

Procedural Digest

No. 12

46th Parliament

24 August – 3 September 2020

August/ September 2020				
M	T	W	T	F
24	25	26	27	28
31	1	2	3	4

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

12.01 Jobkeeper bill introduced and passed all stages in one sitting

The Treasurer presented the Coronavirus Economic Response Package (Jobkeeper Payments) Amendment Bill 2020 on 26 August. In his second reading speech, the Treasurer thanked the opposition for its support in progressing the bill through the parliament quickly to provide certainty to Australian businesses and employees. Following his speech, the House gave leave for the debate to be made an order of the day for a later hour.

During the day, 28 members contributed to the second reading debate. At the conclusion of the debate, a second reading amendment moved by the shadow Treasurer was negated on division and the question 'that the bill be read a second time' was carried on the voices. Following a message from the Governor-General recommending appropriation, the bill proceeded to the consideration in detail stage and several opposition amendments were negated on division. Consideration in detail concluded and, by leave, an assistant minister moved the third reading. The question 'that the bill be read a third time' was carried on the voices.

The Speaker granted the Manager of Opposition Business indulgence a number of times over the sitting fortnight to place on the record the voting intentions of independent and minor party members unable to attend the sittings due to the pandemic. On this occasion, the Manager of Opposition Business informed the House that Mr Adam Bandt and Mr Andrew Wilkie had indicated that they would have voted in support of the final two opposition amendments and in support of the second and third readings.

Hansard: 26 August 2020, 5568-70; 5576-623; 5672-713
Votes and Proceedings: 2020/1071, 1072, 1073-7

SOs 63, 142, 155

12.02 Passage of Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020

On 1 September, debate resumed on the second reading of the Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020 and on an opposition amendment to the bill. After several members had spoken, an assistant minister moved to close the debate and the closure was carried on division. The second reading amendment was negated on division and the question 'that the bill be read a second time' was carried on division.

As usual, the question on the adjournment of the House was proposed at 7.30pm. The Leader of the House required the question to be put immediately without debate and the adjournment was negated on division.

The Shadow Minister for Education and Training then sought to move a motion to suspend standing orders to allow her to move that the House note, among other things, that the bill before the House would make it harder and more expensive to go to university. The Speaker ruled that he would not allow for such a motion to be moved between the second and third reading stages of a bill.

Leave was then sought, and denied, for the bill to proceed to the third reading stage. The Minister for Education, pursuant to contingent notice, moved to suspend standing orders to allow for the third reading to be moved without delay. Following closure of the debate, the suspension motion was carried on division.

The minister moved the third reading and debate ensued. The Manager of Opposition Business moved that the debate be adjourned and the question was negated on division. The shadow minister then moved, as an amendment, that the bill not be read a third time. Before the amendment could be seconded, the Leader of the House moved to close the debate and the closure was carried on division. The question 'that the bill be read a third time' was accordingly put and carried on division.

Following the passage of the bill, the Leader of the House moved that the House adjourn and the question was carried on division.

The only amendment allowed to the third reading is to omit 'now' from the question 'That this bill be read a third time' in order to insert 'not', which, if carried, would finally dispose of the bill.

Hansard: 1 September 2020, 6208-46
Votes and Proceedings: 2020/1123-36

SOs 31, 32, 47, 63, 81, 142, 145, 155

12.03 Passage of Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020

On 3 September, debate resumed on the second reading of the Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020 and the Shadow Minister for the Environment and Water moved an amendment. Debate ensued until members' statements at 1.30pm.

Later in the day, the Manager of Opposition Business moved to suspend standing orders to allow him to move a motion criticising the government for cutting short debate on important legislation. The Manager of Opposition Business was closed before, at 4.30pm, the Speaker proposed the question 'that the House do not adjourn'. The Leader of the House required the question to be put immediately without debate and the question was carried on division.

The Manager of Opposition Business then moved a motion to suspend standing orders that was almost identical to his previous motion. The mover and seconder were closed and, following a closure of debate, the suspension motion was negated on division.

Debate resumed on the environment protection bill and on the second reading amendment. The Manager of Opposition Business moved to suspend standing orders to allow the debate to continue until every member wishing to speak had done so. The mover and seconder were closed and, following a closure of debate, the suspension motion was negated on division.

The Leader of the House then moved to closure the second reading debate and the closure motion was carried on division. The second reading amendment was negated on division and the question 'that the bill be read a second time' was carried on division.

The Manager of Opposition Business then moved to suspend standing orders to allow him to move, among other things, that the House 'affirms the principle of the standing orders that the third reading should happen on a subsequent day and that should occur for the current bill before the House'.

The Speaker observed that it was the practice of the House for the third reading of a bill to be moved immediately following the second reading or consideration in detail stage. The Speaker expressed concern that, if he allowed the motion, the passage of legislation could continue to be disrupted in a similar way, and he ruled the motion out of order.

The Leader of the House then, pursuant to contingent notice, moved that standing orders be suspended to allow for the third reading to be moved without delay. The Manager of Opposition Business noted that, in bypassing the consideration in detail stage, opposition and crossbench members would not have the opportunity to move their amendments to the bill. The debate was closed on division and the suspension motion was carried on division.

Accordingly, the Leader of the House moved that the bill be read a third time. The Manager of Opposition Business moved, as an amendment, that the bill not be read a third time. Before the amendment could be seconded, the Leader of the House moved to closure the debate. The closure motion was carried on division and the question on the third reading was put and carried on division.

The Leader of the House then moved that the House adjourn. The Leader of the Opposition began to speak and the Leader of the House moved to closure the debate. The closure motion was carried on division and the question on the adjournment was carried on division.

*Hansard: 3 September 2020, 6522-45; 6605-31
Votes and Proceedings: 2020/1191; 11201-17*

SOs 31, 32, 47, 80, 81, 142, 145, 148, 155

Business

12.04 Statements on the COVID-19 pandemic

Prior to question time on 24 August, the Prime Minister made a statement by indulgence concerning the impact of the COVID-19 pandemic in Australia and the government's response. In his speech, the Prime Minister apologised to the residents and families of those affected within the aged care system. The Leader of the Opposition also spoke on the matter. [\[Watch\]](#)

Hansard: 24 August 2020, 5214-20

12.05 Statements on Christchurch mosque attack gunman

On 27 August, the Prime Minister and the Leader of the Opposition both made statements by indulgence in relation to the sentencing of the Christchurch mosque attack gunman in New Zealand that day.

Hansard: 27 August 2020, 5804-5

12.06 Sitting suspended due to absence of quorum

During government business time on 31 August, an opposition member called the attention of the Deputy Speaker to the fact that a quorum of 31 members was not present. The bells were rung for four minutes to summon members. As a quorum was not then formed, the Deputy Speaker suspended the sitting for five minutes. When the Deputy Speaker resumed the Chair, a quorum of members was present and debate continued.

Several other quorum calls were made in the House during the day. On each occasion, the bells were rung and a quorum formed.

*Hansard: 31 August 2020, 6007
Votes and Proceedings: 2020/1105*

SOs 2, 55, 56, 57

Debate

12.07 Speaker presents members' speeches

On 3 September, the Speaker presented three constituency statements and a condolence speech by members unable to attend the sittings due to the COVID-19 pandemic.

*Hansard: 3 September 2020, 6593
Votes and Proceedings: 2020/1193*

SO 199

Federation Chamber

12.08 Closure of member during constituency statements

During members' constituency statements in the Federation Chamber, government member Mr Craig Kelly made a statement in relation to the use of hydroxychloroquine as a treatment for COVID-19. During his statement, an opposition member moved that the member be no longer heard. The question was put and, not being resolved on the voices, was reported to the House as 'unresolved'. The next member was given the call to speak.

*Hansard: 27 August 2020, 5854-6
Votes and Proceedings: 2020/1094*

SOs 80, 188, 193

12.09 Federation Chamber suspended for lack of quorum

The Federation Chamber was suspended several times on Monday, 31 August and on Thursday, 3 September, due to lack of a quorum. Each time, the Deputy Speaker left the Chair for a number of minutes. When the Deputy Speaker resumed the Chair, a quorum was present and debate continued.

A quorum in the Federation Chamber is the Chair, one government member and one non-government member.

SOs 184, 190

Members

12.10 New member sworn in and makes first speech

On the first day of the sitting fortnight, the Speaker announced that he had received a return to the writ which he had issued for the election of a member for Eden-Monaro following the resignation of Dr Mike Kelly AM and that Ms Kristy McBain had been elected. Ms McBain then made and subscribed the affirmation of allegiance required by law.

The following week, standing orders were suspended to allow the Member for Eden-Monaro to make her first speech in the House of Representatives. [\[Watch\]](#)

*Hansard: 24 August 2020, 5210
27 August 2020, 5991-7
Votes and Proceedings: 2020/1032; 1105*

SO 47

12.11 Leave of absence granted to all members

On Thursday, 27 August the Leader of the House moved that leave of absence be granted to every member of the House from the determination of the sitting until the date of the next sitting. The question was carried on the voices.

The following Thursday, the House again agreed to grant leave of absence to all members until the date of the next sitting.

In accordance with section 38 of the Constitution, a member's place becomes vacant if, without permission of the House, he or she does not attend the House for two consecutive months of any session of the parliament. In response to the uncertainty surrounding the COVID-19 pandemic, the House has recently granted leave of absence to all members on a number of occasions.

*Hansard: 27 August 2020, 5825-6
Votes and Proceedings: 2020/1091*

SO 26

12.12 Parental leave granted to members

On 27 August, the Manager of Opposition Business moved that leave of absence be given to Ms Payne and Ms Wells until 1 March 2021 for parental leave purposes. The Leader of the Opposition wished both members well, and the question was carried.

*Hansard: 27 August 2020, 5826
Votes and Proceedings: 2020/1091*

SO 26

12.13 Speaker presents voting intentions for absent members

Just prior to the adjournment on 3 September, the Speaker presented a document listing how Australian Greens member Mr Adam Bandt and independent member Mr Andrew Wilkie would have voted on a range of motions. The two members had been prevented from attending the sittings due to COVID-19. The document had been passed on to the Speaker by the Manager of Opposition Business.

*Hansard: 3 September 2020, 6635
Votes and Proceedings: 2020/1217*

SO 199

Motions

12.14 High number of divisions

The bells were rung frequently in the second sitting week, with a total of 72 divisions and 16 quorum calls. On the final sitting day, 3 September, the House divided 34 times. This was the greatest number of divisions in a single sitting in over thirty years.

SOs 55, 56, 129

12.15 Disallowance motion

During government business time on 2 September, the Minister for Communications, Cyber Safety and the Arts, pursuant to notice, moved to suspend standing orders to allow for the Leader of the Opposition's notice of motion relating to the disallowance of the Australian Postal Corporation (Performance Standards) Amendment (2020 Measures No. 1) Regulations 2020 to be called on immediately. The suspension motion was carried on division.

The Leader of the Opposition then moved the disallowance motion. During the Leader of the Opposition's speech, the minister moved that the member be no longer heard. The

closure motion was carried on division. The Speaker then asked if the motion was seconded. As no member rose to second the disallowance motion, the motion lapsed.

Hansard: 2 September 2020, 6339-48
Votes and Proceedings: 2010-11-12/1156-9

SOs 47, 116

Parliamentary administration

12.16 Attendance in chamber reduced due to COVID-19

As a result of the COVID-19 pandemic, there continued to be reduced attendance in the House of Representatives. Of 151 members, just over one hundred members attended the chamber at some time each sitting day. Special seating arrangements allowed for distancing between members, and 70 to 72 members were paired for each division.

12.17 Remote participation in parliamentary proceedings

On the first day of the sitting fortnight, the Leader of the House presented the *Agreement for members to contribute remotely to parliamentary proceedings*. The agreement was made in accordance with a resolution adopted by the House on 23 March in response to the COVID-19 pandemic, which allowed for the House to meet in a manner and form not otherwise provided in the standing orders, with the agreement of the Leader of the House and the Manager of Opposition Business.

The agreement provided for members unable to attend parliament for reasons related to the COVID-19 pandemic to participate in proceedings remotely via the official parliamentary video facility. In accordance with the agreement, members participating remotely may contribute to debate, including members' statements and the matter of public importance discussion, and may ask or answer a question during question time. They may not, however, vote, move or second a motion, move or second an amendment, propose a matter of public importance for discussion, call for a division or call for a quorum to be counted.

The Leader of the House, the Manager of Opposition Business and the Speaker each made brief statements in relation to the agreement. The Speaker advised that, for members participating remotely, the standing orders and House practice would apply to the extent possible, their names would be recorded in the *Votes and Proceedings*, and they would be protected by parliamentary privilege in the same way as those participating in the chamber.

The Leader of the House then moved a motion authorising remote participation by members through the official video facility, and the motion was carried on the voices.

Over the sitting fortnight, 23 members (most from Victoria) participated in proceedings by video link at least once.

Hansard: 24 August 2020, 2039-41
Votes and Proceedings: 2020/1027-8

Speaker

12.18 Members appointed to Speaker's panel

On 24 August, the Speaker presented a warrant nominating Mr Jason Falinski, Mr Michael Freeland and Ms Julie Owens to be members of the Speaker's panel to take the Chair when requested to do so by the Speaker or Deputy Speaker.

*Hansard: 24 August 2020, 5043
Votes and Proceedings: 2020/1028*

SO 17

12.19 Statement by Speaker in response to news article

On 26 August, the Speaker made a statement in response to a news article which suggested that the Presiding Officers had not followed the advice of the ACT Chief Medical Officer in recommending, but not mandating, the wearing of masks in Parliament House during the sitting fortnight. The Speaker confirmed that he and the President of the Senate had followed the advice of the Chief Medical Officer at all times with regard to measures adopted in Parliament House in response to the COVID-19 pandemic. The Prime Minister and Leader of the Opposition both spoke in support of the Speaker's remarks.

*Hansard: 26 August 2020, 5651-2
Votes and Proceedings: 2020/1072*

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'Let's work together to send a strong message to Queensland Labor that their de facto protection of paedophiles is not acceptable.'	26 August 2020	5631
'He has abused public office for his own private purpose.'	27 August 2020	5826-7
'...Prime Minister has reacted by doing everything within his power, and some things outside his power, to cover that corruption up. Now we have a new corruption scandal that extends all the way to the Assistant Treasurer and to the member for Menzies.'	27 August 2020	5831-2
'It shows that the minister knew what was happening and endorsed it.'	27 August 2020	5835
'I would also say to the member for Fenner: you're not as smart as you look, mate.'	27 August 2020	5838
'The member for Rankin should no longer be known as the member for Rankin; he should be known as Jumble Jim.'	1 September 2020	6170
'Like many in the coalition, such as the member for Hughes, these comments may grab attention, particularly from some groups elegantly described by a Victorian policeman as "the batshit crazy"—'	2 September 2020	6366

SOs 89, 90, 92

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