

# Procedural Digest

**No. 102**

10–20 September 2012

September 2012				
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10	11	12	13	14
17	18	19	20	21

## Bills

### **102.01** *Government bill presented by leave after matter of public importance on a Tuesday*

Following the conclusion of the matter of public importance debate on Tuesday 11 September, the Minister for Sustainability, Environment, Water, Population and Communities sought leave to present a bill. Leave was granted and the Minister presented the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012 and an explanatory memorandum. After the bill was read a first time, the Minister made his second reading speech and debate was adjourned and made an order of the day for the next sitting.

*Note:* Government bills are usually presented on Wednesday and Thursday mornings. Leave was required in this case because notice had not been given for the bill's presentation.

*Hansard:* 11 September 2012, 10214-6  
*Votes and Proceedings:* 2010-11-12/1766  
**SOs 63, 141, 142**

### **102.02** *'Debate management motion' for consideration of bills*

After he had introduced the Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012 and six related bills, the Minister for Climate Change and Energy Efficiency moved, by leave, a motion to suspend standing and sessional orders in order to modify the usual proceedings for the consideration of the bills.

The motion provided for a concurrent second reading debate on the seven bills. The motion also prescribed the number of questions allowed on the second readings of the bills including second reading amendments, on consideration in detail amendments, and those put on the remaining stages of the bills. The motion did not set deadlines for any of the stages of the consideration of the bills (*And see entry 91.02*).

The motion was agreed to on the voices without any debate.

*Hansard:* 19 September 2012, 11165-6  
*Votes and Proceedings:* 2010-11-12/1820-1  
**SOs 47, 63, 142, 145, 148, 150, 155, 180**

## Business

### **102.03** *Statements by indulgence on death of Mr David Ramsay*

During government business time, the Minister for Infrastructure and Transport made a statement by indulgence regarding the death of Mr David Ramsay (an officer of the Minister's Department in Jakarta).

*Hansard:* 10 September 2012, 9910-1

**SOs 65**

### **102.04** *Updated ministry list presented*

Prior to question time, the Acting Prime Minister presented a revised ministry list. The document was incorporated into Hansard.

*Hansard:* 10 September 2012, 9943

*Votes and Proceedings:* 2010-11-12/1752

**SO 199**

### **102.05** *Statements by indulgence on death of Mr John Gillard*

Prior to question time, the Acting Prime Minister and the Leader of the Opposition each made a statement by indulgence regarding the death of Mr John Gillard (the Prime Minister's father).

*Hansard:* 10 September 2012, 9943, 9946

**SOs 65**

### **102.06** *Statements by indulgence on death of Mr John McCarthy*

Prior to the adjournment debate, a Minister and an opposition Member made statements by indulgence regarding the death of Mr John McCarthy (an AFL player for the Port Adelaide Football Club).

*Hansard:* 10 September 2012, 10038-9

**SOs 65**

### **102.07** *Statements by indulgence on Paralympics team*

Prior to question time, the Deputy Prime Minister and the Deputy Leader of the Opposition each made a statement by indulgence welcoming home the Australian athletes from the Paralympic 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 on the voices.

*Hansard:* 13 September 2012, 10580-1

*Votes and Proceedings:* 2010-11-12/1778

**SOs 65, 183**

**102.08** *Statements by indulgence regarding protests*

Prior to question time, the Deputy Prime Minister and the Deputy Leader of the Opposition each made a statement by indulgence regarding violent protests in Sydney over the weekend.

*Hansard:* 17 September 2012, 10721-2

**SOs 65**

**102.09** *Changes to Shadow Ministry*

Prior to Question Time the Leader of the Opposition presented, by leave, a revised Shadow Ministry list.

*Hansard:* 19 September 2012, 11231-4

*Votes and Proceedings:* 2010-11-12/1825

**SOs 199**

## Committees

**102.10** *Corrigendum to Committee report presented*

The Chair of the Parliamentary Joint Committee on Corporations and Financial Services presented, by leave, a corrigendum to the Committee's report into the Australian Charities and Not-for-profits Commission Bill and two related bills, which had been presented a week earlier.

*Hansard:* 17 September 2012, 10758

*Votes and Proceedings:* 2010-11-12/1793

**SOs 243, 247**

**102.11** *Leave not granted for presentation of committee report*

Between items of business following question time, the Chair of the Joint Standing Committee on Electoral Matters sought leave to present a report of the Committee. Leave was not granted.

The Leader of the House and the Manager of Opposition Business made comments shortly after, by indulgence, regarding the issue of the (non-)granting of leave for various purposes.

*Note:* Leave was not actually required under the standing orders for the presentation of this committee report, as there was no other business before the House at the time.

*Hansard:* 20 September 2012, 11453

**SOs 39, 63, 243, 247**

## Debate

### **102.12** *Member speaks to private Member's motion twice, by leave*

Upon the resumption of debate on a private Member's motion, an opposition Member who had already spoken to the motion at a previous sitting was granted leave to speak to the motion again.

*Hansard:* 17 September 2012, 10819-22  
*Votes and Proceedings:* 2010-11-12/1795  
**SOs 41, 63, 69**

## Documents

### **102.13** *Legislative instrument presented for approval; amendments moved; fewer than five Members on one side during divisions*

The Minister for Immigration and Citizenship presented the instrument of designation of the Republic of Nauru as a regional processing country, together with five related documents, and moved that the House approve the instrument.

The motion was debated, and the Shadow Minister moved an amendment to the motion. The Australian Greens Member then moved an amendment to the Shadow Minister's amendment, which was negatived on division, with only two Members on the side of the Ayes. The Shadow Minister's amendment was also negatived on division. The original motion was then agreed to on division, with only (the same) two Members on the side of the Noes.

*Note:* The motion was moved in accordance with subsection 198AB of the Migration Act 1958, which was recently amended to vary the process by which legislative instruments under the subsection may come into effect. Instruments usually come into effect upon presentation as deemed papers, subject to disallowance.

*Further 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*.

*Hansard:* 10 September 2012, 9957-93  
*Votes and Proceedings:* 2010-11-12/1753-5  
**SOs 124, 127, 199**

## Federation Chamber

### **102.14** *Referral of bill includes suspension of standing orders for rearrangement of business*

A Minster, by leave, moved a motion to refer a private Member's bill to the Federation Chamber for further consideration. The motion also sought the suspension of standing orders to enable the bill to be called on as the first item of business following constituency statements the next day. The motion was agreed to on the voices.

*Hansard: 18 September 2012, 11058-9*  
*Votes and Proceedings: 2010-11-12/1807*  
**SOs 47, 183**

## Order of business

### **102.15** *Adjournment negatived to continue consideration of bill*

At approximately At 4.30 p.m. the Deputy Speaker interrupted proceedings on a bill to propose 'That the House do now adjourn'. The Leader of the House required the question to be put immediately without debate. The question was negatived on the voices. Consideration in detail of the bill proceeded until it was agreed to with amendments and read a third time at approximately 5.09 p.m., after which leave of absence was granted to a Member and the Leader of the House moved 'That the House do now adjourn'. The question was carried on the voices and the House adjourned at 5.10 p.m.

*Hansard: 13 September 2012, 10617-23*  
*Votes and Proceedings: 2010-11-12/1783-5*  
**SOs 29, 31, 32, 148**

### **102.16** *House meets early*

In accordance with a motion by a Parliamentary Secretary agreed to at the previous sitting, the House met at 12 noon on Tuesday 18 September. Government business was given precedence until question time. The motion also provided for any divisions or quorums called to be deferred until after the matter of public importance discussion.

*Note:* The House usually meets at 2.00 p.m. on a Tuesday.

*Hansard: 18 September 2012, 10965*  
*Votes and Proceedings: 2010-11-12/1803*  
**SOs 29, 30, 34, 35**

**102.17** *Adjournment negatived to continue consideration of bills; closure of question carried*

At approximately At 9.30 p.m. on the Deputy Speaker interrupted proceedings on a bill to propose 'That the House do now adjourn'. The Leader of the House required the question to be put immediately without debate. The question was negatived on division, and consideration in detail of the bill proceeded. Nine government amendments were moved together, and debate continued until the Leader of the House moved closure of question at approximately 10.36 p.m. The question was carried on division and the amendments were agreed to on the voices. The bill, as amended, was then agreed to on division, and the bill was read a third time.

A second bill (which had been debated in cognate with the first) was then considered, and the second reading was agreed to on division. Six government amendments were carried on the voices, and the bill, as amended, was agreed to on division, after which it was read a third time. The Leader of the House then moved 'That the House do now adjourn'. The question was carried on the voices and the House adjourned at 11.07 p.m.

*Hansard: 18 September 2012, 11095-115*  
*Votes and Proceedings: 2010-11-12/1809-15*

**SOs 29, 31, 32, 148**

## **Private Members' Business**

**102.18** *Chief Government Whip amends Selection Committee determination*

The Chief Government Whip moved, by leave, a motion to suspend standing orders to allow a variation to the Selection Committee's determination for the Federation Chamber in respect of debate on a private Member's bill. The motion sought to change the number of speakers and speaking times from a minimum of 30 Members for 5 minutes each, to a minimum of 15 Members for 10 minutes each.

The question was agreed to on the voices.

*Hansard: 10 September 2012, 9879*  
*Votes and Proceedings: 2010-11-12/1749*

**SOs 1, 41, 47, 63, 222**

**102.19** *Amendment moved to private Member's motion*

During debate on an opposition Member's motion (regarding the Australian Greens' policy costings), the Australian Greens Member moved an amendment to the motion. Debate continued on the question that the amendment be agreed to, before being adjourned and made an order of the day for the next sitting.

*Hansard:* 10 September 2012, 10017-38  
*Votes and Proceedings:* 2010-11-12/1756-7

**SOs 41, 121, 122**

**102.20** *Five Ministers speak to private Member's bill*

In the Federation Chamber, five Ministers spoke during the second reading debate on the Marriage Amendment Bill 2012, a private Member's bill.

*Note:* Although it is unusual for Ministers to participate in private Members' business, it is not prevented by the standing orders. Ministers may not, however, initiate items of private Members' business.

*Hansard:* 10 September 2012, 10081-9  
*Votes and Proceedings:* 2010-11-12/1761

**SOs 1, 2, 41**

**102.21** *Standing orders suspended to bring on private Member's motion of disallowance*

On 17 September, standing orders were suspended to enable an opposition Member's notice of motion of disallowance (relating to the Road User Charge Determination (No. 1) 2012) to be called on.

The Member moved the disallowance motion which was seconded and debated. Debate was interrupted by Members' statements at 1.45 p.m.

Later, debate resumed and the question was put. The numbers for the 'Ayes' and the 'Noes' being equal, the Deputy Speaker gave her casting vote with the 'Noes'. She stated that her vote was in accordance with the principle that legislation should be left in its original form.

*Hansard:* 17 September 2012, 24-39, 10693-716, 10741-55  
*Votes and Proceedings:* 2010-11-12/1790, 1792-3

**SOs 35, 41, 47, 106, 135**

**102.22** *Standing orders suspended to bring on private Member's bill; 2<sup>nd</sup> reading negatived*

Government business was interrupted, and the Leader of the House sought leave to move a suspension of standing orders to enable the return of a private Member's bill from the Federation Chamber to be reported, and consideration of the bill to proceed immediately. Leave was not granted, and the Leader of the House moved the suspension motion without notice.

The suspension motion was debated and agreed to on division, with only three Members voting 'No'. The Deputy Speaker duly reported the return of the Marriage Amendment Bill 2012 from the Federation Chamber, and the question on the second reading was put and negatived on division. Government business then resumed from the point of interruption.

*Note:* Government Members had reportedly been granted a 'free' (or 'conscience') vote on the bill, but opposition Members had not.

*Further 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*.

*Hansard:* 19 September 2012, 11203-8  
*Votes and Proceedings:* 2010-11-12/1824-5

**SOs 35, 41, 47, 127**

### **102.23** *Standing orders suspended to bring on private Member's disallowance motion*

Standing orders were suspended to enable a private Member's notice of motion of disallowance (relating to the Health Insurance (Dental services) Amendment Determination 2012 (No. 1)) to be called on.

The opposition Member moved the disallowance motion which was seconded and debated. Debate was interrupted by Members' statements at 1.45 p.m., and was not resumed during the sitting.

*Hansard:* 20 September 2012, 11366-426  
*Votes and Proceedings:* 2010-11-12/1831-2

**SOs 35, 41, 47, 106**

## **Privilege**

### **102.24** *Matter raised—complaint of breach*

On 13 September an opposition Member raised, as a matter of privilege, the refusal of the Deputy Prime Minister to present a document during question time, and presented a photograph as a supporting document.

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

On the next sitting day, the Deputy Speaker read a statement on behalf of the Speaker in response to the matter. The statement noted that pursuant to standing order 201, when a Minister quotes from a document and a Member asks for the document to be tabled, the Speaker asks the Minister whether he/she had read from the document and, if so, whether the document is confidential. The statement advised that the Speaker has no way of determining the answers to these questions, so always accepts the Minister's response. The statement

discussed the circumstances of the matter and concluded that precedence would not be given for a motion of referral to the Committee of Privileges and Members' Interests.

*Hansard:* 13 September 2012, 10599-600, 17 September 2012, 10740-1  
*Votes and Proceedings:* 2010-11-12/1779, 1791-2

**SOs 51, 199, 201, 216, 250**

### **102.25** *Alleged unauthorised disclosure of committee recommendations*

The Chair of the Standing Committee on Aboriginal and Torres Strait Islander Affairs raised, as a matter of privilege, the publishing of information about the recommendations in a committee report in online and print versions of a newspaper, prior to the report's tabling. He noted that embargoed copies of the report had been provided to some media outlets on the condition that the report was embargoed until tabling. He advised that the committee would investigate the matter.

*Hansard:* 17 September 2012, 10755  
*Votes and Proceedings:* 2010-11-12/1793

**SOs 51, 242**

## **Speaker**

### **102.26** *Statement on supplementary questions*

Prior to question time, the Deputy Speaker read a statement to the House on behalf of the Speaker, in response to a question from a non-aligned Member regarding the allocation of supplementary questions to the crossbench.

The statement noted that the Chair has discretion with respect to supplementary questions, and outlined the Speaker's approach towards the allocation of supplementary questions to government, opposition and non-aligned Members.

*Hansard:* 12 September 2012, 10367-8

**SO 101**

### **102.27** *Statement on presentation of documents by Ministers*

Prior to the adjournment debate, the Deputy Speaker read a statement to the House on behalf of the Speaker, in relation to a matter raised by a Member during the previous sitting week, regarding the tabling of documents by Ministers during question time.

The statement noted that a recent practice had developed where, following refusal of leave for an opposition Member to table a document, a Minister then tabled an unrelated document. The statement advised that the rules in respect of the tabling

of documents were quite clear: private Members generally require leave to present a document, whereas Minister can present a document at any time when no other business is before the House. It was noted that other business is defined as a question being before the House.

*Hansard*: 17 September 2012, 10829-30  
*Votes and Proceedings*: 2010-11-12/1795  
**SOs 63, 199**

## Withdrawals

### 102.28 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...in bed with...'	10 September 2012	10024
'...bully...thug.'	11 September 2012	10177-8
'...have a look in his brown paper bag to see whether he has an answer.'	11 September 2012	10180-1
'You hypocrite.'	11 September 2012	10190-1
'...makes up complete lies.'	12 September 2012	10369
<i>unrecorded</i>	12 September 2012	10382
'... "Red Ted" Baillieu ...'	12 September 2012	10386
<i>unrecorded</i>	12 September 2012	10383
'...you are the one who thinks Tasmanian tigers are still around!'	13 September 2012	10588
<i>unrecorded</i>	13 September 2012	10600
'...the minister, who had to leap into the debate because there were actually no government members prepared to speak on it...'	17 September 2012	10712
'Is anyone home?'	17 September 2012	10722-3
'It's the Beazley model, you fool.'	17 September 2012	10735
<i>unrecorded</i>	17 September 2012	10735

'...he has never seen a public servant that he did not want to sack. He has never seen a public sector worker that he does not blame for all the problems of Australia.'	18 September 2012	10997
<i>unrecorded</i>	18 September 2012	11008
'...that he would undermine the national interest in this way.'	18 September 2012	11023-4
<i>unrecorded</i>	18 September 2012	11105
'Clearly, Labor have been treating—and will continue to treat—the defence community with contempt.'	18 September 2012	11133
'Labor is guilty of unacceptable public maladministration.'	18 September 2012	11135
'...the Leader of the Opposition is asking it as a hypocrite....'	19 September 2012	11239
<i>unrecorded</i>	19 September 2012	11244
'He just does not get it about respect for other people.'	19 September 2012	11253-4
'...corrupt, morally bankrupt, long-term Labor governments...'	19 September 2012	11300-2
'You are lying.'	20 September 2012	11369
<i>unrecorded</i>	20 September 2012	11374
'That's a lie!'	20 September 2012	11378
'...Labor has lied to parents.'	20 September 2012	11418
<i>unrecorded</i>	20 September 2012	11433-4
'...rabid pit-bulls...'	20 September 2012	11433-4
'...the lie to the campaign by the Leader of the Opposition...'	20 September 2012	11440-1

SOs 89, 90, 92