

Procedural Digest

No. 112

2–12 December 2013

December 2013				
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Bills

112.01 *Senate requests amendment in place of amendment disagreed to by the House; makes further amendments*

On Monday 9 December, a message was received from the Senate returning the Commonwealth Inscribed Stock Amendment Bill 2013 and acquainting the House that the Senate, having resolved not to insist on its amendment disagreed to by the House, had requested an amendment in its place. The Senate also made further amendments for which it requested the concurrence of the House.

Standing orders were suspended to enable the Senate message to be considered immediately. Following the reporting of a message from the Governor-General, the Treasurer moved that the requested amendment be made and debate ensued. A Parliamentary Secretary moved closure of question which was agreed to on division. The question on the requested amendment was accordingly put and agreed to on division.

The House then considered the Senate's further amendments and during the debate a Parliamentary Secretary moved closure of question which was agreed to on division. The further amendments were agreed to on the voices.

*Hansard: 9 December 2013, 1959-86
Votes and Proceedings: 2013/184-7*

SOs 1, 81, 158, 161, 181, 182, 261

112.02 *Deferred division withdrawn — Second reading amendment negatived — Fewer than five members vote on one side*

On 9 December, following the summing up of the Environment Legislation Amendment Bill 2013 by the Minister for the Environment, the Chair put the question on a second reading amendment moved earlier in the sitting by an Opposition Member. A division was called for, and in accordance with standing order 133 the division was deferred until 8 p.m. and debate was adjourned. At 8 p.m. the Chair put the question on the amendment and the Opposition Member who had moved it, requested, by leave, that the division be withdrawn. The division was withdrawn and the amendment negatived. The bill was then read a second time.

The House proceeded to consider the bill in detail and the Minister for the Environment presented a supplementary explanatory memorandum to the bill and, by leave, moved Government amendments together. When the question on the amendments was put, a division was called and, there being fewer than five Members voting with the 'noes', the Chair declared the result of the division without completing the count and the names of those in the minority were recorded in the *Votes and Proceedings*. The Australian Greens Member then moved an amendment, which was negatived on the voices. The Member moved a further amendment which, following debate, was negatived on division. The bill, as amended, was agreed to on the voices. Leave was granted for the third reading to be moved immediately and the bill was read a third time.

Hansard: 9 December 2013, 1997, 2012-22
Votes and Proceedings: 2013/187-9

SOs 63, 127, 133, 145, 148, 150, 155

112.03 *Proceedings on the Infrastructure Australia Amendment Bill 2013*

On Tuesday 10 December, during resumption of debate on the second reading of the Infrastructure Australia Amendment Bill 2013, an Opposition Member was closed on division. A Minister then moved that the question on the second reading be put, which was agreed to on division. A further division was called for on the second reading, which was agreed to. As it was after 9 p.m. the Speaker proposed that the House adjourn. The Leader of the House required the question to be put immediately and the adjournment was negatived on division. The bill was then read a second time. Following the reporting of a message from the Governor-General, a Minister sought leave to move the third reading immediately, which was denied.

The Manager of Opposition Business moved that standing orders be suspended to allow him to move a motion condemning the Government for 'failing to allow proper debate' on the bill. He was closed on division, the motion was seconded and debate continued. Following several points of order, the Speaker ruled that no further points of order would be acknowledged. The Manager of Opposition Business moved that the ruling be dissented from and he and the seconder were each closed on division. The dissent motion was then negatived on division. The suspension motion was negatived on further division.

The Leader of the House, pursuant to contingent notice, moved a suspension of standing orders to enable the third reading of the bill to be moved without delay, and debate ensued. A Shadow Minister was closed on division and the Leader of the House moved that the question be put, which was agreed to on division. The suspension motion was agreed to on division and the Leader of the House moved that the bill be read a third time.

A Shadow Minister then moved that standing orders be suspended to enable him to move amendments to the bill. He and the seconder were each closed on division, and while the Leader of the House was addressing the suspension motion, a Shadow Minister moved a closure of Member which was negated on division. The suspension motion was negated on division.

The Leader of the House moved that the question on the third reading be put, which was agreed to on division. The question on the third reading was agreed to on division and the bill was read a third time. The House adjourned at 11.11 p.m.

*Hansard: 10 December 2013, 2267-302
Votes and Proceedings: 2013/200-18*

SOs 1, 29, 31, 34, 47, 80, 81, 86, 87, 116, 117, 126, 142, 148, 155, 182

Business

112.04 *First programming declaration made*

Following the adjournment of a cognate debate on three bills in the House on Monday 2 December, the Chief Government Whip made a declaration referring the bills to the Federation Chamber for further consideration.

Note: Following amendments to the standing orders on 13 November 2013, the Leader of the House or Chief Government Whip may refer items of Government business to the Federation Chamber or require their return to the House by making a programming declaration. No motion is moved and no question is resolved.

*Hansard: 2 December 2013, 1158
Votes and Proceedings: 2013/142*

SOs 45, 183

112.05 *Suspension motion during question time amended and passed*

During question time on 2 December, the Leader of the Opposition sought leave to move a motion censuring the Prime Minister. Leave was not granted and he then moved to suspend standing orders to allow him to move the motion. The motion was seconded and the Leader of the House moved an amendment to the motion.

When the time for the debate expired, the question that the amendment be agreed to was put and carried on division, and the motion as amended was then agreed to on division. Question time then concluded.

*Hansard: 2 December 2013, 1197-1207
Votes and Proceedings: 2013/143-5*

SOs 1, 47, 48, 63, 111, 121, 122

112.06 *Proposed sitting program agreed to*

On 2 December, the Leader of the House presented the proposed program of sittings for 2014 and moved, by leave, that it be agreed to. The question was agreed to on the voices.

Hansard: 2 December 2013, 1207-8
Votes and Proceedings: 2013/146
SOs 29, 63, 125, 199

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

Following question time on 3 December, the Leader of the House moved, by leave, a motion apologising on behalf of the Australian people to people affected by forced adoption and removal policies and practices. Members rose as a mark of respect and the motion was carried.

Note: The same motion had been moved in the House and referred to the Federation Chamber earlier in the year, but had not been returned to the House for passage prior to the end of the 43rd Parliament (*see* entry **107.09**).

Hansard: 3 December 2013, 1414-5
Votes and Proceedings: 2013/156-7
SO 111, 183, 197

112.08 *Statements by indulgence regarding a free trade agreement with Korea*

Prior to question time on 5 December, the Prime Minister and the Leader of the Opposition both made statements, by indulgence, regarding a free trade agreement between Australia and the Republic of Korea.

Hansard: 5 December 2013, 1788-9
SO 65

112.09 *Condolence book for Nelson Mandela AC*

Following acknowledgement of country and prayers, the Speaker informed the House that she had arranged for a condolence book to be made available to Members to sign as a mark of respect for the passing of Mr Rolihlahla (Nelson) Dalibhunga Mandela AC. The Speaker repeated the invitation immediately prior to question time.

Hansard: 10 December 2013, 2127, 2156

112.10 *Statement by indulgence regarding sinking of asylum seeker vessel*
During Government business time, the Minister for Immigration and Border Protection, by indulgence, informed the House of an incident concerning a sunken vessel in Indonesian waters, believed to be carrying asylum seekers.

Hansard: 10 December 2013, 2136-7

SO 65

112.11 *Motion moved by leave amended and agreed to*

During the Acting Prime Minister's answer to a question without notice on 11 December, a Shadow Minister sought leave to move a motion. The Speaker ruled that the Member could not do so while the Acting Prime Minister had the call. At the conclusion of the Acting Prime Minister's answer, the Shadow Minister moved a suspension of standing orders to allow him to move a motion relating to the automotive and manufacturing industry.

The Leader of the House stated that, if sought, leave would be granted to move the substantive motion, and if that course were pursued, he and the Manager of Opposition Business had agreed that two Members from each side would speak in the debate. The Shadow Minister moved the motion, by leave, and debate ensued. An amendment moved by the Leader of the House was agreed to on division, and the motion as amended was then agreed to on the voices. Question time then concluded.

Hansard: 11 December 2013, 2389-405

Votes and Proceedings: 2013/225-6

SOs 47, 63, 66, 111

112.12 *Motions for disallowance debated together and carried*

During Government business time on 12 December, a Minister moved a suspension of standing orders to allow four Government business notices relating to the disallowance of the Residential Care and Aged Care Subsidies made under the *Aged Care Act 1997*, to be called on and considered together, with separate questions being put on each. The Minister moved closure of the ensuing debate, which was agreed to on division, after which the suspension motion was agreed to on a further division. The Minister moved each of the motions, after which debate was adjourned. The disallowance motions were then called on and debated together, before each was agreed to on division.

Hansard: 12 December 2013, 2538-52

Votes and Proceedings: 2013/239-46

SOs 47, 106

112.13 *Ministerial statements made during Government business time*

Debate on a bill was interrupted twice during Government business time on 12 December, for Ministers to make ministerial statements by leave. The Minister for Trade and Investment made a ministerial statement regarding the conclusion of Free Trade Agreement negotiations with Korea, and the Minister for Communications later made a ministerial statement regarding the strategic review of the National Broadband Network. Both Ministers presented copies of their statements and in each case standing orders were suspended to allow the Shadow Minister to speak in reply for a period not exceeding that of the ministerial statement.

Note: Pursuant to standing order 34, ministerial statements are usually made between question time and the resumption of Government business.

Hansard: 12 December 2013, 2570-3, 2574-84

Votes and Proceedings: 2013/247

SOs 34, 47, 63, 199

112.14 *Opposition motion during question time amended and passed*

During question time, the Leader of the Opposition sought leave to move a motion censuring the Prime Minister. Leave was granted and he moved the motion. The motion was seconded and debate ensued, during which the Leader of the House moved an amendment to the motion.

After the debate, the question that the amendment be agreed to was put and carried on division, and the motion as amended was then agreed to on the voices. Question time then concluded.

Hansard: 12 December 2013, 2623-40

Votes and Proceedings: 2013/249-51

SOs 1, 48, 63, 111, 121, 122

Committees

112.15 *Senate amendments to resolution on Joint Select Committee agreed to*

A message from the Senate was reported informing the House it concurred with the House's resolution of appointment of the Joint Select Committee on Northern Australia (*see* entry **111.24**) with amendments. The message was considered immediately and the amendments were agreed to on a motion by a Minister.

Hansard: 4 December 2013, 1618

Votes and Proceedings: 2013/166

SOs 223, 224, 261

112.16 *Senate amendment to resolution on Joint Standing Committee agreed to*

A message from the Senate was reported informing the House that the Senate had agreed to a resolution to amend the resolution of appointment of the Joint Standing Committee on Electoral Matters (*see* entry **111.22**). The message was considered immediately and the amendment was agreed to on a motion by a Parliamentary Secretary.

Hansard: 5 December 2013, 1761-2
Votes and Proceedings: 2013/172

SOs 224, 261

112.17 *Allocation of departmental annual reports to committees*

After Question Time on 10 December, the Speaker presented a schedule showing the allocation of annual reports of departments, agencies, authorities and companies to general purpose standing committees and certain joint committees. A copy of the schedule was incorporated in Hansard.

Hansard: 10 December 2013, 2176-91
Votes and Proceedings: 2013/200

SOs 199, 215

Debate

112.18 *Attempted intervention ruled out of order*

During debate on a private Members' business notice of motion, a Member sought to make an intervention. The Chair stated that interventions could only be made during consideration of orders of the day.

Hansard: 2 December 2013, 1132

SO 66A

112.19 *Parliamentary Secretary speaks during adjournment debate*

A Parliamentary Secretary was called as the final speaker in the adjournment debate, and spoke for one minute before the House adjourned.

Note: Members of the Executive are not normally permitted to speak in the adjournment debate unless no other Members are seeking the call,

Hansard: 3 December 2013, 1505

SO 31

112.20 *Attempted intervention ruled out of order*

During discussion of a matter of public importance, a Member sought to make an intervention. The Chair ruled that under the standing orders, interventions could only be made during consideration of orders of the day.

Hansard: 5 December 2013, 1816

SO 66A

Federation Chamber**112.21** *Federation Chamber suspended due to lack of quorum*

Following constituency statements on 9 December, the Chair noted that a quorum was not present, and suspended proceedings at approximately 11.02 a.m.

A quorum being present at 11.06 a.m., the Chair was resumed and proceedings continued.

Hansard: 9 December 2013, 2044

Votes and Proceedings: 2013/192

SOs 184, 190

Members**112.22** *Resignation of Member*

Prior to question time on 2 December, the Speaker informed the House that she had received a letter from the Hon. Kevin Rudd, Member for Griffith, resigning his seat. The Speaker advised that she would inform the House in due course of details for the by-election.

Note: In accordance with section 37 of the Constitution a Member's resignation takes effect when the letter of resignation is received by the Speaker (or, in the Speaker's absence, the Governor-General).

Hansard: 2 December 2013, 1183

Votes and Proceedings: 2013/143

112.23 *Use of props during question time*

During question time on 5 December, a Member held up a picture while asking a question. The Speaker directed the Member not to use props.

Hansard: 5 December 2013, 1791

SO 60

Order of business

112.24 *Automatic adjournment negatived – Statements by indulgence*

At 7.30 p.m. on Wednesday 11 December, during the second reading debate on the Fair Work (Registered Organisations) Amendment Bill 2013, the Speaker proposed that the House adjourn and a Minister required the question to be put immediately. The question was put and negatived on division. The Prime Minister and the Leader of the Opposition then each made statements by indulgence regarding the automotive industry. The second reading debate then resumed and continued until the House adjourned at 8.04 p.m.

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: 11 December 2013, 2457-64
Votes and Proceedings: 2013/229-30

SOs 29, 31, 32, 34, 65

112.25 *Suspension of standing orders to extend sitting*

After question time on 12 December, the final sitting day of the year, the Leader of the House moved, pursuant to notice, 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.

The motion was agreed to on the voices, and the House adjourned at 5.45 p.m.

Note: The House normally adjourns at 5 p.m. on a Thursday.

Hansard: 12 December 2013, 2641
Votes and Proceedings: 2013/252-5

SOs 29, 31, 33, 34, 47

Parliamentary administration

112.26 *Register of Members' Interests for the 44th Parliament*

In between items of business during Government business time on Wednesday 11 December, the Chair of the Standing Committee on Privileges and Members' Interests presented, from the chair, a copy of the Register of Members' Interests for the 44th Parliament. The Chair also tabled copies of notifications of alterations of interests received during the period between 27 June 2013 and the dissolution of the House on 5 August 2013.

Hansard: 11 December 2013, 2348
Votes and Proceedings: 2013/224

SO 216

112.27 *Statement of ministerial standards*

After question time on 11 December, the Acting Prime Minister presented a document entitled *Statement of ministerial standards, December 2013* and advised that the document would be published on the website of the Department of the Prime Minister and Cabinet.

Hansard: 11 December 2013, 2405

Votes and Proceedings: 2013/226

SO 199

112.28 *Annual statement on Pacific Parliamentary Partnerships*

After question time on 11 December, the Speaker presented the first Presiding Officers' annual statement on Pacific Parliamentary Partnerships.

Hansard: 11 December 2013, 2406

Votes and Proceedings: 2013/227

SO 199

112.29 *Retirement of Clerk of the House – Motion of thanks carried*

After question time on 12 December, the final sitting day of 2013, the Speaker made a statement regarding the retirement of Mr Bernard Wright as the Clerk of the House. The Prime Minister then moved a motion thanking Mr Wright for his long and meritorious service to the Parliament. The Leader of the Opposition and several other Members spoke in support of the motion, after which the Speaker read a note from Mr Wright thanking those who had spoken for their generous words. The motion was then agreed to with Members signifying their approval by standing in their places.

Hansard: 12 December 2013, 2649-54

Votes and Proceedings: 2013/252

SO 49

112.30 *Appointment of Clerk of the House*

On 12 December, after proceedings on the Prime Minister's motion of thanks to the retiring Clerk, Mr Bernard Wright (*see* entry **112.29**), the Speaker made a statement announcing the appointment of Mr David Elder as the Clerk of the House from 1 January 2014. The Prime Minister, the Leader of the Opposition and the Deputy Prime Minister made remarks on indulgence congratulating Mr Elder on his appointment.

Hansard: 12 December 2013, 2654-5

Votes and Proceedings: 2013/252

Private Members' business

112.31 Two private members' disallowance motions debated together and agreed to

During Government business time on Wednesday 11 December, the Leader of the House moved a suspension of standing orders to enable two private members' business notices, relating to the disallowance of the inclusion of areas in the list of threatened ecological communities made under the *Environment Protection and Biodiversity Conservation Act 1999*, to be called on immediately and considered together, with separate questions being put on each. The two Members, both Government members, moved their disallowance motions consecutively, with debate on each being adjourned. The two motions were then debated cognately. A Minister moved a motion of closure which was agreed to on the voices.

The question on the first disallowance motion was put and agreed to on the voices. Following another closure motion, agreed to on the voices, the question was then put on the second disallowance motion, which was carried on the voices.

*Hansard: 11 December 2013, 2308-18
Votes and Proceedings: 2013/222-3*

SOs 41, 47, 81

Questions

112.32 Question without notice rephrased

During question time on Tuesday 3 December, the Speaker ruled that a question asked by an Independent Member to the Prime Minister was out of order and asked the Member to rephrase the question. He did so and the Prime Minister answered the question.

Hansard: 3 December 2013, 1400

SOs 98, 100, 101

112.33 Minister corrects answer given during question time

During Government business time on 4 December, the Minister for the Environment, by indulgence, corrected an answer he had given earlier in question time.

Hansard: 4 December 2013, 1625

SOs 65, 199

112.34 *Minister adds to answer given during question time*

During Government business time on Wednesday 4 December, the Treasurer, by indulgence, added to an answer he had given earlier, in question time, and presented a related document.

Hansard: 4 December 2013, 1628-9

Votes and Proceedings: 2013/167

SOs 65, 199

112.35 *Two Ministers answer one question during question time*

The Treasurer, at the conclusion of his answer to a question without notice on Thursday 5 December, invited the Deputy Prime Minister to add to his answer. An Opposition Member, on a point of order, queried this action. The Speaker ruled that it was in order for Ministers to share an answer.

Hansard: 5 December 2013, 1791-2

SOs 86, 104

112.36 *Question without notice disallowed*

During question time on 5 December, the Speaker ruled a question by an Opposition Member to the Prime Minister out of order and gave the call to the next questioner.

Hansard: 5 December 2013, 1798

SOs 98, 100

112.37 *Question without notice rephrased*

On 5 December, the Speaker ruled that a question asked by an Opposition Member to the Prime Minister was out of order and asked the Member to rephrase the question, which he did, and the Prime Minister answered the question.

Hansard: 5 December 2013, 1804-5

SOs 98, 100, 101

112.38 *Minister adds to answer given during question time*

Following question time on 5 December, the Treasurer, by indulgence, added to an answer he had given earlier, in question time.

Hansard: 5 December 2013, 1807

SO 65

112.39 *Question without notice disallowed*

During question time on Tuesday 10 December, the Speaker ruled that a question to the Acting Prime Minister asked by the Manager of Opposition Business was out of order and gave the call to the next questioner.

Hansard: 10 December 2013, 2164-5

SOs 98, 100

112.40 *Question without notice rephrased*

During question time on 11 December, the Speaker asked the Deputy Leader of the Opposition to rephrase her question to the Acting Prime Minister as it included a quote from an unidentified source. A point of order was raised by the Leader of the House after which the Deputy Leader rephrased her question and the Speaker called the Acting Prime Minister to respond.

Hansard: 11 December 2013, 2382-3

SOs 86, 98, 100, 101

Speaker

112.41 *Speaker presents report on access to committee documents*

Following question time on Wednesday 11 December, the Speaker presented a document entitled *House of Representatives and joint committees – Access to committee documents – Report by the Speaker*.

Note: Under a resolution of the House adopted in 1984, the Speaker is authorised to permit any person access to particular historic records of committees. The Speaker is required to report to the House the details of any such disclosures.

Hansard: 11 December 2013, 2407

Votes and Proceedings: 2013/227

SO 199

Standing orders

112.42 *New resolution to replace existing resolutions for the broadcasting of parliamentary proceedings*

During Government business time on 9 December, the Leader of the House moved a motion, pursuant to notice, which sought to repeal five existing resolutions of the House for the broadcasting of parliamentary proceedings and, in their place, adopt a new resolution. Following debate, the motion was agreed to on the voices.

Hansard: 9 December 2013, 1945-8

Votes and Proceedings: 2013/182-3

SO 111

Withdrawals

112.43 *Offensive words*

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'The member is misleading the House.'	11 December 2013	2324, 2329
'His son committed suicide nine weeks ago and you are laughing at that.'	11 December 2013	2403

'You fraud.'	11 December 2013	2409
'at least the member...was honest about saying, "I want political influence in this process because I want to win pork for my electorate".'	11 December 2013	2420
'...when the Australian government decides to sabotage its own industry...'	11 December 2013	2462
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SOs 89, 90, 92