

# Procedural Digest

## No. 119

8, 14–17 July 2014

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## Bills

**119.01** *Clean energy bills proceed in accordance with resolution agreed to earlier*

On 14 July, in accordance with the resolution agreed to earlier in the sitting (*see* entry **119.06**) the Minister for the Environment presented the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014 and seven related bills. The bills were read a first time and the Minister moved the second reading of all the bills together and debate ensued. Debate was interrupted at 1.30 p.m. for Members' 90 second statements and question time.

Debate resumed on the second reading of the bills, during which a non-aligned Member moved a second reading amendment. The Minister moved a closure of question which was carried on division and when the question on the second reading amendment was put, a division was called and as only two Members voted with the 'ayes', the Chair declared the question negatived and the names of those voting in the minority were recorded in the Votes and Proceedings. The motion that the bills be read a second time was carried on division and the bills were each read a second time.

A message from the Governor-General recommending appropriation for two of the bills was announced and the bills were considered together in detail and, by leave, taken as a whole. During the detail stage the Minister for the Environment moved Government amendments to the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014 and presented a supplementary explanatory memorandum. A Shadow Minister and a non-aligned Member moved amendments to the same bill. After debate on the amendments together (as provided for by the earlier resolution) the Minister moved that the questions be put and the motion was carried on division. The Government's amendments were agreed to on the voices, while the Opposition's and the non-aligned Member's amendments were each negatived on division. The question that the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014, as amended, and the related bills be agreed to was carried on division. In accordance with the resolution agreed to earlier, one question was then put on the third readings of the bills together and carried on the voices. The bills were each read a third time.

*Hansard*: 14 July 2014, 7693-706, 7736-91  
*Votes and Proceedings*: 2014/685-6; 688-94

**SOs 81, 127, 148, 150, 155**

**119.02** *National Health Amendment (Pharmaceutical Benefits) Bill passes the House*

On 16 July, debate resumed on the second reading of the National Health Amendment (Pharmaceutical Benefits) Bill 2014. After a period of debate, a Minister moved a closure of question which was carried on division. The question on the second reading was then agreed to on division and the bill was read a second time.

The bill was considered in detail and, by leave, taken as a whole. During the ensuing debate, the Minister for Health moved a closure of question which was carried on division. The question that the bill be agreed to was carried on division and consideration in detail concluded.

The Minister was not granted leave to move the third reading immediately so he moved, pursuant to a contingent notice on the notice paper, to suspend standing orders to allow the remaining stages to be passed without delay. Debate ensued and the Leader of the House moved a closure of question which was carried on division. The suspension motion was carried on division. The Minister moved that the bill be read a third time and, following debate, the Leader of the House moved a closure of question which was carried on division. The question on the third reading was put and carried on division and the bill was read a third time.

*Hansard: 16 July 2014, 8157-207*  
*Votes and Proceedings: 2014/712-20*

**SOs 81, 108, 148, 155**

**119.03** *Senate messages considered during extended sitting*

On Thursday evening, 17 July, the House received a message from the Senate returning the Asset Recycling Fund Bill 2014 with amendments. The Parliamentary Secretary to the Treasurer moved that certain of the amendments be disagreed to. After debate, the motion was carried on division.

The House also received a message from the Senate returning the Asset Recycling Fund (Consequential Amendments) Bill 2014 with amendments. The amendments were considered immediately; the Parliamentary Secretary moved that the amendments be disagreed to. After a short debate the question was carried on division.

After consideration of each bill, the Parliamentary Secretary presented the reasons for the House disagreeing to the Senate amendments and moved that the reasons be adopted. The motions were carried on the voices. The House suspended at 9.26 p.m. and resumed at 11.03 a.m. the following day.

*Hansard: 17 July 2014, 8459-71*  
*Votes and Proceedings: 2014/733-7*

**SOs 29, 158, 161, 261**

**119.04** *Senate messages considered during extended sitting*

Shortly after resumption of the sitting at 11.35 a.m. on Friday 18 July, the House received a message from the Senate returning the Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2] with amendments. The amendments were considered immediately and the Parliamentary Secretary to the Treasurer moved that the amendments be disagreed to. During debate, the Manager of Opposition Business stated that the Opposition would be indicating its position and voting on the voices only, given the nature of the day (*see* entry **119.15**). The question was carried on the voices. The Parliamentary Secretary presented the reasons for the House disagreeing to the Senate amendments and moved that the reasons be adopted. The motion was carried on the voices. The House suspended from 11.44 a.m. to 2.35 p.m.

Shortly after resumption of the sitting at 2.35 p.m., the House received a message from the Senate returning the Qantas Sale Amendment Bill 2014 with amendments. The amendments were considered immediately and the Parliamentary Secretary moved that the amendments be agreed to. Debate ensued and all speakers supported the motion. The motion was carried on the voices. The House adjourned, without debate, at 2.44 p.m. until 26 August 2014 at 12 p.m.

*Hansard*: 17 July 2014, 8474-9  
*Votes and Proceedings*: 2014/737-8  
**SOs 29, 158, 161, 261**

**Business****119.05** *Address to Parliament by the Prime Minister of Japan*

In accordance with the resolution agreed to by the House on 24 June (*see* entry **118.24**) the Speaker took the Chair at 10.50 a.m. on Tuesday 8 July and read prayers. The Speaker then welcomed the President of the Senate and Senators (as guests of the House), and announced and welcomed His Excellency Mr Shinzo Abe, Prime Minister of Japan. The Prime Minister and Leader of the Opposition made welcoming remarks and Prime Minister Abe then addressed the House. The Speaker, on behalf of all Members and Senators, thanked Mr Abe, who then left the Chamber. At 11.41 am, in accordance with the resolution of 24 June, the Speaker adjourned the House until 10 am on Monday, 14 July.

*Hansard*: 8 July 2014, 7645-52  
*Votes and Proceedings*: 2014/671  
**SOs 30, 257**

### **119.06** *Standing orders suspended to program proceedings on clean energy bills*

During Government business time on 14 July, the Leader of the House moved a 'debate management motion' for proceedings on the Clean Energy Legislation (Carbon Tax Repeal) Bill 2014 and seven related bills. The motion provided for standing orders to be suspended to enable the bills to be presented and read a first time together, with one motion being moved for the second readings of the bills together and debate proceeding without delay. At the conclusion of the second reading debate, one question was to be put on any second reading amendments and one question was then to be put on the second reading of the bills together. If agreed to, messages from the Governor-General recommending appropriations for any of the bills were to be announced together. If required, consideration in detail would proceed with all bills being taken together.

The motion provided for a single debate on any amendments moved, following which one question was to be put on Government amendments, one question was to be put on Opposition amendments and any necessary questions were then to be put on amendments moved by any other Member. At the conclusion of the detail stage, one question was to be put on the third readings of the bills together. The motion also provided that any variation to the arrangement was only to be made by a motion moved by a Minister.

Debate ensued and the Leader of the House moved a closure of question which was carried on division. The suspension motion was then agreed to on division by an absolute majority, as required. (See entry **119.01** for discussion of the debate that followed.)

*Hansard: 14 July 2014, 7685-93*  
*Votes and Proceedings: 2014/683-5*

**SOs 47, 111, 117, 126**

### **119.07** *Death of Governor of Tasmania*

Just prior to question time on 14 July, the Speaker informed the House of the death of His Excellency the Hon. Peter George Underwood AC, Governor of Tasmania.

*Hansard: 14 July 2014, 7715*  
*Votes and Proceedings: 2014/686*

### **119.08** *Condolence motion for Lance Corporal Todd Chidgey*

Prior to question time on 14 July the Prime Minister moved a motion of condolence regarding the death of Lance Corporal Todd Chidgey on 1 July, in Kabul, Afghanistan. The Leader of the Opposition addressed the House in support of the Prime Minister's motion. Members rose 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 carried on the voices.

The condolence motion was returned to the House on 17 July, and agreed to as all Members again rose in their places.

*Hansard:* 14 July 2014, 8354  
*Votes and Proceedings:* 2014/728

**SOs 49, 63, 183**

**119.09** *Ministerial statement regarding Japan-Australia agreement*

During Government business time on Tuesday 15 July, the Minister for Trade and Investment, by leave, made a ministerial statement regarding the Japan-Australia Economic Partnership Agreement and accompanying National Interest Analysis which was tabled the previous day. The Prime Minister signed the agreement with Japanese Prime Minister Mr Shinzo Abe in Canberra on 8 July. The Minister tabled his statement and leave was then granted for the Minister to move a motion to suspend standing orders to enable the Deputy Leader of the Opposition to speak in reply to his statement. The question was carried on the voices and the Deputy Leader of the Opposition responded.

*Hansard:* 15 July 2014, 7923-28  
*Votes and Proceedings:* 2014/703

**SOs 47, 142, 199**

**119.10** *Private Member's disallowance motion negatived*

During government business time on Tuesday 14 July, standing orders were suspended, by leave, to allow a private Members' business notice relating to the disallowance of the Migration Amendment (Repeal of Certain Visa Classes) Regulation 2014, made under the *Migration Act 1958*, to be called on. An Opposition Member moved the disallowance motion and debate ensued. When the question was put, a division was called and, in accordance with standing order 133, the division was deferred until after the discussion of the matter of public importance and debate was adjourned until a later hour. After the MPI, the House divided on the question that the regulation be disallowed, and the motion was negatived.

*Hansard:* 15 July 2014, 7935-44, 7990-1  
*Votes and Proceedings:* 2014/704,705-6

**SOs 111, 117, 133**

**119.11** *Condolence book for former Governor of Tasmania*

Just prior to question time on 16 July, the Speaker informed the House that she had arranged for a condolence book to be made available in her suite for Members to sign as a mark of respect for the death of His Excellency the Hon. Peter George Underwood AC, Governor of Tasmania.

*Hansard:* 16 July 2014, 8137

**119.12** *MPI withdrawn after proposer removed during question time*

At 3.03 p.m., during question time, the Shadow Treasurer, who was the proposer of the MPI for that afternoon, was ordered to leave the Chamber for one hour. At the conclusion of question time, the Manager of Opposition Business asked the Speaker if the Shadow Treasurer could be allowed back in the Chamber in order to propose his MPI. The Speaker declined the request and the Manager of Opposition Business withdrew the MPI. The House moved on to Government Business.

*Hansard:* 16 July 2014, 8153-4, 8156  
*Votes and Proceedings:* 2014/728

**SOs 46, 94**

**119.13** *Order of the day discharged by Minister*

During Government business time on Thursday, 17 July, a Minister moved that the Government business order of the day relating to the resumption of second reading debate on the Independent National Security Legislation Monitor Repeal Bill 2014 be discharged from the Notice Paper. The question was carried on the voices.

*Hansard:* 17 July 2014, 8295  
*Votes and Proceedings:* 2014/726

**SOs 37**

**119.14** *Standing orders 31 and 33 suspended to allow for extended sitting*

After the presentation of documents on Thursday 17 July, the Leader of the House 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 Leader of the House explained that the House may need to sit late, and the following day, in order to debate legislation when it was returned from the Senate. The suspension motion was carried on the voices. On two occasions during the evening, the Leader of the House updated Members on the likely forward program of the sitting.

*Hansard:* 17 July 2014, 8382, 8423, 8447  
*Votes and Proceedings:* 2014/731

**SOs 31, 33, 34, 47, 63**

**119.15** *Statements by indulgence on Malaysia Airlines flight MH17 and arrangements for the sitting*

Upon resumption of the 17 July sitting at 11.03 a.m. on Friday 18 July, the Prime Minister, Leader of the Opposition and a non-aligned Member made statements by indulgence in relation to the Ukraine air disaster involving Malaysia Airlines flight MH17. The Speaker supported the comments. All Members and those in the galleries stood, in silence, as a mark of respect to the memory of the deceased.

The Speaker noted that usually only the Prime Minister and Leader of the Opposition are granted indulgence to speak on matters of national importance, but without creating a precedent she would allow the Member for Melbourne to also speak on indulgence.

The Leader of the House advised that the House would suspend except for essential items of business returning from the Senate, out of respect for those involved in the Ukraine air disaster. The sitting was suspended between 11.16 a.m. and 11.35 a.m.

*Hansard: 17 July 2014, 8471-4  
Votes and Proceedings: 2014/737*

**SOs 29, 65**

## Committees

### *119.16 Joint select committee presents interim report*

During Government business time on Tuesday 14 July, the Chair of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples presented an interim report and, by leave, made a statement in connection with the report. The Deputy Chair also made a statement, by leave, in connection with the report. The Chair moved that the House take note of the report, which was carried, and the order of the day was referred to the Federation Chamber for debate.

*Hansard: 14 July 2014, 7929-35  
Votes and Proceedings: 2014/703-4*

**SOs 39, 63, 226**

## Federation Chamber

### *119.17 Federation Chamber meets for extended adjournment debate; adjourns early*

On Thursday 17 July, when the time provided for constituency statements in the Federation Chamber expired, the adjournment debate commenced at 10.02 a.m. and continued until 11:30 a.m. at which time the Federation Chamber adjourned.

*Note:* Meeting times of the Federation Chamber are approximate and unlike the House there is no automatic adjournment provision. There was no other business listed on the program for the Federation Chamber.

*Hansard: 17 July 2014, 8481-512  
Votes and Proceedings: 2013/740*

**SOs 190, 191, 192, 193**

## Members

### *119.18 Member named and suspended*

During question time on Thursday 17 July, an Opposition Member was asked to withdraw an unparliamentary remark and to then leave the Chamber for one hour under standing order 94(a). The Member withdrew, adding a remark. The Speaker named the Member and the Leader of the House moved that the Member be suspended from the service of the House. A division was called, and the Member was permitted to vote in the division in accordance with precedent as the naming of the Member was considered to have superseded the direction to leave the Chamber under standing order 94(a). The question on the suspension of the Member was agreed and the Speaker announced that the Member was excluded from the service of the House for 24 hours. The Member then left the Chamber.

*Hansard: 17 July 2014, 8359-1*  
*Votes and Proceedings: 2014/729-30*  
**SOs 91, 94, 126, 129**

## Private Members' Business

### *119.19 Private Member's motion amended, by leave*

During private Members' business in the Federation Chamber on Monday 14 July, leave was granted for an Opposition Member to amend a notice of motion standing in her name relating to human rights in Myanmar. The motion, as amended, was seconded and debate ensued. When the time allotted for debate expired, the resumption of debate was made an order of the day for the next sitting.

*Hansard: 14 July 2014, 7849-51*  
*Votes and Proceedings: 2014/698-9*  
**SO 41, 111, 121**

## Questions

### *119.20 Question ruled out of order*

During question time on Monday 14 July, the Leader of the Opposition asked the Prime Minister a question regarding the budget. The Speaker stated that the question was not in order as it was 'really not a question; it was merely a series of statements.' The Speaker then called on the next questioner.

*Hansard: 14 July 2014, 7732*  
**SO 98, 100**

## Speaker

### 119.21 *Speaker calls for a quorum at start of sitting*

At 9 a.m. on Wednesday 16 July, the Speaker took the Chair. As there was no quorum present, the Speaker announced that she would ring the bells for five minutes to allow a quorum to be formed and the Speaker left the Chamber. Before the five minutes had elapsed, the Speaker had returned and a quorum had formed. The Speaker then made an acknowledgement of country and read prayers.

*Hansard*: 16 July 2014, 8065  
 Votes and Proceedings: 2014/709  
**SO 29, 38, 54, 55, 56**

### 119.22 *Speaker intervenes under standing order 68*

During the Prime Minister's response to a question from the Shadow Minister for Health, the Speaker intervened and stated that he had breached standing order 68 by referring to another Member in a certain way. The Speaker allowed the Prime Minister to withdraw his statement and rephrase it if he so wished. The Prime Minister withdrew his statement and apologised to the House before continuing to answer the question.

*Hansard*: 16 July 2014, 8140-1  
**SO 68, 89, 90, 92**

### 119.23 *Speaker presents reports on access to committee documents and Schedule of outstanding Government responses to committee reports*

Following question time on 17 July 2014, the Speaker presented a report on access to the former Standing Committee on Aboriginal Affairs files from 1978, as required by the Senate resolution of 6 September 1984 and the House resolution of 11 October 1984. The Speaker also presented the schedule of outstanding Government responses to House and Joint committee reports presented, covering the previous six month period.

*Hansard*: 17 July 2014, 8373-82  
 Votes and Proceedings: 2014/730  
**SO 199**

## Withdrawals

### 119.24 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'What kind of a fibber is the Leader of the Opposition ...'	14 July 2014	7719
<i>unrecorded</i>	14 July 2014	7719

'... the government do not like any worker ...'	14 July 2014	7800
'Former Prime Minister Hawke was the father of the Medicare co-payment; the member for Jagajaga was the mother of the Medicare co-payment; the member for Fraser is the son of the Medicare co-payment.'	16 July 2014	8140-1
<i>unrecorded</i>	16 July 2014	8143
<i>unrecorded</i>	16 July 2014	8154
'Better than hearing another Truss answer.'	17 July 2014	8359
'You could not even put out a fire in your stables!'	17 July 2014	8361
'But the Prime Minister just misled the House.'	17 July 2014	8366
'You went off to try and fix a problem and put pink batts into roofs, and you killed people ...'	17 July 2014	8398
'I await with interest the English translation of that contribution from the member for Shortland.'	17 July 2014	8427

SOs 89, 90, 92