

Procedural Digest

No. 22

46th Parliament

15–24 June 2021

June 2021				
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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

22.01 Budget bills passed

Consideration in detail of the main appropriation bill commenced in the Federation Chamber on 15 June and continued over a number of days. Proposed expenditure was considered, portfolio by portfolio, with members taking the opportunity to ask questions of the relevant minister during the debate.

The debate concluded on 21 June and Appropriation Bill (No. 1) 2021-2022 was returned to the House without amendment. Appropriation Bill (No. 2) 2021-2022 and Appropriation (Parliamentary Departments) Bill (No. 1) 2021-2022 were also returned to the House, after being read a second time. The next day, each of the bills was passed by the House.

Hansard: 22 June 2021, 6571
Votes and Proceedings: 2021/2031
SOs 148, 152, 155, 197

22.02 Disallowance motions

During government business time on 15 June, the Minister for Energy and Emissions Reduction moved to suspend standing orders to bring on two private members' business notices relating to the disallowance of the Australian Renewable Energy Agency Amendment (2020-21 Budget Programs) Regulations 2021, standing in the names of Mr Adam Bandt (Leader of the Australian Greens) and Mr Chris Bowen (Shadow Minister for Climate Change and Energy). The suspension motion provided that the identical disallowance motions be successively moved and seconded, then debated together, with separate questions put at the conclusion of debate. The question was carried on the voices.

Mr Bandt and Mr Bowen each moved their disallowance motions and the motions were debated together. At the conclusion of the debate, separate questions were put and both motions were negated on division.

During government business time on 22 June, the Minister for Resources, Water and Northern Australia moved to suspend standing orders to allow the private members' business notice standing in the name of independent member, Ms Zali Steggall, and relating to the disallowance of the Industry Research and Development (Beetaloo Cooperative

Drilling Program) Instrument 2020 to be called on immediately. The question was carried on the voices.

Ms Steggall then moved the disallowance motion and debate ensued. The question 'that the motion be disagreed to' was put and, with only four independent and minor party members voting 'No', the Speaker declared the question resolved in the affirmative.

Under s. 42 of the Legislation Act, if a notice of motion to disallow a legislative instrument or provision of a legislative instrument has not been called on, withdrawn or otherwise disposed of 15 sitting days after it was laid before the House, the instrument or provision is taken to have been disallowed and ceases to have effect.

Hansard: 15 June 2021, 5734-52

22 June 2021, 6646-55

Votes and Proceedings: 2021/1975-7, 2038

SO 47, 127

22.03 Amendments relevant to Senate amendments ruled out of order; dissent from Speaker's ruling moved

On 24 June a Senate message was reported returning the Water Legislation Amendment (Inspector-General of Water Compliance and Other Measures) Bill 2021 with amendments. On the motion of the Minister for Resources, Water and Northern Australia, certain amendments were agreed to and others were disagreed to. The Nationals Chief Whip (Hon Damian Drum) then moved amendments relevant to the Senate amendments. The Speaker ruled the amendments out of order as they were not relevant to, or consequent on, the Senate amendments.

The Speaker advised that it was open to the House to dissent from his ruling and, in this case, a dissent would not be considered a reflection on the House's confidence in his speakership. On that basis, the Manager of Opposition Business moved that the ruling be dissented from. The motion was seconded and debate ensued. In his speech, Mr Drum stated that he would not support the dissent motion. In response, the Manager of Opposition Business withdrew the motion, by leave.

Hansard: 24 June 2021, 7060-81

Votes and Proceedings: 2021/2074

SOs 87, 158, 160, 161

Business

22.04 Statements by indulgence of the Chair

Over the sitting fortnight, statements by indulgence of the Chair were made in relation to floods in Victoria (15 June) [[Watch](#)], the death of Mr Duncan Pegg (15 June) [[Watch](#)], the death of Mrs Jan Brill AM (16 June) [[Watch](#)]; and the retirement of Comcar driver Mr Tony Harriott (17 June) [[Watch](#)].

Hansard: 15 June 2021 5619-4; 5710-4

16 June 2021, 5919-21

17 June 2021, 6178

22.05 Senate resolution on Jobkeeper; Speaker gives casting vote

On 16 June a message was reported informing the House that the Senate had agreed to a resolution calling on the government to require certain companies to repay Jobkeeper payments and requesting the concurrence of the House. A minister moved that consideration of the message be made an order of the day for the next sitting. The Leader of the Australian Greens moved, as an amendment, that the message be considered immediately.

Following debate, the question ‘that the amendment be disagreed to’ was put. The House divided and the numbers for the ‘Ayes’ and the ‘Noes’ were equal. The Speaker gave his casting vote with the ‘Ayes’ in accordance with the principle that, where no further discussion is possible, decisions should not be taken except by a majority. The amendment was therefore negated and the motion postponing consideration of the Senate message was carried on division.

*Hansard: 16 June 2021, 5883-40
Votes and Proceedings: 2021/1989-92*

SOs 135, 261

Committees

22.06 Statement discharging committee’s requirement to report

On 22 June, the Chair of the Standing Committee on Social Policy and Legal Affairs made a statement discharging the committee’s requirement to provide a report on the Ending Indefinite and Arbitrary Immigration Detention Bill 2021. (The private member’s bill had been referred by determination of the Selection Committee.) He explained that the subject of the bill was outside the purview of the committee and could instead be referred to the Joint Standing Committee on Migration. The Chair presented a copy of his statement, by leave.

Standing order 143(c) provides that if, having considered a bill referred to it, a committee finds no issues requiring a formal report, the Chair or Deputy Chair may make a statement to the House discharging the committee’s obligation to report.

*Hansard: 22 June 2021, 6576-7
Votes and Proceedings: 2021/2032*

SOs 143, 222

22.07 Speaker’s schedule of the status of government responses to committee reports

On 24 June the Speaker presented the schedule of the status of government responses to committee reports, as at 23 June 2021. A copy of the document is available on the Parliament’s [website](#).

*Hansard: 24 June 2021, 7119-29
Votes and Proceedings: 2021/2079*

SO 199

Members

22.08 Leave of absence

On 16 June, the Leader of the House moved that Mr Pearce be given leave of absence until 3 August for parental leave and the question was carried.

On the last sitting before the winter break, the Leader of the House moved that leave of absence be given to every member until the next sitting and the question was carried.

Hansard: 16 June 2021, 5921

24 June 2021, 7119

Votes and Proceedings: 2021/1992, 2078

SO 26

22.09 New Deputy Prime Minister

On 21 June, the Hon Barnaby Joyce was re-elected as leader of the Nationals, replacing the Hon Michael McCormack. Following question time that day, members applauded Mr McCormack as he left the Chamber.

At Government House the next morning, Mr Joyce was sworn in as Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development. Later in the day he presented a revised ministry list to the House.

Hansard: 21 June 2021, 6413

22 June 2021, 6603-7

Votes and Proceedings: 2021/2032

SO 199

Motions

22.10 Expediency motion for new quarantine facility in Victoria

On 23 June a minister moved that, in accordance with the *Public Works Committee Act 1969*, it was expedient that work on a new quarantine facility in Victoria commence without first being referred to the Parliamentary Standing Committee on Public Works, due to the urgent nature of the works. After a number of members spoke, the debate was closed and the question on the expediency motion was carried on the voices. [\[Watch\]](#)

Hansard: 23 June 2021, 6747

Votes and Proceedings: 2021/2048

SO 81

22.11 Speaker's statement regarding same motion rule

Over the sitting fortnight, a number of opposition members moved to suspend standing orders to allow them to move a motion calling for the Chair of the Standing Committee on Employment, Education and Training to be discharged from the committee in light of recent allegations made against him. Each of these motions was negated. On 23 June, the Speaker made a statement reflecting on how the same motion rule applied in this case.

He advised members that he would not allow motions identical in wording and, further, it was at his discretion not to allow motions that were the same in substance as questions already decided by the House. He noted that the motions in question were procedural in nature and the House had yet to consider the substantive issue (that is, discharging the committee Chair).

He advised that he would continue to allow suspension motions on this issue so that the House could consider whether it would allow the substantive motion in its order of business for the day. However, he explained that, if standing orders were suspended and the substantive motion considered and decided by the House, he might not allow another motion that was the same in substance.

Hansard: 23 June 2021, 6856

SOs 47, 114

Parliamentary administration

22.12 Agreement for members to contribute remotely

On Monday, 21 June, a minister presented an *Agreement for members to contribute remotely to parliamentary proceedings* made between the Leader of the House and the Manager of Opposition Business, to apply for the sitting week. This allowed the Prime Minister to participate in proceedings remotely from the Lodge while in quarantine following official overseas travel.

Hansard: 21 June 2021; 6354-8; 6386-8
Votes and Proceedings: 2021/2017-8

SO 199

22.13 Review into Commonwealth parliamentary workplaces

On 24 June the Speaker made a statement regarding the [Independent Review into Commonwealth Parliamentary Workplaces](#), led by Sex Discrimination Commissioner Kate Jenkins. He encouraged current and former members and staff to participate.

Hansard: 24 June 2021; 7119
Votes and Proceedings: 2021/2078

Privilege

22.14 Two privilege matters raised; one referred to Privileges Committee

On 15 June, Mr Andrew Wilkie raised a matter of privilege in connection with a legal dispute between Clubs NSW and a former employee, Mr Stolz. He explained that a recent Federal Court judgment granted leave to Clubs NSW to obtain correspondence between his office and Mr Stolz, who had contacted him as a whistleblower to raise concerns regarding non-compliance with anti-money-laundering laws. Mr Wilkie had then shared this information in the House. He asked the Parliament to intervene to assert the protection of parliamentary privilege in proceedings before the court.

The Speaker responded on 22 June. He noted Mr Wilkie's statement that he had relied upon the correspondence in question to speak in the House and, as such, there was a direct link between the materials covered by the court decision and the member's contributions to parliamentary proceedings. While the Speaker was not satisfied that there was prima facie evidence of a contempt or a breach of privilege, he gave precedence to a motion to refer the matter to the Committee of Privileges and Members' Interests, noting that the House would benefit from the committee's advice on the matter. Mr Wilkie then moved that the matter be referred the Privileges Committee and the question was carried on the voices.

Also on 15 June, Mr Craig Kelly raised a matter of privilege regarding whether the removal by YouTube of a video of a speech he made in the House was an improper interference with his duties as a member, such as would amount to a contempt of the House. The member had recently raised a similar privilege matter concerning his ban by Facebook (see **21.10**).

The Speaker responded on 17 June. He noted YouTube's statement that the member's video had been removed because it violated the platform's medical misinformation policy and found no evidence to suggest that the action had been directed at the member in his capacity as a member. The Speaker did not find that a prima facie case for contempt had been made out and did not give precedence to a motion to refer the matter to the Privileges Committee.

Hansard: 15 June 2021, 5661; 5714-5

17 June 2021, 6179

22 June 2021, 6630

Votes and Proceedings: 2021/1967, 1973, 2009

SOs 51, 216

Questions

22.15 Questions ruled out of order

During question time on 22 June, the Leader of the Opposition asked the Deputy Prime Minister a question regarding a statement he had made as a backbencher regarding an asylum seeker case. The Speaker advised that the minister could not be asked about statements he had made prior to becoming a minister and ruled the question out of order.

Also on 22 June, the Leader of the Opposition asked the Deputy Prime Minister if he would negotiate a new agreement on policy with the Prime Minister. The Speaker ruled the question out of order as it did not relate to the Deputy Prime Minister's ministerial duties.

The next day, an opposition member asked the Deputy Prime Minister whether he agreed with a statement reported to have been made by another government member. The Speaker advised that the minister could not be asked about statements made by other members and ruled that part of the question out of order. Later, a question reflecting on the Deputy Prime Minister's suitability for the role was also ruled out of order.

Hansard: 22 June 2021; 6618-9; 6621-2
23 June 2021, 6823; 6825

SOs 97, 98, 100

Offensive words[#]

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'I would go as far as to say it is a Labor lie.'	15 June 2021	5702
'I thank the shadow of a shadow Treasurer for his question.'	16 June 2021	5904
'What a moronic intervention from the member opposite.'	16 June 2021	5927
'I ask the government opposite: how do you leave the Prime Minister in his job when he has continued to lie and fail the Australian people?'	17 June 2021	6099-100
'Treasonous I would call that—absolute traitor!'	17 June 2021	6161
'He is a shyster and a conman whose broken promises left Australians worse off.'	21 June 2021	6546
'All week, we've had the former Deputy PM warning about a rodent plague, and now he has been rolled by a root rat!'	22 June 2021	6600
'treasonous'	23 June 2021	7007-8

SOs 89, 90, 92

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