

Procedural Digest

No. 25

46th Parliament

18 – 28 October 2021

October 2021				
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18	19	20	21	22
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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.

Motions

25.01 Motion regarding the murder of Sir David Amess MP

On 18 October, the Leader of the House moved a motion in relation to the murder of Sir David Amess, Member of Parliament in the House of Commons. The motion condemned the murder, expressed sympathy to Sir David's family and colleagues, and provided for the terms of the motion to be conveyed to the Speaker of the House of Commons. Debate adjourned and the Leader of the House declared the motion referred to the Federation Chamber.

The motion was debated in the Federation Chamber the next day and carried in the House on 20 October, with all members present standing in silence as a mark of respect.

Hansard: 18 October 2021, 9478-9

19 October 2021, 9656-61

20 October 2021, 9720

Votes and Proceedings: 2021/2208, 2233, 2237

SO 45

25.02 Disallowance motion negatived

During government business time on 19 October, the House agreed to suspend standing orders to allow the Leader of the Australian Greens to move that section 7 of the Australian Renewable Energy Agency (Implementing the Technology Investment Roadmap) Regulations 2021, made under the *Australian Renewable Energy Agency Act 2011*, be disallowed. The disallowance motion was debated and disagreed to on division.

Hansard: 19 October 2021, 9569-75

Votes and Proceedings: 2021/2225, 2228-9

SO 47

25.03 Prime Minister's motion on the anniversary of the national apology to survivors and victims of institutional child sexual abuse

Following prayers on 21 October, pursuant to notice, the Prime Minister moved that the House commemorate the anniversary of the national apology to the survivors and victims of institutional child sexual abuse. The Leader of the Opposition spoke in support and the motion was referred to the Federation Chamber. The motion was debated in the Federation Chamber on 26 October. [\[Watch\]](#)

Hansard: 21 October 2021, 9789-92
26 October 2021, 10133-9
Votes and Proceedings: 2021/2249, 2288

Parliamentary administration

25.04 Members' attendance and remote participation

Members' attendance was high during the sitting fortnight, with at least 106 members attending each day. However, there were still several members unable to attend due to COVID-19 restrictions.

In accordance with recent practice, an agreement for members to contribute remotely during the sitting fortnight, signed by the Leader of the House and the Manager of Opposition Business, was presented on the first Monday. Over the fortnight, a total of 22 members participated in proceedings remotely through the official video facility.

Hansard: 18 October 2021, 9341
Votes and Proceedings: 2021/2197-8

SO 199

25.05 Resolution of the House regarding Independent Parliamentary Workplace Complaints Mechanism

On 18 October the House adopted a resolution regarding the newly established Parliamentary Workplace Support Service, which provides for an Independent Parliamentary Workplace Complaints Mechanism for serious incidents in parliamentary workplaces.

In accordance with the resolution, where a member has not cooperated with a review under the complaints mechanism, the Parliamentary Service Commissioner may report the matter to the Speaker for referral to the Committee of Privileges and Members' Interests for inquiry and report to the House.

The Senate agreed to a similar resolution the following day.

Hansard: 18 October 2021, 9428-9
Votes and Proceedings: 2021/2200-1

SO 216

25.06 Annual reports for 2020-2021 presented

The Deputy Speaker presented the annual report of the Parliamentary Budget Office on 18 October. The next day the Speaker presented the annual reports of the House of Representatives and the Department of Parliamentary Services.

Hansard: 18 October 2021, 9481

19 October 2021, 9569

Votes and Proceedings: 2021/2208, 2226

SO 199

Private members' business

25.07 Record number of private members' bills

Nine private members' bills were presented during private members' business on 25 October. This was the highest number of private members' bills ever presented in a single sitting.

Hansard: 25 October 2021; 9893-911

Votes and Proceedings: 2021/2259-61

SO 41

Privilege

25.08 Privilege matter regarding the Member for Pearce and the Register of Members' Interests

On 18 October, the Manager of Opposition Business raised a matter of privilege concerning the Member for Pearce and the Register of Members' Interests. He proposed that the member did not comply with the resolution of the House regarding the registration of members' interests when he declared that a blind trust had paid for part of his legal fees in his defamation case against the ABC. The Manager of Opposition Business requested that the Speaker give precedence to a motion to refer the matter to the Committee of Privileges and Members' Interests.

The Speaker responded on 20 October. He explained that he was satisfied that a prima facie case had been made out and gave precedence to a motion to refer the matter to the Privileges Committee. Accordingly, the Manager of Opposition Business moved that the matter be referred. The question was debated and disagreed to on division.

On 26 October, the Speaker made a statement in the House to clarify that an opinion by the Speaker that a prima facie case has been made out does not imply a conclusion that a breach of privilege or contempt has occurred. He also advised that such an opinion was not considered a Speaker's ruling and therefore could not be dissented from.

Hansard: 18 October 2021; 9342-3

20 October 2021, 9744-9

26 October 2021, 10090

Votes and Proceedings: 2021/2198, 2239-40, 2284

SOs 51, 216

25.09 Privileges Committee report on matter raised by the Member for Clark

On 26 October the Deputy Chair of the Committee of Privileges and Members' Interests presented the committee's report entitled *Report concerning legal action in the Federal Court of Australia and possible issues of parliamentary privilege*. The privilege matter had been raised by the Member for Clark and referred by the House to the committee in June this year. It concerned a Federal Court decision which granted ClubsNSW access to correspondence between its former employee and the Member for Clark. The member claimed that he had used the correspondence to speak in the House, establishing a link between the documents and proceedings in parliament.

In its report, the Privileges Committee found that parliamentary privilege was likely attached to some of the documents in question. It recommended that the House agree to a motion authorising the Speaker to act to ensure that the interests of the House were represented in the matter before the courts, so that parliamentary proceedings were appropriately protected as provided by the *Parliamentary Privileges Act 1987*. The next day, the Deputy Chair moved the motion in the terms set out by the committee and the question was debated and carried on the voices.

Hansard: 26 October 2021, 10053
27 October 2021, 10165-7
Votes and Proceedings: 2021/2279, 2292
SOs 51, 216

Speaker

25.10 Speaker announces plans to resign as Speaker

On 28 October, the Speaker (Hon Tony Smith) informed the House of his plans to resign as Speaker of the House before the end of the parliament. He explained that he wished to end his parliamentary career with a focus on representing his constituents as the Member for Casey. He advised that he would chair proceedings on 22 November before resigning, allowing for a new Speaker to be elected on Tuesday, 23 November. The Prime Minister, the Leader of the Opposition, the Leader of the House and the Manager of Opposition Business each spoke briefly on the Speaker's announcement, noting that more extensive remarks would be made on 22 November. [\[Watch\]](#)

Hansard: 28 October 2021, 10307-9
Votes and Proceedings: 2021/2307

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'...Scotty Scotty Bang Bang...'	18 October 2021	9450
'Instead, the right-wing nut jobs in the National Party are holding the country's economy to ransom—'	21 October 2021	9828
'He's quite keen on the wig, is the shadow Attorney-General, and he's quite keen on trousering five or six or seven grand a day as well...'	21 October 2021	9835
'Their radar can detect that blatant, shameless lying going on among some government members.'	27 October 2021	10187
'Talk about schizophrenia; talk about not knowing who you are!'	28 October 2021	10293

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