

Procedural Digest

No. 2

46th Parliament

22 July – 1 August 2019

July/August 2019				
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Selected entries contain links to video footage via *Parlview*. Please note that the first time you click a [Watch] link, you may need to refresh the page (ctrl+F5) for the correct starting point.

Bills

2.01 Presentation of first bill to incoming Governor-General

The Speaker informed the House that, on 5 July, he had personally presented the Treasury Laws Amendment (Tax Relief So Working Australians Keep More Of Their Money) Bill 2019 to the Governor-General for royal assent.

It is customary for the Speaker, the Clerk of the House and usually the Attorney-General to attend a small ceremony at Government House during which the first bill is presented for assent to a new Governor-General. His Excellency the Honourable David Hurley AC DSC (Retd) was sworn in as Australia's 27th Governor-General on 28 June 2019.

*Hansard: 22 July 2019, 491-2
Votes and Proceedings: 2019/81*

SO 175

2.02 Consideration of Future Drought Fund Bills

During government business time on 22 July, the Manager of Opposition Business, by leave, moved a motion that called on the Government to adjourn debate on the Future Drought Fund Bill 2019 and Future Drought Fund (Consequential Amendments) Bill 2019, following the Minister's speech on the second reading. The question was put and negatived on division.

The Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management then asked leave to present the Future Drought Fund Bill 2019. Leave was not granted.

Following this, the Minister moved that standing orders be suspended to allow for the immediate introduction of the bill and a related bill, and for the passage of both bills through all stages that day, without delay at any stage. The question was put and carried on division.

Accordingly, the Minister presented the Future Drought Fund Bill 2019 and the Future Drought Fund (Consequential Amendments) Bill 2019. Following the Minister's second reading speech for each bill, the debate was adjourned.

In accordance with the suspension motion, the second reading debate resumed immediately on the Future Drought Fund Bill 2019. The Member for Hunter (Mr Fitzgibbon) moved an amendment and debate continued.

In accordance with standing orders, at 7.30 pm, the Speaker proposed that the House adjourn. The Leader of the House required the question to be put immediately without debate and the question on the adjournment was negated on division. Debate resumed.

At 7.58 pm, the Manager of Opposition Business moved that the debate be adjourned. The question was put and negated on division.

The second reading debate continued and the Member for Melbourne (Mr Bandt) moved an amendment to the Member for Hunter's amendment.

At 9.07 pm, the Manager of Opposition Business moved to suspend standing orders to allow him to move a motion calling on the government to adjourn the House and list the bills for debate the following day. The Leader of the House raised a point of order, noting that the motion contradicted the earlier resolution of the House to allow for the passage of the bills through all stages that day. The Speaker ruled the motion by the Manager of Opposition Business out of order.

The Manager of Opposition Business then moved that the debate be adjourned. The Speaker also ruled that motion out of order because that same motion had already been moved by the Member and resolved in the negative.

The Minister summed up the debate and the question was put on the Member for Melbourne's amendment to the Member for Hunter's amendment and negated on division. The question was then put on the Member for Hunter's amendment and negated on division.

The Future Drought Fund Bill 2019 and the Future Drought Fund (Consequential Amendments) Bill 2019 each passed through the remaining stages on the voices, before the House adjourned at 9.37 pm.

*Hansard: 22 July 2019, 507-71
Votes and Proceedings: 2019/82-92*

SOs 31, 47, 63, 79, 114, 142, 145, 148, 155

2.03 Leave not granted to move third reading immediately; contingent notice moved

During government business time on 25 July, the order of the day was read for further consideration of the Migration Amendment (Repairing Medical Transfers) Bill 2019. Leave was not granted to move to the third reading. The Minister for Home Affairs, pursuant to contingent notice, moved a suspension of standing orders to enable the third reading to be moved without delay. The question was put and carried on division. Accordingly the Minister moved the third reading and debate ensued. The Speaker put the question on the third reading, which was carried on division and the bill was read a third time.

After completion of the consideration in detail stage, or following agreement to the second reading if no detail stage has occurred, the House may grant leave for the motion for the third reading to be moved immediately. If leave is not granted, a Minister may move a contingent notice of motion to suspend standing orders to enable the third reading to be moved immediately.

Contingent notices are notices conditional upon an event occurring in the House which in fact may not eventuate. In practice, the significance of the procedure is that a motion to suspend standing orders moved pursuant to a contingent notice only needs to be passed by a simple majority, whereas the same motion moved without notice would require an absolute majority.

*Hansard: 25 July 2019, 992-1001
Votes and Proceedings: 2019/128-30*

SOs 47, 129, 130, 131, 155

2.04 Reintroduction of 2019-2020 Appropriation bills

On 25 July, an Assistant Minister presented Appropriation Bill (No. 1) 2019-2020, Appropriation Bill (No. 2) 2019-2020 and Appropriation (Parliamentary Departments) Bill (No. 1) 2019-2020. Before each bill was introduced, the Speaker reported a message from the Governor-General recommending appropriation. In his second reading speech, the Assistant Minister informed the House that the bills were substantively the same as the appropriation bills which had lapsed at the dissolution of the previous parliament, with minor changes reflecting recent decisions and machinery of government changes.

The second reading debate resumed in the House on 30 July before the bills were, by leave, referred to the Federation Chamber. The debate continued in the Federation Chamber for the remainder of the sitting fortnight.

*Hansard: 25 July 2019, 980-4
30 July 2019, 1452-7
Votes and Proceedings: 2019/126-7; 156-7*

SOs 45, 63, 142, 147, 178, 180

Business

2.05 Statements by indulgence regarding the 50th anniversary of the first moon landing

Just prior to question time on 22 July, the Prime Minister and the Leader of the Opposition each made statements by indulgence in relation to the 50th anniversary of Apollo 11's landing on the moon. The United States Ambassador to Australia, Ambassador Arthur B. Culvahouse, and representatives of the United States were present in the galleries during the statements.

Hansard: 22 July 2019, 467-9

SO 65

2.06 Birth of Member's child announced by indulgence

Following question time, the Leader of the Opposition, by indulgence, informed the House of the birth of the Member for Kingston's (Ms Rishworth's) child. The Attorney-General passed on the Government's congratulations.

Hansard: 23 July 2019, 704-5

2.07 Personal explanation by Member

After question time on 23 July, the Member for Cowan (Dr Aly) made, by indulgence, a personal explanation regarding the Attorney-General's interpretation of her speech on the Counter-Terrorism (Temporary Exclusion Orders) Bill 2019 and a related bill earlier in the day. The Member for Cowan briefly clarified her position on the legislation.

Hansard: 23 July 2019, 706

SO 68

2.08 Attempted suspension of standing orders calling on Minister to make a statement

During question time on 25 July, the Manager of Opposition Business moved to suspend standing orders to allow him to move a motion to call on the Minister for Energy and Emissions Reduction to make a statement to the House regarding his business interests and the listing of endangered grasslands. While the Manager of Opposition Business was speaking to the suspension motion, the Leader of the House moved a closure of the Member, which was agreed on division. The suspension motion was seconded by the Member for Griffith (Ms Butler) who was also closed on division. The Speaker subsequently put to the House that the suspension motion be agreed, which was negatived on division. Question time concluded.

Hansard: 25 July 2019, 1055-61

Votes and Proceedings: 2019/132-5

SOs 47, 80, 116, 126

2.09 Consideration of Senate message relating to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

On 29 July, the Deputy Speaker reported a message from the Senate, communicating that on 25 July, the Senate had agreed to a resolution relating to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. In particular, the resolution called on the Government to remove Mr Ryan and Ms Bennett as Commissioners, due to perceived conflicts of interests. The Senate requested agreement of the House in this resolution. The Leader of the House moved that the message be made an order of the day for the next sitting. The Member for Melbourne (Mr Bandt) moved, as an amendment, that the message be considered immediately and debate ensued. At 1.30 pm, debate was interrupted and statements by Members were called on.

At 1.30 pm the Speaker interrupts business to call on statements by Members. The period allowed for these statements may extend until 2 pm.

Hansard: 29 July 2019, 1157-8; 1160-6

Votes and Proceedings: 2019/141

SOs 43, 261

2.10 Statement by indulgence regarding Members' interests

During government business time on 29 July, the Minister for Energy and Emissions Reduction made a statement by indulgence regarding certain activities and his declaration of interests in connection with the Environment Protection and Biodiversity Conservation Act (EPBC) listing of the Natural Temperate Grasslands of the Southern Tablelands. The Minister presented two related documents.

Hansard: 29 July 2019, 1158-60

SO 65

2.11 Election petitions

The Clerk presented copies of three election petitions received from the Registrar of the High Court, sitting as the Court of Disputed Returns (Oliver Tennant Yates v. Joshua Anthony Frydenberg; Michael Robert Staindl v. Joshua Anthony Frydenberg and Naomi Leslie Hall v. Gladys Liu) concerning the election of Members for the Divisions of Kooyong and Chisholm.

Hansard: 1 August 2019, 1808
Votes and Proceedings: 2019/177

2.12 Statements by indulgence regarding the 75th Anniversary of the Cowra Breakout

Just prior to question time on 1 August, the Prime Minister and the Leader of the Opposition each made statements, by indulgence, in relation to the 75th Anniversary of the Cowra Breakout, where Japanese prisoners of war housed in the detention camp in Cowra, New South Wales staged a breakout. The Leader of the House moved, by leave, that further statements be permitted in the Federation Chamber and the question was carried.

Hansard: 1 August 2019, 1824-6
Votes and Proceedings: 2019/178

SOs 65, 183

Committees

2.13 Select Committee on Regional Australia appointed

The first item of business for the House, on 25 July, was a motion to appoint a Select Committee on Regional Australia. The question was put and carried on the voices. Later that day an Assistant Minister, by leave, moved a motion to amend the resolution of appointment of the Select Committee. The question was put and carried on the voices.

Hansard: 25 July 2019, 977-8; 1027-9
Votes and Proceedings: 2019/131-2

SO 223

2.14 Proposed Joint Select Committee into Crown Casino

On 30 July, the Member for Clark (Mr Wilkie), by leave, moved a motion to appoint a Joint Select Committee into Crown Casino, to inquire into and report on public allegations involving Crown Casino. At the end of debate the question was put that the motion be agreed to. A division was called and deferred until after the discussion of the matter of

public importance. The question that the motion be agreed to was negated on division, with five Members on the side for the ayes.

In accordance with Standing Order 133, on Tuesdays, any division called for prior to 2 pm is deferred until after the discussion of the matter of public importance, except for a division called on a motion moved by a Minister during the period.

For the Chair to declare a question resolved without completing the count, fewer than five Members must be on one side.

*Hansard: 30 July 2019, 1364-78; 1425-8
Votes and Proceedings: 2019/ 151-3*

SOs 111, 116, 126, 127, 133

2.15 Establishment of Joint Select Committee

On 1 August, the Assistant Treasurer moved, on behalf of the Leader of the House, a motion to appoint a Joint Select Committee on Road Safety to inquire into and report on steps that can be taken to reduce Australia's road accident rates, trauma and deaths. The motion included a provision that the Committee table an interim report on or before 30 March 2020 and its final report on or before 31 July 2020. The motion also provided for a message to be sent to the Senate acquainting it of the resolution and requesting its concurrence. After debate, the motion was carried on the voices.

*Hansard: 1 August 2019, 1770-3
Votes and Proceedings: 2019/174-6*

SO 224

2.16 Senate refers matter to Joint Select Committee

On 1 August, a message from the Senate was reported informing the House that the Senate had agreed to a resolution referring matters concerning the regulation of auditing in Australia to the Parliamentary Joint Committee on Corporations and Financial Services for inquiry and report by March 2020.

*Hansard: 1 August 2019, 1861
Votes and Proceedings: 2019/179*

SO 261

Members

2.17 Affirmation of allegiance by Member

After the acknowledgement of country and prayers on 22 July, the Member for Franklin (Ms Collins), having not been present during the opening of the 46th Parliament, made and subscribed the affirmation of allegiance required by law.

Section 42 of the Constitution provides that every Senator and every Member of the House of Representatives shall before taking his or her seat make and subscribe an oath or affirmation of allegiance. The form of the oath or affirmation is set out in a schedule to the Constitution.

*Hansard: 22 July 2019, 397
Votes and Proceedings: 2019/73*

SO 4

2.18 Member directed to leave the Chamber twice

On 23 July, during question time, an opposition Member was directed, under Standing Order 94(a), to leave the Chamber for one hour for interjecting. The Member accordingly left the Chamber. After being suspended for an hour, the opposition Member was once again directed, under Standing Order 94(a), to leave the Chamber for an hour for interjecting.

Hansard: 23 July 2019, 693; 714-40
Votes and Proceedings: 2019/103-104

SO 94

2.19 Member speaks in languages other than English during first speech

During debate on the Address in Reply to the Governor-General's speech on 23 July, a Government Member spoke briefly in her hometown language, Cantonese and Mandarin, thanking her family and the Chinese community in Australia. The remarks in each language were not transcribed in Hansard.

Hansard: 23 July 2019, 730-4

2.20 Member named and suspended for 24 hours

During question time an opposition Member was directed to leave the Chamber for one hour for interjecting. The Member did not immediately leave the Chamber and instead sought the call to speak. The Speaker named the Member for continuing to interject and the Leader of the House moved that the Member be suspended from the service of the House. The question was agreed on division and the Speaker announced that the Member was suspended for the 24 hours.

Hansard: 24 July 2019, 890-2
Votes and Proceedings: 2019/118-9

SO 94

Motions

2.21 Opposition motion to suspend standing orders negated

During question time on 22 July, the Manager of Opposition Business moved to suspend standing orders to allow him to move a motion which, among other things, called on the Prime Minister to reopen the inquiry into the compliance of the former Minister for Foreign Affairs (Ms Bishop) with Ministerial Standards.

During the Manager of Opposition Business's speech, the Leader of the House moved that the Member no longer be heard. The question was put and resolved in the affirmative on division. The seconder was also closed on division. The Leader of the House then moved to close the debate and the question was carried on division. Accordingly, the question was put on the suspension motion and resolved in the negative on division.

Hansard: 22 July 2019, 482-90
Votes and Proceedings: 2019/76-80

SOs 47, 80, 81

2.22 Motion to suspend standing orders to call on the Government to establish Commonwealth Integrity Commission

During government business time on 1 August, the Deputy Manager of Opposition Business moved to suspend standing orders to allow a notice of motion in his name, calling on the Government to establish a Commonwealth Integrity Commission, to be called on for debate and determination by the House. The suspension motion was debated and negated on division.

Hansard: 1 August 2019, 1759-67
Votes and Proceedings: 2019/173-4

SO 47

Parliamentary Administration

2.23 New electronic division recording system in the House

On 23 July, the Speaker updated the House on the new electronic division recording system. The Speaker advised that a new division database had been developed to make the results of divisions of the House available to observers, including the public, immediately and in a searchable format.

The Speaker also informed the House that the display screens on the chamber floor had been replaced with larger screens, to more effectively display information about proceedings in the House, as well as display division results. [\[Watch\]](#)

Hansard: 23 July 2019; 704
Votes and Proceedings: 2019/103

SO 130

2.24 Statements by the Speaker and others regarding the retirement of the Clerk

At the conclusion of question time on 1 August, the Speaker informed the House that it was the last day at the table for the Clerk, Mr David Elder, before his retirement. The Speaker paid tribute to the Clerk's distinguished contribution to the Parliament and wished him well in his retirement.

The Prime Minister moved a motion that 'this House place on record its appreciation of the long and meritorious service to the Parliament by the Clerk of the House, Mr David Elder, and extend to him and his wife and family every wish for a healthy and happy retirement'. The Prime Minister, the Leader of the Opposition and other Members spoke to the motion, thanking the Clerk for his service. The motion was carried, with Members standing in their places. [\[Watch\]](#)

Hansard: 1 August 2019, 1843-7
Votes and Proceedings: 2019/178

SO 49

Questions

2.25 Same opposition Member asks two questions in a row during question time

During question time on 23 July, the Speaker called on the Member for Griffith (Ms Butler) twice in a row to ask a question. The Speaker noted Members' interjections and advised that as no other Member had risen to ask a question, the call was given to the Member for Griffith.

*Hansard: 23 July 2019, 700-1
Votes and Proceedings: 2019/103*

SO 98

2.26 Opposition does not ask Prime Minister a question during question time

At the conclusion of question time on 23 July, the Prime Minister noted that no questions from the opposition had been directed to him.

*Hansard: 23 July 2019, 704
Votes and Proceedings: 2019/103*

SO 98

2.27 Question without notice ruled out of order

During question time on 25 July, the Member for Griffith (Ms Butler) asked the Minister for Energy and Emissions Reduction when he relinquished his interests in the Cayman Islands. The Speaker ruled the question out of order and explained that the question did not reflect matters for which he was responsible.

Hansard: 25 July 2019, 1051

SO 98

Speaker

2.28 Remarks by Speaker on unparliamentary language

During question time, the Speaker reminded a Minister that it was not permitted to introduce unparliamentary language by way of a quote when speaking in the House.

Hansard: 25 July 2019, 1039

SOS 89, 92

2.29 Statement by Speaker regarding casting vote

The Speaker made a statement to the House regarding an article recently published in *The Australian* concerning the Speaker's use of the casting vote. The article stated that 'in the event of a tied vote, they [the House of Representatives] should adopt the British convention of favouring further debate, rather than supporting the government position'. The Speaker clarified that the Westminster convention, adopted by the House of Representatives, included the following principles:

- the Speaker should always vote for further discussion, where this is possible;
- where no further discussion is possible, decisions should not be taken except by a majority; and
- a casting vote on an amendment to a bill should leave the bill in its existing form.

The Speaker added that he had always exercised his casting vote in accordance with these principles.

Hansard: 31 July 2019; 1596-7

SO 135

Offensive words[#]

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'Listen, imbecile, you will be the begging bowl of Asia.'	22 July 2019	547
'Sir Taxalot!'	1 August 2019	1831-2

SOs 89, 90, 92

[#] List of unparliamentary expressions recorded in *Hansard*.