

Procedural Digest

No. 97

13–22 March 2012

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Bills

97.01 *Member tables a statement of compatibility with human rights*

On 19 March, a private Member presented a statement of compatibility with human rights and an explanatory memorandum on introducing the Health Insurance (Dental Services) Bill 2012.

Note: In accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*, a statement of compatibility with human rights is required for all new bills introduced to the Parliament. In most cases, the statement is included in the explanatory memorandum to a bill.

Hansard: 19 March 2012, 3207-10
Votes and Proceedings: 2010-11-12/1328

SOs 41, 141**97.02** *Bill returned to House with unresolved question*

In the Federation Chamber, debate resumed on the second reading of the Corporations Amendment (Future of Financial Advice) Bill 2011 and on a second reading amendment to the bill. The question was put on the amendment and, not being resolved, the bill was returned to the House with an unresolved question. Later, the bill was reported to the House with the unresolved question. The question, that the amendment be agreed to, was put and negatived on division. The bill was then read a second time, considered in detail and passed by the House.

Note: There is no provision for divisions in the Federation Chamber and if business cannot be resolved by general agreement it is reported back to the House as 'unresolved'.

Hansard: 22 March 2012, 4040-56, 4083-99
Votes and Proceedings: 2010-11-12/1385-91, 1400

SOs 152, 188, 195, 197, 198

Business

97.03 *Statements by indulgence regarding NSW floods and anniversary of Japan disaster*

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence on the NSW floods and the anniversary of the

Japan disaster. The Leader of the House moved that further statements by indulgence on each matter be permitted in the Federation Chamber, and both questions were agreed to.

Hansard: 13 March 2012, 2611-13
Votes and Proceedings: 2010-11-12/1295

SO 65, 183

97.04 *Updated ministry lists presented*

On 13 March the Prime Minister presented a revised ministry list, reflecting changes to the ministry announced on 5 March 2012.

The following day, the Prime Minister presented another revised ministry list, reflecting the appointment of a new Minister for Foreign Affairs.

On each occasion the document was incorporated into *Hansard*.

Hansard: 13 March 2012, 2613-6
Votes and Proceedings: 2010-11-12/1295

Hansard: 14 March 2012, 2852-4
Votes and Proceedings: 2010-11-12/1309

SO 199

97.05 *Attempt to suspend standing orders during consideration in detail*

During consideration in detail of the Road Safety Remuneration Bill 2011, an Opposition Member attempted to move a motion to suspend standing orders. This was disallowed by the Deputy Speaker as the motion did not relate to the question before the Chair.

The Opposition Member later moved the same motion to suspend standing orders between items of business. On a point of order, the Leader of the House asked whether it was in order for the motion to be moved again. The Deputy Speaker ruled that as the motion had previously been disallowed, it was in effect being moved for the first time and was in order. The Leader of the House moved a closure motion on the Member moving the motion and the seconder and both closure motions were negated on division. The time allotted for debate having expired and a question not having been proposed, the motion lapsed.

Hansard: 19 March 2012, 3226-7
Votes and Proceedings: 2010-11-12/1335-7

SOs 47, 114, 80

97.06 *Condolence motions for Mrs Whitlam and Pope Shenouda III*

The Prime Minister moved motions of condolence in relation to the deaths of Mrs Margaret Elaine Whitlam AO and His Holiness Pope Shenouda III. The Leader of the Opposition seconded the motions and a number of Members spoke in support of the motion for Mrs Whitlam. Following debate on each motion, all

Members present rose in silence as a mark of respect. Both condolence motions were then referred to the Federation Chamber for further debate.

The motions were returned to the House on 20 March, and agreed to the following day as all Members again rose in their places.

Hansard: 19 March 2012, 3247-53
Votes and Proceedings: 2010-11-12/1338
Votes and Proceedings: 2010-11-12/1356-7
Hansard: 21 March 2012, 3753
Votes and Proceedings: 2010-11-12/1362

SOs 49, 183, 197

97.07 *Statements by indulgence on Mr Stynes*

Prior to question time, the Prime Minister and the Leader of the Opposition each made a statement by indulgence on the death of Mr Jim Stynes (a former Australian Football League player for the Melbourne Football Club).

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 March 2012, 3487-8
Votes and Proceedings: 2010-11-12/1351

SOs 65, 183

97.08 *Leave not granted to refer bills to Federation Chamber*

Following the acknowledgment of country and Prayers, the Chief Government Whip sought leave to move a motion to refer two bills to the Federation Chamber for further consideration. Leave was not granted.

Hansard: 21 March 2012, 3685

SOs 63, 183

97.09 *Suspension of standing orders 31 and 33 – extended sitting*

Prior to Members' Statements on 22 March, the Leader of the House moved that standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after normal time of adjournment) be suspended for that sitting. The motion was moved in anticipation of the House sitting later than usual to debate government legislation, and was agreed to on division.

The House rose at 7.01 pm.

Hansard: 22 March 2012, 4003-4
Votes and Proceedings: 2010-11-12/1381/1380-1

SOs 31, 33, 47

Chamber

97.10 *Member named and suspended during question time*

During question time, an Opposition Member was directed to leave the Chamber for one hour under standing order 94 (a). Within the hour, the Speaker noticed the Member in the public gallery in contravention of standing order 94 (e), and named the Member.

The Leader of the House moved that the Member be suspended from the service of the House and the question was agreed to on division.

The Member was therefore suspended for 24 hours under standing order 94.

Hansard: 22 March 2012, 4007, 4014-6
Votes and Proceedings: 2010-11-12/1382-3

SOs 60, 91, 94

Committees

97.11 *Leave not granted for committee chair to make statement*

During government business time, the chair of the Social Policy and Legal Affairs Committee sought leave to make a statement in discharge of the committee's requirement to provide an advisory report on the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 and the Courts Legislation Amendment (Judicial Complaints) Bill 2012.

An Opposition Member objected to leave being granted, claiming that the bills should be the subject of a substantial inquiry. The committee chair was denied leave to make the statement.

The following day the Member was appointed a supplementary member of the Social Policy and Legal Affairs Committee for its inquiry into the bills.

Hansard: 21 March 2012, 3796-7
Hansard: 22 March 2012, 4039
Votes and Proceedings: 2010-11-12/1385

SOs 39, 63, 215

Federation Chamber

97.12 *Federation Chamber adjourned twice in one day*

On 14 March, the Federation Chamber was adjourned at 1.02 pm and the Deputy Speaker fixed 9.30 am the following day for its next meeting.

Later, pursuant to the determination of the Deputy Speaker, the Federation Chamber met again, at 4.31 pm. Two government bills were debated before the Federation Chamber adjourned for a second time at 7.27 pm.

Votes and Proceedings: 2010-11-12/1315-6

SOs 186, 190, 192

Private Members' Business

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

On 14 March standing orders were suspended to enable a private Member's disallowance motion (relating to Environment Protection and Biodiversity Conservation Amendment Regulations 2011 (No. 1)) to be called on.

The private Member moved the disallowance motion which was seconded and debated. The question was then put and negated on division.

Hansard: 14 March 2012, 2791-819

Votes and Proceedings: 2010-11-12/1304-5

SOs 35, 41, 47

97.14 *Attempted suspension of standing orders to bring on private Member's bill*

During government business time, an Opposition Member moved a motion to suspend standing and sessional orders to allow a bill in his name, the Solar Hot Water Rebate Bill 2012, to be called on and proceeded with immediately.

The Leader of the House moved that the Member be no longer heard. The closure motion was negated on division however, the Member was unable to continue his speech as his speaking time had expired. The Leader of the House then moved a closure motion on the seconder, which was also negated on division.

A third Opposition Member spoke briefly before the time allotted for the debate expired. The question on the motion for the suspension of standing orders was then negated on division.

A private Senator's bill by the same title was tabled in the Senate on the same day.

The private Member's bill was presented on the following Monday during private Members' business time.

Hansard: 14 March 2012, 2819-23
Votes and Proceedings: 2010-11-12/1305-8
Senate Hansard: 14 March 2012, 1751-2
Senate Journals: 14 March 2012, 2240
Hansard: 19 March 2012, 3210-2
Votes and Proceedings: 2010-11-12/1328-9

SOs 41, 47

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

On 19 March, standing orders were suspended to enable a private Member's notice of motion of disallowance (relating to Renewable Energy (Electricity) Amendment Regulations 2011 (No. 5)) to be called on.

The private Member moved the disallowance motion and, by leave, tabled a number of related documents. Debate was interrupted by Members' statements at 1.45 pm.

Later, debate resumed and the question was put. The numbers for the 'Ayes' and the 'Noes' being equal, the Speaker gave his casting vote with the 'Noes'. He stated that his vote was in accordance with the principles that decisions should not be taken except by a majority and that legislation should be left in its original form.

Hansard: 19 March 2012, 3236-43, 3282-98
Votes and Proceedings: 2010-11-12/1337, 1341-2

SOs 35, 41, 47, 135

97.16 *Private Members' motions voted on during extended sitting*

During an extended sitting of the House (see entry 97.09), the Leader of the House moved a motion to suspend standing orders to allow six private Members' motions to be called on and considered immediately. The question was agreed to. Each of the private Members' motions was agreed to on the voices.

Hansard: 22 March 2012, 4072-4
Votes and Proceedings: 2010-11-12/1396-8

SOs 34, 35, 41, 47

Questions

97.17 *Two Ministers directed to resume their seat during question time*

During question time, the Speaker asked the Prime Minister to resume her seat for not being relevant in her answer to a supplementary question from the Leader of the Opposition.

Later, the Deputy Prime Minister was also asked to resume his seat for not being relevant in his answer to a question.

Hansard: 13 March 2012, 2616-7, 2623-4

SO 104

97.18 *Questions ruled out of order*

During question time the Speaker ruled out of order, two supplementary questions from the Leader of the Opposition.

Another Opposition Member's question was also ruled out of order as it contained argument.

In response to a disorderly question from another Opposition Member, the Speaker directed the Member to leave the Chamber for one hour under standing order 94 (a).

Hansard: 20 March 2012, 3490-1, 3493, 3502

Votes and Proceedings: 2010-11-12/1351

SOs 100, 101

97.19 *Deputy Prime Minister ordered to leave Chamber*

During question time, the Speaker asked the Deputy Prime Minister to leave the Chamber for one hour under standing order 94 (a).

Hansard: 20 March 2012, 3499

Votes and Proceedings: 2010-11-12/1351

SO 91, 94

Speaker

97.20 *Appointments to Speaker's panel*

The Speaker tabled a warrant appointing two Government Members to the Speaker's panel.

Hansard: 13 March 2012, 2632

Votes and Proceedings: 2010-11-12/1296

SO 17

97.21 *Question to the Speaker regarding time lost through divisions and quorums*

Following question time on Monday 19 March, a Member asked a question to the Speaker regarding whether the clocks could be stopped when a quorum or division is called (during debate on motions to suspend standing orders) to ensure that Members did not lose speaking time.

The Speaker responded to this question citing *House of Representatives Practice* p. 513:

The period of time allotted for a Member's speech is calculated from the moment the Member is given the call (unless the call is disputed by a motion under standing order 65 (c)) and includes time taken up by interruptions such as divisions...

Hansard: 19 March 2012, 3271

SOs 47, 65, 66, 103

97.22 *Speaker's statement regarding supplementary questions*

The Speaker made a statement following the acknowledgement of country and Prayers relating to the trial of supplementary questions during question time (see entry 95.19). He thanked Members for their cooperation in the trial and noted that he thought it had been a success.

The Speaker stated that he was considering expanding the number of supplementary questions and also allowing one side to ask supplementary questions to an original question by the other side. He invited comments or suggestions from Members on arrangements for supplementary questions.

Hansard: 22 March 2012, 3933

Votes and Proceedings: 2010-11-12/1373

SO 101

Withdrawals

97.23 *Offensive words*

	Hansard	
	<i>Date</i>	<i>Page</i>
'You basically have said that they paid for their opinion to be heard.'	14 March 2012	2811
'You made him claim that graziers had bribed the National Party to get this outcome, to get this trial.'	14 March 2012	2812
'...hypocrites...'	14 March 2012	2820
'Scumbag!'	14 March 2012	2859
'...you moron.'	14 March 2012	2874
'...the 'minister for mates'.'	15 March 2012	3054
'We see again why the member for Mackellar, with her lack of knowledge of the standing orders and the way they operate in practice, never got to be the Speaker.'	15 March 2012	3096
'...never tells the truth when it would be more convenient to lie.'	15 March 2012	3115
'This is a government with truth deficit disorder.'	15 March 2012	3116
'They are telling lies now.'	15 March 2012	3116
<i>unrecorded</i>	15 March 2012	3117
'...deliberately misled not only the Australian people—'	15 March 2012	3117
'...you clown...'	15 March 2012	3136
'...the taint that infects the member for Dobell now infects her and her government.'	19 March 2012	3263
'...the member for Dobell is so tainted by the Fair Work Australia investigation—'	19 March 2012	3264

'...the member for Dobell's credit card misuse!'	19 March 2012	3265
'...the grubby, filthy politics from those opposite...'	19 March 2012	3269
'Well, he is certainly no member for Dobell.'	19 March 2012	3477
'...the deep hypocrisy at the soul of the Liberal Party...'	20 March 2012	3489
'...hypocritical...'	20 March 2012	3497
<i>unrecorded</i>	20 March 2012	3497-8
'But there is a saying 'garbage in, garbage out', which is, really, how you can judge a lot of the contribution that has been made...'	20 March 2012	3549
'The puppeteer of water policy on that side of the House...'	21 March 2012	3758
'You're not a Prime Minister's bootlace.'	21 March 2012	3771-2
<i>unrecorded</i>	21 March 2012	3771-2
'...the Member for Goldstein was caught out in leaking the \$70 billion figure...'	21 March 2012	3777
'Goodbye and take that tin foil with you.'	21 March 2012	3785
'...snout-in-the-trough Albanese rorting roads funding right into his own electorate.'	21 March 2012	3787
'This coalition is full of hypocrisy...'	22 March 2012	4011
'I think she has a new form of clinical disorder—TDD: truth deficit disorder...'	22 March 2012	4017
'This Prime Minister's epitaph will be, 'Here lies Julia Gillard, lying to the end.' Or: 'Here lies Julia Gillard. She chose to mislead when the truth would do.'	22 March 2012	4018-9
'...if she had told the truth before the election.'	22 March 2012	4019

SOs 89, 90, 92