House of Representatives

Procedural Digest

No. 99

21-31 May 2012



Bills

99.01 Amendment moved to budget bill

During the (cognate) debate on the second reading of Appropriation Bill (No. 1) 2012-2013 on Monday 21 May, the Shadow Treasurer moved an amendment to the bill seeking to vary the terms of the resolution agreed to by the House on Tuesday 8 May (see entry *98.09*). The amendment sought to permit amendments to be moved to and debated on Appropriation Bill (No. 2) 2012-2013.

Pursuant to a motion moved by leave earlier that day by the Chief Government Whip, and agreed to, on adjournment of the House all of the budget bills were automatically transferred to the Federation Chamber for further consideration.

On Tuesday 29 May the Federation Chamber agreed to return Appropriation Bill (No. 1) 2012-2013 to the House. On Wednesday 30 May, following the report from the Federation Chamber, the proposed amendment was negatived on division. The second reading was agreed to and the bill was then read a second time. By leave, the bill was returned to the Federation Chamber for consideration in detail.

Hansard: 21, 29 and 30 May 2012, 4761-2, 4767, 6201, 6220-2, 6386 Votes and Proceedings: 2010-11-12/1457, 1458, 1459, 1514, 1519-21, 1532

SOs 63, 126, 142, 143, 145, 148, 152, 153, 183, 197

Business

99.02 Attempt to suspend standing orders to allow House to consider Member's statement

In the absence of leave being granted to move a motion to allow the House to consider a non-aligned Member's statement made earlier in the day (see entry 99.14), the Manager of Opposition Business then moved a suspension of standing orders to allow him to move the motion. The Leader of the House moved closure of Member on the mover, and the question was negatived on division.

The suspension motion was then seconded and debate resumed. The Leader of the House then moved closure of question, and it was agreed to on the voices. The question on the suspension motion was accordingly put, and the House divided.

In the absence of an absolute majority, the suspension motion was not carried.

Hansard: 21 May 2012, 4756-60 Votes and Proceedings: 2010-11-12/1455-7

SOs 47, 63, 80, 81, 116, 125, 126

99.03 Attempt to suspend standing orders to call on Prime Minister to explain her statements on issues surrounding Member

In the absence of leave being granted to move a motion to call on the Prime Minister to make an explanation on her statements on issues surrounding a non-aligned Member (see entry 99.14), the Leader of the Opposition then moved a suspension of standing orders to allow him to move the motion. On a point of order, the Leader of the House asked the Deputy Speaker whether it was appropriate to move a motion relating to a matter before the Standing Committee of Privileges and Members' Interests (the Committee). A ruling was not made, and debate on the suspension motion ensued, with Members being asked by the Deputy Speaker to speak to the motion and not to traverse the issues before the Committee. The Deputy Speaker noted there was no precedent in *House of Representatives Practice* for the circumstance.

The Leader of the House moved closure of Member on the mover, and the question was negatived on division. The suspension motion was then seconded and debate resumed. The Leader of the House then moved closure of Member on the seconder, and the question was negatived on division.

The time allocated for debate on the suspension motion expired before the question was put, and the motion lapsed.

Hansard: 23 May 2012, 5289-94 Votes and Proceedings: 2010-11-12/1476-8 SOs 1, 47, 63, 66, 80, 86, 116, 126, 216

99.04 Ministerial statement on Government response to review

The Minister for Defence Science and Personnel, by leave, made a ministerial statement on the Government response to the review of military compensation arrangements, and presented the Government response. Standing orders were then suspended to allow the Shadow Minister to speak in reply for a period not exceeding that of the ministerial statement (9 minutes), and he addressed the House.

Hansard: 23 May 2012, 5317-21 Votes and Proceedings: 2010-11-12/1479 SOs 34, 47, 63, 65, 199

99.05 Ministerial statement on Afghanistan

Before the introduction of bills, the Minister for Defence, by leave, made a ministerial statement to update the House on Australia's engagement in Afghanistan, and tabled 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 (17 minutes), and he addressed the House.

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

Hansard: 24 May 2012, 5459-67 Votes and Proceedings: 2010-11-12/1485

SOs 34, 47, 63, 65, 199

99.06 Attempt to suspend standing orders to censure Prime Minister

In the absence of leave being granted to move a motion to censure the Prime Minister, the Leader of the Opposition then moved a suspension of standing orders to allow him to move the motion. Debate ensued.

When the time allocated for debate expired, the suspension motion was negatived on division.

Hansard: 24 May 2012, 5548-54 Votes and Proceedings: 2010-11-12/1492-3

SOs 47, 48, 63, 126

99.07 Attempt to suspend standing orders to rescind budget resolution

In the absence of leave being granted to move a motion to rescind a programming resolution in relation to the budget bills (see entries 98.09 and 99.01), the Shadow Treasurer then moved a suspension of standing orders to allow him to move the motion. The Leader of the House moved closure of Member on the mover, and the question was negatived on division. The suspension motion was then seconded and debate resumed. The Leader of the House then moved closure of Member on the seconder, and the question was negatived on division.

The time allocated for debate on the suspension motion expired before the question was put, and the motion lapsed.

Hansard: 30 May 2012, 6213-7 Votes and Proceedings: 2010-11-12/1515-7

SOs 1, 47, 63, 66, 80, 116, 126

99.08 Attempt to suspend standing orders to have Minister explain statement

A Shadow Minister moved a suspension of standing orders to allow him to move a motion to have a Minister explain to the House, a public statement the Minister made about the financial impact of the *Clean Energy Future* plan on fuel costs.

The Leader of the House raised two points of order, before moving closure of Member on the mover, and the question was negatived on division. The suspension motion was then seconded and debate resumed. The Leader of the House then moved closure of Member on the seconder, and the question was negatived on division.

The time allocated for debate on the suspension motion expired before the question was put, and the motion lapsed.

> Hansard: 30 May 2012, 6217-20 Votes and Proceedings: 2010-11-12/1517-9

> > SOs 1, 47, 66, 80, 116, 126

99.09 Ministerial statement on Hastie Group

The Minister for Employment and Workplace Relations, by leave, made a ministerial statement relating to the Hastie Group. The Shadow Minister then sought and was granted leave to address the House.

Note: Usually a Minister suspends standing orders to allow a Shadow Minister to speak in reply for a period not exceeding that of the ministerial statement.

> Hansard: 30 May 2012, 6303-5 Votes and Proceedings: 2010-11-12/1523

> > SOs 34, 47, 63, 65

99.10 Ministerial statement on 20 year anniversary of Mabo native title decision

The Attorney-General, by leave, made a ministerial statement on the 20 year anniversary of the Mabo native title decision. Standing orders were then suspended to allow the Shadow Minister to speak in reply for a period not exceeding that of the ministerial statement (10 minutes), and he addressed the House.

Note: See note on entry **95.05**.

Hansard: 31 May 2012, 6459-62 Votes and Proceedings: 2010-11-12/1537

SOs 34, 47, 63, 65, 199

99.11 Statements by indulgence on 20 year anniversary of Mabo native title decision

Prior to question time, the Prime Minister, the Leader of the Opposition, the Minister for Families, Community Services and Indigenous Affairs and an (Indigenous) Opposition Member, each made a statement by indulgence in relation to the 20 year anniversary of the Mabo native title decision.

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

> Hansard: 31 May 2012, 6532-4 Votes and Proceedings: 2010-11-12/1548-9

SOs 65, 125, 183

99.12 Statements by indulgence on Queen Elizabeth II: Diamond Jubilee

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence in relation to the celebration for Her Majesty the Queen's Diamond Jubilee in 2012.

Hansard: 31 May 2012, 6534

SO 65

Matter of Public Importance

99.13 Seven Members, including Independents, pre-determine order of speakers

The House was informed by the Deputy Speaker that the Speaker had given priority to a matter of public importance (MPI) proposed by a non-aligned Member, concerning public confidence and trust in the Parliament, and how the Parliament should respond to matters related to a non-aligned Member (see entry 99.14).

Discussion by seven Members ensued—two Government, two Opposition and three non-aligned.

Prior to the Deputy Speaker announcing the Speaker's decision, the Leader of the House, by indulgence, stated that more Members than usual had indicated their intention to speak on the MPI, and he noted the order in which it had been agreed that Members would speak.

Hansard: 22 May 2012, 5015-36 Votes and Proceedings: 2010-11-12/1467

SOs 46, 65

Members

99.14 Member makes statement to House; Opposition attempts to suspend standing orders to take note of statement

At the conclusion of the first session of private Members' business in the Chamber, a non-aligned Member, by leave, made a statement to the House lasting 59 minutes (see entry *98.10*). He did not present a copy of the statement.

The Manager of Opposition business sought leave to move a motion to take note of the Member's statement. The Deputy Speaker ruled that leave could not be granted because there was no document before the House. The Manager of Opposition Business then moved a suspension of standing orders to allow him to move the motion. The Leader of the House moved closure of Member on the mover, and the question was negatived on division. The suspension motion was then seconded and debate resumed. The Leader of the House then moved closure of Member on the seconder, and the question was negatived on division.

The time allocated for debate on the suspension motion expired before the question was put, and the motion lapsed.

Hansard: 21 May 2012, 4715-31 Votes and Proceedings: 2010-11-12/1451-3 SOs 1, 34, 47, 63, 80, 116, 126

Order of business

99.15 Change to meeting times and order of business for next sitting

The Leader of the House, by leave, moved a motion to suspend standing orders to allow a variation to the order of business the following day. Essentially the motion sought to extend the hours of sitting with an earlier than usual (12 noon) start in the Chamber and Federation Chamber, suspension of standing order 193 (Members' Constituency Statements) and deferral of divisions and quorums until after the Matter of Public Importance discussion, in order to provide added uninterrupted time for debate on the budget bills in the Federation Chamber.

The question was agreed to on the voices.

Hansard: 28 May 2012, 5738 Votes and Proceedings: 2010-11-12/1500 SOs 29, 30, 34, 35, 47, 125, 183, 192, 193

99.16 Early start to sitting

Pursuant to a motion passed on Monday 28 May (see entry **99.15**), on Tuesday 29 May the House met at 12 noon, with Government business taking precedence until 2 pm. The Federation Chamber met at 12 noon until 1.47 pm (and 4.01 pm until 9.58 pm), with debate on the budget bills taking precedence.

Note: On Tuesdays the House normally sits at 2 pm (and the Federation Chamber from 4 pm until 10 pm, if required).

Hansard: 29 May 2012, 5951, 6105, 6130, 6212 Votes and Proceedings: 2010-11-12/1509, 1513, 1514 SOs 29, 30, 34, 186, 192

99.17 Change to meeting times in Federation Chamber

The Leader of the House, by leave, moved a motion to suspend standing orders to allow a variation to the order of business in the Federation Chamber for that day, and the following day. The motion sought to extend the hours of meeting that day until 8 pm (or until the adjournment of the House, whichever was earlier), and the next day until 1.30 pm (with Government business having precedence from the conclusion of Members' constituency statements).

The question was agreed to on the voices.

Hansard: 30 May 2012, 6303 Votes and Proceedings: 2010-11-12/1523 SOs 30, 34, 35, 47, 125, 183, 192, 193

99.18 Adjournment negatived

At 7 pm, the question that the House do now adjourn was proposed and, the Leader of the House requiring that it be put immediately, negatived on the voices. This then allowed the House to continue the second reading debate on a package of Government bills. Following divisions on the second reading questions and agreement on the third readings, the question was put again at 7.34 pm, and the adjournment debate ensued. The House adjourned at 8 pm.

Note: The adjournment debate on Wednesdays usually occurs from 7 pm until the House adjourns at 8 pm.

Hansard: 30 May 2012, 6356 Votes and Proceedings: 2010-11-12/1524-30 **SOs 29, 31, 34, 142, 155**

99.19 Late adjournment of Federation Chamber

Pursuant to a motion passed on Wednesday 30 May (see entry 99.17), the Federation Chamber adjourned at 7.51 pm on Wednesday 30 May, and 1.14 pm on Thursday 31 May.

Note: The Federation Chamber usually adjourns at approximately 7.30 pm on Wednesdays (if meeting in the evening); and at approximately 1 pm on Thursdays.

Hansard: 30 and 31 May 2012, 6456, 6630 Votes and Proceedings: 2010-11-12/1535, 1553 SOs 183, 186, 190, 191, 192

99.20 Suspension of standing order 43

At 1.42 pm, the Leader of the House moved, by leave, that standing order 43 be suspended for the sitting, and the question was agreed to on the voices. Standing orders were then suspended to allow five items of private Members' business to be called on and considered immediately. Each item was voted on (in accordance with the Selection Committee's recommendations of Wednesday 23 May (*Report No.* 52)).

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

Hansard: 31 May 2012, 6529 Votes and Proceedings: 2010-11-12/1545 SOs 34, 43, 47, 63, 222

Private Members' business

99.21 Withdrawal of two notices on same day

On Tuesday 22 May, a private Member withdrew his notice of disallowance, lodged on 29 February, from the *Notice Paper*. Likewise, another private Member withdrew his notice of motion, lodged on 8 May, from the *Notice Paper*.

Notice Paper: 22 May 2012, 40 (notice 7), 44 (notice 24)

SOs 36, 110

99.22 Private Member lodges censure motion

On Tuesday 22 May, a non-aligned Member lodged a motion proposing the House censure another non-aligned Member. Pursuant to standing order 106(c), the Clerk at the Table read to the House the terms of the notice including the electorates of the mover and seconder.

The notice appeared on the next day's Notice Paper.

Hansard: 22 May 2012, 5073

Notice Paper: 23 May 2012, 38 (notice 7)

SOs 36, 106

99.23 Private Member's motion voted on; fewer than five Members on one side

Standing orders were suspended to allow for immediate consideration of a single non-aligned Member's motion. The House divided on the question that the motion be agreed to. With only four Members voting aye, the Deputy 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: 24 May 2012, 5523 Votes and Proceedings: 2010-11-12/1491

SOs 47, 126, 127, 222

99.24 Discharge of private Member's order of the day

Pursuant to standing order 197(b), a non-aligned Member moved without notice that the House return a matter from the Federation Chamber.

The non-aligned Member then moved, by leave, that the order of the day relating to a motion by him be discharged. The question was agreed to on the voices.

Note: An alternative approach would have been for the Member to allow his order of the day to expire (four sitting Mondays remained) but it would have appeared on the *Notice Paper* until then, and may have been subject to determinations or recommendations made by the Selection Committee. The Selection Committee had already recommended that the order of the day be voted on.

Hansard: 30 May 2012, 6326 Votes and Proceedings: 2010-11-12/1524 SOs 36, 37, 42, 63, 125, 197

99.25 Further consideration of private Member's bill; Deputy Speaker exercises casting vote

During consideration of private Members' business during Government business time (see entry 99.20), the question was put on the second reading of a non-aligned Member's bill. The House divided and the numbers for the ayes and the noes being equal, the Deputy Speaker gave her casting vote with the ayes. Pursuant to standing order 135(c), the Deputy Speaker's reason for exercising her casting vote with the ayes (to allow further consideration) was recorded in the *Votes and Proceedings*.

In accordance with standing order 41(e), the Deputy Speaker announced that further consideration of the bill shall be accorded priority over other private Members' business, and the Selection Committee may determine times for consideration of the remaining stages.

Hansard: 31 May 2012, 6531-2 Votes and Proceedings: 2010-11-12/1547-8 SOs 34, 41, 47, 135, 142, 222

99.26 Two Selection Committee reports presented together

On Thursday 31 May, the Deputy Speaker presented Selection Committee:

- *Report No. 55* relating to the consideration of bills introduced Monday 28 to Wednesday 30 May, and
- *Report No. 56* relating to the consideration of committee and delegation business and private Members' business on Monday 18 June.

Both reports were printed in that day's *Hansard* and the referrals and determinations were adopted by the House and reflected in the next *Notice Paper*.

Note: It is not uncommon for two Selection Committee reports to be presented in one sitting, but this was the first time two reports were presented together.

Hansard: 31 May 2012, 6551-3 Votes and Proceedings: 2010-11-12/1549 **SOs 36, 41, 222**

Privilege

99.27 Matters raised—Register of Members' Interests

The Manager of Opposition Business raised a matter of privilege relating to the *Register of Members' Interests* and concerning the interests of a non-aligned Member. He presented a copy of his associated letter to the Chair of the Standing Committee of Privileges and Members' Interests (the Committee), and asked the Deputy Speaker to inform the Speaker that the matter had been raised.

The Leader of the House then raised, as a matter of privilege, a matter relating to the *Register of Members' Interests* concerning an Opposition Member. He presented supporting documents. The Deputy Speaker stated that the matter should be referred to the Committee.

Hansard: 21 May 2012, 4731-4 Votes and Proceedings: 2010-11-12/1454 SOs 51, 65, 199, 216, 250

99.28 Matter raised—complaint of breach

On Tuesday 22 May the Manager of Opposition Business raised, as a matter of privilege, the statement given to the House the previous day by a non-aligned Member (see entry *99.14*), and presented supporting documents.

The Deputy Speaker stated that she would refer the matter and documents to the Speaker.

Hansard: 22 May 2012, 4995-9 Votes and Proceedings: 2010-11-12/1467 SOs 51, 65, 199, 216, 250

99.29 Matter raised—complaint of breach

Following acknowledgement of country and prayers, the Chair of the Standing Committee of Privileges and Members' Interests (the Committee) raised, as a matter of privilege, an apparent unauthorised disclosure of information covering a meeting of the Committee and by leave, presented a document.

She informed the House that she would pursue the matter within the Committee. By indulgence, the Deputy Chair of the Committee said that he supported the Chair's comments.

Hansard: 24 May 2012, 5459 Votes and Proceedings: 2010-11-12/1485 **SOs 51, 65, 199, 216, 250**

Speaker

99.30 Speaker's panel membership changes

On Monday 21 May the Deputy Speaker presented the Speaker's warrant revoking an appointment of one Member to the Speaker's panel, and on Thursday 24 May she presented the Speaker's warrant nominating a replacement Member.

Note: The Member whose appointment was revoked had formally joined the Coalition.

Hansard: 21 and 24 May 2012, 4762, 5556 Votes and Proceedings: 2010-11-12/1457, 1494

SO 17

99.31 Statement on matter of privilege

The Deputy Speaker made a statement (on behalf of the Speaker) in relation to the matter of privilege raised by the Manager of Opposition Business earlier in the day (see entry 99.28). The statement outlined the *prima facie* evidence required for establishing a case for the Speaker to give precedence to a motion to refer the matter to the Standing Committee of Privileges and Members' Interests (the Committee), and concluded that such evidence was not provided in this instance. The statement indicated that the House itself could determine a course of action in relation to the matter.

The Manager of Opposition Business then moved, by leave, that the matter be referred to the Committee. Debate ensued and the question was agreed to on the voices.

Hansard: 22 May 2012, 5063-5 Votes and Proceedings: 2010-11-12/1468-9

SOs 51, 63, 125, 216, 250

99.32 Statement on appointment of Parliamentary Budget Officer

The Deputy Speaker informed the House on behalf of the Speaker, of the appointment (from Monday 23 July) of a Parliamentary Budget Officer, following unanimous approval of the appointment by the Joint Committee of Public Accounts and Audit (the Committee) on Wednesday 23 May.

By leave, the Chair of the Committee made a statement on the appointment.

Note: Under sections 64X and 64XA of the *Parliamentary Service Act* 1999, the appointment is the responsibility of the Presiding Officers, subject to the approval of the Joint Committee of Public Accounts and Audit.

Hansard: 30 May 2012, 6305-6 Votes and Proceedings: 2010-11-12/1523

SOs 63, 65

Withdrawals

99.33 Offensive words

	Hansard	Hansard	
	Date	Page	
'They are happy to see people in a wheelchair go to the back of the queue, but they are happy to put Clive and Gina at the front of the queue.'	21 May 2012	4747	
'If the Leader of the House knew his job, he would know that.'	21 May 2012	4757	
'you are slothfulAnd you have got thin skin.'	21 May 2012	4798	
'in a mealy-mouthed way'	21 May 2012	4799	
'What a disgrace!'	22 May 2012	5001	
'compared to the bleating that we have from the sheep on the opposition side'	22 May 2012	5123	
'He is being false.'	23 May 2012	5290	
'this jack-in-the-box gets up−'	23 May 2012	5291	
' incompetentcorrupt government'	23 May 2012	5300	
'lies'	24 May 2012	5563	
'deliberately misled'	24 May 2012	5564-5	
unrecorded	28 May 2012	5076	
'barking mad'	29 May 2012	6208	
unrecorded	30 May 2012	6284	
'tell the truth'	30 May 2012	6287	
'back in control of himself.'	30 May 2012	6287-8	
unrecorded	31 May 2012	6542	
'hurling abuse'	31 May 2012	6543-4	
'liar!'	31 May 2012	6546	

unrecorded	31 May 2012	6554
unrecorded	31 May 2012	6555

SOs 89, 90, 92