

# Procedural Digest

## No. 95

7 –16 February 2012

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## Bills

### 95.01 *Bill introduced and passed all stages*

On 9 February, the Special Minister of State presented the Members of Parliament (Life Gold Pass) and Other Legislation Amendment Bill 2012 and presented an explanatory memorandum to the bill. The Minister then moved that the bill be read a second time and, by leave, debate ensued. Following the second reading of the bill, leave was granted for the third reading to be moved immediately. The Minister made some concluding remarks and the bill was read a third time.

*Hansard:* 9 February 2012, 555-8  
*Votes and Proceedings:* 2010-11-12/1194

**SOs 63, 141, 142, 155**

### 95.02 *Opposition legislative amendment agreed to*

During consideration in detail of the National Health Amendment (Fifth Community Pharmacy Agreement Initiatives) Bill 2011, the shadow Minister for Health moved an amendment. The Health Minister spoke to the amendment before it was agreed to on the voices. The bill, as amended, was then agreed to.

*Hansard:* 16 February 2012, 1619-20  
*Votes and Proceedings:* 2010-11-12/1240

**SOs 63, 148, 150, 155**

## Business

### 95.03 *Condolence motion for former Governor-General*

On 7 February, the Prime Minister moved a motion of condolence in relation to the death of Sir Zelman Cowen AK, GCMG, GCVO, QC, a former Governor-General of Australia. The Leader of the Opposition seconded the motion and a number of Members spoke in support. Following debate on the motion, all Members present then rose in silence as a mark of respect. The condolence motion was then referred to the Main Committee for further debate.

The motion was returned to the House the following day, and agreed to as all Members again rose in their places.

*Hansard:* 7 February 2012, 1-8  
*Votes and Proceedings:* 2010-11-12/1153  
*Hansard:* 8 February 2012, 269, 379-401  
*Votes and Proceedings:* 2010-11-12/1180, 1186

**SOs 49, 183, 197****95.04** *Statements by indulgence on Mr Veness*

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence on the death of Mr Peter Veness (a journalist from the Press Gallery). As a mark of respect and to indicate the House's support for these comments, all Members rose in their places.

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

*Hansard*: 7 February 2012, 11-2  
*Votes and Proceedings*: 2010-11-12/1153-4

**SOs 65, 183****95.05** *Address of Congratulation—Queen's Diamond Jubilee*

Prior to question time on 7 February, the Prime Minister moved that an Address of Congratulation be presented to Her Majesty, Queen Elizabeth II on the 60<sup>th</sup> anniversary of her accession to the Throne. The Leader of the Opposition seconded the motion and all Members rose in their places in support. Debate was adjourned and the motion was referred to the Main Committee for debate.

On 9 February, the motion was returned from the Main Committee and agreed to.

*Hansard*: 7 February 2012, 8-11  
*Votes and Proceedings*: 2010-11-12/1153  
*Hansard*: 9 February 2012, 629-30  
*Votes and Proceedings*: 2010-11-12/1197

**SOs 183, 267, 268****95.06** *Updated ministry list presented*

The Prime Minister presented a revised ministry list, reflecting changes to the ministry announced on 12 December 2011. The document was incorporated into *Hansard*.

*Hansard*: 7 February 2012, 13-5  
*Votes and Proceedings*: 2010-11-12/1154

**SO 199****95.07** *Resolution from the Western Australian Legislative Assembly*

The Speaker informed the House that he had received a resolution passed on 10 November 2011 by the Western Australian Legislative Assembly regarding GST revenue distribution. Copies of the resolution were circulated to Members in the Chamber and the text was included in the *Votes and Proceedings*.

*Hansard*: 7 February 2012, 24-5  
*Votes and Proceedings*: 2010-11-12/1155

**SO 199**

**95.08** *Change to meeting time for Tuesday, 14 February*

The Leader of the House moved, pursuant to notice, a motion to suspend standing orders to enable changes to the time and order of business for the following day. The motion provided that the House meet at 12 noon (rather than 2 pm) and that any divisions (other than on a motion moved by a Minister) or quorums called for between 12 noon and 2 pm be deferred until the conclusion of the discussion of a matter of public importance. The question was agreed to on the voices.

*Hansard: 13 February 2012, 811-2*  
*Votes and Proceedings: 2010-11-12/1203*

**SOs 29, 30, 34, 47**

**95.09** *Statements by indulgence regarding National Sorry Day*

Prior to question time on 13 February, the Prime Minister and the Leader of the Opposition made statements by indulgence on the anniversary of National Sorry Day. By Leave, the Leader of the House moved that further statements by indulgence be permitted in the Main Committee and the question was agreed.

*Hansard: 13 February 2012, 841-2*  
*Votes and Proceedings: 2010-11-12/1205*

**SOs 65, 183**

**95.10** *Late adjournment of House*

During second reading debate on the Fairer Private Health Insurance Incentives Bill 2011 and related bills, the Leader of the House, by leave, moved to suspend standing orders to allow government business to take precedence until 11 pm that night. The motion provided that all divisions (other than on a motion moved by a Minister) or quorums be deferred until after a ministerial statement by the Prime Minister the following morning.

The question was agreed to and the second reading debate continued until the House adjourned at 11 pm.

*Note:* The House usually rises at 10.30 pm on Tuesdays.

*Hansard: 14 February 2012, 1189-90, 1232*  
*Votes and Proceedings: 2010-11-12/1218*

**SOs 31, 33, 34, 47, 63**

**95.11** *Prime Minister's Ministerial Statement at 9 am – referral to Main Committee*

Following the acknowledgement of country and Prayers, the Prime Minister, by leave, made a ministerial statement on 'closing the gap' between Indigenous and non-Indigenous Australians, and presented a document entitled *Closing the gap: Prime Minister's report 2012*. Standing orders were suspended to allow the Leader of the Opposition to speak for an equal period of time and the Leader of the

Opposition addressed the House. A Minister moved that the House take note of the document, and the debate was adjourned. The order of the day was then referred to the Main Committee for debate.

*Note:* Ministerial statements are usually made after question time.

*Hansard:* 15 February 2012, 1327-38  
*Votes and Proceedings:* 2010-11-12/1221

**SOs 34, 47, 63**

## Divisions

### **95.12** *Fewer than four Members on one side in multiple divisions*

On four divisions called for on amendments moved during consideration in detail of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2011, only three non-aligned Members voted on the side of the 'Ayes'. On each occasion, the Speaker declared the question resolved in the negative.

*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:* 16 February 2012, 1584-99  
*Votes and Proceedings:* 2010-11-12/1236-9

**SOs 122, 127, 129, 148, 150, 155**

## Matters of Public Importance

### **95.13** *Three matters of public importance proposed for discussion*

The Speaker announced that a Government Member, an Opposition Member and a non-aligned Member had each proposed matters of public importance for discussion that day. The Speaker chose the matter proposed by the non-aligned Member which in his opinion was the most urgent and important.

More than the required eight Members rose in their places to support the matter of public importance and discussion ensued.

*Hansard:* 8 February 2012, 302-22  
*Votes and Proceedings:* 2010-11-12/1182

**SO 46**

## Private Members' Business

### 95.14 *Five private Members' bills introduced*

On 13 February, five bills were introduced to the House during private Members' business time. Four bills were presented by non-aligned Members and one by a private Government Member.

*Hansard:* 13 February 2012, 796-806  
*Votes and Proceedings:* 2010-11-12/1202-3

**SOs 41, 141**

### 95.15 *Private Member's motion debated in both the House and Main Committee*

During private Members' business time in the House, a non-aligned Member moved a motion regarding same-sex marriage and three Members spoke to the motion. Later, the Chief Government Whip moved that the motion be referred to the Main Committee for further debate and the question was agreed to.

Debate resumed on the motion in the Main Committee later that day.

*Hansard:* 13 February 2012, 806-12, 1054-7  
*Votes and Proceedings:* 2010-11-12/1203-4, 1215

**SOs 41, 183**

## Questions

### 95.16 *Supplementary question ruled out of order*

After an Opposition Member's question to the Prime Minister had been answered during question time, the Member asked a supplementary question. The Speaker ruled the supplementary question out of order as it did not sufficiently arise from the answer given by the Prime Minister.

*Hansard:* 15 February 2012, 1399-1400

**SOs 100, 101**

## Speaker

### 95.17 *Speaker's statement regarding procedural changes, divisions, disorderly behaviour and questions to Speaker*

On the first sitting day of the year, the Speaker made a statement to the House regarding procedural matters. Firstly, the Speaker indicated that he had made proposals to shorten time limits during question time and to rename the Main Committee the Federation Chamber. Standing orders were amended the following day implementing these changes (see entry 95.24).

The Speaker then advised Members that he would take the chair if requested during divisions as done by the previous Speaker. He noted that if required to

exercise the casting vote, he would follow the principles outlined in *House of Representatives Practice*—that the Speaker should always vote for further discussion; where no further discussion is possible, decisions should not be taken except by a majority; and a casting vote on an amendment should leave the bill in its existing form.

The Speaker also advised that it was not his intention to warn Members before directing them to leave the Chamber for one hour under standing order 94 (a). In addition, he said that he would not necessarily warn a Member before naming the Member.

Finally, he reminded Members that questions to the Speaker following question time were limited under standing order 103 to matters of administration for which the Speaker is responsible.

*Hansard*: 7 February 2012, 12-3

**SOs 1, 34, 100, 103, 104, 135, 183**

#### **95.18** *Speaker receives authorisation to swear in new Members*

After question time on 7 February, the Speaker announced that he had received from the Governor-General the authority to administer the oath or affirmation of allegiance to Members.

*Hansard*: 7 February 2012, 24

*Votes and Proceedings*: 2010-11-12/1154

**SO 4**

#### **95.19** *Speaker's statement regarding supplementary questions*

Prior to the adjournment debate on 7 February, the Speaker made a statement regarding supplementary questions during question time. He advised Members that it was his intention, for a trial period, to allow up to five supplementary questions each day, with the aim of making question time more spontaneous.

The Speaker explained that the Opposition would be allowed two supplementary questions (one by the Leader of the Opposition or his delegate and one by any Opposition Member), private Government Members would be allowed two supplementary questions and when a non-aligned Member asked a question, a supplementary question would be permitted. The Speaker noted that a supplementary question must not introduce new matter, should not contain any preamble and must arise out of, and refer to the answer given to the original question. The Speaker advised that supplementary questions would be limited to 20 seconds and answers to supplementary questions limited to one and a half minutes.

The Speaker added to this statement the following day clarifying that non-aligned Members would be allowed one supplementary question, in total, each week.

*Hansard:* 7 February 2012, 112-3  
*Votes and Proceedings:* 2010-11-12/1162  
*Hansard:* 8 February 2012, 195  
*Votes and Proceedings:* 2010-11-12/1177

**SOs 1, 100, 101, 104**

**95.20** *Speaker's statement regarding Speaker's procession*

On 8 February, the Speaker made a statement informing the House of a change to the Speaker's procession. He advised Members that on each sitting Tuesday, the procession would take a route that could be viewed from public areas, commencing in the Members Hall and entering the Chamber through the front doors. The Speaker also presented a paper entitled *Speaker's procession, 8 February 2012*.

*Hansard:* 8 February 2012, 195  
*Votes and Proceedings:* 2010-11-12/1177

**SO 199**

**95.21** *Speaker presents report on access to committee documents*

Following question time on 13 February, the Speaker presented a document entitled *House of Representatives and joint committees—Access to committee documents—Report by the Speaker*.

*Note:* Under a resolution of the House adopted in 1984, the Speaker is authorised to permit any person access to particular historic records of committees. The Speaker is required to report to the House the details of any such disclosures.

*Hansard:* 13 February 2012, 866  
*Votes and Proceedings:* 2010-11-12/1207

**SO 199**

**95.22** *Interjections from advisers box*

The Leader of the House and another Minister raised points of order during question time regarding interjections coming from the advisers box in the Chamber.

The Speaker responded that while he had not seen this occur, it was highly disorderly for anyone in the advisers box to interject. He warned that if he did observe such interjections, the individuals involved would be banned from the advisers box for the duration of his speakership.

*Hansard:* 16 February 2012, 1657-8

**SO 86**

**95.23** *Appointments to Speaker's panel*

The Speaker tabled a warrant appointing three non-aligned Members to the Speaker's panel.

*Hansard*: 16 February 2012, 1673  
*Votes and Proceedings*: 2010-11-12/1244

**SO 17****Standing orders****95.24** *Amendments to standing orders*

The Leader of the House, pursuant to notice, moved a number of amendments to the standing orders. The amendments provided for the shortening of questions and answers during question time limiting questions to 30 seconds (previously 45 seconds) and answers to 3 minutes (previously 4 minutes).

The amendments also provided for the renaming of the Main Committee to the Federation Chamber, effective from 27 February 2012. The motion by the Leader of the House included an amendment to a resolution of the House to reflect the renaming of the Main Committee. The motion also proposed a new resolution providing that from 27 February, all matters referred to the Main Committee shall be considered to have been referred to the Federation Chamber.

Following debate, the motion was agreed to on the voices.

*Hansard*: 8 February 2012, 207-23  
*Votes and Proceedings*: 2010-11-12/1177-9

**SOs 1, 2, 3, 34, 100, 104, 183****Withdrawals****95.25** *Offensive words*

	<b>Hansard</b>	
	<i>Date</i>	<i>Page</i>
'...fabricating, deliberately misleading and downright telling porkies—'	7 February 2012	28
'...it is the minister who needs to switch on his computer to find the meaning of the word 'truth' in his Google search engine.'	7 February 2012	28
'They are the 'Three Stooges' of opposition economic policy.'	8 February 2012	275
'Comparing her to Lady Macbeth is unfair on Lady Macbeth—she only had one victim to her	8 February 2012	287

name; this Prime Minister has a list of victims longer than Richard III.'		
'...who sits there like the lobotomised member for McEwen...'	9 February 2012	572
'We have got the three stooges of their economic team—'	9 February 2012	609-10
'If the Leader of the Opposition was to take appropriate action in relation to standards in the opposition, the deputy leader would not have her position by the end of question time today.'	9 February 2012	619
'...you do bear some share of the blame, Madam Deputy Speaker.'	9 February 2012	638
'...the three stooges...'	13 February 2012	848
'...the other two stooges...'	13 February 2012	848
'...lie...'	13 February 2012	861
'...In your guts, you know he's nuts...'	13 February 2012	864
'This Prime Minister is always guilty of falsehoods, of bluster and of deception.'	14 February 2012	1152
'This is a Prime Minister who is incapable of honestly explaining her actions, a Prime Minister who is chronically incapable of giving truthful answers.'	14 February 2012	1153
'She is just as guilty as her entire government.'	14 February 2012	1156
'...the Three Stooges...'	15 February 2012	1397
'...the only thing that Larry over there was concerned about was that Curly was going to...'	15 February 2012	1397
<i>unrecorded</i>	15 February 2012	1403
'She is standing in that muck.'	15 February 2012	1406
'We are not going to cop lectures from those opposite, who have no morals...'	15 February 2012	1414

'The Prime Minister came to the office steeped in deceit.'	16 February 2012	1663
'...malevolent...'	16 February 2012	1664
'...he is infected with the same disease as the Prime Minister, the lying disease, and it has infected every single part of this government...'	16 February 2012	1665
'...untruthful...'	16 February 2012	1666
'...lie...'	16 February 2012	1682

**SOs 89, 90, 92**