

Procedural Digest

No. 100

18–28 June 2012

June 2012				
M	T	W	T	F
18	19	20	21	22
25	26	27	28	29

Bills

100.01 *Passing of one bill in a package postponed; debate later resumed; division on second reading deferred; second and third readings agreed to, then rescinded; division on second reading called; bill passed*

On Wednesday 20 June, three Government bills were debated cognately. Two of these bills were passed by the House, and the resumption of debate on the second reading of the remaining bill was postponed until the next sitting.

Debate on the remaining bill resumed on Tuesday 26 June. A division was called for on the second reading, and deferred in accordance with the resolution agreed to the previous day (see entry **100.29**).

Later that day, the questions on the second and third readings were put and passed and the bill was read a third time. Shortly afterwards, the bill was called on again, pursuant to standing order 120.

The question on the second reading was put again and agreed to on division. By leave, the third reading was moved immediately and agreed to on the voices.

Hansard: 20 and 26 June 2012, 7180-229, 7911-21, 8020, 8040-1

Votes and Proceedings: 2010-11-12/1584-7, 1626, 1629, 1630-1

SOs 120, 125, 126, 142, 155

100.02 *Casting vote exercised on closure of question*

During the second reading debate on a Government bill, the Leader of the House moved closure of question. The House divided and the numbers for the ayes and the noes being equal, the Deputy Speaker gave her casting vote with the noes.

Pursuant to standing order 135(c), the Deputy Speaker's reason for exercising her casting vote with the noes (to allow further consideration) was recorded in the *Votes and Proceedings*.

Hansard: 20 June 2012, 7304-5

Votes and Proceedings: 2010-11-12/1589-90

SOs 81, 126, 135, 142, 148, 155

100.03 *Budget bills passed*

When consideration in detail of Appropriation Bill (No. 1) 2012-2013 concluded in the Federation Chamber, it was agreed that the bill would be reported to the House without amendment. In accordance with the resolution agreed to on Tuesday 8 May (see entry **98.09**), the remaining four budget bills were each called on immediately and the questions on the second readings and report to the House (without amendment) were put and agreed to.

Later that day, the consideration of each budget bill was reported to the House, and the questions on the third readings put and passed, and each was read a third time.

Hansard: 20 June 2012, 7311-2, 7341-91
Votes and Proceedings: 2010-11-12/1591, 1593-4
SOs 142, 148, 152, 155, 183, 197

100.04 *House returns bill from Federation Chamber*

In the House the Attorney-General moved, without notice, a motion to return a Government bill from the Federation Chamber for further consideration that day (standing order 197(b)). Leave was not required for the matter to be returned.

Note: The more commonly used practice is for a Member in the Federation Chamber to move, without notice, a motion to return a bill to the House (standing order 197(a)). Again, leave and notice are not required for the bill to be returned in this way. Accordingly, the bill is then reported to the House—not necessarily that day—and then called on and considered.

Hansard: 21 June 2012, 7475
Votes and Proceedings: 2010-11-12/1598
SOs 63, 197

100.05 *Casting vote exercised on Opposition amendments*

During consideration in detail of a Government bill, the Shadow Minister moved two amendments together. The House divided and the numbers for the ayes and the noes being equal, the Deputy Speaker gave her casting vote with the noes. Pursuant to standing order 135(c), the Deputy Speaker's reason for exercising her casting vote with the noes (retaining a proposition in its original state) was recorded in the *Votes and Proceedings*.

After suspension of standing order 43 (Members' 90 second statements; see entry **100.29**) was agreed to, to enable debate to conclude, the third reading was moved and agreed to and the bill was read a third time.

Hansard: 21 June 2012, 7480-6
Votes and Proceedings: 2010-11-12/1598-9
SOs 43, 47, 126, 135

100.06 *Bill successively passes all stages*

Pursuant to notice, the Attorney-General presented a bill (with explanatory memorandum). The bill was read a first time. The Attorney-General then moved that it be read a second time. By leave, debate ensued, and the question on the second reading was agreed to and the bill was read a second time. The bill was then considered in detail, and an Opposition amendment was moved and negatived on division. The bill was then agreed to and consideration in detail concluded. On motion by the Attorney-General, by leave, the bill was read a third time.

Note: Normally debate is adjourned and there is a substantial delay between the introduction of a bill and a Minister moving the second reading, and the subsequent second reading debate.

Hansard: 26 June 2012, 8041-83
Votes and Proceedings: 2010-11-12/1631-2
SOs 63, 141, 142, 148, 150, 155

100.07 *House divides twice; fewer than five Members on one side each time*

During consideration in detail of a Government bill, a non-aligned Member moved two amendments together. The House divided. With only three Members voting aye, the Chair declared the question resolved in the negative, without completing the count.

The House then divided on the question that the bill be agreed to. Again, with only (the same) three Members voting no, the Chair declared the question resolved in the affirmative, without completing the count.

Pursuant to standing order 127, the names of the Members who were in the minority were recorded in the *Votes and Proceedings*.

Hansard: 28 June 2012, 8354-7
Votes and Proceedings: 2010-11-12/1653
SOs 121, 122, 126, 127, 129, 148, 150

Business

100.08 *Ministerial statement on global economy*

At the conclusion of the first session of private Members' business in the House, the Treasurer (also Acting Prime Minister), by leave, made a ministerial statement relating to the global economy. Standing orders were then suspended by another Minister to allow the Shadow Treasurer to speak in reply for a period not exceeding that of the ministerial statement (12 minutes), and he addressed the House.

Note: Pursuant to standing order 34, ministerial statements are usually made between the end of question time and the resumption of government business each sitting day.

Hansard: 18 June 2012, 6660-5
Votes and Proceedings: 2010-11-12/1557
SOs 34, 47, 63, 65

100.09 *Minister speaks during Members' statements*

During 90 second Members' statements the Leader of the House, by indulgence, made a brief statement to associate the Government with the comments made by the Member who had just made a statement regarding the death of Mrs Sonia Farah (the mother of the captain of the Wests Tigers football team).

Note: Members' statements are reserved for Members, not Ministers (or Parliamentary Secretaries or Assistant Ministers).

Hansard: 18 June 2012, 6691-2
Votes and Proceedings: 2010-11-12/1558
SOs 43, 65

100.10 *Condolence motion for former Member*

Prior to question time on Monday 18 June, the Acting Prime Minister moved a motion of condolence regarding the death of the Hon. Francis John (Frank) Walker, QC, a former Minister and Member of the House for the Division of Robertson from 1990 to 1996. The Leader of the Opposition addressed the House in support of the Acting Prime Minister's motion, as did the Leader of the House. Members rose as a mark of respect and debate was adjourned on motion by the Leader of the House. On a further motion by the Leader of the House, resumption of debate on the condolence motion was referred to the Federation Chamber.

The motion was returned to the House on Thursday 21 June, and agreement was signified as all Members again rose in their places.

Hansard: 18 and 21 June 2012, 6692-5, 7489
Votes and Proceedings: 2010-11-12/1558-9, 1599
SOs 49, 183, 197

100.11 *Ministerial statement on Inspector of Transport Security*

During the first session of government business, the Minister for Infrastructure and Transport made, by leave, a ministerial statement relating to the Inspector of Transport Security. Standing orders were then suspended to allow the Leader of the Nationals to speak in reply for a period not exceeding that of the ministerial statement (9½ minutes), and he addressed the House.

Note: See note on entry **100.08**.

Hansard: 25 June 2012, 7640-5
Votes and Proceedings: 2010-11-12/1610
SOs 34, 47, 63, 65

100.12 *Statement by indulgence on capsized asylum seeker vessel*

The Prime Minister made a statement, on behalf of the House, in which she acknowledged both the asylum seeker vessel that capsized near Christmas Island on Thursday 21 June, and the efforts of the rescue services. The Leader of the Opposition spoke in support of the Prime Minister's remarks.

Hansard: 25 June 2012, 7658

SO 63, 65

100.13 *Attempt to suspend standing orders to have Prime Minister make statement*

During question time, the Leader of the Opposition moved a suspension of standing orders to allow him to move a motion to have the Prime Minister explain several Government policies. The motion was seconded and debate ensued.

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

Hansard: 25 June 2012, 7672-9

Votes and Proceedings: 2010-11-12/1611-2

SOs 1, 47, 63, 97

100.14 *Statement by indulgence on asylum seekers*

In response to an answer given by the Prime Minister during question time, the Leader of the Opposition made a statement by indulgence in relation to the Opposition's position on the processing of asylum seekers.

Hansard: 26 June 2012, 7978

Votes and Proceedings: 2010-11-12/1626

SOs 65, 97

100.15 *Ministerial statement on National Road Safety Strategy*

After the House was informed of the approval of three proposed public works, the Parliamentary Secretary for Infrastructure and Transport made, by leave, a ministerial statement relating to the progress of the National Road Safety Strategy. Standing orders were then suspended to allow the Shadow Parliamentary Secretary to speak in reply for a period not exceeding that of the ministerial statement (15 minutes), and he addressed the House.

Note: See note on entry **100.08**.

Hansard: 27 June 2012, 8163-72

Votes and Proceedings: 2010-11-12/1639

SOs 34, 47, 63, 65

100.16 *Statement by indulgence on asylum seeker vessel*

At 1.30 pm the Prime Minister interrupted debate on a Government bill to make a statement by indulgence to advise that at 2 pm she would be returning to make a statement to the House on the circumstances surrounding another asylum seeker vessel in distress near Christmas Island. The Prime Minister indicated that the Government would then seek to call on and pass a non-aligned Member's bill on offshore processing (see entry **100.39**), and added that question time of the normal duration would then proceed (see entry **100.41**).

Hansard: 27 June 2012, 8212-3
SOs 65, 97

100.17 *Members' statements start late; re-programming discussion continues during Members' statements*

At 1.36 pm the Leader of the Opposition moved a suspension motion (see entry **100.38**). At 1.52 pm debate was interrupted in accordance with standing order 43 (Members' 90 second statements) and the Manager of Opposition Business then proposed that standing order 43 be suspended to allow debate to continue on the suspension motion.

By leave, the Leader of the House addressed the House to reiterate the Government's intended process for debate on this matter (see entry **100.16**).

Members' statements continued, during which time the Leader of the Opposition made two separate statements regarding the debate on asylum seekers.

Note: Members' statements are reserved for Members, not Ministers (or Parliamentary Secretaries or Assistant Ministers), beginning at 1.45 pm on Mondays, Wednesdays and Thursdays.

Hansard: 27 June 2012, 8215-7
Votes and Proceedings: 2010-11-12/1641
SOs 43, 65

100.18 *Statements by indulgence on asylum seekers*

At 2 pm the Prime Minister made a statement by indulgence in relation to the search and rescue operation of the asylum seeker vessel near Christmas Island (see entry **100.16**), before seeking leave to move a motion to allow a non-aligned Member's bill on the matter to be called on and considered immediately (see entry **100.39**).

Before standing orders were suspended to allow the Prime Minister's motion to be moved, the Leader of the Opposition made a statement by indulgence in relation to the matter, reiterating his earlier comments (see entry **100.38**).

The Prime Minister then made a brief statement in reply, and sought and was granted leave to have her motion moved (see entry **100.39**).

Hansard: 27 June 2012, 8219-23

SOs 63, 65

100.19 *Statements by indulgence on 70th anniversary of operations of Bomber Command*

Prior to question time, the Prime Minister and Leader of the Opposition each made a statement by indulgence in relation to the 70th anniversary of operations of Bomber Command.

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

Hansard: 28 June 2012, 8382-4

Votes and Proceedings: 2010-11-12/1655

SOs 65, 125, 183

100.20 *Statements by indulgence on Montevideo Maru*

Prior to question time, the Leader of the Opposition, Prime Minister and a Minister each made a statement by indulgence in relation to the *Montevideo Maru*.

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

Hansard: 28 June 2012, 8384-5

Votes and Proceedings: 2010-11-12/1655

SOs 65, 125, 183

100.21 *Attempt to suspend standing orders to censure Prime Minister*

In the absence of leave being granted to move a motion to censure the Prime Minister, the Leader of the Opposition then moved a suspension of standing orders to allow him to move the motion. The suspension motion was seconded and debate ensued.

Following several points of order and Members being directed to leave the Chamber for one hour for interjecting, the time allocated for debate on the motion had expired, and the motion was negatived on division.

Hansard: 28 June 2012, 8399-406

Votes and Proceedings: 2010-11-12/1656-7

SOs 47, 48, 63, 86, 94, 116, 126

100.22 *Leave of absence motion*

The Leader of the House moved, by leave, that leave of absence be given to every Member from the determination of the sitting of the House to the date of its next sitting.

The question was agreed to on the voices.

Hansard: 28 June 2012, 8409
Votes and Proceedings: 2010-11-12/1658
SOs 26, 63

Deputy Speaker

100.23 *Statement on school visitation program*

Following members' 90 second statements, the Deputy Speaker made a statement in respect of the continuation of hospitality provided under the school visitation program at Parliament House.

Hansard: 25 June 2012, 7657-8

100.24 *House informed of former Member's death*

Prior to question time, the Deputy Speaker informed the House of the death that day, of Dr Harold (Harry) Raymond Edwards, a former Member of the House of Representatives for the Division of Berowra from 1972 to 1993.

Members rose as a mark of respect.

Hansard: 26 June 2012, 7976
Votes and Proceedings: 2010-11-12/1626

Federation Chamber

100.25 *Early adjournment*

At 10.32 am, the Federation Chamber adjourned.

Note: The Federation Chamber usually adjourns at approximately 1 pm on Wednesdays.

Hansard: 27 June 2012, 8310
Votes and Proceedings: 2010-11-12/1649
SOs 183, 190, 191

Order of business

100.26 *Change to meeting times and order of business for next sitting*

The Leader of the House moved, by leave, a motion to suspend standing orders to allow a variation to the order of business the following day. Essentially the motion sought to extend the hours of sitting with an earlier than usual (12 noon)

start in the House and deferral of divisions and quorums until after the Matter of Public Importance discussion, in order to advance on the fortnight's business.

The question was agreed to on the voices.

Hansard: 18 June 2012, 6711
Votes and Proceedings: 2010-11-12/1560

SOs 29, 30, 34, 35, 47, 125

100.27 *Early start*

Pursuant to a resolution of the House on Monday 18 June (see entry **100.26**), on Tuesday 19 June the House met at 12 noon, with Government business taking precedence until 2 pm.

Note: On Tuesdays the House normally meets at 2 pm.

Hansard: 19 June 2012, 6951
Votes and Proceedings: 2010-11-12/1573

SOs 29, 30, 34

100.28 *Suspension of standing order 43*

The Leader of the House sought and was granted leave to move the suspension of standing order 43 until the conclusion of debate on a Government bill (see entry **100.05**).

The question was agreed to on the voices.

Note: Standing order 43 provides for 90 second statements by Members at 1.45 pm on Mondays, Wednesdays and Thursdays.

Hansard: 21 June 2012, 7485-6
Votes and Proceedings: 2010-11-12/1599

SOs 43, 47, 63

100.29 *Change to meeting times and order of business for next sitting*

The Leader of the House moved, by leave, a motion to suspend standing orders to allow a variation to the order of business the following day. Essentially the motion sought to extend the hours of sitting with an earlier than usual (12 noon) start in the House and deferral of divisions and quorums until after the Matter of Public Importance discussion. The purpose of this motion was to provide added uninterrupted time for debate on a range of Government bills that needed to be passed in time for the Senate's consideration of them that evening, as per a resolution of the Senate on Tuesday 19 June.

The question was agreed to on the voices.

Later that day, the Leader of the House moved that this resolution be amended by omitting 12 noon wherever it appeared and substituting 9 am, in order to vote (before the forthcoming Olympic Games in London) on a private Member's motion on the 1972 Olympic Games terrorist attack (see entry **100.37**).

Debate ensued, and the question was agreed to on the voices.

Hansard: 25 June 2012, 7682-3, 7719
Votes and Proceedings: 2010-11-12/1613, 1616
Senate Hansard: 19 June 2012, 3597-612
Journals of the Senate: 2010-12/2522-5
SOs 34, 35, 47

100.30 *Early start to sitting*

Pursuant to a resolution of the House on Monday 25 June (see entry **100.29**), on Tuesday 26 June the House met at 9 am, with Government business taking precedence until 2 pm.

Note: On Tuesdays the House normally meets at 2 pm.

Hansard: 26 June 2012, 7911
Votes and Proceedings: 2010-11-12/1625
SOs 29, 30, 34

100.31 *Adjournment negatived*

At 7 pm, the question that the House do now adjourn was proposed and, the Leader of the House requiring that it be put immediately, negatived on division. This then allowed the House to continue consideration in detail of a non-aligned Member's bill (see entry **100.39**).

Following conclusion of consideration in detail and agreement on the third reading, the question was put again at 7.59 pm, and the House adjourned at 8 pm.

Note: The adjournment debate on Wednesdays usually occurs from 7 pm until the House adjourns at 8 pm.

Hansard: 27 June 2012, 8282-3, 8293
Votes and Proceedings: 2010-11-12/1643, 1647
SOs 29, 31, 32, 148, 155

100.32 *Statement by indulgence on order of business for sitting*

Prior to question time, the Leader of the House made a statement by indulgence to update the House on the order of business for the sitting.

Hansard: 28 June 2012, 8385
SO 34, 65

100.33 *Suspension of standing orders to extend sitting*

Pursuant to notice, on Thursday 28 June the Leader of the House moved a suspension of standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the remainder of the sitting, and it was agreed to on the voices.

The House suspended from 5.01 pm on Thursday 28 June, until 3.34 am on Friday 29 June.

The House adjourned at 4.18 am on Friday 29 June.

Hansard: 28 June 2012, 8409, 8433, 8443
Votes and Proceedings: 2010-11-12/1658, 1659, 1661
Notice Paper: 28 June 2012, 1 (notice 1)
SOs 29, 31, 33, 34, 36, 47, 106

Private Members' Business

100.34 *Private Member's bill expires; committee inquiry into bill continues*

A private Member's bill (at the second reading stage) expired on Monday 18 June, and was accordingly removed from the *Notice Paper* for Tuesday 19 June (every private Member's motion remains on the *Notice Paper* for 8 sitting Mondays unless accorded or re-accorded priority during that time, in which case the expiry restarts. An expired motion can be re-lodged, and the process restarts).

At the time it expired, the bill was the subject of a committee inquiry.

Note: This bill was thrice accorded priority for debate, and was the subject of inquiry of three committees (two concurrently). The Selection Committee had also recommended that it be voted on. It expired twice.

Notice Paper: 18 June 2012, 46 (order of the day 4); 19 June 2012, 71
SOs 36, 41, 42, 143, 144, 222

100.35 *Leave not granted to consider motions*

In the House the Leader of the House moved, without notice, a motion to return four private Members' motions from the Federation Chamber for further consideration that day (standing order 197(b)). Leave was not required for the matters to be returned.

He then sought leave to move a motion to enable each motion to be called on and considered immediately.

Leave was not granted, and the House proceeded with its scheduled business.

Note: See note on entry **100.04**.

Hansard: 21 June 2012, 7509-10
Votes and Proceedings: 2010-11-12/1601
SOs 41, 46, 63, 197

100.36 *Two disallowance motions lodged*

On Tuesday 26 June two private Members each lodged a disallowance motion. Both motions appeared on the *Notice Paper* for Wednesday 27 June.

Notice Paper: 27 June 2012, 38 (notices 1 and 2)
SOs 36, 106

100.37 *Motion agreed to*

Following acknowledgement of country and prayers in the House, the Leader of the House moved, without notice, a motion to return a private Member's motion from the Federation Chamber for further consideration (standing order 197(b)). Leave was not required for the matter to be returned. He then moved, by leave, a motion to suspend the standing orders to allow the private Member's motion to be called on and considered immediately.

The suspension motion was agreed to on the voices, as was the private Member's motion.

Note: The motion was on the 1972 Olympic Games terrorist attack, and the House wished to consider it before the commencement of the 2012 Olympic Games in July.

Hansard: 26 June 2012, 7911
Votes and Proceedings: 2010-11-12/1625
SOs 38, 41, 47, 63, 125, 183, 197

100.38 *Attempt to suspend standing orders to allow Opposition Member to present bill for immediate consideration*

After the adjournment of debate on a Government bill, the Leader of the Opposition moved a suspension of standing orders to allow him to move a motion to have an Opposition Member present, and have the House immediately consider, a bill to amend the *Migration Act 1958*, for the time limit specified in the standing orders, with it taking precedence until fully considered.

At 1.52 pm, debate was interrupted in accordance with standing order 43 (see entry **100.17**).

Note: See note on entry **100.28**.

Hansard: 27 June 2012, 8213-5
Votes and Proceedings: 2010-11-12/1641
SOs 1, 41, 43, 47, 65

100.39 *Non-aligned Member's bill passed, containing another non-aligned Member's amendment*

At 2.20 pm, after the Prime Minister had been granted leave to have her motion moved to allow a non-aligned Member's bill to be called on and considered immediately (see entry **100.18**), the Leader of the House moved that standing orders be suspended to allow the bill to be called on and considered immediately. Consideration in detail ensued (see entry **99.25**).

Three Opposition amendments were moved (together), and debate continued. The Leader of the House then moved closure of question, and it was agreed to on division. The question on the amendments was put and negatived on division.

A non-aligned Member then moved an amendment, and debate continued. Debate was interrupted by the adjournment and the Leader of the House required the question on the adjournment to be put immediately and it was negatived on division (see entry **100.31**). The Leader of the House then moved closure of question (on the bill), and it was agreed to on the voices. Accordingly the question on the amendment was put and agreed to on division.

Debate ensued on the question that the bill, as amended, be agreed to. The bill, as amended, was then agreed to on division and consideration in detail concluded.

The bill's sponsor moved the third reading and it was carried on division. The bill was then read a third time.

Hansard: 27 June 2012, 8223-93

Votes and Proceedings: 2010-11-12/1641-7

SOs 41, 47, 63, 81, 125, 126, 148, 150, 155

100.40 *Attempt to suspend standing orders to call on private Member's bill*

Upon resumption of the sitting for Thursday 28 June at 3.34 am on Friday 29 June (see entry **100.33**), a private Member moved a suspension of standing orders to allow the House to call on and immediately consider another private Member's bill. Debate ensued.

When the time allocated for debate on the motion expired, a division was called. In the absence of an absolute majority, the motion was not carried.

Hansard: 28 June 2012, 8433-40

Votes and Proceedings: 2010-11-12/1659-60

SOs 1, 41, 47, 126

Questions

100.41 *No question time*

On Wednesday 27 June question time was not held. This was because standing orders were suspended to allow a private Member's bill to be debated (see entry **100.39**). Debate continued until the House adjourned at 8 pm (see entry **100.31**).

SOs 29, 41, 97

100.42 *Two requests for detailed information*

On Tuesday 26 June two requests for detailed information on parliamentary departments were made to the Speaker by an Opposition Member. They appeared in *Hansard* for Wednesday 27 June.

Hansard: 27 June 2012, 8293-4

Withdrawals

100.43 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...lie...lie...'	18 June 2012	6698
'...mislead...'	18 June 2012	6824
'...lining his own pocket...'	19 June 2012	6989
<i>unrecorded</i>	19 June 2012	6992
'Her venomous and festering tongue!'	19 June 2012	6992
'At last the admiral speaks—'	20 June 2012	7216-7
'...lie...'	20 June 2012	7241
'...Three Stooges...'	20 June 2012	7259
'...lie.'	20 June 2012	7260
'...gutless, irresponsible...'	21 June 2012	7504
'...deception...'	21 June 2012	7531
<i>unrecorded</i>	27 June 2012	8213
<i>unrecorded</i>	27 June 2012	8213
'...misled and lied...'	28 June 2012	8399
'...lied...lied...'	28 June 2012	8402
'...deliberate distortion and misrepresentation...'	28 June 2012	8425
'...deceived...'	28 June 2012	8429

SOs 89, 90, 92