

Procedural Digest

No. 98*8–10 May 2012*

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Bills

98.01 *Leave denied to present bill; leave denied to move third reading; contingent notice of motion used*

On Tuesday 8 May, the Minister for Families, Community Services and Indigenous Affairs sought leave of the House to present a bill without notice. Leave was not granted.

The Minister introduced the bill on notice the following day and, by leave, debate ensued until interrupted by Members' statements in accordance with standing order 43.

Later that day, resumption of debate on the second reading was called on. The Leader of the House then moved closure of question, and it was agreed to on division. The Deputy Speaker accordingly put the question that the bill be read a second time, and it was agreed to on division. The Leader of the House then sought leave to move that the bill be read a third time, and leave was not granted.

The Leader of the House then moved, pursuant to contingent notice (on the *Notice Paper*), that standing orders be suspended to allow the motion for the third reading to be moved without delay. The question was agreed to on division. The Minister then moved that the bill be read a third time, and the question was agreed to on the voices.

During the division on the suspension motion, several Opposition Members raised points of order.

Note: Because Members are required to be seated during a division, if a Member wishes to raise or speak to a point of order, it is the traditional practice of the House for the Member to hold a sheet of paper over the top of his or her head in order to be more easily identified by the Chair.

Hansard: 8 and 9 May 2012, 4170, 4243-301, 4355-60

Votes and Proceedings: 2010-11-12/1422, 1425-8

SOs 43, 47, 63, 81, 86, 106, 111, 117, 125, 126, 129, 138, 139, 141, 142, 155

98.02 *Presentation of budget and additional appropriation bills,
including explanatory memoranda*

After a suspension of sitting, the Deputy Speaker announced receipt of a message from the Governor-General recommending an appropriation for the purposes of the Appropriation Bill (No. 1) 2012-2013.

The Treasurer then presented the bill with an explanatory memorandum, moved the second reading, delivered the budget speech, and presented associated documents and ministerial statements.

The Assistant Treasurer then presented:

- Appropriation Bill (No. 2) 2012-2013,
- Appropriation (Parliamentary Departments) Bill (No. 1) 2012-2013,
- Appropriation Bill (No. 5) 2011-2012, and
- Appropriation Bill (No. 6) 2011-2012,

with explanatory memoranda, and moved the second readings.

Note: Under the standing orders, explanatory memoranda are not required for budget bills.

Hansard: 8 May 2012, 4184-95
Votes and Proceedings: 2010-11-12/1410-2
SOs 76, 141, 147, 178, 180, 182

Business

98.03 *Condolence motion for former Member*

Prior to question time on Tuesday 8 May, the Prime Minister moved a motion of condolence regarding the death of the Hon. Lionel Frost Bowen, AC, a former Minister and Member of the House for the Division of Kingsford-Smith from 1969 to 1990. 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. 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 10 May, and agreed to as all Members again rose in their places.

Hansard: 8 and 10 May 2012, 4127-8, 4557
Votes and Proceedings: 2010-11-12/1403, 1439
SOs 34, 49, 183, 197

98.04 *Condolence motion for Senator*

Prior to question time on Tuesday 8 May, the Prime Minister moved a motion of condolence regarding the death of Senator Judith Anne Adams, Senator for Western Australia from 2004. 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. 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 10 May, and agreed to as all Members again rose in their places.

Hansard: 8 and 10 May 2012, 4128-30, 4557
Votes and Proceedings: 2010-11-12/1403, 1439
SOs 34, 49, 183, 197

98.05 *Statements by indulgence on Jimmy Little and Murray Rose*

Prior to question time, the Prime Minister and Leader of the Opposition each made a statement by indulgence on the death of Mr James (Jimmy) Oswald Little, AO (an Indigenous entertainer) and Mr Iain Murray Rose, AM (an Australian sportsman).

On a motion by the Leader of the House, further statements by indulgence were permitted in the Federation Chamber.

Hansard: 8 May 2012, 4130-1
Votes and Proceedings: 2010-11-12/1403-4
SOs 34, 65, 183

98.06 *Updated ministry list presented*

The Prime Minister presented a revised ministry list. The document was incorporated into *Hansard*.

Hansard: 8 May 2012, 4131-3
Votes and Proceedings: 2010-11-12/1404
SO 199

98.07 *Attempt to suspend standing orders regarding Speakership arrangements*

In the absence of leave being granted to move a motion on the Speakership arrangements (see entry **98.17**), the Manager of Opposition Business moved to suspend standing orders to allow him to move the motion. The suspension motion was then seconded and debate resumed. When the time allocated for debate expired, the House divided. In the absence of an absolute majority, the motion was not carried.

Hansard: 8 May 2012, 4134-41
Votes and Proceedings: 2010-11-12/1404-5
SOs 1, 47, 63, 97, 116

98.08 *Attempt to suspend standing orders to temporarily suspend Member from House, and have him make statement*

The Manager of Opposition Business sought and was denied leave to move a motion to suspend a Member from the service of the House for 14 sitting days and then have him make a statement to the House in response to findings made against the Member. The Manager of Opposition Business then moved to suspend standing orders to allow him to move the motion. The suspension motion was then seconded and debate resumed.

When the time allocated for debate expired, a division was called and the Manager of Opposition Business raised a point of order concerning the Member's right, being the subject of the motion, to vote. The Deputy Speaker confirmed that she was of the belief that the Member was entitled to vote, but would take this point of order on notice.

The division proceeded, and the motion was negatived.

Hansard: 8 May 2012, 4144-51
Votes and Proceedings: 2010-11-12/1405-6
SOs 1, 47, 63, 97, 116, 126, 134

98.09 *Motion for budget bills*

Before the House adjourned on budget night, the Assistant Treasurer was granted leave to move a motion proposing specific provisions for the passage of the appropriation bills.

The motion sought to suspend standing order 143(b) to prevent the Selection Committee from making a determination to refer the appropriation bills (see entry **98.02**) to a committee. It also sought to suspend standing orders to allow the following:

- a cognate debate for the appropriation bills on the resumption of debate on the second reading of Appropriation Bill (No. 1) 2012-2013,
- after consideration in detail of Appropriation Bill (No. 1) 2012-2013, any question(s) necessary to complete the remaining stages of the bill being put without amendment or debate, and
- at the conclusion of the proceedings on Appropriation Bill (No. 1) 2012-2013, separate questions being put without further debate on the second readings and other motions necessary to conclude consideration of the remaining four appropriation bills.

The motion was agreed to on the voices.

Hansard: 8 May 2012, 4195-6
Votes and Proceedings: 2010-11-12/1412-3
SOs 47, 63, 125, 143

98.10 *Attempt to suspend standing orders to have Member make statement*

In the absence of leave being granted to move a motion to have a Member make a statement to the House (see entry **98.08**), the Manager of Opposition Business attempted to suspend standing orders to allow him to move the motion. The suspension motion was then seconded and debate resumed. When the time allocated for debate expired, the motion was negatived on division.

During the debate the Member, by indulgence, indicated his intention to make a statement to the House in the next sitting week.

Hansard: 9 May 2012, 4323-30
Votes and Proceedings: 2010-11-12/1423-4
SOs 1, 47, 63, 65, 97, 116, 126

98.11 *Ministerial statement on Afghanistan*

Following acknowledgement of country and prayers, the Minister for Defence made a ministerial statement to update the House on Australia's engagement in Afghanistan, and tabled a copy of his statement. Standing orders were suspended to allow the Shadow Minister to speak in reply for a period not exceeding that of the ministerial statement (14 minutes), and he addressed the House.

The Minister then spoke by indulgence on two matters raised by the Shadow Minister. The Shadow Minister then spoke by indulgence on one of these matters.

Hansard: 10 May 2012, 4487-94
Votes and Proceedings: 2010-11-12/1437
SOs 34, 47, 63, 199

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

In the absence of leave being granted to move a motion to have the Prime Minister make a statement to the House on New South Wales Labor Party finance and in-kind support associated with a matter involving a Member (see entry **98.08**), the Manager of Opposition Business attempted to suspend standing orders to allow him to move the motion. The suspension motion was then seconded and debate resumed. When the time allocated for debate expired, the motion was negatived on division.

Hansard: 10 May 2012, 4572-9
Votes and Proceedings: 2010-11-12/1439-40
SOs 1, 47, 63, 97, 116, 126

98.13 *Suspension of standing order 31 for budget reply speech*

The Leader of the House, by leave, moved that standing order 31 (automatic adjournment of the House) be suspended for the sitting on Thursday 10 May, and that the House automatically adjourn following the budget reply speech by the Leader of the Opposition. The motion was agreed to on the voices.

Hansard: 10 May 2012, 4579-80
Votes and Proceedings: 2010-11-12/1441
SOs 31, 47, 125

98.14 *Appropriation bill called on prior to suspension of sitting for budget reply speech*

After intervening business had been postponed, the second reading debate on Appropriation Bill (No. 1) 2012-2013 was called on in preparation for the Leader of the Opposition's budget reply speech. The sitting was then immediately suspended, at 5.44 pm. When the sitting was resumed at 7.30 pm, the second reading debate was immediately resumed by the Leader of the Opposition in giving his budget reply speech.

The House adjourned at 8 pm.

Hansard: 10 May 2012, 4611
Votes and Proceedings: 2010-11-12/1445
SO 142

Deputy Speaker

98.15 *Statement on arrangements for budget and budget reply nights*

The Deputy Speaker made some general remarks concerning Chamber arrangements for budget night and budget reply night (see entries **98.02** and **98.14**, respectively). She asked Members to ensure that guests arrived in a timely way, and warned that she would be upholding the principle that a Member with the call is entitled to speak without interruption. Accordingly, security staff would be directed to remove from the galleries any individuals who intervened in proceedings, and offending Members would be directed by her to leave the Chamber under standing order 94(a), by written note.

Hansard: 8 May 2012, 4152-3
SOs 91, 92, 94

Order of business

98.16 *Early adjournment*

At 8.14 pm, following the presentation of the budget bills (see entry 98.02), a Minister moved 'That the House do now adjourn'. The question was put and passed without debate, and the House adjourned.

Note: While the House usually sits until 10.30 pm on Tuesdays, a Minister may move an early adjournment of the House without notice.

Hansard: 8 May 2012, 4196
Votes and Proceedings: 2010-11-12/1413
SOs 29, 31, 32, 34

Speaker

98.17 *Statement on arrangements following allegations*

Following the acknowledgement of country and prayers, the Speaker made a short statement concerning some allegations made against him, and denied them.

The Speaker then said he would ask the Deputy Speaker, as Deputy Speaker, and members of the Speaker's panel, to assist in chairing the proceedings of the House. He presented a copy of his statement, and invited the Deputy Speaker to take the Chair. The Deputy Speaker took the Chair and the Speaker left the Chamber.

Note: The standing orders provide for the Deputy Speaker to take the Chair of the House whenever requested to do so by the Speaker (S.O. 16(b)). While in the Chair of the House, the Deputy Speaker has the same procedural powers and functions as the Speaker.

Hansard: 8 May 2012, 4127
Votes and Proceedings: 2010-11-12/1403
SOs 16, 17, 34, 199

98.18 *Resolution passed by ACT Legislative Assembly*

The Deputy Speaker informed the House that the Speaker had received a copy of a resolution passed by the Legislative Assembly for the Australian Capital Territory on Wednesday 28 March relating to 2013 Canberra Centenary funding and tourism. She did not read the resolution to the House, but circulated copies, indicating that the full text would appear in both the *Hansard* and *Votes and Proceedings*.

Hansard: 8 May 2012, 4152
Votes and Proceedings: 2010-11-12/1408
SO 199

Withdrawals

98.19 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...tricky self—tricky Julia.'	9 May 2012	4324
'Australia has produced a few political charlatans. Jock Garden...TJ Ley...But the member for Canning's performance today indicates he is a bullet performer as a charlatan in regard to debates.'	10 May 2012	4511
'...we are just stuck with the Three Stooges.'	10 May 2012	4567
""The tragedy for progressive politics is that there are scores of Craig Thomsons across the labour movement. He is the cultural norm, not an isolated peccadillo"... The party that gave us Tom Domican has now given us Craig Thomson.'	10 May 2012	4573
'...you fool!'	10 May 2012	4575

SOs 89, 90, 92