

# Procedural Digest

## No. 101

14–23 August 2012

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## Bills

### **101.01** *Minister speaks again by leave and presents Government amendments*

Upon resumption of debate on the second reading of the Migration Legislation Amendment (Offshore Processing and Other Measures) Bill 2011 and on a second reading amendment to the bill, the Minister responsible for the bill sought leave to make a statement for the convenience of the House. Leave was granted and the Minister made some remarks foreshadowing government amendments which he intended to move to the bill, before presenting the amendments and noting that they would be circulated.

*Hansard:* 14 August 2012, 8510-1  
*Votes and Proceedings:* 2010-11-12/1669

**SOs 63, 69, 71, 150, 199**

### **101.02** *Amendment moved to second reading amendment*

During debate on the second reading of the Migration Legislation Amendment (Offshore Processing and Other Measures) Bill 2011 and on a second reading amendment to the bill (which had been moved at an earlier sitting by a Member of the Australian Greens), an Opposition Member moved an amendment to the proposed second reading amendment. The amendment was seconded and debate continued, on the question that the amendment moved to the proposed second reading amendment be agreed to.

*Note:* Prior to June 2011, questions on second reading amendments were put in the form: "That the words proposed to be omitted stand part of the question". This generally enabled Members to remain on their own side of the Chamber during a division on the question, but when stated in this form further amendments could not be moved. Questions on most types of amendments are now put in the form: "That the amendment(s) be agreed to".

*Hansard:* 14 August 2012, 8520  
*Votes and Proceedings:* 2010-11-12/1669

**SOs 121, 122, 124, 145**

**101.03** *Amendment to 2nd reading amendment voted on; Fewer than 5 Members on one side during 4 divisions; Standing orders suspended to enable passage of bill*

At the conclusion of the second reading debate on the Migration Legislation Amendment (Offshore Processing and Other Measures) Bill 2011, the question was put on an amendment which had been moved to a proposed second reading amendment to the bill (*see* entry **101.02**). The question was negatived on division.

The House then divided on the second reading amendment and, with only two Members voting aye, the Deputy Speaker declared the question negatived. The second reading of the bill was then carried on the voices.

During consideration in detail, 39 government amendments were moved together and were carried on division, again with only the same two Members on one side. The Leader of the House then, by leave, moved a suspension of standing orders to enable the remaining proceedings on the bill to have precedence over all other business. The question was carried on the voices.

Consideration in detail continued, and an amendment moved by a Member of the Australian Greens was negatived on division, after which the bill, as amended, was agreed to on division. On both cases there were only (the same) two Members on one side. The question on the third reading was then carried on the voices and the bill was read a third time.

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

*Further note:* The suspension of standing orders would have avoided the automatic interruption of business at 1.45 p.m. for Members' statements, and at 2 p.m. for question time. Proceedings on the bill concluded prior to these cut-offs, at 1.41 p.m.

*Hansard:* 15 August 2012, 8696-701  
*Votes and Proceedings:* 2010-11-12/1680-2

**SOs 43, 47, 121, 122, 124, 127, 145, 148, 150**

**101.04** *Bill passed with government and opposition amendments*

During consideration in detail of the Public Service Amendment Bill 2012, the Minister for the Public Service and Integrity, by leave, moved 28 government amendments together which were agreed to on the voices.

An opposition Member then moved 3 amendments together, by leave, which were also agreed to on the voices. The bill, as amended, was then agreed to and read a third time.

*Hansard:* 20 August 2012, 9167-8  
*Votes and Proceedings:* 2010-11-12/1712

**SOs 63, 148, 150**

**101.05** *Bill passed with government and Greens amendments*

During consideration in detail of the Superannuation Legislation Amendment (MySuper Core Provisions) Bill 2011, an opposition Member moved ten amendments together, by leave, which were negatived on division.

A Greens Member then moved five amendments together, by leave, which were agreed to on the voices.

The Minister for Financial Services and Superannuation, by leave, moved six government amendments together which were also agreed to on the voices. The bill, as amended, was then agreed to and read a third time.

*Hansard:* 22 August 2012, 9551-8  
*Votes and Proceedings:* 2010-11-12/1731-2

**SOs 63, 148, 150**

## Business

**101.06** *Statements by indulgence on death of Mr Robert Hughes*

Prior to question time, the Prime Minister, Leader of the Opposition, Minister for the Arts and the Shadow Minister for Communications and Broadband each made a statement by indulgence on the death of Mr Robert Studley Forrest Hughes (an Australian art critic and author). As a mark of respect, all Members rose in their places.

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

*Hansard:* 14 August 2012, 8492-6  
*Votes and Proceedings:* 2010-11-12/1665

**SOs 65, 183**

**101.07** *Matter of public importance not discussed – Business of the day called on*

Following question time, the Deputy Speaker informed the House that a definite matter of public importance had been submitted by the Leader of the Opposition. The proposed discussion received the necessary support (of at least 8 Members).

As the Leader of the Opposition rose to address the House, the Leader of the House moved that the business of the day be called on, explaining that it would be expedient to proceed with legislation regarding the same issue, which was expected to be the next item of business before the House. The question was put and agreed to on division.

*Hansard:* 14 August 2012, 8507-8  
*Votes and Proceedings:* 2010-11-12/1667-8

**SO 46**

**101.08** *Statements by indulgence regarding London Olympic Games*

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence welcoming home the Australian athletes from the Olympic Games in London.

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

*Hansard:* 15 August 2012, 8708-9  
*Votes and Proceedings:* 2010-11-12/1682

**SOs 65, 183**

**101.09** *Attempted suspension of standing orders to require Prime Minister to make statement*

During question time, the Leader of the Opposition moved a suspension of standing orders to allow him to move a motion calling on the Prime Minister to speak for ten minutes and give an apology in respect of carbon pricing legislation. The motion was seconded and debate ensued.

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

*Hansard:* 16 August 2012, 8947-54  
*Votes and Proceedings:* 2010-11-12/1699-1700

**SOs 1, 47, 97**

**101.10** *Statements by indulgence on retirement of journalist*

Following question time the Prime Minister and Leader of the Opposition made statements by indulgence regarding the retirement of parliamentary press gallery journalist Mr Matthew Franklin.

*Hansard:* 16 August 2012, 8954

**SO 65**

**101.11** *Statements by indulgence regarding Vietnam Veterans' Day*

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence in relation to Vietnam Veterans' Day.

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

*Hansard:* 20 August 2012, 9096-7  
*Votes and Proceedings:* 2010-11-12/1708

**SOs 65, 183**

### **101.12** *Statements by indulgence regarding Fred Hollows Foundation*

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence to mark the 20<sup>th</sup> anniversary of the Fred Hollows Foundation.

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

*Hansard:* 23 August 2012, 9783-4  
*Votes and Proceedings:* 2010-11-12/1744

**SOs 65, 183**

### **101.13** *Statements by indulgence on departure of journalist*

Following question time the Leader of the Opposition, the Leader of the House and a Greens Member made statements by indulgence regarding the departure from the parliamentary press gallery of journalist Ms Misha Schubert.

*Hansard:* 23 August 2012, 9802-3

**SO 65**

## **Chamber**

### **101.14** *Leader of the Opposition sin-binned*

During question time on 20 August, the Leader of the Opposition was one of five Members directed to leave the Chamber for one hour under standing order 94 (a) for disorderly behaviour.

*Hansard:* 20 August 2012, 9114  
*Votes and Proceedings:* 2010-11-12/1709

**SOs 60, 91, 94**

## **Committees**

### **101.15** *Committee chair presents minutes only*

During government business time, the Chair of the Social Policy and Legal Affairs Committee presented minutes of the Committee's proceedings in respect of its inquiries into three bills, which had been reported on at previous sittings.

*Hansard:* 15 August 2012, 8758  
*Votes and Proceedings:* 2010-11-12/1683

**SOs 39, 63, 239, 247**

### **101.16** *First report of Joint Committee on Human Rights*

The Chair of the Parliamentary Joint Committee on Human Rights presented the committee's first report entitled: *Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Bills introduced 18-29 June 2012*. The Chair, by leave, made a statement in connection with the report.

*Hansard:* 22 August 2012, 9511-2  
*Votes and Proceedings:* 2010-11-12/1729

**SOs 39, 63, 247**

## **Divisions**

### **101.17** *Tied votes on private Members' motions – Deputy Speaker gives casting votes*

On two divisions on separate private Members' motions, the results were 71 ayes and 71 noes. The Deputy Speaker gave her casting vote with the noes on both occasions, citing precedents for decisions to not be taken except by a majority when no further discussion is possible.

*Hansard:* 16 August 2012, 8868-70  
*Votes and Proceedings:* 2010-11-12/1693-5

**SOs 41, 135, 222**

## **Federation Chamber**

### **101.18** *Deputy Speaker's statement regarding captions in the Federation Chamber*

Following question time on 14 August, the Deputy Speaker made a statement to advise that a trial of captioning would commence in the Federation Chamber the following day. The Deputy Speaker noted that screens located on the advisors desks on each side of the room would display captions showing the current item of business before the Federation Chamber, and asked Members to provide feedback on the trial.

*Hansard:* 14 August 2012, 8506

**SOs 183, 192**

### **101.19** *Federation Chamber adjourns early due to lack of quorum*

During statements by indulgence on the London Olympic Games, the Deputy Speaker in the Federation Chamber noted that a quorum was not present, and suspended proceedings at approximately 4.50 pm. A quorum being present at 4.53 pm, the Chair was resumed and proceedings continued.

Later, at approximately 5.46 pm, the Deputy Speaker again suspended proceedings due to the lack of a quorum. Upon resuming the Chair at 5.54 pm, the

Deputy Speaker noted that a quorum was still not present and adjourned the Federation Chamber until the next day.

*Hansard: 21 August 2012, 9493, 9505  
Votes and Proceedings: 2010-11-12/1727-8*

**SOs 184, 190**

## Parliamentary administration

### **101.20** *Response to request for detailed information regarding “funding restraints” on the Department of the House of Representatives*

The Speaker provided a written response to a request for detailed information from an Opposition Member regarding the impact of “funding restraints”, including the efficiency dividend, on the operations and service delivery of the Department of the House of Representatives. The Speaker gave an explanation of the budgetary situation of the Department over recent years, and provided details of savings measures which the Department intends to implement in response to funding restraints. The Speaker attached to his response a letter to Members from the Clerk (dated 27 June 2012) relating to the Department’s budget outlook and proposed reductions in Departmental costs.

*Hansard: 14 August 2012, 8605-8*

**SOs 98, 103, 105**

### **101.21** *Chair of Federation Chamber notes retirement of parliamentary officer*

During Members’ constituency statements, the Chair noted that it was the last occasion on which Mr Barry Gwyther would be performing duty as Serjeant-at-Arms in the Federation Chamber before his retirement, and thanked him for his service.

*Hansard: 15 August 2012, 8804*

### **101.22** *Deputy Speaker notes retirement of two parliamentary officers*

Immediately prior to adjournment of the House, the Deputy Speaker noted the retirement of Mr Barry Gwyther and Ms Ann Mackinnon. The Deputy Speaker thanked both parliamentary officers for their service to the Department of the House of Representatives.

*Hansard: 16 August 2012, 8974*

### **101.23** *Response to request for detailed information regarding broadcasting services provided by the Department of Parliamentary Services*

The Speaker provided a written response to a request for detailed information from an Opposition Member regarding the impact of funding reductions on the provision of broadcasting services by the Department of Parliamentary Services.

The Speaker advised that the Department had no plans to downscale actual or proposed broadcasting services.

*Hansard:* 20 August 2012, 9220

**SOs 98, 103, 105**

## Private Members' Business

### **101.24** *Private Member's motion amended and passed*

When a private Member's motion was called on to be voted on, the Member obtained leave to move an amendment to the terms of his motion, and briefly spoke to the amendment. After the amendment was seconded, the Leader of the House spoke briefly to convey the government's support for the amendment and to thank the Member for moving it. The question on the amendment, followed by the question on the motion as amended, were agreed to on the voices.

*Hansard:* 16 August 2012, 8868-70

*Votes and Proceedings:* 2010-11-12/1692-3

**SOs 41, 47, 63, 222**

### **101.25** *Two private Members' motions debated in both the House and Federation Chamber; one proposes new joint select committee*

Two private Members' motions were allocated time by the Selection Committee for debate during private Members' business time in both the House and the Federation Chamber on the same day. Debate was adjourned on each motion upon the expiry of the allocated time for debate.

One of the motions sought the establishment of a Joint Select Committee on the National Disability Insurance Scheme, and set out the membership and some other parameters for the proposed committee.

*Hansard:* 20 August 2012, 9051-67, 9196-204, 9297-311, 9237-59

*Votes and Proceedings:* 2010-11-12/1706-7, 1714, 1717, 1718-9

**SOs 41, 183**

## Privilege

### **101.26** *Privileges Committee report on unauthorised disclosure*

The Chair of the Privileges and Members' Interests Committee presented the committee's report on the possible unauthorised disclosure of internal proceedings of the committee.

The committee's investigation into the matter followed the disclosure in media articles of private proceedings of the committee, and the Chair advised that the committee had been unable to determine the source of the unauthorised disclosure.

The committee recommended that the House adopt a resolution in relation to unauthorised disclosures, with provisions relating to the implications for journalists and the media. The committee also recommended that processes for the issuing of press gallery passes be changed to require pass holders to be aware of the prohibition of unauthorised disclosure of committee proceedings, and that breaches can result in sanctions.

*Hansard*: 20 August 2012, 9116-8  
*Votes and Proceedings*: 2010-11-12/1709-10

**SOs 216, 242, 247**

## Speaker

### **101.27** *Deputy Speaker's statement regarding matters of public importance*

Following question time, the Deputy Speaker read a statement to the House on behalf of the Speaker, regarding the selection of proposed matters of public importance for discussion.

The statement noted that it is the Speaker's responsibility to select the matter to be discussed when more than one matter is proposed on the same day, and advised that the decisions made by the Speaker in this respect were always based on merit, with regard to the urgency and importance of matters proposed and whether they had been the subject of recent discussion.

*Hansard*: 23 August 2012, 9801  
*Votes and Proceedings*: 2010-11-12/1744

**SO 46**

## Withdrawals

### **101.28** *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
<i>unrecorded</i>	14 August 2012	8503
'...Abbott's a show bag: he's overpriced and full of crap.'	14 August 2012	8533-4
'...lies...'	16 August 2012	8935, 8940
'...the big lie.'	16 August 2012	8947
'...the Prime Minister's great lie...'	16 August 2012	8950
'...lied to them...'	16 August 2012	8951

'Like Jack the Ripper...'	20 August 2012	9104
'This leaflet can only be described as nothing other than a lie.'	20 August 2012	9113
<i>unrecorded</i>	20 August 2012	9114
'...a lie similar to hers.'	21 August 2012	9375
'...this government is worse for our Defence forces than the Taliban.'	21 August 2012	9424
'...preposterous fool.'	22 August 2012	9520
'...the three stooges...'	22 August 2012	9581
<i>unrecorded</i>	22 August 2012	9599
'...another lie.'	22 August 2012	9599
'...oniomaniac...'	22 August 2012	9667
'As a proud South Australian – unlike the Manager of Opposition Business...'	23 August 2012	9787
'The only person who was very, very pleased with the Olympic Dam decision not going ahead in the immediate future yesterday was the Leader of the Opposition.'	23 August 2012	9787-8
'...lie...'	23 August 2012	9790-1
'An appropriate song for the member for Mackellar would be "Wish you luck as you wave me goodbye"'	23 August 2012	9795
'...lied...'	23 August 2012	9807
'...the delight of members opposite from South Australia...that there was bad news for South Australia.'	23 August 2012	9808

SOs 89, 90, 92