

Procedural Digest

No. 85*21–24 March 2011*

<i>March 2011</i>				
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Bills

85.01 *Two replacement explanatory memoranda presented*

On 21 March 2011, the Parliamentary Secretary for Community Services presented a replacement explanatory memorandum to the Human Services Legislation Amendment Bill 2010, and another to the Corporations Amendment (Improving Accountability on Director and Executive Remuneration) Bill 2010.

Hansard: 21 March 2011, 2471
Votes and Proceedings: 2010-11/410-11

SO 142

85.02 *Introduction and passage of a remuneration bill*

The Remuneration and Other Legislation Amendment Bill 2011 was introduced to amend the current parliamentary entitlements framework. At the conclusion of his second reading speech, the Special Minister of State sought leave of the House for the second reading debate to continue immediately. Leave being granted, three other Members rose to speak on the bill. The Special Minister of State then made some concluding remarks and the second reading passed on the voices. A Governor-General's message was reported and then the Minister moved, by leave, that the bill be read a third time. The question was agreed to on the voices.

Hansard: 24 March 2011, 3156-63
Votes and Proceedings: 2010-11/607, 456

SOs 63, 142, 148, 155

85.03 *Introduction and passage of cognate bills*

The National Vocational Education and Training Regulator Bill 2010, National Vocational Education and Training Regulator (Transitional Provisions) Bill 2010, and the National Vocational Education and Training Regulator (Consequential Amendments) Bill 2010 were introduced into the Senate.

Having been reported to the House and read a first time at the previous sitting, consideration resumed on each of the bills on 24 March. A replacement explanatory memorandum and an addendum to the replacement explanatory memorandum were presented with the first bill, an explanatory memorandum

and an addendum presented with the second bill, and an explanatory memorandum was presented with the third bill. In each case the second reading was moved then debate was adjourned and the resumption of debate, by leave, made an order of the day for a later hour that day. The three bills were debated cognately when debate resumed on the first bill immediately. Following a division on the first bill which was resolved in the affirmative, one by one the bills were read a second time and, in each case, by leave, proceeded to the third reading immediately. Each bill was then read a third time.

Hansard: 24 March 2011, 3164-77
Votes and Proceedings: 2010-11/457-9

SOs 63, 142

85.04 *Senate amendments agreed to – opposition amendments negatived*

Following debate on whether to consider amendments to the National Broadband Network Companies Bill 2010 immediately (*see entry 85.09*), the House agreed to the amendments on the voices. The shadow spokesperson for communications then moved opposition amendments (1) and (2), the first of which was consequent on the Senate's amendments. The House divided and the question being resolved in the negative, the opposition amendments failed. The shadow spokesperson then moved opposition amendment (3) which was supported by a non-aligned Member, but not by a majority of the House on division.

Afterwards, the Leader of the House moved that the House immediately consider the Senate's amendments to the Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Bill 2011 which had been reported to the House. The House divided, and the 'ayes' being in the majority, the question was carried. By leave, the Leader of the House moved the amendments in two groups. The first group of amendments was agreed to on the voices. An opposition Member moved an amendment to government amendment (2) (in the second group of amendments) and made some explanatory remarks. Debate on the opposition amendment ensued. At 6.13 pm, the House divided on the question that the opposition amendment be agreed to. The 'noes' being in the majority, the question was not agreed to. The House then divided on the second group of the Senate's amendments being agreed to and the question was resolved in the affirmative.

Hansard: 24 March 2011, 3318-49
Votes and Proceedings: 2010-11/465-8

SOs 63, 158, 160

Business

85.05 *Condolence motions moved prior to question time*

At 2 pm on 21 March 2011, the Prime Minister moved 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 earthquake, tsunami and nuclear emergency that struck Japan and the second related to the earthquake in Christchurch, New Zealand. Both motions were seconded by the Leader of the Opposition. 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.

Hansard: 21 March 2011, 2417-21
Votes and Proceedings: 2010-11/409-10

SOs 34, 49, 111, 183

85.06 *Updated Ministry presented*

Before question time, the Prime Minister presented a copy of the Third Gillard Ministry list as at 3 March 2011. The document was incorporated into *Hansard*.

Hansard: 22 March 2011, 2657-9
Votes and Proceedings: 2010-11/425

85.07 *Statement by Leader of the Opposition on indulgence*

During question time, and following a Minister's response to a question without notice, the Leader of the Opposition, on indulgence, rose to associate himself with both the question and the answer.

Hansard: 23 March 2011, 2933

SO 65

85.08 *Three personal explanations made during debates*

Following the final speaker in the debate on a motion to suspend standing and sessional orders, the Leader of the Opposition sought the Chair's permission to make a personal explanation. The Speaker allowed the statement, although he said that it would have been more convenient to do so when there was no other business before the House.

Later that day, during debate on the question that Senate amendments be agreed to immediately, the Manager of Opposition Business and the Leader of the House sought the Chair's permission to each make a personal explanation. The Leader of

the House's explanation was prompted by comments made by the Manager of Opposition Business.

Note: While it is common for Members to make a personal explanation following question time, the standing orders do not prohibit these being made at other times. Personal explanations may not be debated.

Hansard: 24 March 2011, 3248

SO 68

85.09 *Amendments by Senate not considered immediately*

By message, the Senate returned to the House the National Broadband Network Companies Bill 2010 with amendments. At approximately 10.40 am, the Leader of the House moved that the amendments be considered immediately and debate ensued. At 12.06 pm, the Leader of the House, by leave, spoke without closing the debate. Debate ensued until 2.23 pm, when the question was put. The House divided, and the 'ayes' being in the majority, the question was resolved in the affirmative.

Hansard: 24 March 2011, 3230-98

Votes and Proceedings: 2010-11/465-6

SOs 63, 181, 261

85.10 *Leave denied to move motion – absolute majority absent to suspend standing orders without notice*

During debate on the Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Bill 2011, the Leader of the House foreshadowed that the Government would move a motion that expressed its commitment, *inter alia*, to uniform wholesale national pricing within technologies under the proposed National Broadband Network. When the Leader of the House sought leave to move the motion, it was not granted. He then moved that so much of standing and sessional orders be suspended as would prevent him from moving the motion. The motion was agreed to by a majority of Members present, but having been moved without notice, it required an absolute majority (of more than 76) to pass. The motion was therefore not carried.

Hansard: 24 March 2011, 3349-56

Votes and Proceedings: 2010-11/472-3

SOs 1, 48, 63, 111, 121, 122

85.11 *Messages from the Administrator*

Pursuant to standing order 2 (Definitions) references to the Governor-General include 'an Administrator of the Commonwealth'. Accordingly, on 21 March, messages recommending appropriations for the Schools Assistance Amendment

(Financial Assistance Bill) 2011 and the Family Assistance Legislation Amendment (Child Care Rebate) Bill 2011 were from the Administrator (currently the Governor of New South Wales).

Hansard: 21 March 2011, 2440, 2470
Votes and Proceedings: 2010-11/411, 413

SOs 2, 147

Committees

85.12 *Statements made in connection with two committee inquiries*

Pursuant to the revised standing order 39(a), the Deputy Chair of the Standing Committee on Social Policy and Legal Affairs made a short statement in connection with the current inquiry into the regulation of billboard and outdoor advertising.

The Chair of the Standing Committee on Infrastructure and Communications 'further updated the House' on an inquiry of the committee. A Member of the committee also rose to speak about the inquiry. (The Chair and Deputy Chair had made statements relating to the inquiry on the previous sitting Monday – *see* entry **84.15**.)

Note: Previously, committee chairs were only able to make statements in connection with a committee's report at the time of its presentation to the House.

Hansard: 21 March 2011, 2364-7
Votes and Proceedings: 2010-11/405

SO 39

85.13 *Senate amendments to the resolution of appointment of the Joint Committee on the National Broadband Network*

On 21 March 2011, the Speaker reported a message from the Senate informing the House that it concurred with the resolution of appointment of a Joint Standing Committee on the National Broadband Network, subject to its proposed amendments. Among other things, the amendments proposed the appointment of a deputy chair and participating members, as well as their rights and responsibilities. The message also included the names of Senators to be appointed to the committee as members and participating members. On the motion of the Leader of the House, the message was considered immediately and the amendments agreed to on the voices.

Hansard: 21 March 2011, 2396-7
Votes and Proceedings: 2010-11/408-9

SO 224, 261

85.14 *Changes to membership of Selection Committee*

On 22 March, the Speaker reported advice from the Chief Opposition Whip nominating one Member to replace another on the Selection Committee. On the motion of the Leader of the House, the changes were agreed to.

Hansard: 22 March 2011, 2678-9
Votes and Proceedings: 2010-11/425

SO 222

85.15 *Four bills referred to committees*

On 24 March, the Speaker presented report (No. 18) of the Selection Committee, recommending that four bills be referred to standing committees. The Carbon Credits (Carbon Farming Initiative) Bill 2011, Carbon Credits (Consequential Amendments) Bill 2011 and the Australian National Registry of Emissions Units Bill 2011 were referred to Standing Committee on Climate Change, Environment and the Arts, while the Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011 was referred to the Standing Committee on Education and Employment.

Hansard: 24 March 2011, 3219
Votes and Proceedings: 2010-11/462

SO 222

Divisions

85.16 *Division required at 7.56 pm deferred until after 8 pm*

In accordance with standing order 133, a division required at 7.56 pm was deferred. Following the presentation of a report of the Parliamentary Standing Committee on Public Works, the Deputy Speaker proceeded to put the question on the second reading of the Families, Housing, Community Services and Indigenous Affairs and other Legislation Amendment (Election Commitments and Other Measures) Bill 2011. The House divided at 8.06 pm, and the 'ayes' being in the majority, the question was agreed to.

Hansard: 22 March 2011, 2739-41
Votes and Proceedings: 2010-11/426-7

SOs 34, 133

Main Committee

85.17 *Meeting of Main Committee delayed*

While the Main Committee had been scheduled to meet at 10.30 am on 21 March, it did not meet until 10.42 am.

Hansard: 21 March 2011, 2537
Votes and Proceedings: 2010-11/419

SOs 186, 192

Members

85.18 *Disorderly question time – seven Members ‘sin-binned’ and one Member named and suspended*

During question time on 23 March, the Speaker simultaneously directed two Members of the Opposition and two Members of the Government to leave the Chamber for one hour. Another three Members were directed to leave the Chamber for one hour. The Manager of Opposition Business was then named by the Speaker for continuing to interject after having been warned, and the Leader of the House moved that he be suspended from the service of the House. The motion was carried on division and the Manager of Opposition Business accordingly withdrew from the Chamber for 24 hours.

Hansard: 23 March 2011, 2926, 2929, 2936-7
Votes and Proceedings: 2010-11/437-8

SOs 91, 92, 94

Order of business

85.19 *Suspension of standing orders 31 and 33 – extended sitting*

Shortly after the Speaker took the Chair on 24 March, the Leader of the House, pursuant to notice, moved that standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after 10 pm) be suspended for that sitting day. The motion was moved in anticipation of the House sitting later than usual to consider bills relating to the National Broadband Network, and was agreed to on the voices.

Throughout the day, the Leader of the House updated Members on the timing of the adjournment, which was dependent on the Senate’s consideration and transmittal of the bills. (One of these updates interrupted the debate on the matter of public importance.) At 5.02 pm, the Speaker suspended the sitting until the ringing of the bells. The sitting continued on Monday 25 March at 10.00 am.

Upon resumption the House considered various items of business, including several bills which had been returned from the Senate with amendments (*see* entry **85.04**). The Leader of the House moved that the House do now adjourn, and the question was put and passed at 6.56 pm.

Hansard: 24 March 2011, 3127, 3163, 3200-1, 3220, 3232-3

Votes and Proceedings: 2010-11/1905, 447, 474

SOs 31, 33, 47, 63

Parliamentary administration

85.20 *Recommendation to appoint a Parliamentary Budget Officer*

On 23 March, the Deputy Chair of the Joint Select Committee on the Parliamentary Budget Office presented the committee's report and made a short statement by leave. The report recommended that a Parliamentary Budget Officer be appointed as an independent officer of the Parliament.

Hansard: 23 March 2011, 2984-5

Votes and Proceedings: 2010-11/441

SO 247

Private Members' business

85.21 *Presentation of explanatory memorandum to a private Member's bill by leave*

A private Member presented the explanatory memorandum to his bill, by leave, immediately prior to the adjournment of debate on the second reading of the bill.

Note: When a Member in whose name the notice stands presents a private Members' bill, he or she may speak to it for ten minutes.

In that time, the Member may present an explanatory memorandum, for which leave is not required.

Hansard: 21 March 2011, 2373

Votes and Proceedings: 2010-11/406

SOs 1, 41, 141

85.22 *Senate amendments moved and agreed to on private Member's bill*

On 21 March 2011, the House considered a message from the Senate, returning a private Member's bill with amendments. The Member in whose name the bill stood moved that the amendments be agreed to and made a short statement in connection with the amendments. The motion that the amendments be agreed to was seconded and debate continued. The House divided on the question that the

amendments be agreed to. The 'ayes' being in the majority, the amendments were agreed to.

Hansard: 22 March 2011, 2393-6
Votes and Proceedings: 2010-11/407-8

SOs 41, 158

85.23 *Private Member's bill discharged*

On 24 March, the Leader of the Opposition, by leave, moved that the order of the day (No. 17) on the resumption of debate on his private Member's bill be discharged from the *Notice Paper*. The Leader of the Opposition made a brief statement in connection with the motion, explaining that the Attorney-General had introduced a government bill in substantially similar terms to his bill.

Hansard: 24 March 2011, 3143-5, 3176
Votes and Proceedings: 2010-11/454, 459

SOs 37, 41, 42, 63

Senate

85.24 *Senate agrees to a second reading amendment on House bill*

The Schools Assistance Amendment (Financial Assistance) Bill 2011 was passed by the House of Representatives and introduced into the Senate on 21 March 2011. During debate on the second reading, a Senator moved, as a second reading amendment:

At the end of the motion, add:

but the Senate is of the opinion that the Government should respond to the Review of Funding for Schooling, chaired by David Gonski AC, by March 2012, fully outlining the Government's plans for Commonwealth funding for government and non-government schools.

Pursuant to Senate standing order 114(3) 'Other amendments may be moved to the question for the second reading provided that they are relevant to the bill', the Senate passed the amendment. There was no consequence of this amendment being passed for the House – it merely allowed the Senate to express an opinion on the bill. The additional words appeared in the Senate Journals.

The Senate standing order contrasts with the relevant standing order of the House (145(a)(iii)), which requires that a second reading amendment 'not propose the addition of words to the question.'

Senate Hansard: 23 March 2011, 1537
Journals: 2011/738

Senate SO 114
House SO 145

Speaker

85.25 *Acting Speaker takes the Chair*

On 21 March, the Deputy Speaker took the Chair as Acting Speaker, made an acknowledgement of country and read prayers.

Hansard: 21 March 2011, 2359
Votes and Proceedings: 2010-11/405

SOs 18, 38

85.26 *Speaker gives 'general warning' in question time*

Following interjections from several Members, the Speaker issued a 'general warning', stating that it applied to 'everybody'. Six members were directed to leave the Chamber under standing order 94a for one hour. The Speaker withdrew his ruling that another Member leave the Chamber under that standing order, following a point of order from the Manager of Opposition Business which clarified that the Member had sought leave to table a CD.

Note: Standing order 94(a) does not require the Speaker to give a Member warning before directing him or her to leave the Chamber for one hour.

Hansard: 21 March 2011, 2423-6
Votes and Proceedings: 2010-11/410-1

SOs 63, 91, 92, 94

85.27 *Speaker rules part of a motion out of order*

On a point of order, the Leader of the House argued that part of the Leader of the Opposition's motion to suspend standing and sessional orders was out of order because it was 'a rhetorical press release'. The Speaker ruled the last sentence of the motion out of order, but allowed the rest of the motion to stand. The motion was then seconded and debate ensued.

Note: The Speaker is responsible for ruling whenever any question arises as to the interpretation or application of a standing order.

Hansard: 24 March 2011, 3242-9
Votes and Proceedings: 2010-11/464-5

SOs 3, 47, 86

Withdrawals

85.28 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'It's about the funding model, you goose! You are a goose.'	21 March 2011	2412
'For that duck to call me a goose! ... You have the highest pitched quack I've ever heard, mate!'	21 March 2011	2412
'I withdraw the word 'harridan'.'	21 March 2011	2422
'Pauline Hanson in drag!'	21 March 2011	2423
'Don't lie!'	21 March 2011	2427
'... a motion that proves their stupidity ...'	21 March 2011	2565
<i>unrecorded</i>	22 March 2011	2662
'...oddball.'	22 March 2011	2667
' ... with the Deputy Leader of the Opposition showing the intelligence she is famous for ...'	23 March 2011	2945
<i>unrecorded</i>	24 March 2011	3202
<i>unrecorded</i>	24 March 2011	3202
<i>unrecorded</i>	24 March 2011	3215
'You are hopeless.'	24 March 2011	3311
'... the Independents indicate[d] to us that they would support an amendment moved by the opposition that dealt with this issue ...'	24 March 2011	3355
'The motion was part of the agreement they made with the independents in order to buy their support with this grubby deal that the government has made with the crossbenchers.'	24 March 2011	3355

SOs 89, 90, 92