

Procedural Digest

No. 107

12–21 March 2013

March 2013				
M	T	W	T	F
11	12	13	14	15
18	19	20	21	22

Bills

107.01 *Second reading amendment withdrawn*

During debate on the second reading of the Environment Protection and Biodiversity Conservation Amendment Bill 2013, a non-aligned Member moved an amendment to the bill. A Member rose to second the amendment but could not, as he had already spoken in the debate. Another Member seconded the motion and debate continued.

Following the summing up of the bill by the Minister, the non-aligned Member, by leave, and in accordance with standing order 121 (d), withdrew his amendment. He explained that he did not wish to disrupt the passage of the bill.

Hansard: 21 March 2013, 2940, 2944
Votes and Proceedings: 2010-11-12-13/2202

SOs 63, 69, 121, 142, 145

107.02 *Government bills discharged*

The Minister representing the Minister for Broadband, Communications and the Digital Economy, by leave, moved that the orders of the day for the resumption of debate on four government bills, be discharged from the *Notice Paper*. The motion was debated and agreed to on the voices.

Hansard: 21 March 2013, 2957-61
Votes and Proceedings: 2010-11-12-13/2205

SOs 37, 63

Business

107.03 *Condolence motion for former Member*

Prior to question time on Tuesday 12 March, the Prime Minister moved a motion of condolence regarding the death of the Honourable William Lawrence (Bill) Morrison AO, a former Minister and Member for the electoral division of St George. The Leader of the Opposition addressed the House in support of the Prime Minister's motion. Members rose as a mark of respect and debate was adjourned. On a motion by the Leader of the House, resumption of debate on the condolence motion was referred to the Federation Chamber.

The condolence motion was returned to the House on Wednesday 13 March, and agreed to as all Members again rose in their places.

Hansard: 12 March 2013, 1610-2; 13 March 2013, 1908-9
Votes and Proceedings: 2010-11-12-13/2118; 2135

SOs 49, 65, 183, 197

107.04 *Condolence motion for former Speaker*

Prior to question time on Tuesday 12 March, the Prime Minister moved a motion of condolence regarding the death of the Honourable Joan Child AO, former Speaker of the House of Representatives and Member for the electoral division of Henty. The Leader of the Opposition seconded the Prime Minister's motion and the Speaker addressed the House in support thereof. Members rose as a mark of respect and debate was adjourned. On a motion by the Leader of the House, resumption of debate on the condolence motion was referred to the Federation Chamber.

The condolence motion was returned to the House on Wednesday 13 March, and agreed to as all Members again rose in their places.

Hansard: 12 March 2013, 1612-3; 13 March 2013, 1909
Votes and Proceedings: 2010-11-12-13/2118-9; 2135

SOs 49, 65, 183, 197

107.05 *Statements by indulgence on death of Peter Harvey*

Prior to question time on Tuesday 12 March, the Prime Minister and the Leader of the Opposition both made statements by indulgence regarding the death of journalist Peter Harvey.

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: 12 March 2013, 1613-4
Votes and Proceedings: 2010-11-12-13/2119

SOs 65, 183

107.06 *Statements by indulgence regarding Pope Francis I*

Prior to question time on Thursday 14 March, the Prime Minister and the Leader of the Opposition both made statements by indulgence regarding the election of His Holiness Pope Francis I.

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: 14 March 2013, 2176-7
Votes and Proceedings: 2010-11-12-13/2153

SOs 65, 183

107.07 *Ministerial statement made during government business time*

During government business time, the Minister for Defence made, by leave, a ministerial statement regarding the first interim report of the Defence Abuse Response Taskforce, and presented copies of the report and his statement. Standing orders were then suspended to allow the Shadow Minister 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 question time and the beginning or resumption of government business.

Hansard: 14 March 2013, 2102-7

Votes and Proceedings: 2010-11-12-13/2146-7

SOs 34, 47, 63, 199

107.08 *Member speaks to MPI after conclusion of discussion*

After the discussion of the matter of public importance concluded at approximately 4.25 pm, Members were appointed to committees and messages from the Senate were reported. The Leader of the House then, by leave, moved that an Opposition Member be permitted to address the House on the matter of public importance until 4.30 pm. The question was agreed to and the Member addressed the House.

Hansard: 14 March 2013, 2213-4

Votes and Proceedings: 2010-11-12-13/2154-5

SOs 46, 63

107.09 *National apology for forced adoptions and removal policies and practices*

On Thursday 21 March, the Attorney-General, by leave, moved that the House support the apology given by the Prime Minister (during an earlier ceremony in Parliament House) to people affected by forced adoption and removal policies and practices. The Attorney-General read the terms of the apology and spoke to the motion. An Opposition Member, on behalf of the Opposition, then spoke in support. Debate was adjourned, and the resumption of debate was referred to the Federation Chamber.

A similar motion of apology was moved and debated in the Senate.

Hansard: 21 March 2013, 2947-53

Votes and Proceedings: 2010-11-12-13/2203-4

Senate Hansard: 21 March 2013, 2350

SOs 111, 183

107.10 *Attempt to suspend standing orders to move no confidence motion*

During question time, the Leader of the Opposition sought leave to move a motion of no confidence in the Prime Minister. Leave was not granted. He then moved to suspend standing orders to allow him to move the no confidence motion. The motion was seconded and debate ensued.

The question on the suspension motion was put and the House divided. The requirement for an absolute majority having not been satisfied, the motion was not carried.

Hansard: 21 March 2013, 2968-75
Votes and Proceedings: 2010-11-12-13/2205-6

SOs 47, 63

107.11 *Motion for leave of absence debated; House adjourns early*

On the last day of the Autumn sittings, the Leader of the House moved that leave of absence be granted to all Members from the end of the sitting until the date of the next sitting. The motion was debated from 2.44 pm until the question was agreed at 4.17 pm.

At 4.19 pm the House adjourned early to allow Government Members to attend a leadership ballot.

Note: The House usually adjourns at 5 pm on a Thursday.

Hansard: 21 March 2013, 2977-99
Votes and Proceedings: 2010-11-12-13/2206-7

SOs 26, 29, 32

Committees

107.12 *Appointment of joint select committee*

The Leader of the House moved that the House appoint a Joint Select Committee on Broadcasting Legislation. The question was debated and agreed to on the voices.

The resolution provides for the terms of reference, operating parameters and membership of the committee, and requires the Committee to present its final report by 17 June 2013. A message was sent to the Senate requesting concurrence.

Hansard: 13 March 2013, 1974-81
Votes and Proceedings: 2010-11-12-13/2139-40

SOs 223, 224

107.13 *Senate extends reporting date for joint select committee*

A message from the Senate was reported informing the House of a Senate resolution extending the reporting date for the Joint Select Committee on Gambling Reform inquiry into the Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012, to 28 June 2013.

Note: Concurrence of the House was not required because the inquiry had been referred by the Senate.

Hansard: 14 March 2013, 2093
Votes and Proceedings: 2010-11-12-13/2145

SOs 223, 224, 261

107.14 *Senate amendment to resolution of appointment of joint select committee*

A message was received from the Senate, seeking the concurrence of the House to an amendment to the resolution of appointment of the Joint Select Committee on Cyber-Safety. The amendment sought to extend the reporting date of the Committee's final report to 27 June 2013. On the motion of the Leader of the House, the Senate resolution was agreed to on the voices.

Note: The Joint Select Committee on Cyber Safety was established on 25 February 2010 (see entry 75.07).

Hansard: 19 March 2013, 2585
Votes and Proceedings: 2010-11-12-13/2178

SOs 223, 224, 261

107.15 *Leave not granted for actions in connection with committee reports*

During government business time, the Chair of the Publications Committee presented the Committee's report. He then sought leave to move that the report be agreed to. Leave was not granted.

The Chair of the Corporations and Financial Services Committee subsequently presented a report of the Committee and sought leave to make a statement in connection with the report. Leave was not granted.

Note: It is normal practice for the House to agree to reports of the Publications Committee, thereby approving papers selected by the Committee for inclusion in the Parliamentary Papers series.

Committee members require (and are usually granted) leave of the House to make a statement in connection with a committee report, when presented outside the time allocated for committee business.

Hansard: 21 March 2013, 2919

SOs 39, 63, 219, 226, 247

Documents

107.16 *Motion for approval of determination*

The Minister for Health, pursuant to notice, moved that the House approve the Health Insurance (Extended Medicare Safety Net) Amendment Determination 2013 (No. 1), made on 27 February 2013 and presented to the House on 12 March 2013.

Note: The *Health Insurance Act 1973* was amended in 2009 to require that Extended Medicare Safety Net Determinations be approved by resolution of both Houses of Parliament.

Hansard: 13 March 2013, 1849
Votes and Proceedings: 2010-11-12-13/2133

SO 199

107.17 *Ministers table documents on request*

During question time on two days, Ministers tabled documents from which they were quoting, at the request of Opposition Members.

Hansard: 13 March 2013, 1911; 19 March 2013, 2576
Votes and Proceedings: 2010-11-12-13/2135; 2177

SOs 199, 201

107.18 *Charter of the Commonwealth tabled during question time*

The Prime Minister answered a question without notice regarding the Charter of the Commonwealth, a document signed by Her Majesty Queen Elizabeth II, setting out Commonwealth core values, and presented the document.

Hansard: 20 March 2013, 2789-90
Votes and Proceedings: 2010-11-12-13/2191

SO 199

Order of business

107.19 *House meets early; no divisions or quorums*

In accordance with notification given to Members by the Speaker, the House met at 12 noon on Tuesday 12 March. At 12.01 pm, a Minister moved to suspend standing orders to require any divisions or quorums called between 12 noon and 2 pm 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 pm on a Tuesday.

Hansard: 12 March 2013, 1583-4
Votes and Proceedings: 2010-11-12-13/2117-8

SOs 29, 30, 34, 35, 47, 55

107.20 *Minister requires question to be put during adjournment debate*

At 9.30 pm, the Speaker proposed that the House adjourn and debate ensued. After one Member had spoken, the Leader of the House required the question to be put immediately. The question was put and negatived on the voices.

Debate then resumed on the Broadcasting Legislation Amendment (Digital Dividend) Bill 2013. The bill was read a second time and consideration in detail commenced. Opposition amendments were agreed to before the bill was read a third time. At approximately 9.40 pm, the Leader of the House moved that the House adjourn and debate continued until the normal time of adjournment.

Note: Standing order 31(c)(ii) allows a Minister to require the question to be put immediately after the question on the adjournment is proposed by the Speaker.

Hansard: 18 March 2013, 2437-40

Votes and Proceedings: 2010-11-12-13/2169

SOs 29, 31, 32, 34

107.21 *Suspension of standing orders 31 and 33*

The Leader of the House, by leave, moved to suspend standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the remainder of the sitting. The motion was agreed to on the voices.

Hansard: 21 March 2013, 2892

Votes and Proceedings: 2010-11-12-13/2197

SOs 31, 33, 47, 63

Private Members' business

107.22 *Presentation of private Member's bill postponed*

During private Members' business time, a notice for the presentation of a private Member's bill was called on. A non-aligned Member, in the absence of the bill's sponsor, and at his request, fixed the next sitting Monday for the presentation of the bill.

Hansard: 18 March 2013, 2286

Votes and Proceedings: 2010-11-12-13/2160

SOs 41, 113

107.23 *Member moves second reading for another Member*

During private Members' business time, the order of the day for the second reading of a bill sponsored by the Leader of the Opposition was called on. The Leader of the Opposition not being present in the Chamber, the Deputy Leader of the Opposition, by leave, moved the second reading on his behalf. The Leader of the Opposition arrived during the debate and made a second reading speech.

Hansard: 18 March 2013, 2416, 2423
Votes and Proceedings: 2010-11-12-13/2168

SOs 41, 63, 142

107.24 *Member makes extended second reading speech*

During private Members' business time in the Federation Chamber, the second reading debate resumed on the Marriage Equality Amendment Bill 2012. The Selection Committee had determined that Members be allocated five minutes each speaking time. During the debate, a Member sought leave to speak for ten minutes. Leave was granted and the Member addressed the Federation Chamber.

Hansard: 18 March 2013, 2465
Votes and Proceedings: 2010-11-12-13/2171

SOs 1, 41, 63

107.25 *Private Member's bill lapses; Standing orders suspended to re-list bill on Notice Paper*

During private Members' business time in the Federation Chamber on Monday 18 March, the order of the day was called on for the second reading of the Fair Work Amendment (Tackling Job Insecurity) Bill 2012. The Australian Greens Member moved the second reading and a Government Member spoke to the bill without seconding the motion. Due to the lack of a seconder, the motion lapsed and the bill was removed from the *Notice Paper*.

On Wednesday 20 March, the Australian Greens Member moved to suspend standing orders to allow for: the bill to be treated as having been presented to the House and read a first time; the bill to be called on; the second reading to be moved and seconded; and the resumption of debate to be set down on the *Notice Paper* as an order of the day. The motion was agreed to on the voices.

The bill was then called on, the second reading moved, and the resumption of debate made an order of the day for the next sitting.

Hansard: 18 March 2013, 2520-2; 20 March 2013, 2817-8
Votes and Proceedings: 2010-11-12-13/2173; 2192-3

SOs 36, 41, 47, 116

Privilege

107.26 Request for right of reply granted; raised as privilege matter

The Chair of the Privileges and Members' Interests Committee presented a report concerning an application from a person for the publication of a response to a reference made to him by the Prime Minister in the Chamber. The report recommended to the House that the response be incorporated into *Hansard*. The Chair moved that the report be agreed to and the question was agreed on the voices.

Later, during the matter of public importance discussion, the Deputy Leader of the Opposition raised the statement and the reply as a matter of privilege. The Speaker advised that she would consider the matter.

Note: In accordance with a resolution of the House adopted on 27 August 1997, and amended on 13 February 2008, the Privileges and Members' Interests Committee does not consider or judge the truth of statements made in the House or of citizens' responses when considering requests for a right of reply.

Hansard: 14 March 2013, 2134, 2210
Votes and Proceedings: 2010-11-12-13/2149, 2154

SOs 51, 216

Questions

107.27 Question without notice rephrased

The Speaker ruled that a question asked by the Leader of the Opposition to the Prime Minister was hypothetical and asked the Leader of the Opposition to rephrase the question. He did so and the Prime Minister answered the question.

Hansard: 19 March 2013, 2577-8

SOs 98, 100, 101

107.28 Question to Speaker; Minister corrects answer by indulgence

Following question time, an Opposition Member asked the Speaker to request a Minister to correct a figure regarding interest rates given in his answer to a question without notice. The Speaker gave no response. Later, the Minister, by indulgence, made the correction.

Hansard: 19 March 2013, 2584, 2603

SOs 65, 103, 104

Speaker

107.29 *House informed of death of two former Senators*

Prior to question time on Tuesday 12 March, the Speaker informed the House of the death of John Joseph Morris, a Senator for New South Wales from 1985 to 1990.

The next sitting, again prior to question time, the Speaker informed the House of the death of Brian Roper Archer, a Senator for Tasmania from 1975 to 1994.

On both occasions, Members rose in silence as a mark of respect.

Hansard: 12 March 2013, 1610; 13 March 2013, 1909
Votes and Proceedings: 2010-11-12-13/2118; 2135

107.30 *Question to the Speaker regarding use of Twitter*

Following question time on Tuesday 12 March, the Manager of Opposition Business asked the Speaker to request another Member to withdraw a comment made on Twitter during question time. The Speaker responded that she would investigate the matter.

At the next sitting, the Speaker advised that it was not practical for her to extend her adjudicating role to the use of Twitter and other forms of social media by Members. The Speaker reminded Members that any comments made on social media, even when made from the Chamber, are not covered by parliamentary privilege. She added that comments made on social media by Members reflecting on the Chair would be dealt with as a matter of order.

Hansard: 12 March 2013, 1627-8; 13 March 2013, 1934-5

SOs 89, 103

107.31 *Question to the Speaker regarding interjections from the galleries*

Following question time on Tuesday 12 March, a Member referred to interjections which had been made from the galleries and asked the Speaker whether the people concerned had been signed in by Members. The Speaker advised that interjections from the galleries would not be tolerated.

The next sitting, the Speaker advised that the five people involved in the disruptive behaviour from the galleries had not been signed in and that, with the agreement of the President of the Senate, they had been banned from the building for the remainder of the sitting fortnight

Hansard: 12 March 2013, 1628; 13 March 2013, 1934

SOs 96, 103

107.32 *Casting vote exercised during consideration in detail*

During consideration in detail of the National Disability Insurance Scheme Bill 2012, the House agreed to 77 Government amendments and disagreed to 3 amendments moved by a non-aligned Member. An Opposition Member moved an amendment and the House divided on the question that the amendment be agreed to.

The numbers for the ayes and the noes being equal, the Speaker gave her casting vote with the noes. Pursuant to standing order 135(c), the Speaker's reason for exercising her casting vote with the noes (on the principle that a stated casting vote should retain a bill in its original form) was recorded in the *Votes and Proceedings*. The amendment was negatived and the bill was read a third time.

Hansard: 14 March 2013, 2114-33
Votes and Proceedings: 2010-11-12-13/2147-8
SOs 126, 135, 148, 150

107.33 *Speaker's response to committee report presented*

During government business time, the Deputy Speaker presented the Speaker's response to the Standing Committee on Aboriginal and Torres Strait Islander Affairs report entitled 'Our land, our languages: Language learning in Indigenous communities'. The response referred recommendation three of the report, regarding parliamentary recognition of Indigenous languages, to the Standing Committee on Procedure.

Hansard: 18 March 2013, 2378
Votes and Proceedings: 2010-11-12-13/2166
SO 199

Withdrawals**107.34** *Offensive words*

	Hansard	
	<i>Date</i>	<i>Page</i>
'...those opposite think that it is a joke—the level of violence...'	12 March 2013	1620-1
'And something you are close to, Mr Deputy Speaker—'	13 March 2013	1900
'...you moron!'	13 March 2013	1911
'Nice try, sunshine.'	14 March 2013	2171
'It is always the reference to a slice of pie that gets him going!'	14 March 2013	2192

'...peddled misinformation through the distribution of a brochure where he lies—'	18 March 2013	2332
'...seeking to curry a bit of favour with those who run media outlets in the hope of some good publicity—'	18 March 2013	2340-1
'In your guts, you know he's nuts. '	18 March 2013	2349
<i>unrecorded</i>	19 March 2013	2578
'Up goes the IQ of the chamber.'	19 March 2013	2579
'Why do you continue to lie!'	19 March 2013	2581
'...you dope.'	19 March 2013	2592

SOs 89, 90, 92