

Procedural Digest

No. 115

17 March–27 March 2014

March 2014				
M	T	W	T	F
17	18	19	20	21
24	25	26	27	28

Bills

115.01 *Consideration of Senate amendments to bill*

On Tuesday 18 March, debate resumed on the consideration of Senate amendments to the Social Services and Other Legislation Amendment Bill 2013 which were reported to the House on 6 March. The Minister for Social Services moved that certain of the amendments be agreed to and the motion was carried on the voices. The Minister then moved that certain other amendments be disagreed to and moved that two Government amendments be made in their place. The motion was agreed to on the voices.

On Tuesday 25 March, a message was received from the Senate informing the House that the Senate did not insist on its amendments disagreed to by the House and had agreed to the amendments made by the House in their place.

Hansard: 18 March 2014, 2209-2213, 25 March 3061

Votes and Proceedings: 2014/381, 424

SOs 158, 161, 261

115.02 *Proceedings on the Land Transport Infrastructure Amendment Bill 2014*

On Monday 24 March, second reading debate resumed on the Land Transport Infrastructure Amendment Bill 2014. The bill was read a second time and considered in detail. The Shadow Minister for Infrastructure and Transport, by leave, moved two groups of Opposition amendments together. Debate ensued, and the amendments were negatived on division. The Shadow Minister then moved another Opposition amendment. Debate ensued and the amendment was negatived on division. The Chair then put the question 'that the bill be agreed to', which was agreed to on division. Leave was granted for the third reading to be moved immediately and the bill was read a third time.

Note: The division on the question 'that the bill be agreed to' was the first instance of a successive division following amendments to standing order 131 (regarding the timing and recording of successive divisions) which were agreed to by the House on 19 March (*see entry 115.32*)

Hansard: 24 March 2014, 2820-68

Votes and Proceedings: 2014/411-3

SOs 125, 131, 148, 149, 150, 153, 155

115.03 *Second reading amendment moved; fewer than five Members vote on one side during division*

On Tuesday 25 March, debate resumed on the second reading of the Defence Force Retirement Benefits Legislation Amendment (Fair Indexation) Bill 2014. A non-aligned Member moved a second reading amendment which was seconded by another non-aligned Member. When the question was put on the second reading amendment, a division was called. Four Members (non-aligned) voted on the side of the ayes. There being fewer than five Members on one side, the Chair declared the question negatived without completing the count and the names of those in the minority were recorded in the Votes and Proceedings.

Hansard: 25 March 2014, 3073-3115

Votes and Proceedings: 2014/424

SOs 122, 126, 127

115.04 *Proceedings on the Clean Energy Finance Corporation (Abolition) Bill 2013 [No. 2]*

On Thursday 27 March, debate resumed on the second reading of the Clean Energy Finance Corporation (Abolition) Bill 2013 [No. 2]. Debate was interrupted at 12.00 p.m. in accordance with the programming motion agreed by the House earlier that day (*see* entry **115.16**). The Parliamentary Secretary to the Treasurer summed up the second reading debate and the question on the second reading was put, and agreed to on the voices.

The House then considered the bill in detail, as a whole, by leave. After one hour of consideration in detail, the Speaker put the question that the bill be agreed to, in accordance with the programming resolution agreed to earlier. A division was called and, during the ringing of the bells, the Speaker declared the question carried after the Manager of Opposition Business indicated that the Opposition did not wish to proceed with a division.

The Parliamentary Secretary then moved, by leave, that the bill be read a third time. The question was agreed to on division and the bill was read a third time.

Hansard: 27 March 2014, 3361-84

Votes and Proceedings: 2014/441-2

SOs 63, 125, 129, 142, 148, 155

Business

115.05 *Address in Reply agreed to; Speaker announces arrangements for presentation to Governor-General*

On Monday 17 March, debate concluded on the motion that the Governor-General's address on the Opening of the 1st Session of the 44th Parliament be agreed to. The question was put and agreed to on the voices.

The Speaker informed the House that she had ascertained that Her Excellency the Governor-General would be pleased to receive the Address in Reply at Government House at 4.00 p.m. that afternoon and that the sitting would be suspended at 3.30 p.m. The Speaker said that she would be glad if the mover and seconder, together with other Members, would accompany her to present the Address.

Hansard: 17 March 2014, 2031
Votes and Proceedings: 2014/373

SOs 6, 7

115.06 *Sitting suspended; Speaker, accompanied by Members, presents Address in Reply to Governor-General at Government House*

At 3.28 p.m. on 17 March, the sitting was suspended until 5.30 p.m. Madam Speaker, after resuming the Chair at 5.30 p.m., reported that, accompanied by Members she had attended Government House and presented the Governor-General with the Address in Reply to Her Excellency's speech on the Opening of the 1st Session of the 44th Parliament, agreed to by the House earlier in the day (*see* entry **115.05**). The Speaker informed the House that the Governor-General had been pleased to make the following reply: "Madam Speaker, Thank you for your Address in Reply. It will be my pleasure and my duty to convey to Her Majesty The Queen the message of loyalty from the House of Representatives, to which the Address gives expression."

Hansard: 17 March 2014, 2064
Votes and Proceedings: 2014/374

SO 7

115.07 *Condolence motion for former Senator and Minister*

Just prior to question time on Monday 17 March, the Prime Minister moved a motion of condolence regarding the death of the Hon. Warwick Raymond Parer AM, a former Senator for Queensland. The Leader of the Opposition addressed the House in support of the Prime Minister's motion. The Speaker also spoke to the motion prior to asking all Members to rise in silence as a mark of respect and debate was adjourned. The Leader of the House, by leave, moved that the resumption of debate on the condolence motion be referred to the Federation Chamber and the motion was agreed to.

The condolence motion was returned to the House on 19 March, and agreed to as all Members again rose in their places.

Hansard: 17 March 2014, 2041-3, 19 March 2014, 2434-5
Votes and Proceedings: 2014/373, 392

SOs 49, 183

115.08 *Statements by indulgence on Malaysia Airlines flight MH370*

Just prior to question time on Monday 17 March, the Prime Minister made a statement by indulgence in relation to the missing Malaysia Airlines flight MH370 and Australia's role in the search and rescue operations. The Leader of the Opposition, also by indulgence, made a brief statement to associate the Opposition with the remarks of the Government.

The Prime Minister kept the House informed regarding the search for the missing flight by way of further statements by indulgence prior to question time on Tuesday 18 March, Thursday 20 March and Tuesday 25 March; and during Government Business time on the evening of Monday 24 March. On 24 and 25 March, the Leader of the Opposition made statements by indulgence to associate the Opposition with the remarks of the Prime Minister.

Hansard: 17 March 2014, 2043-4; 18 March, 2243; 20 March, 2648;
24 March, 2893; 25 March, 3017-18

SO 65

115.09 *Prime Minister makes ministerial statement regarding deregulation*

After acknowledgement of country and prayers on Wednesday 19 March, the Prime Minister, by leave, made a ministerial statement regarding the Government's intention to repeal various regulations and legislation. Standing orders were suspended to enable the Leader of the Opposition to speak in reply to the ministerial statement.

Hansard: 19 March 2014, 2355-63
Votes and Proceedings: 2014/387

SO 63

115.10 *Statement by indulgence regarding a Minister*

Prior to question time on Wednesday 19 March, the Prime Minister made a statement by indulgence to inform the House that the Assistant Treasurer would be standing aside until the Independent Commission Against Corruption's investigation into Australian Water Holdings had been resolved. The Prime Minister informed the House that the Senator's ministerial duties during this period would be undertaken by the Minister for Finance.

Hansard: 19 March 2014, 2434

SO 65

115.11 *Statement by indulgence regarding forced adoptions*

Prior to question time on Thursday 20 March, the Prime Minister made a statement by indulgence on the occasion of the first anniversary of the Parliament's apology for forced adoptions. The Leader of the Opposition, also by indulgence, made a statement on the same matter.

Hansard: 20 March 2014, 2647-8

SO 65

115.12 *Attempt to suspend standing orders to require Prime Minister to make a statement regarding a former Minister*

During question time on 20 March, the Leader of the Opposition sought leave to move a motion to require the Prime Minister to immediately explain to the House all the information in his possession in relation to the former Assistant Treasurer's involvement in Australian Water Holdings. Leave was not granted. The Leader of the Opposition then moved a suspension of standing orders to enable him to move the motion and debate ensued. The suspension motion was negated on division.

Hansard: 20 March 2014, 2667-75

Votes and Proceedings: 2014/402-3

SOs 47, 63

115.13 *Attempted suspension of standing orders to consider disallowance motions*

During question time on Tuesday 25 March, the Leader of the Opposition sought leave to move that standing orders be suspended to allow two private Members' business notices standing in his name to be called on immediately and considered together, with separate questions to be put on each at the conclusion of debate. The notices related to the disallowance of the Military Rehabilitation and Compensation Act Education and Training Scheme (Income Support Bonus) Repeal Determination 2014 and the Veterans' Children Education Scheme (Income Support Bonus) Repeal Instrument 2014. Leave was not granted.

The Leader of the Opposition then moved to suspend standing orders to allow the notices to be called on. Debate ensued, and the suspension motion was negated on division.

Hansard: 25 March 2014, 3036-44

Votes and Proceedings: 2014/422-3

SOs 47, 63

115.14 *Standing orders suspended to enable programming of government business*

During Government business time on Wednesday 26 March, the Leader of the House, pursuant to notice, moved to suspend standing orders to enable a programming motion in relation to consideration of the Omnibus Repeal Day (Autumn 2014) Bill 2014; the Amending Acts 1901 to 1969 Repeal Bill 2014; and the Statute Law Revision (No. 1) Bill 2014. The suspension motion was agreed to on division.

Note: This was the first occasion a motion to suspend standing orders, pursuant to notice, to program government business, was moved since standing order 1 was amended to provide particular speaking time limits for debate on such motions (see 115.32).

Hansard: 26 March 2014, 3141-5
Votes and Proceedings: 2014/428-9

SOs 1, 47

115.15 *Condolence motion regarding loss of Malaysia Airlines flight MH370*

Prior to question time on Wednesday 26 March, the Prime Minister moved a motion of condolence regarding the loss of life in the disappearance of Malaysia Airlines flight MH370. The Leader of the Opposition addressed the House in support of the motion. The Speaker also spoke to the motion prior to asking all Members to rise in silence as a mark of respect and debate was adjourned. The Leader of the House, by leave, moved that the resumption of debate on the condolence motion be referred to the Federation Chamber and the motion was agreed to.

The condolence motion was returned to the House on 27 March after being debated for approximately two hours, and agreed to as all Members again rose in their places.

Hansard: 26 March 2014, 3206-7; 27 March 2104, 3399
Votes and Proceedings: 2014/430; 443

SOs 49, 183

115.16 *Standing orders suspended to enable programming motion*

During Government business time on Thursday 27 March, the Leader of the House, pursuant to notice, moved to suspend standing orders to implement a programming motion in relation to consideration of the Clean Energy Finance Corporation (Abolition) Bill 2013 [No. 2]. The suspension motion was agreed to on division.

Hansard: 27 March 2014, 3344-7
Votes and Proceedings: 2014/438-9

SOs 1, 47

115.17 *Ministerial statement made during Government business time*

During Government business time on 27 March, the Assistant Minister for Infrastructure and Regional Development, by leave, made a ministerial statement relating to the Australian National Audit Office's audit of the financial statements of the Norfolk Island Administration and presented a copy of the Audit Office's report and a copy of his statement. Standing orders were then suspended, by leave, to enable the Shadow Parliamentary Secretary for External Territories to speak in reply, and he addressed the House.

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

Hansard: 27 March 2014, 3355-61
Votes and Proceedings: 2014/440

SO 63

115.18 *Attempted suspension of standing orders to move motion of no confidence in Speaker*

During question time on 27 March, following the naming and suspension of a Member (*see* entry **115.24**), the Manager of Opposition Business sought leave to move a motion of no confidence in the Speaker. Leave was not granted and the Manager of Opposition Business moved that so much of standing orders be suspended as would prevent him from moving the motion of no confidence. Debate ensued. The suspension motion was negated on division.

Hansard: 27 March 2014, 3404-12
Votes and Proceedings: 2014/444-5

SO 47

Members

115.19 *Member asked not to use props*

During the period for Members' 90 second statements in the House on Monday 17 March, a Government Member held up a newspaper while making a statement, and the Chair requested that the Member refrain from using props.

Hansard: 17 March 2014, 2040

115.20 *Member fails to withdraw remark*

During question time on Wednesday 19 March, the Speaker asked an Opposition Member to withdraw a remark. The Member did not comply and the Speaker directed the Member to leave the Chamber under standing order 94(a).

Hansard: 19 March 2014, 2443
Votes and Proceedings: 2014/392

SOs 91, 92, 94

115.21 *Member fails to withdraw remark*

During question time on Thursday 20 March, the Speaker asked the Manager of Opposition Business to withdraw a remark. The Member did not withdraw and the Speaker directed the Member to leave the Chamber under standing order 94(a).

Hansard: 20 March 2014, 2661
Votes and Proceedings: 2014/401

SOs 91, 92, 94

115.22 *Treasurer asked not to use props*

During question time on Monday 24 March, the Treasurer displayed a graph while responding to a question from a Government Member. A point of order was raised by the Manager of Opposition Business and the Speaker asked the Treasurer not to use props.

Hansard: 24 March 2014, 2804

SO 86

115.23 *Opposition Member asked not to use props*

During discussion on a matter of public importance on Tuesday 25 March, an Opposition Member held up a newspaper article. The Chair reminded the Member that the use of props was disorderly and asked the Member not to use them.

Hansard: 25 March 2014, 3045

115.24 *Member named and suspended during question time*

During question time on Thursday 27 March, the Speaker named an Opposition Member for interjecting after a warning had been given. The Member was suspended from the service of the House for 24 hours on a motion moved by the Leader of the House and carried on division.

Hansard: 27 March 2014, 3402-4
Votes and Proceedings: 2014/443-4

SOs 91, 94

Private Members' Business

115.25 *Amendment moved to Private Member's motion*

During private Members' business in the House on Monday 17 March, when an item (in her name) was called on regarding Ukraine, a Government Member sought leave to move an amendment to the motion. Leave was granted and the Member moved the motion as amended. The motion was seconded and debate ensued in accordance with the time allotted by the Selection Committee. Debate was then adjourned and the resumption of the debate made an order of the day for the next sitting.

Hansard: 17 March 2014, 1995-2003
Votes and Proceedings: 2014/372

SOs 41, 63

115.26 *Amendment moved to Private Member's motion*

During private Members' business in the Federation Chamber on Monday 17 March, a Government Member moved a motion regarding the Bruce Highway and debate ensued. An Opposition Member moved an amendment to the motion, the proposed amendment was seconded, and debate continued in accordance with the time allotted by the Selection Committee. Debate was then adjourned and the resumption of the debate made an order of the day for the next sitting.

*Hansard: 17 March 2014, 2133-49
Votes and Proceedings: 2014/377*

SOs 41, 121, 122

Questions**115.27** *Member asked not to use props*

During question time on Monday 17 March, a Shadow Minister held up a photograph while asking the Prime Minister a question. The Speaker asked the Member not to use props. After the Prime Minister had concluded his answer, the Shadow Minister sought leave to table the photograph and leave was not granted.

Hansard: 17 March 2014, 2045

115.28 *Prime Minister adds to an answer to a question without notice*

Following question time on 18 March, the Prime Minister, by indulgence, added to an answer he had given during question time regarding discontinuation of the income support bonus.

Hansard: 18 March 2014, 2263

SO 65

115.29 *Deputy Leader of the Opposition makes statement, by indulgence*

During question time on Wednesday 19 March, a Government Member asked a question without notice to the Minister for Foreign Affairs regarding Ukraine. Following the Minister's response, the Deputy Leader of the Opposition, by indulgence, made a brief statement to associate herself with the remarks made by the Foreign Minister.

Hansard: 19 March 2014, 2448

SO 65

Speaker

115.30 Speaker vacates chair to farewell Governor-General

On Wednesday 26 March, the Speaker took the chair at 9.00 a.m., made an acknowledgement of country and read prayers. She then informed the House that she was required to join the Prime Minister and the President of the Senate at Fairbairn RAAF Base to farewell the Governor-General and that the Deputy Speaker would be taking the chair.

Hansard: 26 March 2014, 3131

115.31 Speaker presents copy of statements of thanks and appreciation from former Members of the 43rd Parliament

After question time on Thursday 27 March, the Speaker presented a document entitled "Statements of thanks and appreciation—Former Members of the 43rd Parliament, March 2014."

*Hansard: 27 March 2014, 3418
Votes and Proceedings: 2014/445*

Standing orders

115.32 Amendments to standing orders agreed to

During Government business time on Wednesday 19 March, the Leader of the House, pursuant to notice, moved amendments to standing orders 131(b) and 207(b). The amendment to standing order 131(b) sought to substitute the word 'take' for 'record' to provide that in successive divisions, 'the tellers shall take each Member's vote as being the same as it was in the previous division unless a Member reports to them.' The amendment to standing order 207(b) sought to clarify that petitions could be presented during the period for Members' 90 second statements in the Federation Chamber on Mondays. Both amendments were agreed to on the voices.

The Leader of the House then, pursuant to notice, moved an amendment to standing order 1 to establish time limits for debate on motions relating to the programming of Government business. The amendment was agreed to on the voices.

The Leader of the House then, pursuant to notice, moved an amendment to standing order 131(a) to provide that the bells shall be rung for one minute where a successive division is called no more than three minutes following a division. Previously, if there was intervening debate between two divisions, the bells were required to be rung for four minutes. The amendment was agreed to on the voices.

*Hansard: 19 March 2014, 2395-7
Votes and Proceedings: 2014/391*

SOs 1, 131, 207

Withdrawals

115.33 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'hypocrite'	17 March 2014	2050
'small'	18 March 2014	2254-5
'In addition to everything else, he was not doing that and simply to have the ridicule from the chair is unwise.'	18 March 2014	2255
<i>unrecorded</i>	19 March 2014	2443
'You promised 64; in six years you only delivered 27'	19 March 2014	2450-1
'You will be named if you do not be careful!'	19 March 2014	2458
<i>unrecorded</i>	20 March 2014	2628
'The member for Grayndler thinks it is hilarious, apparently. He thinks it is hilarious that Andrew Zaf was stabbed – in his home and hit with a piece of wood last weekend.'	20 March 2014	2656-7
<i>unrecorded</i>	20 March 2014	2657
'You misled the House yesterday'	20 March 2014	2661
<i>unrecorded</i>	20 March 2014	2674
<i>unrecorded</i>	24 March 2014	2803
'The Leader of the Opposition is the Mr Potato Head of Australian politics.'	24 March 2014	2811
'Madam Speaker, on a point of order: you are casting this House into disrepute when you allow the Minister for Education to carry on.'	24 March 2014	2812
<i>unrecorded</i>	24 March 2014	2812-3
'clown'	24 March 2014	2930
<i>unrecorded</i>	26 March 2014	3197
'Execute him!'	26 March 2014	3210
<i>unrecorded</i>	26 March 2014	3210
'That's another lie!'	26 March 2014	3211

'The truth is your greatest stranger...The fact is you never delivered it.'	26 March 2014	3211-2
'continuing to spread her misinformation, her deceit and her dishonesty...'	26 March 2014	3217-8
'I said 'desist'. If you do not know the meaning of it, look it up.'	27 March 2014	3414
'fool'	27 March 2014	3415
'If only he had the class of his mother-in-law, that is all I can say.'	27 March 2014	3417

SOs 89, 90, 92