

Procedural Digest

No. 105

26–29 November 2012

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Business

105.01 Ministerial statement made following private Members' business

Immediately following private Members' business time, the Minister for Defence made, by leave, a ministerial statement relating to the Government's apology to people subjected to sexual or other forms of abuse in Defence, and presented a copy of his 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 (seven minutes), and he addressed the House.

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

Hansard: 26 November 2012, 13105-8
Votes and Proceedings: 2010-11-12/1963
SOs 34, 47, 63, 65, 199

105.02 Condolence motion for former Member

Prior to question time on Monday 26 November, the Prime Minister moved a motion of condolence regarding the death of the Hon. Joseph Martin (Joe) Riordan AO, a former Minister and Member for the electoral division of Phillip from 1972 to 1975. The Leader of the Opposition addressed the House in support of the Prime Minister's motion. 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 28 November, and agreement was signified as all Members again rose in their places.

Hansard: 26 and 28 November 2012, 13138-40, 13714
Votes and Proceedings: 2010-11-12/1966, 2004
SOs 49, 65, 183, 197

105.03 *Statements by indulgence on death of Bryce Courtenay AM*

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence regarding the death of Bryce Courtenay AM (a prominent Australian author).

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

Hansard: 26 November 2012, 13140
Votes and Proceedings: 2010-11-12/1966
SOs 63, 65, 125, 183

105.04 *Prime Minister moves motion to have Leader of the Opposition address House*

Prior to question time, the Prime Minister moved, by leave, a motion requiring the Leader of the Opposition to address the House for a period of 15 minutes to substantiate his claim that the Prime Minister breached the laws of Western Australia, or if he could not do so, unreservedly apologise, and that the Prime Minister then be given 15 minutes to reply.

The question was agreed to on the voices, and the Leader of the Opposition addressed the House, followed by the Prime Minister.

Hansard: 29 November 2012, 13947-54
Votes and Proceedings: 2010-11-12/2025
SOs 63, 125

105.05 *Statements by indulgence on retirement of Test cricketer*

Following question time, the Prime Minister, the Leader of the Opposition and two Members each made a statement by indulgence in relation to the retirement of Test cricketer Mr Ricky Thomas Ponting AO.

Hansard: 29 November 2012, 13964-5
SO 65

105.06 *Leave of absence motion*

The Leader of the House moved, by leave, that leave of absence be given to every Member from the determination of the sitting of the House to the date of its next sitting.

The question was agreed to on the voices.

Hansard: 29 November 2012, 13965
Votes and Proceedings: 2010-11-12/2026
SOs 26, 63, 125

105.07 *Valedictories by indulgence*

During Government business, the Prime Minister and the Leader of the Opposition each made, by indulgence, the customary end-of-year valedictory speeches.

Following private Members' business, the Speaker granted indulgence to several Members to make valedictory speeches. Further valedictory speeches were made later that evening following a motion moved, by leave, by the Leader of the House, and agreed to on the voices (see entry **105.16**).

Hansard: 29 November 2012, 13984-8, 10417-26
SO 65, 125

Committees

105.08 *Joint Select Committee appointed*

The Minister for Families, Community Services and Indigenous Affairs moved, pursuant to notice, that a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be appointed, to report by 30 January 2013.

Debate ensued and 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.

Hansard: 27 November 2012, 13497-500
Senate Hansard: 28 November 2012, 10135-8
Votes and Proceedings: 2010-11-12/1989-91
Journals: 2010-11-12/3470-4
SOs 106, 125, 223

Federation Chamber

105.09 *Early adjournment*

The Federation Chamber adjourned at 7.19 pm.

Note: The Federation Chamber usually adjourns at 10 pm when it meets on a Tuesday.

Hansard: 27 November 2012, 13626
Votes and Proceedings: 2010-11-12/1999
SOs 190, 191

105.10 *Extended adjournment debate held on a Wednesday*

Following debate on a committee report, at approximately 11.55 am a Member moved 'That the Federation Chamber do now adjourn'. Debate ensued until the Federation Chamber adjourned at 12.44 pm.

Note: Adjournment debate is usually not held in the Federation Chamber on a Wednesday.

Hansard: 28 November 2012, 13845-58
Votes and Proceedings: 2010-11-12/2012
SOs 1, 183, 191, 192

Members

105.11 *Motion carried on code of conduct for Members*

Standing orders were suspended during Government business to allow for immediate consideration of several private Members' motions, pursuant to recommendations of the Selection Committee. A non-aligned Member's motion on a code of conduct for Members of Parliament was called on, and agreed to on division.

The motion called on the Leader of the House to bring forward procedural changes to give effect to the draft code developed by the Standing Committee of Privileges and Members' Interests, including procedures for considering complaints under, and oversight of, the code.

Hansard: 29 November 2012, 14015-6
Votes and Proceedings: 2010-11-12/2032-3
SOs 47, 126, 222

Order of business

105.12 *House meets early; divisions and quorums deferred*

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: 27 November 2012, 13405
Votes and Proceedings: 2010-11-12/1983
SOs 29, 30, 34, 35

105.13 *Suspension of standing orders to extend sitting; divisions and quorums deferred*

At 9.20 pm the Leader of the House moved, by leave, a suspension of standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the remainder of the sitting. The motion also provided for Government business to be given precedence until adjournment, with provision for any divisions or quorums called to be deferred until 9 am the following day.

The motion was agreed to on the voices, and the House adjourned at 11.29 pm.

Note: The House normally adjourns at 10.30 pm on a Tuesday.

Hansard: 27 November 2012, 13556, 13585
Votes and Proceedings: 2010-11-12/1995, 1996
SOs 29, 31, 33, 34, 47, 63

105.14 *Adjournment negatived*

At 7.02 pm, the question that the House do now adjourn was proposed and, the Leader of the House requiring that it be put immediately without debate, negatived on the voices. Debate then resumed on a Government bill.

Following conclusion of consideration in detail and agreement on the third reading of the bill, the Leader of the House moved that the House do now adjourn, and it was agreed to on the voices.

The House adjourned at 8.55 pm.

Note: The House normally adjourns at 8 pm on a Wednesday.

Hansard: 28 November 2012, 13788
Votes and Proceedings: 2010-11-12/2007-10
SOs 29, 31, 32, 125, 148, 155

105.15 *Suspension of standing order 43*

At 1.33 pm the Leader of the House sought and was granted leave to suspend standing order 43 to enable debate on a package of Government bills to continue.

The question was agreed to on the voices.

Note: Standing order 43 provides for 90 second statements by Members at 1.45 pm on Mondays, Wednesdays and Thursdays.

Hansard: 29 November 2012, 13942
Votes and Proceedings: 2010-11-12/2022
SOs 43, 47, 63, 125

105.16 *Suspension of standing orders to extend sitting; update by indulgence; motion on arrangements for extended sitting*

At 1.34 pm the Leader of the House moved, by leave, to suspend standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the remainder of the sitting, and the motion was agreed to on the voices.

At 3.22 pm, the Leader of the House made a statement by indulgence to update the House on the order of business for the remainder of the sitting.

At 7.34 pm, the Leader of the House moved, by leave, arrangements for the remainder of the sitting. The motion provided for any divisions or quorums called to stand deferred until the commencement of the next sitting, so that several Opposition Members and the Speaker could make valedictory speeches (see entry **105.07**). The motion was agreed to on the voices.

The House adjourned at 8.23 pm.

Note: The House normally sits until 5 pm on a Thursday.

Hansard: 29 November 2012, 13942, 13966, 14027-39

Votes and Proceedings: 2010-11-12/2022, 2035

SOs 29, 31, 33, 34, 47, 63, 65, 106, 125

Private Members' Business

105.17 *Two identical disallowance motions lodged, debated and defeated*

On Monday 26 November an Opposition Member lodged a motion to disallow the Basin Plan made under the *Water Act 2007* and presented to the House that day. The disallowance motion appeared on the *Notice Paper* for Tuesday 27 November, and was amended by the mover that morning.

On the afternoon of 27 November, a non-aligned Member lodged a disallowance motion identical to that of the Opposition Member's amended disallowance motion.

On the evening of 27 November, a Minister lodged a notice of motion to suspend standing orders to enable both disallowance motions to be called on immediately and dealt with together, with separate questions being put on each. According to the *Daily Program*, it was the Government's intention for this motion to be moved immediately preceding the 7 pm adjournment debate on Wednesday 28 November.

During question time on 28 November, the non-aligned Member attempted to suspend standing orders to enable his disallowance motion to be called on immediately. Debated ensued and the suspension motion was negated on the voices.

On Thursday 29 November, the Minister moved his motion and it was agreed to on the voices. The two Members then moved their disallowance motions consecutively. Debate ensued. The question that the Opposition Member's disallowance motion was put and negated on division, with five Members being on the side for the ayes. The question was then put on the non-aligned Member's disallowance motion, and it was negated on the voices.

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

Notice Paper: 27, 28 and 29 November 2012, 51; 2, 50, 57; 2

Hansard: 28 and 29 November 2012, 13730-3, 13989-4011

Votes and Proceedings: 2010-11-12/2004, 2027-8

SOs 36, 41, 47, 106, 110, 126, 127

105.18 *House divides; count not completed*

Standing orders were suspended to allow for immediate consideration of several private Members' motions, pursuant to recommendations of the Selection Committee. With only three Members voting aye when the House divided on the question that one of these motions be agreed to, 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: 29 November 2012, 14011-3
Votes and Proceedings: 2010-11-12/2029
SOs 41, 47, 126, 127, 222

Privilege

105.19 *Report on matters raised*

Following question time, the Speaker made a statement on two matters of privilege previously raised by the Manager of Opposition Business (see entries **104.16** and **104.17**). She indicated that *prima facie* evidence required for establishing a case for her to give precedence to a motion to refer each matter to the Standing Committee of Privileges and Members' Interests had not been provided.

Hansard: 27 November 2012, 13466-7
Votes and Proceedings: 2010-11-12/1984
SOs 51, 216, 250

Speaker

105.20 *Speaker receives authorisation to swear in new Members*

After question time, the Speaker announced that she had received from the Governor-General, an authority to administer the oath or affirmation of allegiance to Members.

Note: At the opening of a new Parliament the Governor-General authorises a Deputy—usually a Justice of the High Court—to conduct the swearing-in of all Members present. The Governor-General subsequently issues a commission authorising the Speaker to administer the oath or affirmation of allegiance to other Members (including those later returned at by-elections). In the case of a vacancy in the Speakership and the election of a new Speaker, another commission is provided.

Hansard: 26 November 2012, 13156
Votes and Proceedings: 2010-11-12/1967
SO 4

105.21 *Statement on unparliamentary language*

The Speaker made a statement on the use of the word ‘mendacious’ in the House, in response to a question asked by an Opposition Member at the previous sitting. She advised that after consideration of the tone and context in which the word was used, she did not regard it as unparliamentary on this occasion.

Hansard: 27 November 2012, 13467

SO 89, 90, 92

105.22 *Statement on media rules*

Following the presentation of documents, the Speaker made a statement concerning rules for media related activity in Parliament House and its precincts, and presented a document titled *Rules for media related activity in Parliament House and its precincts*.

Hansard: 28 November 2012, 13738-9

Votes and Proceedings: 2010-11-12/2005

SO 199

105.23 *Statement on standing order 62*

Prior to question time, the Speaker made a statement to clarify the application of standing order 62. The standing order relates to the movement of Members in the Chamber.

Hansard: 29 November 2012, 13946

SO 62

105.24 *Speaker’s panel membership change*

Following the presentation of documents, the Speaker presented a warrant nominating a Government Member to the Speaker’s panel.

Hansard: 29 November 2012, 13966

Votes and Proceedings: 2010-11-12/2026

SO 17

Withdrawals**105.25** *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
<i>unrecorded</i>	26 November 2012	13141
‘...knuckleheads...’	27 November 2012	13452
‘...Rumpole.’	28 November 2012	13717

'...out there every day playing the politics of smear and sleaze and with no policies at all. We have an opposition leader going the biff, trying to knock out everything and everyone. It is all about aggression and not about outcomes.'	28 November 2012	13719
<i>unrecorded</i>	28 November 2012	13719
'That is a lie! That is a lie!'	28 November 2012	13727
<i>unrecorded</i>	28 November 2012	13736
<i>unrecorded</i>	28 November 2012	13736
'...led by a thug who knows nothing else but smear...'	29 November 2012	13962

SOs 89, 90, 92