

Procedural Digest

No. 109*27 May–6 June 2013*

<i>May–June 2013</i>				
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27	28	29	30	31
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Bills

109.01 *Bill introduced and passed all stages in one sitting*

On Wednesday 29 May, the Leader of the House introduced the Parliamentary Service Amendment (Freedom of Information) Bill 2013 and made a second reading speech. Debate, by leave, continued and the bill was read a second time. Leave was granted for the third reading to be moved immediately and, following debate, the bill was read a third time.

Hansard: 29 May 2013, 4218-21
Votes and Proceedings: 2010-11-12-13/2303

SOs 41, 63, 142, 155

109.02 *Closure motion agreed during consideration in detail*

On Wednesday 5 June, debate resumed on the Australian Education Bill 2012 and on Government amendments to the bill. After a number of Members had spoken, a non-aligned Member moved closure of question, and it was agreed on division. The Speaker accordingly put the question that the Government amendments be agreed to, and it was agreed on the voices. Consideration in detail concluded and the bill was passed by the House.

Hansard: 5 June 2013, 5300-24
Votes and Proceedings: 2010-11-12-13/2367-8

SOs 78, 81, 148, 150, 155

109.03 *Constitution alteration bill passed*

Second reading debate resumed on the Constitution Alteration (Local Government) 2013. The bill was read a second time and leave was granted for the third reading to be moved immediately. The question was put on the third reading and the bells were rung for a division. The result of the division was 133 Ayes and 2 Noes. The Speaker declared the question resolved in the affirmative by an absolute majority and the bill was read a third time.

Note: Standing order 173, in accordance with section 128 of the Constitution, provides that if an absolute majority of Members does not agree to the third reading of a bill proposing alteration of the Constitution, the bill shall be laid

aside immediately. For this reason, even if a division is not called when the question is put on the third reading, the bells are rung and the House divides.

Although there were fewer than five Members voting on one side (in which case, the Speaker would normally declare the result of the division without completing the count, in accordance with standing order 127), the count was completed and a division list included in the *Votes and Proceedings*.

Hansard: 5 June 2013, 5410-26
Votes and Proceedings: 2010-11-12-13/2375-6
SOs 127, 142, 155, 173

Business

109.04 *Condolence motion on the death of Hazel Hawke AO*

Prior to question time on Monday 27 May, the Prime Minister moved a motion of condolence regarding the death of Hazel Hawke AO. The Leader of the Opposition addressed the House in support of the Prime Minister's motion. Members rose in silence as a mark of respect and debate was adjourned. On a 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 Tuesday 4 June, and agreed to as all Members again rose in their places.

Hansard: 27 May 2013, 3687-9; 4 June 2013, 5061
Votes and Proceedings: 2010-11-12-13/2275; 2345
SOs 49, 65, 183, 197

109.05 *Suspension of deferred divisions and quorums*

During debate on the Aged Care (Living Longer Living Better) Bill 2013, the Leader of the House, by leave, moved that standing orders 55 (lack of quorum) and 133 (deferred divisions on Mondays and Tuesdays) be suspended until completion of consideration of the bill and four related bills. The question was agreed to on the voices, just prior to 6.30 pm. Each of the bills was then passed by the House, with no divisions or quorums called.

Note: The standing orders provide for divisions and quorums to be deferred between 6.30 pm and 8 pm on Mondays.

Hansard: 27 May 2013, 3749-50
Votes and Proceedings: 2010-11-12-13/2278
SOs 34, 47, 55, 133, 148, 155

109.06 *Statements by leave regarding ordination of Maronite Bishop of Australia*

On Monday 3 June a Minister, by leave, made a statement concerning a visit to Lebanon for the ordination of Father Antoine Tarabay OLM as Maronite Bishop of Australia. An Opposition Member, by leave, also made a statement on the matter.

The Minister then presented letters of congratulations to the Bishop from the Prime Minister and the Leader of the Opposition.

Hansard: 3 June 2013, 4744-7

Votes and Proceedings: 2010-11-12-13/2329

SO 63, 199

109.07 *Statements by indulgence on death of Mr Yunupingu*

Prior to question time, the Minister for School Education, Early Childhood and Youth made a statement by indulgence on the death of the former Yothu Yindi lead singer and former Australian of the Year, Mr Yunupingu. Opposition Member, Mr Ken Wyatt, also made a statement by indulgence on the matter.

A Minister then, by leave, moved that further statements by indulgence be permitted in the Federation Chamber. The question was agreed to.

Hansard: 3 June 2013, 4773-4

Votes and Proceedings: 2010-11-12-13/2331

SOs 65, 183

109.08 *Minister adds to earlier speech, by indulgence*

Prior to Members' 90 second statements on Wednesday 5 June, the Minister for Immigration and Citizenship sought indulgence to add to a speech he had given during consideration in detail of the main appropriation bill in the Federation Chamber the previous day. Indulgence was granted and the Minister provided additional information in relation to his speech.

Hansard: 5 June 2013, 5351-2

SO 65

109.09 *Proposed MPI not supported*

On Thursday 6 June, the Speaker announced that the Leader of the Opposition and a Government Member had each proposed matters of public importance for discussion, and she had selected the matter proposed by the Government Member. The Speaker called on Members to rise in their places in support of the proposed discussion and, as the proposer was not present, the discussion did not proceed. The Leader of the House, by indulgence, asked the Speaker to submit the

matter that he had proposed for discussion. The Speaker advised that it was not within the standing orders for her to do so.

Later that day, the Leader of the Opposition raised a matter of privilege in relation to the matter of public importance not being proceeded with. The Speaker replied that she would consider the matter and report back to the House.

Note: When submitted to the House, the proposed matter of public importance must be supported by eight Members, including the proposer, standing in their places.

Hansard: 6 June 2013, 5627-8, 5648-9
Votes and Proceedings: 2010-11-12-13/2387, 2389

SOs 46, 51

Committees

109.10 *Motion to suspend standing orders to appoint select committee*

During question time on Monday 3 June, the Shadow Minister for Immigration and Citizenship moved to suspend standing orders to allow him to move a motion for the appointment of a select committee on the national security issues relating to the processing and detention of an individual. Following debate, the question that the motion be agreed to was put. The House divided and the requirement for an absolute majority not being satisfied, the motion was not carried. (Later in the week, a non-aligned Member attempted to refer the same matter to a joint committee, see entry **109.12**.)

Hansard: 3 June 2013, 4796-804
Votes and Proceedings: 2010-11-12-13/2331-4

SOs 47, 223

109.11 *Appointment of joint select committee*

On Tuesday 4 June the Leader of the House, by leave, for the Parliamentary Secretary for Disabilities and Carers, moved that the House appoint a Joint Select Committee on DisabilityCare Australia. The question was agreed to on the voices.

The resolution provided for the terms of reference, operating parameters and membership of the committee. A message was sent to the Senate requesting concurrence.

Hansard: 4 June 2013, 5085-6
Votes and Proceedings: 2010-11-12-13/2348-50

SOs 63, 223, 224

109.12 *Motion to suspend standing orders to refer matter to joint committee; motion to suspend standing orders to enable repeated division*

On Wednesday 5 June, a non-aligned Member sought and was denied leave to move a motion for the referral of a matter to the Joint Committee on Intelligence and Security. He then moved to suspend standing orders to allow him to move the motion. The House divided and, the requirement for an absolute majority not being satisfied, the motion was not carried.

The Manager of Opposition Business then moved that, in accordance with standing order 132, standing orders be suspended to enable the House to divide again on the suspension motion moved by the non-aligned Member. Debate ensued. The House divided and the requirement for an absolute majority having not been satisfied, the motion was not carried.

Note: In accordance with standing order 47, motions to suspend standing orders moved without notice require the support of an absolute majority of Members (at least 76 Members).

Hansard: 5 June 2013, 5385-91
Votes and Proceedings: 2010-11-12-13/2372-4

SOs 47, 63, 132

109.13 *Reference to joint committee*

On Thursday 6 June the Leader of the House, by leave, moved that the Parliamentary Joint Committee on Corporations and Financial Services inquire into and report on the creation of a regulatory framework for tax advice services based on Schedules 3 and 4 to the first reading of the Tax Laws Amendment (2013 Measures No. 2) Bill 2013. (Government amendments to the bill agreed to earlier in the sitting had omitted these schedules.) The question was agreed on the voices.

Hansard: 6 June 2013, 5626-7
Votes and Proceedings: 2010-11-12-13/2387

SOs 63, 224

Members

109.14 *Minister ordered to leave Chamber*

During question time on Tuesday 28 May, the Speaker asked the Attorney-General to leave the Chamber for one hour under standing order 94 (a) for disorderly behaviour.

Hansard: 28 May 2013, 4006
Votes and Proceedings: 2010-11-12-13/2290

SOs 91, 94

109.15 *Use of props during question time*

During question time on Thursday 6 June, a Member held up a picture while asking a question and the Speaker directed the Member not to use props. Later in question time, a Minister held up pictures while answering a question and the Speaker asked the Minister to desist from using props.

Hansard: 6 June 2013, 5611, 5619

SO 60

Order of business

109.16 *Changes to order of business for Tuesday 28 May and to meeting times in the Federation Chamber*

On Monday 27 May the Leader of the House, by leave, moved to suspend standing orders to allow the House to meet at 12 noon the following day, and for divisions and quorums called between 12 noon and 2 pm to be deferred until after the matter of public importance discussion. The motion also provided that the Federation Chamber meet from 12.10 pm to 1.45 pm and from 3.30 pm to 10 pm, and that standing order 193 (Members' Constituency Statements) be suspended. The motion was agreed on the voices.

The Leader of the House then, by leave, moved another suspension motion to vary meeting times in the Federation Chamber for the remainder of the week. The motion provided for the Federation Chamber to meet in the mornings until 1.45 pm and to resume at 3.30 pm in the afternoons. The motion also provided for the Federation Chamber to meet until 5 pm on Thursday 30 May, or until the adjournment of the House, if earlier. The motion was agreed on the voices.

Hansard: 27 May 2013, 3660

Votes and Proceedings: 2010-11-12-13/2274

SOs 30, 34, 47, 192, 193

109.17 *Changes to order of business for Tuesday 4 June and to meeting times in the Federation Chamber*

On Monday 3 June a Minister, by leave, moved to suspend standing orders to allow the House to meet at 12 noon the following day, and for divisions and quorums called between 12 noon and 2 pm to be deferred until after the matter of public importance discussion. The motion also provided that the Federation Chamber meet from 12.10 pm to 1.45 pm and from 3.30 pm to 10 pm, and that standing order 193 (Members' Constituency Statements) be suspended. The motion was agreed on the voices.

The Minister then, by leave, moved another suspension motion to vary meeting times in the Federation Chamber for Wednesday and Thursday that week. The motion provided for the Federation Chamber to meet on Wednesday from 9.30 am to approximately 1.45 pm and from 3.30 pm to approximately 7.30 pm; and on Thursday from 9.30 am to approximately 1.45 pm and from 3.30 pm to 5 pm or until the adjournment of the House, if earlier. The motion was agreed on the voices.

Hansard: 3 June 2013, 4805-6

Votes and Proceedings: 2010-11-12-13/2334-5

SOs 30, 34, 47, 192, 193

109.18 *Change to order of business for Tuesday 18 June*

On Thursday 6 June the Leader of the House, by leave, moved to suspend standing orders to allow the House to meet at 10 am on Tuesday 18 June and for divisions and quorums called between 10 am and 2 pm to be deferred until after the matter of public importance discussion. The motion also provided that the Federation Chamber meet from 10.10 am to 1.45 pm and from 4 pm to 10 pm, and that standing order 193 (Members' Constituency Statements) be suspended. The motion was agreed on the voices.

Hansard: 6 June 2013, 5656

Votes and Proceedings: 2010-11-12-13/2390

SOs 34, 47, 192, 193

109.19 *Suspension of standing order 43*

At 1.45 pm the Leader of the House, by leave, moved that government business have priority over Members' 90 second statements for the sitting. The question was agreed to on the voices. Six bills were then returned from the Federation Chamber and passed by the House before Members' statements commenced.

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

Hansard: 6 June 2013, 5606-7

Votes and Proceedings: 2010-11-12-13/2385-6

SOs 43, 47

Private Members' business

109.20 *Private Members' business notice amended by leave*

During private Members' business time on Monday 27 May, a non-aligned Member, by leave, amended the long title of a bill standing on the *Notice Paper* in his name. The Member then presented the bill and made a statement in connection with the bill.

Hansard: 27 May 2013, 3643-6
Votes and Proceedings: 2010-11-12-13/2273

SOs 41, 63, 110

109.21 *Private Member's disallowance motion negatived*

During government business time on Tuesday 28 May, standing orders were suspended to allow a private Members' business notice relating to the disallowance of the Building Code 2013, made under the *Fair Work (Building Industry) Act 2012*, to be called on. An Opposition Member moved the disallowance motion and debate ensued. The House divided and the motion was negatived.

Hansard: 28 May 2013, 4084-93
Votes and Proceedings: 2010-11-12-13/2294-5

SOs 35, 41, 47, 106

109.22 *Private Member's motion moved by leave*

Following question time on Wednesday 29 May, a non-aligned Member, by leave of the House, moved a motion in his name on the *Notice Paper* regarding climate change. Debate continued for over fifty minutes, before the motion was agreed on the voices.

Hansard: 29 May 2013, 4314-25
Votes and Proceedings: 2010-11-12-13/2309

SOs 41, 63, 106

109.23 *Private Member's bill negatived at second reading stage*

During government business time on Thursday 30 May, standing orders were suspended to allow a private Member's bill, the *Fair Work Amendment (Better Work/Life Balance) Bill 2012*, to be called on and considered. The question was put on the second reading of the bill and the House divided. There being fewer than five Members voting in support, the Deputy Speaker declared the question resolved in the negative.

Note: Where four or fewer Members are on one side of the House after the doors are locked for a division, the Chair declares the decision of the House immediately, without completing the count. The names of those in the minority are recorded in the *Votes and Proceedings*.

Hansard: 30 May 2013, 4579-80
Votes and Proceedings: 2010-11-12-13/2319

SOs 35, 41, 47, 127, 142

109.24 *Motions for disallowance debated together and negatived*

During government business time on Tuesday 4 June, standing orders were suspended to allow six private Members' business notices relating to the disallowance of Commonwealth Marine Reserves Network Management Plans, made under the *Environment Protection and Biodiversity Conservation Act 1999*, to be called on and dealt with together, with separate questions being put on each.

After an Opposition Member moved each of the motions, the debate was adjourned. The disallowance motions were then called on and debated together, before each being negatived on division.

Hansard: 4 June 2013, 5115-54
Votes and Proceedings: 2010-11-12-13/2352-60

SOs 35, 41, 47, 106

Privilege

109.25 *Complaint of breach—Evidence received by joint committee*

After question time on Monday 27 May, the Deputy Chair of the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade raised a matter of privilege regarding whether false or misleading evidence had been given to the Sub-Committee. The Member presented a number of supporting documents. The Speaker stated that, in the first instance, the matter should be considered by the Committee.

Hansard: 27 May 2013, 3705
Votes and Proceedings: 2010-11-12-13/2275-6

SOs 51, 199, 236

109.26 *Statement by Speaker regarding unauthorised disclosure*

Following prayers on Wednesday 29 May, the Speaker made a statement in response to a report of the Standing Committee on Regional Australia regarding the unauthorised disclosure of an unpublished committee report (see entry **108.11**).

The Speaker advised that in investigating such matters, committees are asked to:

- determine whether the matter has caused substantial interference with its work, the committee system or the work of the House; and
- attempt to find the source of the unauthorised disclosure.

The Speaker advised that the unauthorised disclosure of the draft report, prior to presentation to the House, was contrary to the standing orders. The Speaker did not, however, give precedence to a motion to refer the matter to the Standing Committee of Privileges and Members' Interests, as the disclosure had not directly interfered with the work of the Committee. The Speaker added that the incident was concerning and demonstrated the need for Members and the media to understand that unauthorised disclosure of committee documents can be a contempt punishable by the House.

Hansard: 29 May 2013, 4213-5

Votes and Proceedings: 2010-11-12-13/2301-2

SOs 51, 216, 242

109.27 *Complaint of breach and statement by Speaker*

Following question time on Thursday 30 May, an Opposition Member raised a matter of privilege. He claimed that a non-aligned Member had made false and malicious statements about a Senator earlier that week in the House. The Member presented documents in support of his complaint.

On Monday 3 June, the Speaker responded to the Member's complaint. She advised that to be pursued as a matter of privilege, there would need to be *prima facie* evidence that the references had constituted an improper interference with the work of the House. She found that the information provided did not constitute evidence that a contempt had been committed. The Speaker noted that Members of Parliament had the opportunity to respond to references made about them by other Members.

She also noted that offensive references to Senators were not permitted under the standing orders and no point of order was raised at the time.

Hansard: 30 May 2013, 4609; 3 June 2013, 4711

Votes and Proceedings: 2010-11-12-13/2320; 2327

SOs 51, 199

109.28 *Complaints of breach and statement by Speaker*

Following question time on Tuesday 4 June, a Minister raised, as a matter of privilege, whether the Deputy Leader of the Opposition had misled the House in a personal explanation made the previous sitting in response to remarks reported outside the House.

The Leader of the House then raised another matter of privilege, regarding whether a letter from the Manager of Opposition Business to non-aligned Members in relation to a motion of no confidence had been sent, and the reporting of the matter in a newspaper article. The Leader of the House presented a copy of the article.

The following day, the Speaker made a statement in response to both complaints. She advised that *prima facie* evidence of a contempt was required in order for her to give precedence to a motion for the referral of a matter to the Privileges and Members' Interests Committee. Neither complaint was given precedence, and the Speaker suggested that Members use other processes to pursue such matters.

Hansard: 4 June 2013, 5084-5; 5 June 2013, 5289
Votes and Proceedings: 2010-11-12-13/2348; P2366

SOs 51, 199, 216

Questions

109.29 *Question to Leader of the Opposition not allowed; standing orders suspended to allow statement by Leader of the Opposition*

During question time on Tuesday 28 May, a non-aligned Member asked the Prime Minister a question regarding climate change, and sought indulgence for the Leader of the Opposition to also answer the question. The Speaker ruled that the Leader of the Opposition was not allowed to answer the question. After the Prime Minister's answer, the Leader of the House moved to suspend standing orders to allow the Leader of the Opposition to make a statement for no longer than three minutes on the subject of the question. The motion was agreed on the voices and the Leader of the Opposition addressed the House. Question time then continued.

Hansard: 28 May 2013, 4000-2
Votes and Proceedings: 2010-11-12-13/2289

SOs 47, 98, 99

109.30 *Question without notice to committee chair*

During question time on Wednesday 29 May, the Manager of Opposition Business asked the Chair of the Joint Committee on Intelligence and Security a question regarding his views in relation to a committee report. The Speaker ruled the question out of order. Following a number of points of order from Members, the Speaker allowed the Manager of Opposition Business to rephrase the question. This time, the Speaker allowed the question but ruled part of the question out of order. The Committee Chair provided an answer.

Note: It is very unusual for private Members to answer questions during question time. Standing order 99 does, however, allow for questions to Members who are

not Ministers (or Parliamentary Secretaries) where the question relates to a bill, motion, or other business of the House or of a committee, for which the Member is responsible.

Hansard: 29 May 2013, 4291-3

SOs 99, 100, 101

109.31 *Extension of time granted for answer*

During question time on Thursday 30 May, the Manager of Opposition Business asked the Minister for School Education, Early Childhood and Youth a question. Before the Minister had concluded his answer, the Manager of Opposition Business moved that the Minister be granted an extension of time. The question was agreed on the voices and the Minister continued his answer.

Note: Under standing order 1, Members may move to grant a Member, whose speech is interrupted by a time limit, an extension of time. If the motion is agreed, the Member's speech may continue for ten minutes, but may not exceed half the original period. As a time limit of 3 minutes applies to answers during question time, the Minister was granted an extension of 90 seconds.

Hansard: 30 May 2013, 4605

Votes and Proceedings: 2010-11-12-13/2320

SOs 1, 78, 104

109.32 *Minister adds to answer given during question time, by indulgence*

During the adjournment debate on Thursday 6 June, the Minister for Immigration and Citizenship, by indulgence, added to an answer he had given earlier in question time.

Hansard: 6 June 2013, 5658

SO 65

Speaker

109.33 *Nomination of Members to Speaker's panel*

On Monday 27 May, the Speaker presented a warrant nominating three Government Members to the Speaker's panel.

Hansard: 27 May 2013, 3706

Votes and Proceedings: 2010-11-12-13/2276

SO 17

109.34 *Casting vote exercised during consideration in detail*

On Thursday 6 June, during consideration in detail of the Fair Work Amendment Bill 2013, the House divided on Opposition amendments to the bill. The numbers for the ayes and the noes being equal, the Speaker gave her casting vote with the noes, and the amendments were negatived. Pursuant to standing order 135(c), the Speaker's reason for exercising her vote (on the principle that a casting vote should retain a bill in its original form), was recorded in the *Votes and Proceedings*.

Hansard: 6 June 2013, 5654-6
Votes and Proceedings: 2010-11-12-13/2390
SOs 135, 148, 150

Withdrawals**109.35** *Offensive words*

	Hansard	
	<i>Date</i>	<i>Page</i>
'...lie...'	27 May 2013	3848-9
<i>unrecorded</i>	28 May 2013	4007-8
'...they want to see a continuation of union thuggery...'	28 May 2013	4091-2
'...she is not real bright.'	28 May 2013	4178
'Because, if there is a rort, a rip-off or a loophole, the Liberal Party will be there, holding hands with the exploiters...'	29 May 2013	4259
'...you stupid person.'	29 May 2013	4292
<i>unrecorded</i>	29 May 2013	4292
'You're a hypocrite!'	29 May 2013	4304
'And he is wasting my time.'	29 May 2013	4467
'...he likes to go the biff.'	30 May 2013	4591
'...they are intending to thug the Premier of New South Wales...'	30 May 2013	4607
'...the Leader of the Opposition has thugged the Premier of Queensland...'	3 June 2013	4785

'...this pack of hypocrites opposite—'	4 June 2013	5070
'As the minister would know if he listened or didn't tell porkies...'	4 June 2013	5082
'...lie...'	4 June 2013	5146
<i>unrecorded</i>	4 June 2013	5193
'Either the Financial Review is lying or someone in the opposition is.'	5 June 2013	5367
'...the far-right-wing nutters who exist in the Liberal Party...'	5 June 2013	5367
'...nobody within this government knows anything about national security.'	5 June 2013	5374
<i>unrecorded</i>	5 June 2013	5375
'...he was asleep on the lounge in his office after having a few drinks up at the parliamentary dining room.'	5 June 2013	5396
'...the wandering, waffling question...'	5 June 2013	5463
'You are a disgrace!'	5 June 2013	5510-1
'I am hoping that that is not sexism operating there...'	5 June 2013	5530
<i>unrecorded</i>	6 June 2013	5612
'...Liberal Party philosophy that what you do is wander around thugging people.'	6 June 2013	5621
<i>unrecorded</i>	6 June 2013	5673
<i>unrecorded</i>	6 June 2013	5677
'...you nong.'	6 June 2013	5687
'...you nong!'	6 June 2013	5687

SOs 89, 90, 92