

Procedural Digest

No. 110*17–27 June 2013*

June 2013				
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Bills

110.01 *Questions under sessional order 142A*

On Wednesday 19 June and Thursday 20 June, three Members were asked questions following their second reading speeches on the Migration Amendment (Temporary Sponsored Visas) Bill 2013. On each occasion, the Member accepted the question and provided an answer.

Note: Sessional order 142A allows for questions and answers during the second reading debate on government bills. These were the first questions asked under the sessional order since it was adopted on 29 September 2010.

Hansard: 19 June 2013, 6273; 20 June 2013, 6451, 6465-6

SO 142A

110.02 *Second reading debate on bill resumed before referral to committee*

On the morning of Wednesday 19 June, a Shadow Minister moved to suspend standing orders to allow him to move that the Selection Committee report of its meeting of 18 June, be presented immediately. Closure motions on the mover and the seconder were both negatived on division. The time allowed for the debate having expired without a question being put to the House, the motion lapsed. The Shadow Minister then moved to suspend standing orders to enable him to move that the House not consider the Migration Amendment (Temporary Sponsored Visas) Bill 2013 (the bill) until certain conditions had been met. Closure motions on the mover and the seconder were both negatived on division and the time for the debate having expired before a question was put, the motion lapsed. Debate on the second reading of the bill then resumed. The Shadow Minister moved a second reading amendment to the bill and the debate was adjourned.

The Selection Committee report was presented at the usual time: immediately following question time. The report included a determination that the bill be referred to the Standing Committee on Education and Employment for advisory report. The bill was not referred, however, because the second reading debate on the bill had resumed prior to the presentation of the Selection Committee report.

Note: Standing order 143 provides that a bill may be referred to a committee for advisory report after the first reading but before the resumption of debate on the motion for the second reading.

Hansard: 19 June 2013, 6240-57, 6309
Votes and Proceedings: 2010-11-12-13/2427-32

SOs 47, 143, 222

110.03 *Bill introduced and passed all stages in one sitting; resolution to adjourn to next sitting rescinded*

On Thursday 20 June, the Tax Laws Amendment (2013 Measures No. 3) Bill 2013 was introduced. Following the Minister's second reading speech, debate on the bill was adjourned to the next sitting. Later, the Leader of the House, by leave, moved that the bill be referred to the Federation Chamber for debate. The motion also provided that standing orders be suspended to rescind the resolution fixing the resumption of debate on the bill for the next sitting and to adjourn the debate to a later hour. The question was agreed on the voices. The bill was debated and read a second time in the Federation Chamber and was later returned to the House and read a third time.

Hansard: 20 June 2013, 6442-3, 6469, 6498, 6578-81
Votes and Proceedings: 2010-11-12-13/2441-3, 2452

SOs 47, 63, 120, 142, 143, 155, 197

110.04 *Postponement of business to allow debate on bill; closure motion agreed during consideration in detail; third reading debated*

On Thursday 27 June, the Leader of the House moved that business intervening before order of the day No. 11, the Migration Amendment (Temporary Sponsored Visas) Bill 2013, be postponed to a later hour. Debate ensued. The Leader of the House moved that the question be put and the closure motion was agreed on division. The question on the motion for the postponement of business was accordingly put and agreed on division.

The bill was called on and debate ensued on the question that the bill, as amended, be agreed to. The Leader of the House moved that the question be put and the closure motion was agreed on division. The question was accordingly put and agreed on division. The Leader of the House, by leave, moved that the bill be read a third time and debate ensued. The question was agreed on division and the bill was passed by the House.

Hansard: 27 June 2013, 7244-55
Votes and Proceedings: 2010-11-12-13/2497-2502

SOs 45, 63, 78, 81, 148, 155

110.05 *Senate bill introduced and passed all stages; second reading speech presented*

The Australian Sports Anti-Doping Authority Amendment Bill 2013 was received from the Senate and read a first time. The Leader of the House presented a revised explanatory memorandum and, by leave, presented a copy of the second reading speech. The Leader of the House then moved that the bill be read a second time and the question was put and passed, without debate. On the motion of the Leader of the House, by leave, the bill was read a third time.

Hansard: 27 June 2013, 7292

Votes and Proceedings: 2010-11-12-13/2505

SOs 63, 141, 142, 155, 166, 167, 199

Business

110.06 *Two Members vote on one side; standing order 43 suspended*

On Monday 17 June, the order of the day for the second reading of the Higher Education Support Amendment (Asian Century) Bill 2013 was called on. The question was put and a division called. Two Opposition Members voted on the side of the noes. There being fewer than five Members on one side, the Speaker declared the result of the division without completing the count and the names of those in the minority were recorded in the *Votes and Proceedings*.

At 1.45 pm, the debate was interrupted for Members' Statements, in accordance with standing order 43. The Leader of the House moved to suspend standing order 43 to allow debate on the bill to continue and the question was agreed on the voices. Debate on the bill resumed and the bill was read a second time. The bill was then passed by the House and Members' statements commenced.

Note: In accordance with standing order 128, Members calling for a division must vote with those Members who were in the minority when the Members called 'Aye' or 'No'.

Hansard: 17 June 2013, 5788-9

Votes and Proceedings: 2010-11-12-13/2401

SOs 43, 47, 127, 128

110.07 *House divides on motion for adjournment of debate*

On Tuesday 18 June, debate resumed on the second reading of the Banking Amendment (Unclaimed Money) Bill 2013. After a number of Members had spoken, the Leader of the House moved that the debate be adjourned. The question was negatived on division and debate on the bill continued.

Hansard: 18 June 2013, 6155-6
Votes and Proceedings: 2010-11-12-13/2419-20

SOs 78, 79

110.08 *Ministerial statement during government business time*

During government business time on Wednesday 19 June, the Minister for Defence, by leave, made a Ministerial Statement regarding activities in Afghanistan and presented a copy of his statement. Standing orders were suspended to allow the Shadow Minister for Defence Science, Technology and Personnel to make a statement in response.

Note: Ministerial Statements usually occur following question time and the presentation of documents. The Ministerial Statement and response on Afghanistan have become regular occurrences.

Hansard: 19 June 2013, 6222-30
Votes and Proceedings: 2010-11-12-13/2426

SOs 34, 63, 65, 199

110.09 *Condolence motion on death of William Michael Hodgman AM QC*

Prior to question time on Thursday 20 June, the Prime Minister moved a motion of condolence regarding the death of the Honourable William Michael Hodgman, a former Minister and Member for the division of Denison from 1975 to 1987. 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 Wednesday 26 June, and agreed to as all Members again rose in their places.

Hansard: 20 June 2013, 6510-2; 26 June 2013, 7129
Votes and Proceedings: 2010-11-12-13/2447; 2489

SOs 49, 65, 183, 197

110.10 *Condolence motion on the death of Corporal Cameron Stewart Baird MG*

Prior to question time on Monday 24 June, the Prime Minister moved a motion of condolence regarding the death of Corporal Cameron Stewart Baird while on combat operations in Afghanistan. The Leader of the Opposition seconded the motion and the Minister for Defence and the Shadow Minister for Defence Science, Technology and Personnel addressed the House in support. 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 Wednesday 26 June, and agreed to as all Members again rose in their places.

Hansard: 24 June 2013, 6656-9; 26 June 2013, 7129
Votes and Proceedings: 2010-11-12-13/2457-8; 2489

SOs 49, 65, 183, 197

110.11 *Prime Minister's motion on the 25th anniversary of the new Parliament House*

Prior to question time on Monday 24 June, the Prime Minister, by leave, moved that the House mark the 25th anniversary of the Parliament House building, honour those responsible for its design and construction and thank parliamentarians and parliamentary staff who had served the nation during this time. The Leader of the Opposition spoke in support of the Prime Minister's motion and the debate was adjourned. On the motion of the Leader of the House, by leave, the motion was referred to the Federation Chamber for debate.

Hansard: 24 June 2013, 6659-61
Votes and Proceedings: 2010-11-12-13/2458

SOs 111, 183

110.12 *Statements by indulgence on the Yirrkala bark petitions*

Prior to question time on Wednesday 26 June, the Prime Minister made a statement by indulgence referring to the upcoming anniversary of the presentation of the Yirrkala bark petitions to the House in August 1963. The Leader of the Opposition also made a statement by indulgence on the matter.

Hansard: 26 June 2013, 7129-30
Votes and Proceedings: 14 August 1963/515

SO 65

110.13 *Statements by indulgence on changes to the Ministry*

Following prayers on Thursday 27 June, the Prime Minister made a statement by indulgence regarding his appointment as Prime Minister and changes to the Ministry. The Leader of the Opposition also made a statement by indulgence on the matter.

Hansard: 27 June 2013, 7243-4

SO 65

Committees

110.14 *Member speaks to committee report before presentation*

On Monday 17 June, the Deputy Chair of the Joint Select Committee on Gambling Reform made a statement, by leave, in connection with the Committee's report on the Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013. (The report had previously been sent to the Speaker pursuant to standing order 247.) The Chair of the Committee then presented the report and made a statement in connection with the report. The report was then referred to the Federation Chamber for debate.

Note: Standing order 247 allows for a committee report to be sent to the Speaker when the House is not sitting. Once received by the Speaker, the report may be published. The committee must then present the report to the House as soon as possible.

Hansard: 17 June 2013, 5740-3

Votes and Proceedings: 2010-11-12-13/2396

SOs 63, 247

110.15 *Senate amendment to resolution of appointment of joint select committee*

On Tuesday 18 June, a message was received from the Senate seeking the concurrence of the House to an amendment to the resolution of appointment of the Joint Select Committee on Broadcasting Legislation. The amendment extended the Committee's final reporting date to 24 June 2013. On the motion of the Leader of the House, the Senate resolution was agreed to on the voices.

Note: The Joint Select Committee's resolution of appointment was agreed by the House on 13 March 2013 (see entry **107.12**).

Hansard: 18 June 2013, 6083-4

Votes and Proceedings: 2010-11-12-13/2416

SOs 223, 224, 261

110.16 *Minister participates in debate on committee report*

In the Federation Chamber on Wednesday 26 June, debate resumed on the Foreign Affairs, Defence and Trade Committee report entitled, 'Care of ADF personnel wounded and injured on operations'. The Minister for Veterans' Affairs and for Defence Science and Personnel, who had referred the inquiry to the Committee, contributed to the debate. The Minister thanked the Committee for the report and advised that the Government would provide a 'full and considered response'.

Hansard: 26 June 2013, 7222

Votes and Proceedings: 2010-11-12-13/2495

SO 40

Members

110.17 *Leave of absence to all Members*

On the second last day of the Winter sittings, the Leader of the House moved that leave of absence be granted to all Members from the end of the sitting on Thursday 27 June, until the date of the next sitting. The motion was agreed on the voices.

Hansard: 26 June 2013, 7154

Votes and Proceedings: 2010-11-12-13/2491

SO 26

Order of business

110.18 *Change to meeting times for Tuesday sittings*

On Monday 17 June the Leader of the House, by leave, moved that a resolution previously agreed regarding the sitting on 18 June (see entry **109.18**) be varied to provide for the House to sit at 12 noon and the Federation Chamber to meet from 12.10 pm. The question was agreed on the voices.

The following Monday, the Leader of the House, by leave, moved to suspend standing orders to provide for the House to meet at 1 pm on Tuesday 25 June. The motion also provided for any divisions or quorums called between 1 pm and 2 pm to be deferred until after the matter of public importance discussion. The question was agreed on the voices.

Note: According to the order of business, the House is scheduled to meet at 2 pm on a Tuesday.

Hansard: 17 June 2013, 5810-1; 24 June 2013, 6747
Votes and Proceedings: 2010-11-12-13/2402; 2462-3

SOs 30, 34, 47, 63

110.19 *House adjourns early*

At 5.59 pm on Wednesday 26 June, the Leader of the House moved that the House adjourn. The question was put and passed on the voices. The early adjournment allowed Government Members to attend a party meeting.

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

Hansard: 26 June 2013, 7184

Votes and Proceedings: 2010-11-12-13/2493

SOs 34, 29, 32

110.20 *Suspension of standing order 43*

At 1.42 pm on Thursday 27 June, the Leader of the House, by leave, moved that standing order 43 (Members' statements) be suspended for the sitting to allow a retiring Member to make valedictory remarks. The question was agreed on the voices and the Member addressed the House.

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

Hansard: 27 June 2013, 7262-6

Votes and Proceedings: 2010-11-12-13/2505

SOs 43, 47, 63

Private Members' business

110.21 *Division withdrawn on amendment to private Member's motion; private Member's bill negatived*

During government business time on Thursday 20 June, standing orders were suspended to allow voting on private Members' business items. Debate resumed on an Opposition Member's motion and a Government Member, by leave, moved an amendment to the motion. (Leave was required because the Member had already spoken to the motion.) The question that the amendment be agreed to was put and a division called. While the bells were ringing, the Speaker announced that the division had been withdrawn. The Leader of the House explained that this was to allow Members the opportunity to consider the amendment and the debate was adjourned.

During this period, the question was put on the second reading of the Fair Work Amendment (Tackling Job Insecurity) Bill 2012. There being fewer than five Members voting in support, the Speaker declared the question resolved in the negative without completing the count. The names of those in the minority are recorded in the *Votes and Proceedings*.

Hansard: 20 June 2013, 6499-6502
Votes and Proceedings: 2010-11-12-13/2445-6

SOs 34, 41, 47, 111, 127, 129, 142

110.22 *Attempts to suspend standing orders to bring on private Members' bills*

On Thursday 20 June, after question time, a non-aligned Member moved to suspend standing orders to allow private Members' business order of the day No. 4, a bill standing in his name, to be returned from the Federation Chamber and proceeded with immediately. Debate ensued. The House divided and the requirement for an absolute majority not having been met, the motion was not carried.

On Tuesday 25 June, another non-aligned Member moved to suspend standing orders to allow private Members' business notice No. 1, a bill standing in his name, be called on immediately and given precedence over other business until all stages of the bill were concluded. Debate ensued. The House divided and there being fewer than five Members voting in support, the Speaker declared the question resolved in the negative.

On Wednesday 26 June, a third non-aligned Member moved to suspend standing orders to allow private Members' business order of the day No. 31, a bill standing in his name, to be called on immediately and given precedence over other business until all stages of the bill were concluded. Debate ensued. The House divided and there being fewer than five Members voting in support, the Speaker declared the question resolved in the negative.

Hansard: 20 June 2013, 6530-7; 25 June 2013, 6943-9; 26 June 2013, 7150-3
Votes and Proceedings: 2010-11-12-13/2448-9; 2472; 2490-1

SOs 41, 47, 127

Privilege

110.23 *Speaker's response to privilege matter*

Following prayers on Monday 17 June, the Speaker made a statement in response to a privilege matter raised by the Leader of the Opposition on 6 June 2013 (see entry **109.09**). The complaint related to the matter of public importance discussion not being proceeded with because the proposer was not present when the matter

was submitted to the House. The Speaker advised that she did not consider that the proposer being absent gave rise to any issue of contempt as would warrant precedence being given to a motion to refer the matter to the Committee of Privileges and Members' Interests. The Speaker added that the matter of public importance discussion was an important part of House proceedings and as such, should be respected.

Hansard: 17 June 2013, 5737
Votes and Proceedings: 2010-11-12-13/2395

SOs 46, 51, 216

110.24 *Statement by committee chair; unauthorised disclosure of committee documents*

On Thursday 20 June, the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade referred to a matter previously raised by the Deputy Chair of the Defence Sub-Committee, regarding a possible misleading of the Sub-Committee (see entry **109.25**). The Chair reported that the Committee had considered the matter and had agreed with the decision of the Defence Sub-Committee, that there was no *prima facie* case of deliberate misleading of the Committee. The Chair also referred to the disclosure of internal documents of the Committee when the matter was first raised in the House. He stated that the Committee would not raise as a matter of privilege the unauthorised disclosure.

Hansard: 20 June 2013, 6528-30
Votes and Proceedings: 2010-11-12-13/2447

SOs 51, 199, 242

110.25 *Privileges and Members' Interests Committee report on request for right of reply*

On Thursday 27 June, the Chair of the Privileges and Members' Interests Committee presented a report concerning an application from a private individual for the publication of a response to references made about him in the House of Representatives. The House had previously agreed to a right of reply to earlier remarks made about the individual (see entry **106.21**).

The Committee reported that it would not allow further rights of reply, so preventing a possible series of responses. The Committee therefore recommended that no further action be taken by the House on the submission.

Hansard: 27 June 2013, 7291
Votes and Proceedings: 2010-11-12-13/2504

SO 216

Questions

110.26 Minister adds to answer given during question time

During government business time on Tuesday 25 June, the Minister for Home Affairs, by leave of the House, made a correction to an answer he had given earlier in question time.

Hansard: 25 June 2013, 7014

SO 63

Speaker

110.27 House informed of death of former Senator

Prior to question time on Thursday 20 June, the Speaker informed the House of the death of Jean Isobelle Melzer OAM, a Senator for Victoria from 1974 to 1981. As a mark of respect, all Members present stood in silence.

Hansard: 20 June 2013, 6512

Votes and Proceedings: 2010-11-12-13/2447

110.28 Speaker presents delegation report

On Wednesday 26 June, the Speaker presented the report of the Australian Parliamentary Delegation to the 128th Inter-Parliamentary Union Assembly in Quito, Ecuador and bilateral visit to Paraguay, and made a statement in connection with the report.

Hansard: 26 June 2013, 7184

Votes and Proceedings: 2010-11-12-13/2492

SO 39

110.29 Speaker makes constituency statement

On Wednesday 26 June, the Speaker made a three minute constituency statement in the Federation Chamber regarding issues in her electorate.

Hansard: 26 June 2013, 7192-3

SO 193

110.30 Statement by Speaker regarding retirement of Terry Malcolm

Following question time on Thursday 27 June, the Speaker made a statement regarding the retirement of Mr Terry Malcolm, a long-serving member of the Australian Broadcasting Corporation's parliamentary broadcasting team.

Hansard: 27 June 2013, 7282

Withdrawals

110.31 *Offensive words*

	Hansard	
	<i>Date</i>	<i>Page</i>
'...a complete bonehead...'	17 June 2013	5800
'This is a swindle...'	17 June 2013	5867
'...tin pot government...'	17 June 2013	6030
'...the member misled the House.'	18 June 2013	6073
'...hypocrisy...'	18 June 2013	6080
'Would that be to see a charity supporting Israel perhaps refused registration under this mechanism?'	18 June 2013	6107
<i>unrecorded</i>	19 June 2013	6242
'...the government is seeking to ram a union driven bill through this parliament...'	19 June 2013	6245
'...the minister has made up the number of rorts in order to run down the 457 program.'	19 June 2013	6247-8
<i>unrecorded</i>	19 June 2013	6248
<i>unrecorded</i>	19 June 2013	6289
'...some fool like Senator Barnaby Joyce...'	19 June 2013	6297-8
'...the best friend the people smugglers ever had...'	20 June 2013	6527
<i>unrecorded</i>	24 June 2013	6664
'He was drunk and did not come into the House.'	25 June 2013	6924
'He does not care about people dying at sea...'	25 June 2013	6938
'...this is a minister that is morally corrupt, that is completely owned and operated by the union movement—'	26 June 2013	7119

'Mr Smug is back and writ large—a condescending, patronising, smug, supercilious, sanctimonious, self-regarding new Prime Minister.'	27 June 2013	7305
'...like the snake in the grass that he is...'	27 June 2013	7306-7

SOs 89, 90, 92