

MOTIONS TO SUSPEND STANDING AND SESSIONAL ORDERS CONTAINING REFLECTIONS ON MEMBERS

SUBMISSION TO THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON PROCEDURE

Events giving rise to current inquiry

Motion by Mr S Smith MP

On 10 October 2006, the Member for Perth, Mr Stephen Smith, moved a lengthy motion to suspend standing and sessional orders to enable him to outline comparisons in certain Australian Workplace Agreements. A copy of the motion is attached at "A". The motion was ruled out of order before the question – That the motion be agreed to – was stated by the Chair as the written motion handed in differed substantially from the terms read out by the Member in moving it.

Government motion

Subsequently, the Minister for Employment and Workplace Relations moved a motion to suspend standing and sessional orders to enable the House to condemn the member for Perth immediately. This motion was agreed to, after debate. The Manager of Opposition Business asked, on a point of order, whether a follow-up motion of condemnation of a Member would be moved. The Speaker replied that he had taken advice, that the motion agreed to was in order, and covered both suspension of standing and sessional orders and condemnation by the House.

Motion of dissent

On 11 October, the Manager of Opposition Business asked a question of the Speaker in relation to the suspension of standing and sessional orders. The Speaker stated that the motion moved the previous day by the Minister was in order. A motion of dissent from the ruling was negatived after debate, thus effectively confirming the Speaker's ruling.

Motions to suspend standing and sessional orders for a purpose contained within the same motion

Machinery motions

It is reasonably frequent for a motion to be moved that seeks to suspend standing and sessional orders for a purpose contained within the same motion. As was pointed out in the motion of dissent from the Speaker's ruling, these are mainly for procedural or machinery purposes. Motions of this kind have been moved:

- To vary the time for the commencement of question time;
- To put in place a special routine of business for a special day;
- To outline arrangements for the consideration of Bills;
- To enable an Opposition Member to speak for an equal period of time as a Minister.

Examples are attached at "B".

Opposition motions

A study of the motions moved in the recent past by the Leader of the Opposition and the Manager of Opposition Business indicate that they invariably seek to move a motion to suspend standing and sessional orders in order to move a second, substantive motion. This practice, with one refinement to which I will return subsequently, is the technically sound, procedurally correct way to proceed in circumstances such as a motion that challenging or questioning the behaviour or conduct of a Member, including a Minister or the Ministry.

However, there have been many motions moved in the past that do not follow this procedure. Recent motions to suspend standing and sessional orders to require or enable, within the same motion, a Minister to come into the House and make explanations or perform certain actions have been moved as follows:

- ❖ By the Member for Corio – 5 recent examples;
- ❖ By the Member for Hunter – 2 recent examples;
- ❖ By the Members for Lilley, Calare and Griffith – 1 recent example each.
- ❖ In fact, the motion moved by the Member for Perth on 10 October was a motion of this kind. It was a motion to enable the Member for Perth to make certain comparisons [by implication, immediately]. If his motion had been agreed to, presumably the member for Perth would have commenced his comparisons immediately the motion was agreed to, if that were the case.

These motions moved by Opposition Members were moved without challenge. Only one was ruled out of order and that was the one moved by the Member for Perth on 10 October. This was not ruled out of order on the ground that it contained the purpose for suspension within the motion for suspension; it was ruled out of order because the motion as submitted in written form differed significantly from the oral version.

Motions that are acceptable when moved by one Member or one group of Members are usually acceptable whether moved by Government or Opposition (subject to the parliamentary principle of the financial initiative of the Crown). In addition, the Chair cannot have regard to the fact that a motion might be expected to be successful or unsuccessful in determining whether a motion is in order, the Chair's task is simply to assess whether the motion being moved is in order, the question of further action as in the case that gave rise to the current inquiry is not the Speaker's responsibility.

Unlike the suspensions for machinery purposes, the provision for suspension of standing and sessional orders in such combined motions is in effect a tactical measure to enable the motion to be moved and the substantive purpose of the motion debated without notice and without leave. The substantive purpose of the motion—other than the reference to immediate timing—does not require suspension of the standing orders.

Motions challenging the conduct or behaviour of Members

The point was made in debate on the motion of dissent that in the light of the seriousness of the matter, suspensions of standing orders should be a distinct motion

from a motion to censure, condemn or express lack of confidence in, a Member of the House. It was said that such motions in respect of a private Member were rare.

Advantage of two separate motions

Theoretically, it must be said that, if two separate motions were moved, it would be possible to vote for a suspension of standing orders to enable a matter to be discussed concerning the conduct of a Member and then to vote against on a substantive motion of censure, condemnation etc. However, the motion to suspend standing orders is merely the machinery to enable the substantive motion to be moved. Where a government indicates that it will accept a motion of censure, condemnation, leave etc, it is frequently taken to have been moved by leave. Such motions attract longer time limits for individual speeches and are unlimited by the standing orders in terms of overall time. They permit the House to make a clear decision at the end of the debate on the substantive matter alone, not the substantive matter and a procedural motion.

Advantages of combined motions

One significant advantage of a combined notice was illustrated by the Leader of the Opposition in his speech to his motion of dissent. Mr Beazley indicated that where a Government did not accept a motion of censure etc, an Opposition was limited to 25 minute attempt to make out a case for suspension, but that debate was to be relevant to the motion of urgency or necessity to suspend the standing orders. This led to frequent interruption and points of order. However, it was the only opportunity available to an Opposition to make out its case.

In the instance of a combined motion, comments could be made on the substantive case. There have been a number of expressions of opinion that this should be the case.

Another advantage is that for the Chair more scrutiny may be required by the Chair in deciding whether to permit a suspension motion to proceed. On occasion, Oppositions prefer to move motions to suspend standing orders with minimal notice, and thus preserve an element of surprise. If the House decided that such motions such invariably be split into two motions, Opposition motions attached at "B" would have been ruled out of order, and some of the momentum may have been lost while the Chair considered the terms of the motion. The way in which the motions attached at "B", the motion by Mr S Smith on 10 October and the motion moved by Mr Andrews on the same day, were moved facilitated the free-flow of events in the House, and the House moved on to decision. Should a different approach be adopted, the occupant of the Chair may well wish to consider the terms of a motion to suspend standing and sessional orders before allowing the moving of a motion, or consideration, to proceed.

However, I mentioned earlier an alternative to the "separate motions" practice. Where I or other House staff have the opportunity for input to the drafting of motions of this kind, our preferred approach would be to incorporate the following steps:

- Member to seek **leave** to move of censure, condemnation etc. If leave granted, proceed with motion.
- If leave not granted, Member to move suspension of standing orders to enable motion of censure, condemnation etc to be moved.
- If suspension of standing orders agreed to, Member to move substantive motion (otherwise, 25 minute limit of total debate applies).

In short, it would be preferable on all occasions to seek leave to move a motion before seeking to suspend standing and sessional orders.

Impact of Committee recommendations

The Committee may wish to consider whether, on balance, is it preferable to recommend that in all instances of events similar to those on 10 October, there should be a separate motion to suspend standing and sessional orders as an invariable preliminary event, or whether the motion should be moved by leave, or whether it is better to retain the flexibility of a combined motion being moved where circumstances so warrant.

If the Committee considers that a combined motion in such circumstances is not appropriate, it may also wish to consider whether combined motions for other, non machinery, matters are appropriate. The majority of attempts to suspend standing and sessional orders as a tactical measure come from the Opposition, and a recommendation by the Committee that separate motions should be moved on all occasions would imply that motions such as a number of motions moved recently would be out of order.

There may also be a requirement for the terms of motions to be provided to the Chair in advance to enable the Chair to decide whether to permit debate. This could have an unfortunate effect on the free-flow of events within the Chamber, and on the momentum of the Member concerned who might wish to move a motion of this kind.

Any further information in connection with this inquiry that the Committee wishes will be supplied on request.

A handwritten signature in black ink, appearing to read 'I C Harris', written in a cursive style.

I C HARRIS
8 November 2006

A

WORKPLACE RELATIONS**Mr STEPHEN SMITH** (Perth) (3.19 p.m.)—I move:

That so much of standing and sessional orders be suspended as would prevent the member for Perth having the opportunity of outlining to the House the detailed comparison between the Martin Donnelly Electrical Services AWA and the collective agreement currently covering sparkies working at the new Department of Prime Minister and Cabinet site in Canberra, including and in particular the fact that:

- (a) The collective agreement goes from 28 May 2004 to 4 December 2006; the AWA goes for three years from 1 October 2006. Under the collective agreement there are six pay increases during the 2.5-year life of the agreement and under the AWA there are no guaranteed pay increases during the three-year life of the agreement.
- (b) Under the collective agreement they work 36 hours per week and under the AWA they work 38 hours per week. Under the collective agreement ordinary working hours are Monday to Friday between six am and six pm, with a minimum eight-hour and a maximum 10-hour shift. Under the AWA ordinary working hours are Monday to Friday between six am and six pm.
- (c) Under the collective agreement any hours above 36 hours or outside the ordinary hours above are paid at overtime rates. Under the AWA there is a requirement to work 'reasonable additional hours' beyond 38 hours per week.
- (d) With regard to Saturday penalty rates, under the collective agreement it is 150 per cent for the first three hours and 200 per cent of the ordinary rate thereafter; under the AWA it is 150 per cent of the ordinary rate. Under the collective agreement the Sunday penalty rate is 200 per cent of the ordinary rate, with a minimum payment of three hours. Under the AWA, it is 200 per cent of the ordinary rate.

Mr McGauran—Do you have any more?**Mr STEPHEN SMITH**—I have very many more. To continue:

Mr McGauran—Mr Speaker, I rise on a point of order. Under standing orders, notices of motion are not to be excessive. I believe this notice of motion is excessive in its detail.

The SPEAKER—The Deputy Leader of the House raises a valid point of order, and the member for Perth can include some of this in his debate. I ask the member for Perth to come to the conclusion of his motion.

Mr STEPHEN SMITH—Mr Speaker, on the point of order: I have done one of these motions before in which I have gone from points (a) through to (z). I am not proposing to go to (z) on this occasion.

The SPEAKER—The member for Perth will not reflect on the chair.

Mr STEPHEN SMITH—I didn't. It was on the point of order.

The SPEAKER—The member for Perth will conclude his motion.

Mr STEPHEN SMITH—I continue:

Mr McGauran—Mr Speaker, on a point of order: the honourable member is defying your guidance if not your ruling. This is excessive and is contrary to standing orders.

Mr Beazley—Mr Speaker, on the point of order: there has not been a restriction on the content that may be put into a motion that is moved in this House. It is because they are embarrassed, as he does over the Prime Minister, that we get this response.

The SPEAKER—The Leader of the Opposition would be aware that there have been times when a motion is considered excessively long, and this one is certainly getting to that point, so I would ask the member for Perth to conclude his motion.

Mr STEPHEN SMITH—I continue:

The Prime Minister will do or say anything to avoid the fact that his IR changes hurt working Australians.

The SPEAKER—The member for Perth will resume his seat.



3 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Swan moved—That so much of the standing and sessional orders be suspended as would prevent the Treasurer from tabling the following material before this House rises today:

- (1) all documents including departmental briefs, letters, emails and file notes held by the Department of the Treasury, the Australian Taxation Office or his office, relating to the assessment of the suitability of Mr Gerard for appointment to the Reserve Bank Board;
- (2) all documents, including departmental briefs, letters, emails and file notes held by the Department of the Treasury, the Australian Taxation Office, or his office relating to the consideration of a reference of the matter of Mr Gerard's taxation affairs to the Director of Public Prosecutions;
- (3) the statement of private interests provided to him by Mr Robert Gerard as required under the Reserve Bank of Australia Code of Conduct; and
- (4) all notifications and amendments to Mr Robert Gerard's statement of private interests, provided to him by Mr Gerard, as required under the Reserve Bank of Australia Code of Conduct.

Closure of Member

Mr McGauran (Deputy Leader of the House) moved—That the Member be no longer heard.

Question—put.

The House divided (the Acting Speaker, Mr Causley, in the Chair)—

AYES

Mr Anderson	Mr Entsch	Mrs D. M. Kelly	Mr Robb
Mr Andrews	Mr Farmer	Jackie Kelly	Mr Ruddock
Fran Bailey	Mr Fawcett	Mr Laming	Mr Schultz
Mr Baird	Mr M. D. Ferguson	Mrs Ley	Mr Scott
Mr Baker	Mr Forrest*	Mr Lindsay	Mr Secker
Mr Baldwin	Ms Gambaro	Mr Lloyd	Mr Slipper
Mr Barresi	Mrs Gash	Mr McArthur*	Mr A. D. H. Smith
Mr Bartlett	Mr Georgiou	Mr Macfarlane	Mr Somlyay
Mr Billson	Mr Haase	Mr McGauran	Dr Stone
Mrs B. K. Bishop	Mr Hardgrave	Mrs Markus	Mr C. P. Thompson
Ms J. Bishop	Mr Hartsuyker	Mrs May	Mr Tollner
Mr Broadbent	Mr Henry	Mrs Moylan	Mr Truss
Mr Brough	Mr Hockey	Mr Nairn	Mr Tuckey
Mr Cadman	Mrs Hull	Dr Nelson	Mr Turnbull
Mr Ciobo	Mr Hunt	Mr Neville	Mrs D. S. Vale
Mr Cobb	Dr Jensen	Ms Panopoulos	Mr Vasta
Mr Costello	Mr Johnson	Mr Pearce	Mr Wakelin
Mrs Draper	Mr Jull	Mr Prosser	Dr Washer
Mr Dutton	Mr Keenan	Mr Richardson	Mr Wood

2 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Fitzgibbon moved—That so much of the standing and sessional orders be suspended as would prevent the Treasurer from coming into this place and providing a full and proper explanation as to why he refuses to provide the Australian Competition and Consumer Commission under s. 95ZE(1) with a direction that would enable the ACCC to:

- (1) formally monitor terminal gate, wholesale and retail petrol prices;
- (2) obtain all information from refiners, wholesalers and major retailers in the transport fuels sector relevant to fuel prices, including costs, profits and margins; and
- (3) conduct all other inquiries relevant to the spiralling fuel prices.

Closure of Member

Mr Abbott (Leader of the House) moved—That the Member be no longer heard.

Question—put.

The House divided (the Speaker, Mr Hawker, in the Chair)—

AYES

Mr Abbott	Mr Dutton	Mrs D. M. Kelly	Mr Robb
Mr Anderson	Mrs Elson	Jackie Kelly	Mr Ruddock
Mr Andrews	Mr Entsch	Mr Laming	Mr Schultz
Fran Bailey	Mr Farmer	Mrs Ley	Mr Scott
Mr Baird	Mr Fawcett	Mr Lindsay	Mr Secker
Mr Baker	Mr M. D. Ferguson	Mr Lloyd	Mr Slipper
Mr Baldwin	Mr Forrest	Mr McArthur*	Mr A. D. H. Smith
Mr Barresi	Ms Gambaro	Mr Macfarlane	Mr Somlyay
Mr Bartlett	Mrs Gash	Mr McGauran	Dr Southcott
Mr Billson	Mr Georgiou	Mrs Markus	Dr Stone
Mrs B. K. Bishop	Mr Haase	Mrs May	Mr C. P. Thompson
Ms J. Bishop	Mr Hardgrave	Mrs Mirabella	Mr Ticehurst
Mr Broadbent	Mr Hartsuyker	Mrs Moylan	Mr Tollner
Mr Brough	Mr Henry	Mr Nairn	Mr Truss
Mr Cadman	Mr Hockey	Dr Nelson	Mr Turnbull
Mr Causley	Mrs Hull	Mr Neville*	Mr M. A. J. Vaile
Mr Ciobo	Mr Hunt	Mr Pearce	Mrs D. S. Vale
Mr Cobb	Dr Jensen	Mr Prosser	Mr Vasta
Mr Costello	Mr Johnson	Mr Pyne	Mr Wakelin
Mr Downer	Mr Jull	Mr Randall	Dr Washer
Mrs Draper	Mr Keenan	Mr Richardson	Mr Wood

NOES

Mr Adams	Mr Emerson	Mrs Irwin	Mr Ripoll
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2 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Fitzgibbon moved—That so much of the standing and sessional orders be suspended as would prevent:

- (1) the Treasurer coming in to the House to explain why he is prepared to extend a tax break to James Hardie, but not to the Asbestos Injuries Compensation Fund;
- (2) the Treasurer explaining to the House why he will not ensure that payments by James Hardie to the fund will remain tax exempt in the hands of the fund, removing a tax liability to the fund of \$630m which will undermine the whole arrangement, and why he will not ensure that the \$160m tax liability on the earnings of the fund can be eliminated to guarantee that the victims and their dependants are properly provided for; and
- (3) the Member for Hunter moving that order of the day No. 8, government business, on today's Notice Paper be brought on for debate forthwith to allow the Opposition to move its amendments to ensure that the Asbestos Injuries Compensation Fund is tax exempt.

Closure of Member

Mr Pearce (Parliamentary Secretary to the Treasurer) moved—That the Member be no longer heard.

Question—put.

The House divided (the Speaker, Mr Hawker, in the Chair)—

AYES

Mr Abbott	Mr Farmer	Mr Laming	Mr Schultz
Mr Anderson	Mr Fawcett	Ms Ley	Mr Scott
Mr Andrews	Mr M. D. Ferguson	Mr Lindsay	Mr Secker
Fran Bailey	Mr Forrest	Mr McArthur*	Mr Slipper
Mr Baird	Ms Gambaro	Mr Macfarlane	Mr A. D. H. Smith
Mr Baker	Mrs Gash	Mr McGauran	Mr Somlyay
Mr Baldwin	Mr Georgiou	Mrs Markus	Dr Southcott
Mr Barresi	Mr Haase	Mrs May	Dr Stone
Mr Bartlett	Mr Hardgrave	Mrs Mirabella	Mr C. P. Thompson
Mr Billson	Mr Hartsuyker	Mrs Moylan	Mr Ticehurst
Mrs B. K. Bishop	Mr Henry	Mr Nairn	Mr Tollner
Ms J. Bishop	Mr Hockey	Dr Nelson	Mr Truss
Mr Broadbent	Mrs Hull*	Mr Neville	Mr Tuckey
Mr Brough	Mr Hunt	Mr Pearce	Mr Turnbull
Mr Cadman	Dr Jensen	Mr Prosser	Mr M. A. J. Vaile
Mr Causley	Mr Johnson	Mr Pyne	Mr Vasta
Mr Ciobo	Mr Jull	Mr Randall	Mr Wakelin
Mr Costello	Mr Keenan	Mr Richardson	Dr Washer
Mr Downer	Mrs D. M. Kelly	Mr Robb	Mr Wood
Mrs Elson	Jackie Kelly	Mr Ruddock	

5 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr G. M. O'Connor moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Agriculture, Fisheries and Forestry from tabling the following material before this House rises today:

(1) all documents including departmental briefs, letters, emails and file notes held by the Department of Agriculture, Fisheries and Forestry relating to the assessment of the contracts between AWB Limited and the Government of Iraq under the Oil for Food Program;

(2) all documents, including departmental briefs, letters, emails and file notes held by the Wheat Export Authority relating to the assessment of the contracts between AWB Limited and the Government of Iraq under the Oil for Food Program; and

(3) all documents, including departmental briefs, letters, emails and file notes and other communications between the Department of Agriculture, Fisheries and Forestry and the Department of Foreign Affairs and Trade relating to the assessment of the contracts between AWB Limited and the Government of Iraq and the funding of terrorist activities by the regime of Saddam Hussein.

Closure of Member

Mr McGauran (Deputy Leader of the House) moved—That the Member be no longer heard.

Question—put.

The House divided (the Acting Speaker, Mr Causley, in the Chair)—

AYES

Mr Anderson	Mr M. D. Ferguson	Mr Laming	Mr Ruddock
Mr Andrews	Mr Forrest*	Mrs Ley	Mr Schultz
Fran Bailey	Ms Gambaro	Mr Lindsay	Mr Scott
Mr Baird	Mrs Gash	Mr Lloyd	Mr Secker
Mr Baker	Mr Georgiou	Mr McArthur*	Mr Slipper
Mr Bartlett	Mr Haase	Mr Macfarlane	Mr A. D. H. Smith
Mrs B. K. Bishop	Mr Hardgrave	Mr McGauran	Mr Somlyay
Ms J. Bishop	Mr Hartsuyker	Mrs Markus	Dr Stone
Mr Broadbent	Mr Henry	Mrs May	Mr C. P. Thompson
Mr Brough	Mr Hockey	Mrs Moylan	Mr Tollner
Mr Cadman	Mrs Hull	Mr Nairn	Mr Truss
Mr Ciobo	Mr Hunt	Dr Nelson	Mr Tuckey
Mr Cobb	Dr Jensen	Mr Neville	Mr Turnbull
Mrs Draper	Mr Johnson	Ms Panopoulos	Mrs D. S. Vale
Mr Dutton	Mr Jull	Mr Pearce	Mr Vasta
Mr Entsch	Mr Keenan	Mr Prosser	Mr Wakelin
Mr Farmer	Mrs D. M. Kelly	Mr Richardson	Dr Washer
Mr Fawcett	Jackie Kelly	Mr Robb	Mr Wood

NOES

2 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr G. M. O'Connor moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Agriculture, Fisheries and Forestry from being required to:

- (1) confirm to this House that Australian fruit and vegetable growers suffer under a tyranny of poor transparency, accountability and market returns;
- (2) explain to this House the policy basis on which the Government made this solemn promise to Australia's fruit and vegetable growers that it would introduce a mandatory code of conduct within 100 days of the election;
- (3) confirm that even though the Government made this promise to growers it had no intention of delivering in full on its commitment;
- (4) explain to this House why he has chosen to break that clear promise to fruit and vegetable growers; and
- (5) apologise to all fruit and vegetable growers for this clear and serious breach of trust.

Closure of Member

Mr Baldwin (Parliamentary Secretary to the Minister for Industry, Tourism and Resources) moved—That the Member be no longer heard.

Question—put.

The House divided (the Speaker, Mr Hawker, in the Chair)—

AYES

Mr Abbott	Mrs Elson	Mr Laming	Mr Scott
Mr Andrews	Mr Farmer	Ms Ley	Mr Secker
Fran Bailey	Mr Fawcett	Mr Lindsay	Mr Slipper
Mr Baird	Mr M. D. Ferguson	Mr Lloyd	Mr A. D. H. Smith
Mr Baker	Mr Forrest	Mr McArthur*	Mr Somlyay
Mr Baldwin	Ms Gambaro	Mr Macfarlane	Dr Southcott
Mr Barresi	Mr Georgiou	Mrs Markus	Dr Stone
Mr Bartlett	Mr Haase	Mrs May	Mr C. P. Thompson
Mr Billson	Mr Hardgrave	Mrs Mirabella	Mr Ticehurst
Mrs B. K. Bishop	Mr Hartsuyker	Mrs Moylan	Mr Tollner
Ms J. Bishop	Mr Henry	Mr Nairn	Mr Truss
Mr Broadbent	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Brough	Mrs Hull*	Mr Neville	Mr M. A. J. Vaile
Mr Cadman	Mr Hunt	Mr Pearce	Mrs D. S. Vale
Mr Causley	Dr Jensen	Mr Prosser	Mr Vasta
Mr Ciobo	Mr Johnson	Mr Pyne	Mr Wakelin
Mr Cobb	Mr Jull	Mr Randall	Dr Washer
Mr Costello	Mr Keenan	Mr Richardson	Mr Wood
Mrs Draper	Mrs D. M. Kelly	Mr Ruddock	

7 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr G. M. O'Connor moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Agriculture, Fisheries and Forestry from being required to:

- (1) confirm that fruit and vegetable growers currently have to sell their product through a market system that often lacks transparency and contractual certainty;
- (2) confirm to this House that on 1 October 2004, prior to the last election, the Government promised Australian fruit and vegetable growers a mandatory code of conduct for their industry;
- (3) confirm that the Government has already failed to meet its self imposed 100 day deadline for delivering on this promise;
- (4) explain to this House why he has failed to keep the Government's clear promise to fruit and vegetable growers; and
- (5) apologise to all fruit and vegetable growers for his failure to come into this House earlier today to vote on a motion relating to this important area within his portfolio responsibilities.

Closure of Member

Mr Farmer (Parliamentary Secretary to the Minister for Education, Science and Training) moved—That the Member be no longer heard.

Question—put.

The House divided (the Deputy Speaker, Mr Somlyay, in the Chair)—

AYES

Mr Abbott	Mrs Elson	Mr Laming	Mr Schultz
Mr Anderson	Mr Farmer	Ms Ley	Mr Scott
Mr Andrews	Mr Fawcett	Mr Lindsay	Mr Secker
Fran Bailey	Mr M. D. Ferguson	Mr Lloyd	Mr Slipper
Mr Baird	Mr Forrest	Mr McArthur*	Mr A. D. H. Smith
Mr Baker	Ms Gambaro	Mr Macfarlane	Dr Southcott
Mr Barresi	Mr Georgiou	Mr McGauran	Dr Stone
Mr Bartlett	Mr Haase	Mrs Markus	Mr Ticehurst
Mr Billson	Mr Hardgrave	Mrs May	Mr Tollner
Mrs B. K. Bishop	Mr Hartsuyker	Mrs Mirabella	Mr Truss
Ms J. Bishop	Mr Henry	Mrs Moylan	Mr Tuckey
Mr Broadbent	Mr Hockey	Mr Nairn	Mr Turnbull
Mr Brough	Mrs Hull*	Mr Neville	Mrs D. S. Vale
Mr Cadman	Mr Hunt	Mr Pearce	Mr Vasta
Mr Causley	Dr Jensen	Mr Prosser	Mr Wakelin
Mr Ciobo	Mr Johnson	Mr Pyne	Dr Washer
Mr Cobb	Mr Jull	Mr Randall	Mr Wood
Mr Downer	Mr Keenan	Mr Richardson	
Mrs Draper	Mrs D. M. Kelly	Mr Robb	

8 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr G. M. O'Connor moved—That so much of the standing and sessional orders be suspended as would prevent the Deputy Prime Minister from coming into this place and providing a full and proper explanation as to why the Nationals:

- (1) deceived Australian fruit and vegetable growers in the lead up to the last federal election by promising them a re-elected Coalition Government would introduce a mandatory code of conduct for the horticulture industry;
- (2) falsely promised the horticulture industry that such a code would give producers a fair deal on their terms of trade and on resolving disputes with produce buyers;
- (3) falsely promised that the mandatory code would apply to large supermarket chains;
- (4) falsely promised that a mandatory code would be introduced within 100 days of the 2004 election;
- (5) falsely promised that the Australian Competition and Consumer Commission would be given the power to enforce the mandatory code;
- (6) allowed the Minister for Agriculture, Fisheries and Forestry to mislead this place on 10 November 2005 by stating that the Government would honour its election commitment to introduce a mandatory code for the horticulture industry;
- (7) wasted taxpayers' money by engaging consultants to develop the framework for a mandatory code it had no intention of implementing; and
- (8) has completely abandoned fruit and vegetable growers by allowing the Prime Minister to transfer responsibility for addressing the needs of these hard working Australians from the Nationals to a Liberal Minister.

Closure of Member

Ms Gambaro (Parliamentary Secretary—Foreign Affairs) moved—That the Member be no longer heard.

Question—put.

The House divided (the Deputy Speaker, Mr Causley, in the Chair)—

AYES

Mr Abbott	Mr Fawcett	Ms Ley	Mr Ruddock
Mr Andrews	Mr M. D. Ferguson	Mr Lindsay	Mr Schultz
Fran Bailey	Mr Forrest	Mr Lloyd	Mr Scott
Mr Baker	Ms Gambaro	Mr McArthur*	Mr Secker
Mr Baldwin	Mrs Gash	Mr Macfarlane	Mr A. D. H. Smith
Mr Barresi	Mr Georgiou	Mr McGauran	Dr Southcott
Mr Bartlett	Mr Haase	Mrs Markus	Dr Stone
Mrs B. K. Bishop	Mr Hardgrave	Mrs May	Mr C. P. Thompson
Ms J. Bishop	Mr Hartsuyker	Mrs Mirabella	Mr Ticehurst
Mr Broadbent	Mr Henry	Mrs Moylan	Mr Truss

2 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr G. M. O'Connor moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Industry, Tourism and Resources from coming into this place and providing a full and proper explanation as to why the Government:

- (1) misled farmers in a letter to the National Farmers Federation before the 2004 federal election promising that a re-elected Coalition Government would introduce a mandatory code of conduct for the horticulture industry;
- (2) falsely promised fruit and vegetable growers that the Government would introduce a mandatory code that would deliver a fairer deal on their terms of trade and on resolving disputes with produce buyers;
- (3) falsely promised that supermarket chains would be included in a mandatory code;
- (4) falsely promised that legislation for a mandatory code would be brought into Parliament within 100 days of the election;
- (5) falsely promised that the code would be overseen by the Australian Competition and Consumer Commission;
- (6) compromised the former Deputy Prime Minister, the Member for Gwydir, by dumping his promise to deliver a mandatory fruit and vegetable code;
- (7) wasted taxpayers' money by employing public servants and consultants to develop a draft mandatory code that will never see the light of day; and
- (8) falsely claimed that the code now being forced on the industry will be enforceable when in fact it will be voluntary.

Closure of Member

Mr Abbott (Leader of the House) moved—That the Member be no longer heard.

Question—put.

The House divided (the Speaker, Mr Hawker, in the Chair)—

AYES

Mr Abbott	Mr Fawcett	Mr Lindsay	Mr Secker
Mr Andrews	Mr M. D. Ferguson	Mr Lloyd	Mr A. D. H. Smith
Fran Bailey	Mr Forrest	Mr McArthur*	Mr Somlyay
Mr Baker	Ms Gambaro	Mr Macfarlane	Dr Southcott
Mr Baldwin	Mrs Gash	Mr McGauran	Dr Stone
Mr Barresi	Mr Georgiou	Mrs Markus	Mr C. P. Thompson
Mr Bartlett	Mr Haase	Mrs May	Mr Ticehurst
Mrs B. K. Bishop	Mr Hardgrave	Mrs Mirabella	Mr Tollner
Ms J. Bishop	Mr Hartsuyker	Mrs Moylan	Mr Truss
Mr Broadbent	Mr Henry	Mr Nairn	Mr Tuckey
Mr Brough	Mr Hockey	Dr Nelson	Mr Turnbull