

Procedural Digest

No. 131

7 – 17 September 2015

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Bills

131.01 *Bill discharged from the Notice Paper; new bill introduced*

During government business time on 17 September, the Minister for Health, by leave, moved that the order of the day relating to the resumption of debate on the second reading of the Food Standards Australia New Zealand Amendment Bill 2015 be discharged. The question was carried on the voices. The Minister, pursuant to notice, then presented the Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015, together with an explanatory memorandum, and made a second reading speech. Debate was then adjourned.

Note: Had the order of the day been called on prior to the Minister moving that the order be discharged, the Minister would not have required leave, in accordance with standing order 37(c).

Hansard: 17 September 2015, 10526
Votes and Proceedings: 2015/1608

SOs 37, 47, 138, 141, 142

Business

131.02 *Statements by indulgence regarding the Syrian humanitarian crisis and the deaths of Bart Cummings and Gordon Darling*

Before question time on Monday 7 September, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the humanitarian crisis in Syria. The Prime Minister and Leader of the Opposition then each made statements on the deaths of horse racing trainer Mr James Bartholomew Cummings AM and philanthropist Mr Leonard Gordon Darling AC CMG. The Leader of the House moved motions to enable further statements on the deaths of Mr Cummings and Mr Darling to be permitted in the Federation Chamber. Each was agreed to on the voices with all Members present standing in silence as a mark of respect. Further statements were made in the Federation Chamber on 9 September.

Hansard: 7 September 2015, 9209-13; 9 September 2015, 9613-12
Votes and Proceedings: 2015/1543-4, 1569

SO 65

131.03 *Suspension of standing order regarding deferred divisions*

After the acknowledgement of Country and prayers on Tuesday 8 September, the Leader of the House moved that standing order 133 be suspended until 2 p.m. that day. The question was carried on the voices.

Note: Standing order 133(c) provides that on Tuesdays, any division (other than a division called on a motion moved by a Minister during the period for deferred divisions) called for prior to 2 p.m. shall be deferred until after the discussion of the matter of public importance.

Hansard: 8 September 2015, 9399
Votes and Proceedings: 2015/1555

SOs 47, 133

131.04 *Motion to suspend standing orders to allow for censure motion*

Between items of business the Member for Grayndler moved to suspend standing orders to allow him to move a motion which, among other things, called on the House to censure the Deputy Prime Minister for misleading the House in Question Time the previous day. The mover and seconder were each closed on division and the Leader of the House moved a closure of question which was carried on division. The suspension motion was then negatived on division.

Hansard: 8 September 2015, 9399-9408
Votes and Proceedings: 2015/1555-9

SOs 47, 80, 81, 126, 130, 131

131.05 *Statements by indulgence regarding the Syrian humanitarian crisis and the occasion of Queen Elizabeth II becoming the longest serving monarch*

Just before question time on 9 September, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the humanitarian crisis in Syria. At the end of question time, the Prime Minister and Leader of the Opposition each made statements by indulgence on the occasion of Her Majesty the Queen becoming the longest serving monarch. The Leader of the House, by leave, moved a motion to allow further statements in relation to Her Majesty to be made in the Federation Chamber. The question was carried on the voices.

Hansard: 9 September 2015, 9613-5; 9631-32
Votes and Proceedings: 2015/1566

SOs 63, 65

131.06 *Motion to suspend standing orders negatived; division deferred until after MPI*

After the acknowledgement of Country and prayers on 15 September, the Manager of Opposition Business sought leave to move a motion calling on the Government 'to end its internal arguments and actually government the country'. Leave was not granted and the Members moved a suspension of standing orders to enable him to move the motion. Debate ensued and the mover and seconder were each closed on division on motions moved by a Minister. An opposition Member sought the call and shortly after rising to speak, a Minister moved a closure of question which was carried on division. The Speaker put the question on the suspension motion and a division was called and, in accordance with standing order 133, was deferred until after the discussion of a matter of public importance.

Later that afternoon at the conclusion of the MPI, the Chair put the question on the suspension motion on which a division was called. The bells were rung for four minutes and following the count, the question was negatived.

Note: Standing order 133(c) provides that on Tuesdays, any divisions called for prior to 2 pm shall be deferred until after the discussion of the matter of public importance. Standing order 133(e) provides that the standing order relating to deferred divisions does not apply to a division called on a motion moved by a Minister during the periods for deferred divisions.

Hansard: 15 September 2015, 10173-9, 10250-51
Votes and Proceedings: 2015/1591-4, 1595-6

SOs 47, 63, 80, 81, 111, 130, 131, 133

131.07 *Question time postponed until 2.30 p.m.*

At 2 p.m. on 15 September, the Leader of the House moved a suspension motion to postpone question time until 2.30 p.m. In speaking to the motion, the Leader of the House indicated that the Prime Minister was still returning to Parliament following his swearing in at Government House, and stated the Government's commitment that question time would proceed for the usual hour and ten minutes, starting at 2.30 p.m., before returning to the usual order of business. The Manager of Opposition Business spoke briefly to the motion, which was then carried on the voices. The House then resumed consideration of government business until 2.30 p.m.

Hansard: 15 September 2015, 10204
Votes and Proceedings: 2015/1595

SOs 34, 35, 47

131.08 *Statements by indulgence regarding the former Prime Minister*

Just prior to question time, the Prime Minister, Leader of the Opposition and Leader of the Nationals each made statements by indulgence regarding the former Prime Minister, the Hon. Tony Abbott MP. The Leader of the Opposition also made remarks by indulgence congratulating the newly elected Prime Minister. Question time then commenced.

Hansard: 15 September 2015, 10213-15

SO 65

Debate

131.09 *Interventions accepted during second reading debates*

During the sitting fortnight, interventions were accepted during second reading debates on three occasions. On 7 September, during debate on the Banking Laws Amendment (Unclaimed Money) Bill 2015, a Parliamentary Secretary accepted an intervention from an Opposition Member. On 14 September during debate on the Tax and Superannuation Laws Amendment (2015 Measures No. 4) Bill 2015, an opposition Member accepted an intervention from a government Member. Later the same day, during debate on the Tax and Superannuation Laws Amendment (Better Targeting the Income Tax Transparency Laws) Bill 2015, a government Member accepted an intervention from an opposition Member.

Hansard: 7 September 2015, 9272; 14 September 2015 9937, 10021

SOs 66, 66A

Documents

131.10 *New Prime Minister confirms election as leader and presents revised ministry list*

At 2.30 p.m. on 15 September (question time having been delayed by half an hour – see entry **131.07**), the Member for Wentworth informed the House that he had been elected leader of the parliamentary Liberal Party the previous evening and had subsequently been sworn in as Prime Minister by the Governor-General earlier in the day. The Prime Minister announced that the Member for Curtin had been re-elected as Deputy Leader of the Liberal Party. He also confirmed that the Leader of the Nationals had confirmed the support of the Nationals in the formation of a coalition government under the Member for Wentworth's leadership. The Prime Minister then presented a revised ministry list to reflect the new leadership arrangements.

Hansard: 15 September 2015 10211-13

Votes and Proceedings: 2015/1595

SOs 65, 199

Motions

131.11 Motion to suspend standing orders to allow for private Members' motion not carried

During question time, a non-aligned Member moved, without notice, to suspend standing and sessional orders to allow him to move a motion regarding the Syrian humanitarian crisis. The motion was seconded and debate continued. The question was then put and negatived on the voices. Question time then continued.

*Hansard: 8 September 2015 9435-39
Votes and Proceedings: 2015/1561*

SOs 47, 70, 125

131.12 Prime Minister's motion regarding China Free Trade Agreement carried after opposition amendment negatived

During Government business time on 8 September, the Prime Minister, pursuant to notice, moved a motion which called on the House to, among other things, 'fully support the China FTA in its negotiated form'. The Leader of the Opposition moved an amendment substituting certain words with other words. The amendment was seconded by an opposition Member and debate ensued. When the question was put on the amendment, a division was called and the amendment was negatived. The question that the motion be agreed to was then carried on the voices.

*Hansard: 8 September 2015 8408-21
Votes and Proceedings: 2015/1559-60*

SOs 111, 116, 117, 118, 121, 122, 126, 130

Private Members' business

131.13 Introduction of private Member's bill postponed in sponsor's absence

During private Members' business on 7 September, a notice for the presentation of the Trade Marks Amendment (Iconic Symbols of National Identity) Bill 2015 was called on. The Member for Denison, in the absence of the Member for Kennedy (the bill's sponsor) and at his request, fixed the next sitting Monday for the presentation of the bill.

*Hansard: 7 September 2015, 9153
Votes and Proceedings: 2015/1541*

SOs 41, 113, 139

Questions

131.14 Minister adds to an answer

At the conclusion of question time on 10 September, the Minister for Foreign Affairs, by indulgence, added to an answer she had given during question time regarding funding for the Peel Community Legal Services.

Hansard: 10 September 2015, 9829

SOs 65

131.15 Questions ruled out of order

In a question without notice to the Prime Minister on 14 September, the Leader of the Opposition asked 'can the Prime Minister nominate a single person sitting behind him who thinks he is the best possible Prime Minister?' The Leader of the House raised a point of order noting that the question did not relate to the Prime Minister's responsibilities. The Speaker ruled the question out of order and called on the next questioner.

On two occasions during question time on 15 September questions to the Prime Minister by Opposition Members were ruled out of order because they did not relate to the Prime Minister's responsibilities. First, the Leader of the Opposition asked if the Prime Minister could 'confirm the Treasurer's statement about the Prime Minister...'. Following points of order by the Leader of the House and Manager of Opposition Business, the Speaker invited the Member to rephrase, which he did, however the Speaker ruled that the question had not been rephrased adequately and called on the next questioner. Later during question time, a shadow Minister asked why the Prime Minister had 'poleaxed and humiliated the Member for Warringah'. The Speaker invited the Member to rephrase, which he did, however the Speaker ruled that the question had not been rephrased adequately and called on the next questioner.

Hansard: 14 September 2015, 9965, 9970-1; 15 September 2015, 10223-4, 10229-30

SOs 86, 100, 101

131.16 Questions rephrased and accepted

During question time on 14 September, a shadow Minister asked the Minister for Immigration and Border Protection a question regarding sea level rise and climate change. The Leader of the House raised a point of order which was also addressed by the Manager of Opposition Business. The Speaker asked the shadow Minister to rephrase his question. The Member did so and the Speaker called on the Minister to respond to the last part of the question, noting that the first part was out of order.

On 15 September, a shadow Minister asked the Prime Minister a question without notice about reports of an agreement he had made with the Nationals regarding

water policy. The Leader of the House raised a point of order noting that the question was hypothetical and went to internal party matters. A number of further points of order were raised and the Speaker twice asked the shadow Minister to rephrase his question before accepting the question and calling on the Prime Minister to respond, which he did.

Hansard: 14 September 2015, 9973-4; 15 September 2015, 10231-3

SOs 86, 100, 101

Withdrawals

131.17 *Offensive words*

| | <i>Hansard</i> | |
|--|-------------------|-------------|
| | <i>Date</i> | <i>Page</i> |
| '...Free trade is bullshit.' | 8 September 2015 | 9444 |
| '...the racist speech given by the Leader of the Opposition.' | 9 September 2015 | 9616 |
| <i>unrecorded</i> | 9 September 2015 | 9621 |
| 'Here is another muppet.' | 9 September 2015 | 9627-8 |
| '...and I thank Beaker over there...' | 9 September 2015 | 9628 |
| '...aren't you the real clown, and one with a massive credibility deficit?' | 9 September 2015 | 9628 |
| '...stinking of racist and protectionist rhetoric...' | 9 September 2015 | 9639 |
| <i>unrecorded</i> | 10 September 2015 | 9813 |
| 'Goose!' | 10 September 2015 | 9821-2 |
| '...it underscores the xenophobic, racist activities on your side of the House.' | 10 September 2015 | 9822 |
| 'You would think the foreign minister might actually think before she opens her big fat trap and says stupid things in this parliament.' | 10 September 2015 | 9837 |
| 'They are the tools.' | 15 September 2015 | 10245 |
| 'They are the tools over the other side that will be bashed.' | 15 September 2015 | 10245 |
| 'They have necked poor old Mr Abbott and replaced him.' | 15 September 2015 | 10292 |

SOs 89, 90, 92