

# Procedural Digest

**No. 124**

9 – 12 February 2015

February 2015				
M	T	W	T	F
9	10	11	12	13

## Bills

### **124.01** *Presentation of additional appropriation bills, including explanatory memoranda*

On Thursday 12 February, the Parliamentary Secretary to the Treasurer presented Appropriation Bill (No. 3) 2014–15, Appropriation Bill (No. 4) 2014–15 and Appropriation (Parliamentary Departments) Bill (No. 2) 2014–15, presented explanatory memoranda and made a second reading speech for each bill. Debate on each bill was then adjourned.

The Speaker announced receipt of a message from the Governor-General recommending an appropriation for the purposes of each bill before each was presented.

*Note:* Explanatory memoranda are not required to be presented for appropriation bills.

*Hansard:* 12 February 2015, 639-43  
*Votes and Proceedings:* 2015/1107-8

**SOs 141, 147, 178, 180**

## Business

### **124.02** *Rearrangement of business in the House and Federation Chamber for Monday 9 February*

After the acknowledgement of country and prayers on Monday 9 February 2015, the Leader of the House, by leave, moved a suspension of standing orders to enable the rearrangement of business in the House and Federation Chamber for the day. The motion provided for private Members' business in the House to be interrupted at approximately 11 a.m. to enable the Prime Minister to move a motion relating to the Martin Place siege and for the Leader of the Opposition to reply. At the adjournment of debate on the motion, private Members' business would resume and continue until concluded, with deferred divisions and quorums to apply until private Members' business was concluded. Any divisions or quorums called between 4.15 p.m. and 5.45 p.m. that day were to be deferred until 5.45 p.m.

The motion also provided for the meeting of the Federation Chamber to suspend at approximately 11 a.m. for the duration of debate on the Martin Place siege motion. On resumption, private Members' business was to continue until 1.30 p.m. and to resume again at 5.45 p.m. (after 90-second statements) until concluded. Any variation to this arrangement was to be made only by a motion moved by a Minister. In speaking to the motion, the Leader of the House indicated that the Government and Opposition had discussed and agreed to those matters contained in the motion. The question that the motion be agreed to was carried on the voices.

*Hansard*: 9 February 2015, 1  
*Votes and Proceedings*: 2015/1063

**SOs 34, 47, 63**

### **124.03** *Ministerial statement regarding closing the gap between Indigenous and non-Indigenous Australians*

At just after 10.00 a.m. during Government business time on Wednesday 11 February, debate on the second reading of the Higher Education and Research Reform Bill 2014 was interrupted to enable the presentation of the Prime Minister's Closing the Gap statement. An opposition Member was granted leave to continue his speech when debate on the bill was resumed. The Federation Chamber suspended proceedings for approximately forty minutes to enable Members to be present in the Chamber for the Closing the Gap statements. The Prime Minister then, by leave, made a ministerial statement on closing the gap between Indigenous and non-Indigenous Australians and presented a copy of the Closing the Gap Report 2015. Standing orders were then suspended (on motion moved by a Parliamentary Secretary) to enable the Leader of the Opposition to speak in reply to the ministerial statement for a similar period. The motion was carried on the voices and the Leader of the Opposition addressed the House.

After question time the following day (12 February), the Leader of the House, by leave, moved that the House take note of the Closing the Gap report. The debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

*Note*: Standing order 34 provides for ministerial statements to be made between the end of question time and the beginning or resumption of government business each sitting day.

*Hansard*: 11 February 2015, 463-70; 12 February 2015, 733  
*Votes and Proceedings*: 2015/1099, 1113

**SOs 34, 47, 63, 199**

**124.04** *Death of former Member, the Hon. Eric Fitzgibbon*

Just prior to question time on Tuesday, 11 February, the Speaker informed the House of the death, on 24 January 2015, of Mr Eric John Fitzgibbon, a former Member of the House for the Division of Hunter from 1984 to 1996. The current Member for Hunter, Mr Fitzgibbon's son, was granted indulgence to make some remarks. As a mark of respect all Members present rose and stood in silence.

*Hansard: 9 February 2015, 65-6*  
*Votes and Proceedings: 2015/1068*

**SO 65**

**124.05** *Statements by indulgence regarding the death of Dr Colleen McCullough, AO*

Just prior to question time on 9 February, the Prime Minister and the Leader of the Opposition, by indulgence, each made statements on the death of author Dr Colleen McCullough, AO. As a mark of respect, all Members stood, in silence. The Leader of the House moved a motion to enable further statements on the matter to be made in the Federation Chamber. The motion was carried on the voices.

*Hansard: 9 February 2015, 71-2*  
*Votes and Proceedings: 2015/1068*

**SOs 65, 183**

**124.06** *Death of former Member, Mr Keith Wright*

Just prior to question time on 9 February, the Speaker informed the House of the death, on 11 January 2015, of Mr Keith Webb Wright, a former Member of the House for the Division of Capricornia from 1984 to 1993.

*Hansard: 9 February 2015, 75*  
*Votes and Proceedings: 2015/1068*

**124.07** *Attempted motion of no confidence against Prime Minister; motion to suspend standing orders negatived*

During question time on 9 February, the Leader of the Opposition was given the call and sought leave to move a motion 'that this House has no confidence in the Prime Minister.' Leave was not granted and the Member moved to suspend standing orders to enable him to move the no confidence motion. Debate ensued and the suspension motion was seconded by an Opposition Member. When the time for debate expired, the question on the suspension motion was negatived on division and question time concluded.

*Hansard: 9 February 2015, 82-90*  
*Votes and Proceedings: 2015/1069-70*

**SOs 47, 126**

**124.08** *Death of former Member, Mr Les McMahon*

Just prior to question time on Tuesday, 10 February, the Speaker informed the House of the death, on 23 January 2015, of Mr James Leslie (Les) McMahon, a former Member of the House for the Division of Sydney from 1975 to 1983. As a mark of respect, all Members stood, in silence.

*Hansard:* 10 February 2015, 332-3  
*Votes and Proceedings:* 2015/1092

**124.09** *Attempted censure of the Liberal-National Government; motion to suspend standing orders negatived*

During question time on 10 February, the Leader of the Opposition was given the call and sought leave to move a motion of censure against the Liberal-National Government for 'misleading the Australian people before the last election'. Leave was not granted and the Leader of the Opposition then moved to suspend standing orders to enable him to move the censure motion. Both the Leader of the Opposition and the Manager of Opposition Business—who rose to speak when a seconder for the motion was called on—were closed on motions moved by the Leader of the House and carried on division. The Leader of the House then moved a closure of question. The Manager of Opposition Business raised a point of order and stated that the motion had not been seconded. The Speaker ruled that by getting to his feet and speaking when a seconder was called for, the Manager of Opposition Business had answered the call. The closure of question was carried on division. The suspension motion was then negatived on division.

*Note:* The Chair is not entitled to propose the question on a motion to the House until it has been moved and, if required, seconded.

*Hansard:* 10 February 2015, 350-8  
*Votes and Proceedings:* 2015/1092-6  
**SOs 47, 80, 81, 86, 126, 130, 131**

## Committees

**124.10** *Privileges and Members' Interests Committee report on citizen's right of reply agreed to by House*

On Thursday 12 February, the Chair of the Standing Committee of Privileges and Members' Interests presented a report concerning an application from a citizen for the publication of a response to references made about him in the House. The Chair then, by leave, made a statement in connection with the report. The report recommended that a response from the citizen concerned be incorporated in Hansard. The Chair, by leave, moved that the report be agreed to, and the question was carried on the voices.

*Hansard:* 12 February 2015, 643  
*Votes and Proceedings:* 2015/1109

**SOs 39, 216, 247**

## Debate

### **124.11** *Member speaks in Bahasa Indonesia during debate on motion relating to Australians facing execution in Indonesia*

On 12 February, during debate in the Federation Chamber on the motion moved by the Minister for Foreign Affairs relating to two Australians facing execution in Indonesia (*see* entry **124.18**), a Government Member made an appeal to Indonesian President Joko Widodo, speaking in Bahasa Indonesia. She subsequently provided an English translation.

*Hansard*: 12 February 2015, 796

## Documents

### **124.12** *Updated ministry list presented*

Just prior to question time on Monday 9 February, the Prime Minister presented a revised ministry list.

*Hansard*: 9 February 2015, 73-5  
*Votes and Proceedings*: 2015/1068

**SOs 63, 199**

## Members

### **124.13** *Member named and suspended*

During question time on Wednesday 11 February, an Opposition Member was directed to leave the Chamber for one hour under standing order 94(a). The Member continued to interject and the Speaker named the Member. The Leader of the House moved that the Member be suspended from the service of the House. A division was called, and the Member was permitted to vote in the division, in accordance with precedent, as the naming of the Member was considered to have superseded the direction to leave the Chamber under standing order 94(a). The question on the suspension of the Member was agreed and the Speaker announced that the Member was excluded from the service of the House for 24 hours. The Member then left the Chamber.

*Hansard*: 11 February 2015, 539-41  
*Votes and Proceedings*: 2015/1100-1

**SOs 91, 94, 126, 129**

### **124.14** *Member granted leave of absence for parental leave purposes*

Just prior to the discussion on a matter of public importance on 12 February, the Manager of Opposition Business moved that leave of absence be given to the Member for Kingston from the end of the sitting until 15 June 2015 for parental leave purposes. The question was carried on the voices.

*Hansard*: 12 February 2015, 734  
*Votes and Proceedings*: 2015/1113

**SO 26**

## Motions

### **124.15** *Prime Minister's motion relating to Martin Place siege*

At 11 a.m. on Monday 9 February, in accordance with the resolution agreed to earlier that day (*see* entry **124.02**), the Prime Minister moved a motion relating to the events around the siege of the Lindt Café in Martin Place, Sydney on 15 and 16 December 2014. The motion was seconded by the Leader of the Opposition who then addressed the House. The Member for Sydney—as the Member representing the electorate where the events took place—was granted indulgence to address the motion.

Debate was then adjourned on motion moved by the Leader of the House. Further debate on the motion during took place during Government business time on Tuesday, Wednesday and Thursday. Just prior to question time on Thursday (12 February), the Speaker put the question on the motion and invited all Members to rise in their places to show their support. Members rose and the question was agreed to.

*Hansard*: 9 February 2015, 21-5; 10 February 2015, 408-25; 11 February 2015, 95-108;  
12 February 2015, 37-43, 51

*Votes and Proceedings*: 2015/1065-6, 1097-8, 1103, 1110, 1112

**SOs 65, 111, 116, 125**

### **124.16** *Condolence motion for former Member, the Hon. Thomas Uren AC*

Just prior to question time on 9 February, the Prime Minister moved a motion of condolence in respect of the death, on 26 January 2015, of the Honourable Thomas Uren AC, a former Minister and Member of the House for the Division of Reid from 1958-1990. The Leader of the Opposition seconded the motion, and two Opposition Members and the Speaker also spoke in support of the motion, following which all Members rose in their places as a mark of respect. Debate was then adjourned and resumption of debate made an order of the day for the next sitting. The condolence motion was debated further the following day and, just before question time on Wednesday 11 November, the Speaker put the question on the motion, which was agreed to as all Members again rose in their places.

*Hansard*: 9 February 2015, 44-47; 10 February 2015, 425-37; 11 February 2015, 521

*Votes and Proceedings*: 2015/1068, 1098, 1100

**SO 49**

**124.17** *Condolence motion for former Member, the Hon. Keppel Enderby*

Just prior to question time on 9 February, the Prime Minister moved a motion of condolence in respect of the death, on 8 January 2015, of the Honourable Keppel Earl Enderby, a former Minister and Member of the House for the Division of Australian Capital Territory and Canberra from 1970 to 1975. The Leader of the Opposition spoke in support of the motion, following which all Members rose in their places as a mark of respect. Debate was then adjourned and resumption of debate made an order of the day for a later hour. The Leader of the House, by leave, moved a motion to refer the condolence motion to the Federation Chamber for further debate, and the question was carried on the voices. The order of the day was returned to the House on Wednesday 11 February, having been debated further in the Federation Chamber earlier that morning. Just before question time, the Speaker put the question on the motion, which was agreed to as all Members again rose in their places.

*Hansard*: 9 February 2015, 70-1; 11 February 2015, 521-2, 632-6  
*Votes and Proceedings*: 2015/1068, 1100, 1105

**SO 49, 183**

**124.18** *Motion relating to two Australians facing execution in Indonesia*

During Government business time on 12 February 2015, the Minister for Foreign Affairs, pursuant to notice, moved a motion relating to Mr Andrew Chan and Mr Myuran Sukumaran, two Australians facing execution in Indonesia for the crime of drug trafficking. The motion encouraged Indonesia to stay the executions of the two men and commute their sentences to an appropriate term of imprisonment. After speaking to the motion, the Minister for Foreign Affairs, by leave, moved a suspension of standing orders to enable the Shadow Minister for Foreign Affairs and International Development to speak in reply for a similar period. The motion was carried on the voices and the Shadow Minister seconded the original motion and addressed the House.

Debate was then adjourned, by leave, on a motion moved by the Shadow Minister. The Minister for Foreign Affairs made some remarks, by indulgence, regarding the intention to have the motion debated further in the Federation Chamber and returned to the House for the question to be put. She stated her intention that the names of all Members in support of the motion would be recorded in the *Votes and Proceedings*. The Minister then, by leave, moved that the order of the day be referred to the Federation Chamber for debate. The motion was carried on the voices.

Later that day, when the question on the adjournment of the Federation Chamber was proposed, the motion was negatived. The order of the day was then read for the resumption of debate on the motion relating to the Australians facing execution in Indonesia, and debate ensued.

The Minister for Communications moved that further proceedings be conducted in the House and the motion was carried on the voices. The Federation Chamber then adjourned at 12.27 p.m.

Just prior to question time, the Speaker reported that the order of the day had been returned to the House and presented a certified copy of the motion. Prior to putting the question, the Speaker requested that, in accordance with the wish of the House, the names of all Members, including the Speaker, be recorded in the *Votes and Proceedings* in support of the motion, unless any Member advised the Clerk of their wish not to be included. The question was put and passed, and accordingly the names of all 150 Members were recorded in the *Votes and Proceedings* as supporting the motion.

*Hansard*: 12 February 2015, 656-63, 788-802, 712-3  
*Votes and Proceedings*: 2015/1109-1110, 111, 1115

**SOs 47, 63, 65, 111, 116, 125**

## Private Members' business

### **124.19** *Private Members' business continues into Government business time in accordance with earlier resolution*

On Monday 9 February 2015, in accordance with the resolution agreed to earlier that day, private Members' business in the House was interrupted at 11 a.m. to enable the Prime Minister to move a motion relating to the Martin Place siege. Private Members' business then resumed and continued beyond its usual finishing time of 12 noon, concluding at 12.22 p.m.

Similarly in the Federation Chamber, proceedings suspended at 10.57 a.m. to enable Members to attend debate on the Prime Minister's motion, and were resumed at 11.31 a.m. Later that afternoon, private Members' business was resumed at 5.46 p.m., in accordance with the resolution agreed to earlier, during the period normally allocated as Government business time, and concluded at 6.00 p.m. As there was no other business before the Federation Chamber, the Grievance Debate then commenced at 6 p.m.

*Note*: Private Members' business in the House is scheduled to conclude by 12 p.m. on Mondays; while the normal order of business for the Federation Chamber provides for Government business time between 4 p.m. and 8 p.m. on Mondays.

*Hansard*: 9 February 2015, 25-40  
*Votes and Proceedings*: 2015/1066

**SOs 34, 41**

## Questions

### **124.20** *Question ruled out of order*

During question time on Monday 9 February, the Leader of the Opposition asked the Minister for Communications, 'Minister, why are you still on the front bench?' The Speaker ruled the question out of order. The Manager of Opposition Business raised a point of order. The Speaker confirmed her ruling and called on the next questioner.

*Hansard:* 9 February 2015, 80

**SOs 86, 98, 100**

### **124.21** *Opposition supports Foreign Affairs Minister's response to question regarding the threat posed by foreign fighters*

During question time on Tuesday, 10 February 2015, the Minister for Foreign Affairs, in reply to a question from a Government Member, outlined measures the Government was taking to combat the threat posed by foreign fighters. The Shadow Minister for Foreign Affairs and International Development, by indulgence, made remarks to indicate that the Opposition would continue to work with the Government to combat foreign fighting organisations.

*Hansard:* 10 February 2015, 336

**SOs 65**

### **124.22** *Question ruled out of order*

During question time on 10 February, the Leader of the Opposition asked the Prime Minister a question regarding the Future Submarine Project which included the word 'lying'. The Speaker twice asked the Leader of the Opposition to rephrase his question so that it did not include any unparliamentary terms, before ruling the question out of order and calling on the next questioner.

*Hansard:* 10 February 2015, 339-40

**SOs 98, 100, 101**

### **124.23** *Prime Minister adds to an answer*

After question time on 12 February, the Prime Minister, by indulgence, added to an answer he gave during question time regarding the building of submarines.

*Hansard:* 12 February 2015, 732-3

**SO 65**

## Speaker

### 124.24 *Statement by Speaker regarding security arrangements at Parliament House*

After the acknowledgement of country and prayers, the Speaker made a brief statement concerning enhanced security arrangements at Parliament House.

*Hansard*: 10 February 2015, 303

### 124.25 *Changes to Speaker's panel*

After question time on Monday 9 February, the Speaker presented a warrant revoking the nomination of certain Members to be members of the Speaker's panel. Later in the week, after question time on 12 February, the Speaker laid on the table a warrant nominating five Government Members to be members of the Speaker's panel to assist the Chair when requested to do so by the Speaker or Deputy Speaker.

*Note*: The Members whose nominations to serve on the Speaker's panel were revoked, had been appointed as Parliamentary Secretaries. It is usual for the Speaker to nominate Members to serve on the panel who are not in the Ministry or the opposition executive.

*Hansard*: 12 February 2015, 733

**SO 17**

## Withdrawals

### 124.26 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...a pack of lies...'	10 February 2015	350
'...we know he breaks the law as well.'	10 February 2015	362
'...holocaust of jobs...'	12 February 2015	718
<i>unrecorded</i>	12 February 2015	720
<i>unrecorded</i>	12 February 2015	733

**SOs 89, 90, 92**