

Procedural Digest

No. 103*9–11 October 2012*

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Bills

103.01 *Extended sitting for proceedings on package of bills; standing orders suspended*

Following question time, the Leader of the House moved, by leave, a suspension of standing orders to enable the House to sit late to conclude the second reading debate on the Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012 and six related bills. The package of bills was already subject to a resolution governing their passage, agreed to at a previous sitting (*see* entry **102.02**).

The suspension motion required the House to sit until the Minister had replied to the second reading debate on the bills, or 11 p.m. at the latest, and provided that all divisions (other than on a motion moved by a Minister) or quorum calls from 7 p.m. be deferred until 9 a.m. the following morning. Debate ensued, and the motion was carried on the voices.

Debate proceeded on the package of bills later in the sitting and, in accordance with the resolution, the House adjourned at 10.58 p.m. following the conclusion of the Minister's summing-up speech.

Hansard: 10 October 2012, 11835-6, 11862-949
Votes and Proceedings: 2010-11-12/1860, 1861, 1862

SOs 31, 34, 47, 63, 142

103.02 *Passage of package of bills in accordance with resolution*

Following prayers, proceedings continued on the Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012 and six related bills in accordance with the resolution agreed to at a previous sitting (*see* entry **102.02**).

The Minister having summed-up debate the previous evening (*see* entry **103.01**), the question was immediately put on a second reading amendment moved by the Leader of the Opposition. The amendment was negatived on division, and the question that the bills be read a second time was carried on a subsequent division.

A message from the Governor-General was announced recommending an appropriation for one of the bills, and the bills were then considered in detail together. Two government amendments were carried on the voices, and an amendment moved by the Australian Greens Member was negatived on division

without completing the count as only two Members were on the side of the Ayes. The names of those in the minority were recorded in the *Votes and Proceedings*.

The question that the bills be read a third time was then carried on division.

Hansard: 11 October 2012, 12021-32
Votes and Proceedings: 2010-11-12/1865-8

SOs 122, 126, 127, 142, 148, 150, 155

103.03 *Second reading amendment corrected by leave*

During debate on the Wheat Export Marketing Amendment Bill 2012, an opposition Member sought leave to correct the second reading amendment he had moved to the bill at a previous sitting. Leave was granted and the Member corrected the amendment by replacing the words “the Wheat Marketing Authority” with “Wheat Exports Australia”.

Hansard: 11 October 2012, 12065
Votes and Proceedings: 2010-11-12/1887

SOs 63, 145

Business

103.04 *Motion by leave to remove Speaker from office – debated and negatived*

During question time, the Leader of the Opposition sought leave to move a motion to remove the Speaker from office under section 35 of the Constitution. The Leader of the House advised that leave would be granted on the understanding that there would be four speakers per side. The Leader of the Opposition moved and spoke to his motion. The motion was seconded by the Deputy Leader of the Opposition and spoken to by eight Members in total, including the Prime Minister.

The question that the motion be agreed to was negatived on division, and question time then concluded.

Note: There is no provision in the standing orders for the conditional granting of leave.

Hansard: 9 October 2012, 11573-601
Votes and Proceedings: 2010-11-12/1838-9

SOs 1, 63, 111, 126

103.05 *Statements by indulgence on the tenth anniversary of the Bali bombings*

Prior to question time the Prime Minister and the Leader of the Opposition both made statements by indulgence observing the tenth anniversary of the Bali bombings.

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

Hansard: 11 October 2012, 12088-9
Votes and Proceedings: 2010-11-12/1888

SOs 65, 125, 183

103.06 *Statements by indulgence on death of soldier in training accident*

Following question time the Prime Minister, the Minister for Defence Science and Personnel and the Shadow Minister for Defence, Science, Technology and Personnel made statements by indulgence regarding the death of Sapper Jordan Ronald Penpraze in a training accident at Holsworthy.

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

Hansard: 11 October 2012, 12107-8
Votes and Proceedings: 2010-11-12/1890-1

SOs 65, 125, 183

Debate

103.07 *Third reading debate on a bill*

After the second reading of the Social and Community Services Pay Equity Special Account Bill 2012 and the announcement of a message from the Governor-General, the Minister for Community Services moved, by leave, that the bill be read a third time. An Opposition Member then spoke briefly to the motion, before it was carried on the voices.

Note: It is relatively unusual for the question on the third reading of a bill to be debated. On this occasion, the Member noted that there had been no consideration in detail stage on which to speak to the bill.

Hansard: 11 October 2012, 12070-1
Votes and Proceedings: 2010-11-12/1887

SOs 125, 155

Documents

103.08 *Legislative instrument presented for approval; amendment moved; fewer than five Members on one side during divisions*

The Minister for Immigration and Citizenship presented the instrument of designation of the Independent State of Papua New Guinea as a regional processing country, together with four related documents, and moved that the House approve the instrument.

The motion was debated, and the Australian Greens Member moved an amendment to the motion. On a deferred division, the amendment was negatived, with only two Members on the side of the Ayes. The 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: 9 October 2012, 11621-42, 11657-8
Votes and Proceedings: 2010-11-12/1841, 1842
SOs 121, 127, 133, 199

Federation Chamber

103.09 *Federation Chamber meets twice in one day*

The Federation Chamber was adjourned at 12.46 p.m. and the Deputy Speaker fixed 9.30 a.m. the following day for its next meeting.

Later, pursuant to the determination of the Deputy Speaker, the Federation Chamber met again at 4.01 pm. A Government bill was debated before the Federation Chamber adjourned for a second time at 7.21 p.m.

Hansard: 10 October 2012, 11951, 11969
Votes and Proceedings: 2010-11-12/1863-4
SOs 186, 190, 192, 196

Order of business

103.10 *House meets early; no divisions or quorums*

In accordance with notification given to Members by the Speaker, the House met at 11 a.m. Following Prayers, the Leader of the House moved to suspend standing orders to require any divisions or quorums called between 11 a.m. and 2 p.m. to be deferred until after the matter of public importance discussion. The motion was agreed to on the voices, and Government business proceeded until question time.

Note: The House usually meets at 2 p.m. on a Tuesday.

Hansard: 9 October 2012, 11533
Votes and Proceedings: 2010-11-12/1837
SOs 29, 30, 34, 35, 47, 55

Private Members' business

103.11 *Standing orders suspended for resumption of debate on private Member's disallowance motion*

Standing orders were suspended on the motion of a Minister to enable the order of the day relating to an opposition Member's motion of disallowance (regarding the Health Insurance (Dental services) Amendment Determination 2012 (No. 1)) to be called on.

Debate resumed on the disallowance motion, before being adjourned to facilitate a statement by the Speaker (*see* entry **103.15**). Debate continued following the statement and, on a deferred division, the motion was negated.

Hansard: 9 October 2012, 11643-4, 11647-51, 11658
Votes and Proceedings: 2010-11-12/1841-3
SOs 35, 41, 47, 133

103.12 *Private Member's notice listed for a vote*

Standing orders were suspended during government business time to enable some items of private Members' business to be voted on, pursuant to recommendations by the Selection Committee. One of the items was a notice of motion (yet to be debated), rather than an order of the day. The Member moved the motion, which was debated briefly and negated on division without completing the count, as only two Members were on the side of the Ayes (the mover and seconder). The names of those in the minority were recorded in the *Votes and Proceedings*.

Note: The motion had been debated previously and recommended for a vote by the Selection Committee but had been removed from the *Notice Paper* after 8 sitting Mondays before the vote taking place. The Member had then given notice again for the motion in the same terms to enable the vote to be taken.

Hansard: 11 October 2012, 12042-4
Votes and Proceedings: 2010-11-12/1870, 1872

SOs 41, 42, 47, 127, 222

Privilege

103.13 *Committee reports back on alleged unauthorised disclosure*

The Chair of the Standing Committee on Aboriginal and Torres Strait Islander Affairs reported back to the House on a possible matter of privilege he had raised at an earlier sitting (*see* entry **102.25**). The issue involved the publishing of material in an embargoed committee report, and the Chair advised that the Committee had discussed the matter and determined that the incident was regrettable but did not warrant further action.

Hansard: 9 October 2012, 11621
Votes and Proceedings: 2010-11-12/1841

SOs 51, 215, 242

Questions

103.14 *Question without notice rephrased*

During question time, the Speaker ruled a question asked by the Deputy Leader of the Opposition out of order, as it did not relate to the Prime Minister's responsibilities. Following several points of order, the Speaker allowed the Deputy Leader of the Opposition to rephrase the question, which was then answered by the Prime Minister.

Hansard: 10 October 2012, 11831-3

SOs 98, 100, 101

Speaker

103.15 *Resignation of Speaker; new Speaker elected*

Debate on a disallowance motion was adjourned to allow the Speaker to take the Chair and make a statement to the House. The Speaker advised that in the interests of the Parliament, he would be tendering to the Governor-General his resignation as Speaker.

Later in the sitting, the Leader of the House moved the suspension of standing order 31 for the remainder of the sitting, advising that the sitting was expected to be suspended for a short time prior to resuming for the election of a new Speaker.

The motion was carried on division, and the now Acting (as opposed to Deputy) Speaker left the Chair.

After approximately 30 minutes, the sitting resumed and the Clerk read a communication from the Governor-General informing the House that she had received a letter of resignation from the Speaker, which she had accepted, and inviting the House to elect a new Speaker.

The Clerk conducted the election. Two Government Members proposed and seconded a nomination for Ms Burke (the Acting Speaker) to take the Chair, and Ms Burke stated that she accepted the nomination.

There were no further proposals, and Ms Burke was declared elected as Speaker and escorted to the Chair. She acknowledged the honour and took the Chair. The Prime Minister, Leader of the Opposition, and other Members congratulated the new Speaker.

This left the position of Deputy Speaker vacant, and the Speaker conducted the election. Two Government Members moved and seconded a motion nominating Mr Georganas for Deputy Speaker. The Manager of Opposition Business then nominated Mr Scott, seconded by a non-aligned Member. A ballot was held which resulted in 74 votes for Mr Scott and 70 votes for Mr Georganas, and Mr Scott was thereupon declared elected as Deputy Speaker. The Prime Minister, Leader of the Opposition and other Members congratulated him.

The House then adjourned on a motion by the Leader of the House.

Note: The former Speaker's resignation followed a failed motion earlier in the sitting by the Leader of the Opposition to remove him from office (*see* entry **103.03**).

Hansard: 9 October 2012, 11644-7, 11659-70
Votes and Proceedings: 2010-11-12/1842, 1843, 1844, 1855

SOs 10, 11, 12, 13, 14, 15, 16, 17, 19

103.16 *Standing order 13 amended; election of Second Deputy Speaker*

Following prayers on the day after the election of a new Speaker and Deputy Speaker (*see* entry **103.15**), the Leader of the House moved a motion to amend standing order 13. The motion sought to remove paragraph (c), requiring that the Second Deputy Speaker must be a non-government Member. Following debate, the motion was carried on division.

Later in the sitting, the Leader of the House advised that the sitting was expected to be suspended for a short time prior to resuming for the election of a new Second Deputy Speaker, and the Deputy Speaker left the Chair.

Upon resumption of the sitting the election was held with the Speaker in the Chair. Two government Members moved and seconded a motion nominating Mr Georganas for Second Deputy Speaker. The Manager of Opposition Business nominated Dr Stone, seconded by another opposition Member. A ballot was held which resulted in 73 votes for Mr Georganas and 71 votes for Dr Stone. Mr Georganas was declared elected as Second Deputy Speaker and the Prime Minister, Leader of the Opposition and other Members congratulated him.

Hansard: 10 October 2012, 11757-63, 11787-90
Votes and Proceedings: 2010-11-12/1853-4, 1857-8

SOs 13, 14, 16, 106, 125

Withdrawals

103.17 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'You have voted for this, Mr Deputy Speaker...'	9 October 2012	11552-3
'You are a piece of work.'	10 October 2012	11822
'...built on an edifice of lies...lies...'	10 October 2012	11908
'That's a lie!'	11 October 2012	12096

SOs 89, 90, 92