)

Election petitions

83.11 *Withdrawal of one and remittal of two election petitions*

The Clerk presented copies of a withdrawn election petition (Briscoe-Hough v Melham & Ors) and two election petitions (Freemantle v O'Neill & Ors and Green v Bradbury & Ors) to be referred to the Federal Court of Australia for trial.

Note: Under section 354 of the *Commonwealth Electoral Act 1918*, the Court of Disputed Returns may either try the petition or refer it for trial to the Federal Court of Australia. In the latter case, the Federal Court has the same jurisdiction, powers and functions to try the petition as the Court of Disputed Returns.

Hansard: 9 February 2011, 210
Votes and Proceedings: 2010-11/290

Main Committee

83.12 *Main Committee suspended due to lack of quorum*

During debate on the second reading of the Crimes Legislation Amendment Bill 2010, the Deputy Speaker noted that a quorum was not present, and suspended proceedings at approximately 10.48 a.m. A quorum being present at 11.01 a.m., the Chair was resumed and proceedings continued.

Hansard: 10 February 2011, 498
Votes and Proceedings: 2010-11/305

SOs 184, 190

Matters of Public Importance

83.13 *Prime Minister responds to matter of public importance*

Following the Leader of the Opposition's speech on the discussion of a matter of public importance, the Prime Minister was the first speaker from the Government in reply. The topic of the discussion as proposed by the Leader of the Opposition was: 'The adverse effect of the flood levy on Australians.'

Note: In the 42nd parliament, the Prime Minister responded to a matter of public importance on the topic 'The dismal performance of the Government during its first year in office' (*see* entry **63.33**).

Hansard: 10 February 2011, 465-77
Votes and Proceedings: 2010-11/304

SO 46

Order of Business

83.14 *Precedence of condolence motions — no questions without notice — early adjournment without debate*

Following prayers at 2 p.m. on 8 February, the Speaker allowed, by indulgence, the Prime Minister to move two separate condolence motions. In accordance with standing order 49, the condolence motions took precedence over other business, including questions without notice.

The first motion related to the death of Corporal Richard Edward Atkinson while on combat operations in Afghanistan and the second related to the devastation caused by floods, Cyclone Yasi and bushfires during the summer. Both motions were seconded by the Leader of the Opposition and addressed by several other Members. All Members present rose in silence at the end of each motion. Debate

was adjourned and both orders of the day were referred to the Main Committee for further debate.

The Leader of the House moved as a mark of respect to the victims of the natural disasters 'That the House do now adjourn' and (at approximately 7.18 p.m.) the question was agreed to without debate.

The Senate agreed to condolence motions in similar terms and also adjourned without debate as a mark of respect.

Note: When Members rise, they indicate, at the suggestion of the Chair, their support for a motion. Motions other than condolence motions can be agreed to either on the voices or by a division.

Hansard: 8 February 2011, 1-3, 5-71
Votes and Proceedings: 2010-11/273-4

SOs 29, 34, 49, 65, 111, 183

83.15 *Selection Committee defers its determination of order and times*

In its report (No. 8) dated 23 November 2010, the Selection Committee decided to defer its determination of the order of precedence and times to be allotted for consideration of committee and delegation business and private Members' business. This report also recommended items of private Members' business to be voted on (*see* 83.19).

A subsequent report (No. 11) determined the order of precedence and times to be allotted for consideration of committee and delegation business and private Members' business on Monday, 21 February 2011.

Hansard: 8 February 2011, 227-36
Votes and Proceedings: 2010-11/290

SOs 1, 34, 39, 40, 41, 222

83.16 *Prime Minister's Ministerial Statement at 9 a.m. – referral to Main Committee*

Following the acknowledgement of country and prayers, the Prime Minister, by leave, made a ministerial statement on closing the gap between indigenous and non-indigenous Australians, and presented a document. The Leader of the House moved that standing orders be suspended to allow the Leader of the Opposition to speak for an equal period of time. The question was passed on the voices and the Leader of the Opposition addressed the House. A Minister moved that the House take note of the document, and debate was adjourned. The order of the day was then referred to the Main Committee on a motion by the Minister.

Note: Ministerial statements are usually made after Question Time.

Hansard: 9 February 2011, 123-34
Votes and Proceedings: 2010-11/286

SOs 34, 47, 63

83.17 *Main committee meets at 10.30 a.m.*

On Wednesday 9 February, the Speaker advised the House that the Deputy Speaker had fixed 10.30 a.m. as the time of the next sitting of the Main Committee.

Note: The Main Committee would normally meet at 9.30 a.m. on Wednesday mornings.

Hansard: 9 February 2011, 123, 286
Votes and Proceedings: 2010-11/285, 293

SOs 186, 192

Parliamentary administration

83.18 *Changes in senior staff of Department of House of Representatives*

Before Question Time on 9 February, the Speaker made a statement announcing changes in the senior staffing of the Department of House of Representatives – notably that Ms Robyn McClelland had assumed duties as the Serjeant-at-Arms and that Ms Claressa Surtees had assumed duties as the Clerk Assistant (Table).

Hansard: 9 February 2011, 190

Private Members' business

83.19 *Two private Members' business items voted on – Member granted leave to speak on one – the other agreed to*

During Government business time, on a motion (by leave) by the Leader of the House, standing orders were suspended to allow two items of private Members' business (one motion and one bill) to be called on in order. For each item, and in line with the recommendation of the Selection Committee's report (No. 8), the required questions were to be put without debate.

The Member responsible for the first item (a motion concerning a home insulation program) rose to make some concluding remarks. The Leader of the House rose on a point of order to state that the Member could, on that occasion, seek leave of the House to make those remarks, although this was not to be taken as a precedent. The Member then sought leave of the House (which was granted) to make some brief concluding remarks. The question on the motion was eventually resolved in the negative.

The second item, the Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010 was then considered and agreed to (*see entry 83.10*).

Hansard: 10 February 2011, 392-5
Votes and Proceedings: 2010-11/296-300

SOs 34, 35, 41, 47, 63, 222

83.20 *Member absent: private Member's motion 'postponed'*

During the time allocated for private Members' business (allowed under a suspension of standing orders, *see entry 83.19*), the Leader of the House indicated that the motion by a private Member included in the Notice Paper and recommended by the Selection Committee to be voted on (report No. 8) would not be brought forward for a vote due to that Member's absence (for paternity reasons).

Note: A motion not moved when called on would be removed from the Notice Paper unless a future time for moving the motion had been set (standing order 113). In this case, however, the motion was not called on.

Hansard: 10 February 2011, 393

SO 41

Withdrawals

83.21 *Offensive words*

No words were withdrawn in this sitting week.

SOs 89, 90, 92