



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

MOTIONS

Standing and Sessional Orders

SPEECH

Tuesday, 13 September 2016

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Tuesday, 13 September 2016
Page 756
Questioner
Speaker Burke, Tony, MP

Source House
Proof No
Responder
Question No.

Mr BURKE (Watson—Manager of Opposition Business) (16:52): The Leader of the House is nearly accurate. When he says that there are some aspects of his amendments to standing orders that are not controversial, that is true—for example, changes to petitions. Allowing e-petitions is something that has been sought in the House for a long time, and it is good to see a first step happening with that in standing orders. But it is quite disingenuous to claim that what was put in a joint letter from the crossbenchers and I to the government some time ago now is something that they still need to spend time reflecting on and considering, when they have been able to rush through changes that deal with what happens when you want to conduct a vote for a second time. I move:

- (1) Omit proposed standing order 132.
- (2) Omit proposed standing order 215(d), substitute:

(d) Each committee appointed under paragraph (a) shall consist of seven members: four government Members and three non-government Members, provided that if a non-aligned Member is appointed to a committee, such committee shall consist of eight members: four government Members, three non-government Members, and one non-aligned Member. Each committee may have its membership supplemented by up to four members for a particular inquiry, with a maximum of two extra government and two extra opposition or non-aligned Members. Supplementary members shall have the same participatory rights as other members, but may not vote.

- (3) Omit proposed standing order 222, substitute:

222 Selection Committee

- (a) A Selection Committee shall be appointed to:

(i) arrange the timetable and order of committee and delegation business and private Members' business for each sitting Monday in accordance with standing orders 39 to 41;

(ii) select private Members' notices and other items of private Members' and committee and delegation business for referral to the Federation Chamber, or for return to the House;

(iii) recommend items of private Members' business to be voted on. Three members of the committee are sufficient to recommend an item to be voted on;

(iv) select bills that the committee regards as controversial or as requiring further consultation or debate for referral to the relevant standing or joint committee in accordance with standing order 143. One member of the committee is sufficient to select a bill for referral; and

- (v) subject to standing order 1, set speaking times for second reading debates.

(b) The committee shall consist of eleven members: the Speaker, or in the absence of the Speaker the Deputy Speaker, the Chief Government Whip or his or her nominee, the Chief Opposition Whip or his or her nominee, the Third Party Whip or his or her nominee, three government Members, two opposition Members and two non-aligned Members. The Speaker shall be the Chair of the committee. A quorum shall be three members of the committee.

(c) For committee and delegation business and private Members' business, the committee may determine the order of consideration of the matters, and the times allotted for debate on each item and for each Member speaking.

(d) Any non-aligned Member who has a notice of motion or order of the day on the Notice Paper may attend a meeting of the committee to advocate for its selection.

(e) In relation to committee and delegation business and private Members' business the committee must report its determinations to the House in time for its decisions to be published on the Notice Paper of the sitting Thursday before the Monday being considered. In relation to bills the committee must report its determinations as soon as practical in respect of each bill or each group of bills.

(f) Reports of the committee under paragraph (d) shall be treated as having been adopted when they are presented. Reports shall be published in Hansard.

(g) A referral by determination of the Selection Committee pursuant to paragraph (a)(ii) or (a)(iii), once the determination has been reported to the House, is deemed to be a referral by the House.

This amendment omits the change which is proposed by the Leader of the House to standing order 132. He says, 'You only told me 10 days ago.' How long do we think they have been considering a need to change this standing order? The proposed change to 132 deals with this:

(b) If a division has miscarried through misadventure caused by a Member being accidentally absent or some similar incident, any Member may move on the same sitting day, without notice and without the need for a seconder—

That the House divide again.

At the moment, a suspension of standing orders is required to do that. At the moment what happens is that both sides have to agree to have the absolute majority required for the suspension of standing orders that it is reasonable to have the vote a second time.

The Leader of the House wants to push through a change that is all about his humiliation last Thursday. That is what this is about. There is one reason that this has been brought forward and the issues that were contained in the letter have not been brought forward, and that is that there is a special urgency for the Leader of the House to change the rules when people do not turn up for a vote.

Mr Pyne: This has got nothing to do with that.

Mr BURKE: This is great. I will take that interjection. The Leader of the House says that it has nothing to do with when people do not turn up.

Mr Pyne interjecting—

The SPEAKER: The Leader of the House has had a speaking opportunity.

Mr BURKE: Let me read the proposed amendment to standing order 132. It says:

(a) If confusion, or error concerning the numbers reported by the tellers, occurs and cannot be corrected, the House shall divide again.

(b) If a division has miscarried through misadventure caused by a Member being accidentally absent or some similar incident, any Member may move on the same sitting day, without notice—

The reason that this is being pushed forward today without agreement, when he is unwilling to deal with the issues that were put forward in the joint letter from the opposition and the crossbench, is simple: the Leader of the House had a humiliation last Thursday and he is determined to be able to promise the Prime Minister that it will never happen again. What he is trying to do in this motion and the motion we will deal with next is change the rules to cover the fact that the members of his own side cannot be guaranteed to be here when votes are taking place.

Mr Pyne: That's not true.

Mr BURKE: I do admire that the Leader of the House will claim that they have a working majority, when the problem is they have a majority who will not work. I admire the gall of the Leader of the House in claiming that rushing this one forward today has nothing to do with the fact that it is about trying to make up the numbers after the event when a government has lost a vote on the floor of the parliament. I admire the fact that the Leader of the House is willing to come in here and argue black is white in such a good mood. In fact, I admire that he is

able to smile at all when there has never been a Leader of the House more humiliated in the last 50 years than happened to that man the last Thursday that this parliament sat.

I commend the opposition's amendment to the House. The amendment also deals with issues relating to the Selection Committee, and the member for Grayndler will go through those. The reason the government originally gave for not allowing the Selection Committee to have the same formation it had from 2010 to 2013 was on the basis that they had a working majority. Well, they do not. If you have a working majority it means that, when the votes happen, you persistently have a majority. That has not been the experience of this parliament. That has not been the experience under the leadership of the Leader of the House that we currently have.

The amendment that I have put forward deals with making sure both sides have to agree if we are going to conduct a division a second time round. It also deals with the fact that the Selection Committee should take the same form as the parliament had from 2010 to 2013. If it were ever going to be argued that that should not happen because the government had a working majority, that argument absolutely collapsed the last time the parliament sat on that Thursday afternoon. Those opposite remember the date. Those opposite remember their moment in history. Those opposite remember their humiliation. But the answer is not to change the rules; the answer is to turn up for a vote. The answer is to turn up to work. You do not try to change the rules to manufacture a victory when you have not had one. What you do is you get your members of parliament to bother to turn up to work. The government has not been able to deliver that.

Today is simply a shallow attempt to try to change the rules so that, if it goes wrong again for them, he can come through with his feather duster and try to clean up everything after the event. The Australian people see these changes for exactly what they are: a government in chaos with a Leader of the House and a Prime Minister who do not have a working majority in the House of Representatives or their cabinet or their party room.

The SPEAKER: Is the amendment seconded?