

Procedural Digest

No. 126

16 – 26 March 2015

March 2015				
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Bills

126.01 *Additional appropriation bills agreed to*

After question time on Monday 16 March, debate resumed on the second reading of Appropriation Bill (No. 3) 2014-2015, debated in cognate with Appropriation Bill (No. 4) 2014-2015 and Appropriation (Parliamentary Departments) Bill (No. 2) 2014-2015, and on a second reading amendment moved by an opposition Member. At the conclusion of debate the second reading amendment was negated on the voices and each of the bills was then read a second and third time.

Hansard: 16 March 2015, 2377-420

Votes and Proceedings: 2015/1192

SOs 121, 122, 142, 145, 155, 180

126.02 *Second reading amendment to delete section of bill proposed*

On 16 March, upon resumption of the second reading debate on the Customs Amendment (Anti-Dumping Measures) Bill (No. 1) 2015 (debated in cognate with the Customs Tariff (Anti-Dumping) Amendment Bill 2015) an opposition Member moved the following second reading amendment, 'the House is of the opinion that the bill should be amended to delete the section of the bill which abolishes the International Trade Remedies Forum'. Debate ensued and was interrupted in accordance with standing order 31 and the Member speaking was granted leave to continue his remarks at a later sitting.

At the conclusion of debate on Tuesday 17 March, the question on the second reading amendment to the Customs Amendment (Anti-Dumping Measures) Bill (No. 1) 2015 was put and a division was called for during the period for deferred divisions. The division was deferred until after the discussion on a matter of public importance in accordance with standing order 133(c) and the debate was adjourned. The order of the day for the resumption of debate on the Customs Tariff (Anti-Dumping) Amendment Bill 2015 was then read and the Chair put the question on the second reading, which was carried on the voices. The bill, by leave, was then read a third time.

Following the MPI discussion, the deferred division on the amendment to the Customs Amendment (Anti-Dumping Measures) Bill (No. 1) 2015 proceeded and the question was negatived. The question on the second reading was put and carried on the voices and the third reading was moved, by leave, and carried on the voices.

Note: Amendments seeking to alter the text of a bill are usually moved during the consideration in detail stage. Divisions called between 12 noon and 2 p.m. on Tuesdays are deferred until after the discussion on a matter of public importance.

Hansard: 16 March 2015, 2425-57; 17 March, 2549-51, 2614-6
Votes and Proceedings: 2015/1192, 1199, 1201-2

SOs 31, 121, 122, 133, 145

126.03 *Passage of Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014*

On Thursday 19 March, debate resumed on the second reading of the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 and on an amendment moved previously by the Australian Greens Member. At the conclusion of debate, the question on the amendment was put and a division called. There being fewer than five Members voting with the 'Ayes', the Deputy Speaker declared the question resolved in the negative. The question was then put on the second reading and a division was called. There being fewer than five Members voting with the 'Noes', the question was resolved in the affirmative and the bill was read a second time.

Later in the sitting, the bill was considered in detail and the Minister for Communications presented a supplementary explanatory memorandum to the bill and, by leave, moved a large number of government amendments together. He explained that the amendments implemented recommendations of the Parliamentary Joint Committee on Intelligence and Security. Following debate, the amendments were carried on the voices. The Minister then, by leave, moved certain other government amendments together and debate ensued. At 1.30 p.m., debate was interrupted to allow for Members' statements in accordance with standing order 43.

At 1.42 p.m., the Minister for Communications, by leave, moved to suspend standing order 43 until the completion of the order of the day relating to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. The motion was carried on the voices and consideration in detail resumed. The Minister moved a closure of question which was carried on division. The question on the government amendments was accordingly put and carried on the voices. The question that the bill, as amended, be agreed to was put and a division was called. There being fewer than five Members voting with the 'Noes', the question was resolved in the affirmative.

Consideration in detail concluded and on the motion of the Minister, by leave, the bill was read a third time. Following the third reading, the Minister presented a replacement explanatory memorandum to the bill. Members' statements resumed until 2 p.m.

Hansard: 19 March 2015, 2916-35, 2946-92, 2995-7

Votes and Proceedings: 2015/1212-4

SOs 43, 63, 81, 122, 126, 127, 142, 145, 148, 150, 153, 155

126.04 *Consideration of Senate amendments to spring repeal day bill*

During government business time on Wednesday 25 March, the House considered Senate amendments to the Omnibus Repeal Day (Spring 2014) Bill 2014. The Parliamentary Secretary to the Prime Minister moved that the amendments be considered together, with one question to be put. The motion was carried on the voices. The Parliamentary Secretary then moved that the amendments be disagreed to. Debate ensued and the motion was carried on division. The Parliamentary Secretary presented reasons for the House disagreeing to the amendments and moved that the reasons be adopted. The motion was carried on the voices.

Hansard: 25 March 2015, 3394-406

Votes and Proceedings: 2015/1234-7

SOs 111, 117, 125, 126, 158, 161

Business

126.05 *Ministerial statement regarding Autumn repeal day; package of repeal bills introduced*

During government business time on Wednesday 18 March, the Parliamentary Secretary to the Prime Minister, by leave, made a ministerial statement regarding Autumn repeal day 2015 and presented the government's annual deregulation report for 2014. Standing orders were then suspended, by leave, to enable the Shadow Minister for Finance to speak in reply. The Parliamentary Secretary then presented three related bills, and the Minister for Small Business presented a related bill.

Hansard: 18 March 2015, 2697-711

Votes and Proceedings: 2015/1203-4

SOs 47, 63, 141, 199

126.06 *Statements by indulgence regarding terrorist attack in Tunisia*

Immediately before question time on 19 March, the Prime Minister and the Leader of the Opposition, by indulgence, each made statements regarding a terrorist attack in Tunisia. The Speaker also made remarks on the matter.

Hansard: 19 March 2015, 2999

SO 65

126.07 *Condolence motion for former Prime Minister, the Rt Hon. (John) Malcolm Fraser AC CH; variation to order of business for Tuesday; House adjourns early as mark of respect*

After the acknowledgement of country and prayers on Monday 23 March, the Prime Minister moved a motion of condolence in respect of the death on 20 March of the Right Honourable John Malcolm Fraser, former Member for Wannan and Prime Minister. Debate on the motion ensued for approximately two hours and 40 minutes, following which all Members rose in their places as a mark of respect and the debate was adjourned.

The Leader of the House, by leave, moved a suspension of standing orders to allow a variation to the order of business for Tuesday 24 March. The motion provided for the presentation of petitions and committee and private Members' business accorded priority for Monday to occur the following day between 7 p.m. and 9 p.m. The motion provided that the Federation Chamber would meet at 4 p.m. with 30 minutes of Members' constituency statements, followed by private Members' business accorded priority in the Federation Chamber for Monday, and a grievance debate from approximately 7 p.m. to 8 p.m., at which time the Federation Chamber would then adjourn. The motion was carried on the voices. As a mark of respect to the memory of the late Malcolm Fraser, the House adjourned at 12.42 p.m. until 12 noon the following day.

Note: The Senate also spoke on a condolence motion on the death of the former Prime Minister and then adjourned as a mark of respect.

Hansard: 23 March 2015, 3085-120

Votes and Proceedings: 2015/1219

SOs 30, 32, 34, 39, 41, 47, 49, 192, 193, 207

126.08 *Variation to order of business in accordance with earlier resolution*

At 7 p.m. on Tuesday 24 March, in accordance with the resolution agreed to the previous day (*see* entry **126.07**), government business was interrupted to allow the presentation of petitions. Committee business and private Members' business then proceeded until 9 p.m., when the question on the adjournment of the House was put.

Note: The order of business (standing order 34) provides for government business to take place from approximately 4.10 p.m. until 9 p.m. on Tuesdays.

Hansard: 24 March 2015, 3244-84
Votes and Proceedings: 2015/1226-7

SOs 34, 39, 41, 207

126.09 *Statements by indulgence regarding Germanwings air disaster*

Just prior to question time on Wednesday 25 March, the Minister for Foreign Affairs and the Shadow Minister for Foreign Affairs and International Development each made statements by indulgence regarding the crash of Germanwings flight 4U9525 in the French Alps, and extended their condolences to the family and friends of those on board.

Hansard: 25 March 2015, 3428-9

SO 65

126.10 *Ministerial statement regarding the Murray-Darling Basin plan; first use of new standing order 63A*

During government business time on Thursday 26 March, the Parliamentary Secretary to the Minister for the Environment, by leave, made a ministerial statement regarding the Murray-Darling Basin Plan and presented a copy of the statement. In accordance with new standing order 63A adopted earlier that day, the Shadow Minister addressed the House in reply.

Later, a Parliamentary Secretary, by leave, moved that the House take note of the document and the debate was adjourned. The Parliamentary Secretary then, by leave, moved that the order of the day be referred to the Federation Chamber for debate and the motion was carried on the voices.

Note: Prior to the adoption of new standing order 63A, it was usual practice for standing orders to be suspended to enable a Shadow Minister to speak in reply to a ministerial statement.

Hansard: 26 March 2015, 3573-80, 3594
Votes and Proceedings: 2015/1247-8

SOs 63, 63A, 183, 199, 202

126.11 *Statements by indulgence regarding the Centenary of ANZAC*

Just prior to question time on 26 March, the Prime Minister and the Leader of the Opposition each made statements by indulgence noting that the forthcoming Anzac Day would mark 100 years since the Gallipoli campaign.

Hansard: 26 March 2015, 3622

SO 65

Committees

126.12 *Appropriations and Administration Committee reports by oral statement; House approves work in Parliamentary precincts*

During government business time on Thursday 26 March, the Speaker, as Chair of the Standing Committee on Appropriations and Administration, made an oral report regarding the proposed Parliament House security upgrade works: perimeter security enhancements. The Speaker then moved, pursuant to notice, that, in accordance with section 5 of the *Parliament Act 1974*, the House approve the proposal for work presented to the House on 23 March. The question was carried on the voices.

Hansard: 26 March 2015, 3552-3
Votes and Proceedings: 2015/1243

SOs 106, 222A, 247

126.13 *Report on registration and declaration of Members' interests presented.*

During government business time on 26 March, the Chair of the Standing Committee of Privileges and Members' Interests presented a report concerning the registration and declaration of Members' interests during 2014. The Chair also tabled copies of notifications of alterations of interests received between 3 December 2014 and 24 March 2015.

Hansard: 26 March 2015, 3552-3
Votes and Proceedings: 2015/1243

SOs 39, 199, 216

Debate

126.14 *Intervention accepted during second reading debate*

On Tuesday 17 March, during a government Member's second reading speech on the Succession to the Crown Bill 2015, an opposition Member rose to ask if the Member would give way for an intervention. The intervention was accepted and the opposition Member asked a short question relevant to the Member's speech.

Hansard: 17 March 2015, 2631

SO 66A

Federation Chamber

126.15 Federation Chamber meets in accordance with earlier resolution

On Tuesday 24 March, the Federation Chamber met at 4.02 p.m. and, consistent with the resolution agreed to at the previous sitting (*see* entry **126.07**), Members' constituency statements were made for thirty minutes followed by private Members' business. A one hour grievance debate then took place and the Federation Chamber adjourned at 8.18 p.m.

Note: The order of business provides for the Federation Chamber to meet between 4.00 p.m. and 9.00 p.m. on Tuesdays, if required.

Hansard: 24 March 2015, 3285-347
Votes and Proceedings: 2015/1229-32

SOs 41, 192, 192B, 193

Members

126.16 Personal explanations during government business time

Between items of government business on Tuesday 17 March, an opposition Member was granted permission to make a personal explanation. The Member also sought and was denied leave to table a photo. A Minister was then granted indulgence by the Chair to make a personal explanation on the same matter.

On Thursday 19 March, during the second reading debate on the Limitation of Liability for Maritime Claims Amendment Bill 2015, a government Member was granted permission to make a personal explanation regarding statements made during the debate.

Note: Personal explanations may be made at any time with the indulgence of the Chair but are generally made at the conclusion of question time.

Hansard: 17 March 2015, 2616-7; 19 March 2015, 2944-5

SOs 63, 68, 199

126.17 Speaker's statement regarding incident in Federation Chamber; Member named and suspended

Just before question time on Wednesday 25 March, the Speaker made a statement regarding an incident in the Federation Chamber during the previous sitting involving the disorderly conduct of a government Member. The Speaker noted that action against a Member under standing order 94 may only be taken in the House. The Speaker asked the Member to apologise for his actions and the Member did so. As she considered the offence to be 'so serious and of such a disorderly nature', the Speaker then named the Member.

The Leader of the House moved that the Member be suspended from the service of the House and the question was carried on the voices. The Speaker stated that the Member was suspended from the House for 24 hours and the Member then left the Chamber.

Hansard: 25 March 2015, 3429
Votes and Proceedings: 2015/1238

SOs 91, 94, 185, 187

126.18 *House adopts resolution regarding Members' use of electronic devices*

During government business time on Thursday 26 March, the Leader of the House moved that the House adopt a resolution regarding the use of electronic devices. The resolution provided that the use of electronic devices in the House, Federation Chamber and committees would be permitted, provided that the use does not interfere with proceedings. It also provided that Members communicating on social media, in regards to private meetings or in camera committee hearings, would be subject to a potential breach of privilege. The resolution further provided that communications via electronic devices were unlikely to be covered by parliamentary privilege and that reflections on the Chair by Members via social media may be treated as matters of order. The motion was carried on the voices.

Note: The resolution responded to recommendations made in the Procedure Committee's September 2014 report on electronic devices in the Chamber (*see* entry **121.14**).

Hansard: 26 March 2015, 3553-4
Votes and Proceedings: 2015/1243-4

SOs 2, 53, 111, 125

126.19 *Member granted leave of absence for parental leave purposes*

After question time on 26 March, the Leader of the House moved that leave of absence be given to a government Member for parental leave purposes from the end of the sitting until 10 August 2015. The question was carried on the voices. Later during the sitting, the Leader of the House moved that the leave of absence be amended to conclude on 25 June 2015 and the question was carried on the voices.

Hansard: 26 March 2015, 3640, 3656
Votes and Proceedings: 2015/1253

SO 26

Motions

126.20 Attempted condemnation of Prime Minister; motion to suspend standing orders negatived

During question time on Thursday 19 March the Leader of the Opposition sought leave to move a motion condemning the Prime Minister for, amongst other things, 'having no economic plan for Australia's future'. Leave was not granted and the Member then moved, without notice, a suspension of standing orders to enable him to move the motion condemning the Prime Minister. Debate ensued and when the question on the suspension motion was put, it was negatived on division. Question time then concluded.

*Hansard: 19 March 2015, 3011-9
Votes and Proceedings: 2015/1214-5*

126.21 Condolence motion for Mr Lee Kuan Yew, former Prime Minister of Singapore

Just prior to question time on 24 March, the Prime Minister moved a condolence motion in relation to the death on 23 March of Mr Lee Kuan Yew GCMG CH, former Prime Minister of Singapore. The motion was seconded by the Leader of the Opposition and all Members present rose in silence as a mark of respect. Debate was adjourned and the resumption of debate was referred to the Federation Chamber on motion moved by the Leader of the House.

Just before question time the following day, the Speaker reported that the condolence motion had been fully considered in the Federation Chamber and returned to the House. The question on the motion was put, and carried on the voices, with all Members once again rising in their places.

*Hansard: 24 March 2015, 3168-70; 25 March 2015, 3427-8
Votes and Proceedings: 2015/1222, 1238*

SOs 49, 117, 183

126.22 Attempted condemnation of Prime Minister; motion to suspend standing orders negatived

During question time on 26 March the Leader of the Opposition sought leave to move a motion condemning the Prime Minister for, amongst other things, 'leading a chaotic and incompetent government'. Leave was not granted and the Member then moved, without notice, a suspension of standing orders to enable him to move the motion condemning the Prime Minister. The Leader of the Opposition was closed on division on motion moved by the Leader of House. The Manager of Opposition Business rose to second the motion and he, too, was closed on division. The Leader of the House then moved a closure of question

which was carried on division. The question on the suspension motion was accordingly put, and negatived on division. Question time then concluded.

Hansard: 26 March 2015, 3631-8
Votes and Proceedings: 2015/1249-52

SOs 47, 80, 81

Parliamentary administration

126.23 *Speaker presents delegation report*

After the acknowledgement of country and prayers on 26 March, the Speaker presented the report of the Australian Parliamentary Delegation to the 23rd annual meeting of the Asia Pacific Parliamentary Forum, Quito and Peru, and made a statement in connection with the report.

Hansard: 26 March 2015, 3551-2
Votes and Proceedings: 2015/1243

SO 39

126.24 *Statements on the retirement of Ms Joanne Towner*

After question time on Thursday 26 March, the Speaker made a statement on the retirement of Ms Joanne Towner, Clerk Assistant (Table) in the Department of the House of Representatives. The Speaker commended Ms Towner for her long service to the parliament and wished her well for the future. The Leader of the House and the Manager of Opposition Business each made remarks on indulgence in support of the Speaker's statement.

Hansard: 26 March 2015, 3638-9
Votes and Proceedings: 2015/1252

SO 65

Private Members' Business

126.25 *Minister speaks during debate on private Member's motion*

During private Members' business on Tuesday 24 March (in accordance with the resolution agreed to at the previous sitting), the Minister for Justice spoke to a private Member's motion regarding Cyclone Pam.

Note: Ministers are permitted to participate in debate on items of private Members' business, although it is uncommon for them to do so.

Hansard: 24 March 2015, 3276
Votes and Proceedings: 2015/1227

SO 41

126.26 *Private Member's motion amended, by leave*

During private Members' business in the Federation Chamber on 24 March (in accordance with the resolution agreed to at the previous sitting), when a motion in her name regarding brain injury was called on, an opposition Member sought leave to move an amendment to the motion. Leave was granted and the motion, as amended, was moved and seconded and debate ensued.

Hansard: 24 March 2015, 3304-11
Votes and Proceedings: 2015/1230

SOs 41, 63, 116, 121

Privilege

126.27 *Member raises matter of privilege*

After question time on Wednesday 25 March, the Manager of Opposition Business raised a matter of privilege regarding statements allegedly made by a government Member relating to his apology to the House for his actions in the Federation Chamber (*see* entry **126.17**). The Speaker stated that she would consider the matter and report back to the House. After question time the following day, the Speaker stated that the actions of the Member concerned had been dealt with by the House as a matter of order and she had accepted the Member's apology. She also noted that any attempt by the Member concerned to pursue the matter would be dealt with as a matter of order.

Hansard: 25 March 2015, 3446; 26 March 2015, 3639
Votes and Proceedings: 2015/1239, 1252-3

SO 51, 91

Questions

126.28 *Members asked to rephrase questions*

During question time on Monday 16 March, an opposition Member asked the Prime Minister a question which included an allegation against a Minister. The Speaker advised that there were other forms of the House with which to make such an allegation and asked the Member to rephrase his question. The Member did so, and the Prime Minister responded.

Later during question time, the Speaker asked the Leader of the Opposition to reword a question which included an allegation that the Prime Minister had misled the House. Following a point of order raised by the Manager of Opposition Business, the Speaker ruled that if there was no imputation of *deliberate* misleading, the question could stand. The Leader of the Opposition rephrased the question to clarify that he was not imputing deliberate misleading and the Prime Minister responded.

Hansard: 16 March 2015, 2367, 2371-2

SOs 86, 98, 100, 101

126.29 *Question ruled out of order*

During question time on 17 March, the Deputy Leader of the Opposition asked a question to a Minister regarding reports leaked from a private meeting. Following a point of order raised by the Leader of the House, the Speaker ruled the question out of order and called on the next questioner.

Hansard: 17 March 2015, 2586

SOs 86, 98, 100

126.30 *Member asked to rephrase question*

During question time on 17 March, the Speaker asked the Leader of the Opposition to rephrase a question which contained an allegation against a Minister. The Leader of the Opposition did so and the Prime Minister responded.

Hansard: 17 March 2015, 2591

SOs 98, 100, 101

126.31 *Treasurer adds to an answer, presents document*

Following question time on Monday 16 March, the Treasurer, by indulgence, added to an answer he had given during question time regarding early access to superannuation and presented a related document.

Hansard: 16 March 2015, 2376-7

Votes and Proceedings: 2015/1191

SOs 65, 199

126.32 *Prime Minister adds to an answer*

After question time on Tuesday 24 March, the Prime Minister, by indulgence, added to an answer he had given during question time regarding public hospital funding in New South Wales.

Hansard: 24 March 2015, 3187-8

SO 65

126.33 *Member asked to rephrase question*

During question time on 24 March, the Speaker asked the Manager of Opposition Business to rephrase a question regarding budget cuts which included the phrase 'for the benefit of the hypocrites seated behind him'. After an exchange between the Member and the Speaker over which word was unparliamentary, the Speaker stated that the Manager of Opposition Business was 'reflecting on the Chair by wording [the question] in that way...'. The Leader of the House raised a point of order and the Speaker confirmed her ruling and asked the Member to rephrase his question. The Member did so and the Prime Minister responded.

Hansard: 24 March 2015, 3178-9

SOs 86, 98, 100, 101

126.34 *Question ruled out of order*

During question time on 24 March, the Leader of the Opposition asked a question to the Prime Minister regarding the budget. The Speaker noted that it was more of a statement than a question and asked the Leader of the Opposition to rephrase it. The Member did so, but the Speaker ruled the question out of order, and called on the next questioner.

Hansard: 24 March 2015, 3185-6

SOs 86, 98, 100

126.35 *Question ruled out of order*

During question time on 26 March, the Leader of the Opposition asked a question to the Prime Minister regarding NSW Liberal voters. The Speaker ruled the question out of order and called on the next questioner.

Hansard: 26 March 2015, 3630

SOs 98, 100

Standing orders

126.36 *New standing order adopted by House*

During government business time on Thursday 26 March, the Leader of the House moved that the standing orders be amended to insert new standing order 63A relating to ministerial statements. The proposed standing order provided that when the House grants a Minister leave to make a ministerial statement, the House shall be deemed to have also granted leave for the Leader of the Opposition, or Member representing, to speak in response to the statement for an equal period of time. The question that the standing orders be amended was carried on the voices.

Note: Prior to the adoption of standing order 63A, it was usual practice for the House to suspend standing orders to allow the Shadow Minister to respond to a ministerial statement.

Hansard: 26 March 2015, 3553

Votes and Proceedings: 2015/1243

SOs 34, 47, 63A

Speaker

126.37 *Deputy Speaker takes Chair at opening of sitting*

On Wednesday 18 March, the Deputy Speaker took the Chair, made an acknowledgement of country and read prayers. The Speaker, who was welcoming the Vietnamese Prime Minister at the time, was in attendance later in the day.

Hansard: 18 March 2015, 2697

Votes and Proceedings: 2015/1203

SOs 16, 38

126.38 *Appointment of Members to Speaker's panel*

After question time on 26 March, the Speaker laid on the table a warrant nominating four opposition Members to be members of the Speaker's panel to assist the Chair when requested to do so by the Speaker or Deputy Speaker.

Hansard: 26 March 2015, 3639
Votes and Proceedings: 2015/1253

SO 17

Withdrawals**126.39** *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...hypocrite...'	16 March 2015	2370
'...Balaclava Bill.'	18 March 2015	2775
'The Dr Goebbels of economic policy.'	19 March 2015	3009
<i>unrecorded</i>	19 March 2015	3010
<i>unrecorded</i>	19 March 2015	3015
<i>unrecorded</i>	19 March 2015	3015
'Bankrobber Bill'	24 March 2015	3187
'smooth criminal'	24 March 2015	3187
'...stealing people's bank accounts...'	24 March 2015	3201
'...lies...'	24 March 2015	3202
'...a bald-faced lie...'	24 March 2015	3202
'...silly fool...'	25 March 2015	3455

SOs 89, 90, 92