

Procedural Digest

No. 104

29 October – 1 November 2012

Oct to Nov 2012				
M	T	W	T	F
22	23	24	25	26
29	30	31	1	2

Bills

104.01 *Bills passed to appropriate additional money from Consolidated Revenue Fund*

On Tuesday 30 October, two messages from the Governor-General were announced recommending, in accordance with section 56 of the Constitution, appropriation for the purposes of two bills on the implementation of the Report of the Expert Panel on Asylum Seekers. Following each message, the relevant bill was introduced with an explanatory memorandum.

The following day, debate resumed on the second reading. The questions that the bills be each read a second and third time were then put and carried on the voices (see entry **104.12**).

Hansard: 30 and 31 October 2012, 12573-5, 12751-63

Votes and Proceedings: 2010-11-12/1920, 1932

SOs 141, 142, 155, 178, 179, 180, 182

104.02 *Divisions proceed despite only five Members on one side*

On a motion moved by the Minister for Defence, 25 (out of 27) Senate amendments to a bill were agreed to on the voices. He then moved that one of the two remaining Senate amendments to the bill be disagreed to, and debate ensued. A division was then called for and deferred to a later hour, in accordance with standing order 133. When the deferred division was held, the motion was negated on division, with only five Members being on the side for the noes.

The Minister then moved that the remaining Senate amendment be agreed to, and it was carried on division, with the same five Members being on the side for the noes.

Note: For the Chair to declare a question resolved without completing the count, fewer than five Members must be on one side.

Hansard: 30 October 2012, 12588-611, 12626-8

Votes and Proceedings: 2010-11-12/1921, 1923-4

SOs 126, 127, 133, 158

Business

104.03 *Condolence motion for Corporal in Afghanistan*

Prior to question time on Monday 29 October, the Prime Minister moved a motion of condolence regarding the death of Corporal Scott James Smith. The Leader of the Opposition addressed the House in support of the Prime Minister's motion, as did the Minister for Defence and the Shadow Minister for Defence Science, Technology and Personnel. Members rose as a mark of respect and debate was adjourned on motion by the Leader of the House. On further motion by the Leader of the House, resumption of debate on the condolence motion was referred to the Federation Chamber.

The condolence motion was returned to the House on Wednesday 31 October, and agreement was signified as all Members again rose in their places.

Hansard: 29 and 31 October 2012, 12222-5; 12799-800
Votes and Proceedings: 2010-11-12/1899, 1933

SOs 49, 65, 183, 197

104.04 *Statements by indulgence on Australia's seat on United Nations Security Council*

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence in relation to Australia's seat on the United Nations Security Council.

The Leader of the House moved, by leave, that further statements by indulgence be permitted in the Federation Chamber, and the question was agreed to on the voices.

Hansard: 29 October 2012, 12225
Votes and Proceedings: 2010-11-12/1899

SOs 65, 125, 183

104.05 *Updated ministry list presented*

The Prime Minister presented a revised ministry list. The document was incorporated into *Hansard*.

Hansard: 29 October 2012, 12226-8
Votes and Proceedings: 2010-11-12/1899

SOs 199

104.06 *Condolence motion for former Member*

Prior to question time on Tuesday 30 October, the Prime Minister moved a motion of condolence regarding the death of the Hon. Gordon Neil Bilney, a former Minister and Member for the electoral division of Kingston from 1983 to 1996. The Leader of the Opposition addressed the House in support of the Prime Minister's motion, as did a Government Member. Members rose as a mark of respect and

debate was adjourned on motion by the Leader of the House. On further motion by the Leader of the House, resumption of debate on the condolence motion was referred to the Federation Chamber.

The condolence motion was returned to the House on Wednesday 31 October, and agreement was signified as all Members again rose in their places.

Hansard: 30 and 31 October 2012, 12533-6, 12799-800
Votes and Proceedings: 2010-11-12/1916, 1933, 1943
SOs 49, 65, 183, 197

104.07 *Ministerial statement made during Government business time*

During Government business time, the Minister for Employment Services made, by leave, a ministerial statement relating to the tender outcomes of the Disability Employment Services-Employment Support Service, and presented a copy of her statement. Standing orders were then suspended to allow the Shadow Minister to speak in reply for a period not exceeding that of the ministerial statement (8½ minutes), and she addressed the House.

Note: Pursuant to standing order 34, ministerial statements are usually made between the end of question time and the beginning or resumption of Government business each sitting day.

Hansard: 30 October 2012, 12583-8
Votes and Proceedings: 2010-11-12/1921
SOs 34, 47, 63, 65, 199

104.08 *Ministerial statement on Afghanistan following prayers*

Immediately following prayers, the Prime Minister made, by leave, a ministerial statement relating to Afghanistan, and presented a copy of her statement. Standing orders were then suspended by the Leader of the House to allow the Leader of the Opposition to speak in reply for a period not exceeding that of the ministerial statement (28 minutes), and he addressed the House.

The Minister for Defence moved that the House take note of the document, and debate was adjourned. He then moved that the order of the day be referred to the Federation Chamber, and it was agreed to on the voices. He then presented his fifth update on Afghanistan for 2012.

Hansard: 31 October 2012, 12727-35
Votes and Proceedings: 2010-11-12/1931
SOs 47, 63, 65, 199

104.09 *Proposed sitting program agreed to*

The Leader of the House presented the proposed program of sittings for 2013 and moved, by leave, that it be agreed to. Debate ensued and the motion was agreed to on the voices.

Hansard: 1 November 2012, 12929-32
Votes and Proceedings: 2010-11-12/1950

SOs 29, 63, 125, 199

104.10 *Statement by indulgence on Victoria Cross recipient Corporal Daniel Keighran*

Prior to question time, the Prime Minister, the Leader of the Opposition, the Minister for Defence and the Shadow Minister for Defence Science, Technology and Personnel each made a statement by indulgence in relation to the award of a Victoria Cross to Corporal Daniel Keighran.

The Leader of the House then moved, by leave, that further statements by indulgence be permitted in the Federation Chamber, and the question was agreed to on the voices.

Hansard: 1 November 2012, 12985-7
Votes and Proceedings: 2010-11-12/1955
SOs 63, 65, 125, 183

Committees

104.11 *Joint Select Committee on Constitutional Recognition of Local Government appointed*

The Minister for Regional Australia, Regional Development and Local Government moved, pursuant to (an amended) notice, that a Joint Select Committee on Constitutional Recognition of Local Government be appointed, to report by February 2013.

The motion was agreed to on the voices.

The following day, a concurrence motion was moved in the Senate, and agreed to on the voices. Three Senators were then appointed to the committee.

Hansard: 31 October 2012, 12876-7
Senate Hansard: 1 November 2012, 8879-80
Votes and Proceedings: 2010-11-12/1939-40
Journals: 2010-11-12/3268-70
SOs 106, 110, 125, 223

104.12 *Public works approval without referral*

On Thursday 1 November, in accordance with the provisions of the *Public Works Committee Act 1969*, and by reason of the urgent nature of the works, the Special Minister of State moved that it was expedient to have preliminary works carried out to establish a Regional Processing Centre on Nauru, without referring the works to the Parliamentary Standing Committee on Public Works (see entry **104.01**)

The motion was carried on the voices.

Hansard: 1 November 2012, 12919-20
Votes and Proceedings: 2010-11-12/1946

SOs 106, 125

Order of business

104.13 *House meets early; no divisions or quorums*

In accordance with a resolution made at the previous sitting, the House met at 11 am. Government business was given precedence until question time, with provision for any divisions or quorums called to be deferred until after the matter of public importance discussion.

Note: The House usually meets at 2 pm on a Tuesday.

Hansard: 30 October 2012, 12493
Votes and Proceedings: 2010-11-12/1915
SOs 29, 30, 34, 35

104.14 *Adjournment proposed and debated, then negatived to continue consideration of bill*

At 7 pm the Deputy Speaker interrupted proceedings on a bill to propose 'That the House do now adjourn'. Adjournment debate ensued.

At 7.20 pm, the Leader of the House interrupted the adjournment debate, requiring the question 'That the House do now adjourn' to be put immediately without debate, and it was negatived on division. Debate on the bill resumed. The questions that the bill be read a second and third time were put and agreed to on the voices.

A Minister then moved 'That the House do now adjourn' and the question was carried on the voices. The House adjourned at 8 pm.

Hansard: 31 October 2012, 12883-96
Votes and Proceedings: 2010-11-12/1940-2
SOs 29, 31, 34, 142, 155

Private Members' business

104.15 *House divides; count not completed*

During Government business time, standing orders were suspended to allow for immediate consideration of several private Members' motions. With only four Members voting aye when the House divided on the question that one of these motions be agreed to (in accordance with the Selection Committee's recommendations of Wednesday 10 October (*Report No. 67*)), the Speaker declared the question resolved in the negative, without completing the count.

Pursuant to standing order 127, the names of the Members who were in the minority were recorded in the *Votes and Proceedings*.

Hansard: 1 November 2012, 12967
Votes and Proceedings: 2010-11-12/1955

SOs 41, 47, 126, 127, 129, 222

Privilege

104.16 *Matter raised—complaint of breach*

The Manager of Opposition Business raised, as a possible matter of privilege, whether a breach of privilege had been committed by a Minister during an answer to a question without notice that day.

The Speaker stated that she would consider the matter.

Hansard: 31 October 2012, 12818
Votes and Proceedings: 2010-11-12/1934
SOs 51, 65, 216, 250

104.17 *Matter raised—complaint of breach*

The Manager of Opposition Business raised, as a matter of privilege, whether a breach of privilege had been committed by a Minister during a statement made in the Federation Chamber, and presented supporting documents.

The Speaker stated that she would consider the matter.

Hansard: 1 November 2012, 13003-4
Votes and Proceedings: 2010-11-12/1956
SOs 51, 65, 199, 216, 250

Speaker

104.18 *Casting vote exercised on second reading*

During debate on a Government bill, the question was put that the bill be read a second time. The House divided and the numbers for the ayes and the noes being equal, the Speaker gave her casting vote with the ayes. Pursuant to standing order 135(c), the Speaker's reason for exercising her casting vote with the ayes (to allow further consideration) was recorded in the *Votes and Proceedings*. The bill was read a second time.

The bill was then considered in detail, and the question that the bill be agreed to was carried on division. By leave, the third reading was moved, and on the motion of a Minister, the bill was read a third time.

Hansard: 1 November 2012, 12934-64
Votes and Proceedings: 2010-11-12/1950-2
SOs 126, 135, 142, 148, 155

Withdrawals

104.19 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...lying...'	30 October 2012	12563
'...contempt...'	31 October 2012	12790
'...corrupt!'	31 October 2012	12809
<i>unrecorded</i>	31 October 2012	12809
<i>unrecorded</i>	31 October 2012	12817
'...giggling idiot...'	31 October 2012	12892
<i>unrecorded</i>	1 November 2012	12996-7
'...vile and ridiculous...'	1 November 2012	12997
<i>unrecorded</i>	1 November 2012	12997
<i>unrecorded</i>	1 November 2012	13000
'...entirely false story...entirely false...false...making these kinds of matters up...'	1 November 2012	13004

SOs 89, 90, 92