

Procedural Digest

No. 130*10 – 20 August 2015*

August 2015				
M	T	W	T	F
10	11	12	13	14
17	18	19	20	21

Bills

130.01 *Speaker's statement regarding constitutional questions raised by Senate amendment*

During government business time on 13 August, the House considered amendments made by the Senate to the Medical Research Future Fund Bill 2015. The Speaker made a statement drawing the House's attention to one of the Senate's purported amendments which proposed to amend the definition of medical innovation to expand the purposes for which amounts may be paid, from the Medical Research Future Fund Special Account. The Speaker questioned whether the amendment could be made by the Senate because of the requirements of the Constitution regarding the appropriation of revenue.

The Minister for Health moved that the House endorse the Speaker's statement and the question was agreed. The amendment was disagreed to, and, following a message from the Administrator recommending an appropriation, a Government amendment identical to the Senate's purported amendment was made in its place.

*Hansard: 13 August 2015, 8243-51
Votes and Proceedings: 2015/1504*

SOs 158, 161, 180

Business

130.02 *Variation to order of business in the House and Federation Chamber*

On Tuesday 11 August, the House agreed to suspend standing orders to vary the order of business in the House and Federation Chamber for that day. The resolution provided for private Members' business accorded priority for the previous day (which was not called on due to the election of a new Speaker and the condolence motion for the Member for Canning – *see* entries **130.17** and **130.11**) to take place from 7 p.m. in the House and from 4.30 p.m. in the Federation Chamber following half an hour of constituency statements.

As a quorum was not present, the Federation Chamber did not meet on Tuesday (*see* entry **130.10**). The following morning, the House agreed to suspend standing

orders to vary the order of business for the Federation Chamber to enable private Members' business to take place in that chamber at 10.30 a.m. following one hour of constituency statements.

Hansard: 11 August 2015, 7872-3; 12 August 2015, 8019
Votes and Proceedings: 2015/1487, 1495

SOs 34, 41, 47, 63, 192, 193

130.03 *Statements by indulgence regarding the death of former Member Mr Alby Schultz*

Just prior to question time, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the death of former Member, Mr Albert 'Alby' John Schultz. Mr Angus Taylor MP, Mr Schultz's successor in the Division of Hume, also made a statement by indulgence. The Leader of the House informed Members that time would be provided for further statements on a later day. At the end of question time, all Members present stood in silence as a mark of respect.

Further statements were made in the House on 17 and 18 August and, the House having concluded its tributes, before question time on 19 August the Speaker asked all Members present to rise in their places as a mark of respect.

Hansard: 12 August 2015, 8089-91, 8107; 17 August 2015, 8515-36; 18 August 2015, 8721-8;
19 August 2015, 8869
Votes and Proceedings: 2015/1497, 1516, 1525, 1529

SO 65

130.04 *Motion to suspend standing orders ruled out of order*

During debate on the Prime Minister's motion regarding the 100th anniversary of the landings at Gallipoli, the Manager of Opposition Business sought and was denied leave to move a motion declaring that the Hon. Dyson Heydon AC, QC had 'disqualified himself from conducting the Prime Minister's Royal Commission into trade unions.' He then moved to suspend standing order 47(c)(i) and so much of other standing orders as would prevent him from moving the motion. (*Note*: Standing order 47(c)(i) provides that if a suspension motion is moved without notice, it must be relevant to any business under discussion and seconded.)

The Chair ruled that, in accordance with standing order 47, the Member could not move a suspension motion when there was business before the House unless the motion was relevant to the business under discussion. A number of points of order were raised and the Chair maintained his ruling. Debate then resumed on the motion relating to the anniversary of the landings at Gallipoli.

Hansard: 13 August 2015, 8267-9

SOs 47, 63, 111

130.05 *Death of former Senator*

Just prior to question time on Tuesday 11 August the Speaker informed the House of the death, on 29 July 2015, of John Peter Sim CBE, a Senator for Western Australia from 1964 to 1981. As a mark of respect, all Members present stood in silence.

Hansard: 11 August 2015, 7903
Votes and Proceedings: 2015/1488

130.06 *Motion to suspend standing orders to allow for censure motion*

During question time on 13 August, the Manager of Opposition Business sought and was denied leave to move a censure motion against the Prime Minister for 'failing to immediately sack his Royal Commissioner and establishing a Royal Commission that was biased from the start.' He then moved to suspend standing orders to allow him to move the motion. The motion was seconded and debate ensued. The suspension motion was then negatived on division and question time concluded.

Hansard: 13 August 2015, 8316-26
Votes and Proceedings: 2015/1505-7

SOs 47, 63

130.07 *Statements by indulgence regarding the Australian Diamonds' World Cup victory and the 70th anniversary of VP Day*

Just prior to question time on 17 August, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the Australian Diamonds' victory in the final of the Netball World Cup the previous day. The Prime Minister announced that there would be a parliamentary reception for the Diamonds on Thursday.

The Prime Minister and Leader of the Opposition also made statements by indulgence to acknowledge the 70th anniversary, on 15 August, of Victory in the Pacific Day signifying the end of the Second World War. The Leader of the House informed Members that time would be provided for further statements on VP Day on a later day.

Hansard: 17 August 2015, 8461-3

SO 65

130.08 *Statements by indulgence regarding Bangkok terrorist attack and Vietnam Veterans Day*

Just before question time on 18 August, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding a terrorist attack which occurred in Bangkok, Thailand the previous night.

The Prime Minister and Leader of the Opposition also made statements by indulgence to acknowledge Vietnam Veterans Day.

Hansard: 18 August 2015, 8683-6

SO 65

Committees

130.09 *Amendment to resolution of appointment to extend reporting date*

After question time, the Leader of the House, pursuant to notice, moved a motion to amend the resolution of appointment of the Joint Select Committee on Trade and Investment Growth to provide that the committee deliver its final report and recommendations on or before 15 October 2015. The question was agreed on the voices. A message was sent to the Senate seeking its concurrence with the resolution and the following day, a message from the Senate was reported informing the House that the Senate concurred with the resolution.

Hansard: 17 August 2015, 8480-1, 18 August 2015, 8779

Votes and Proceedings: 2015/1516, 1525

SOs 224, 259, 261

Federation Chamber

130.10 *Federation Chamber does not meet due to lack of quorum*

The Federation Chamber was scheduled to meet at 4.00 p.m. on Tuesday 11 August in accordance with a resolution of the House agreed to earlier that day (*see* entry **130.02**). A quorum not being present, the Federation Chamber did not meet and the next meeting was set for 9.30 a.m. the following day, in accordance with standing order 192.

Votes and Proceedings: 2015/1493

SOs 184, 190, 192

Motions

130.11 *Condolence motion for Member for Canning*

Following the election of Speaker (*see* entry **130.17**) and short suspension of the sitting on 10 August, the Speaker resumed the Chair at 11.30 a.m. and informed the House of the death on Tuesday, 21 July of Donald James Randall, Member for the Division of Canning since 2001 and Member for the Division of Swan from 1996 to 1998. The Prime Minister moved a motion of condolence. The motion was seconded by the Leader of the Opposition and other Members spoke in support of the motion until 7.24 p.m. at which time the House adjourned. Just before question time the following day, the Speaker put the question on the Prime Minister's condolence motion, which was agreed to with all Members rising in their places.

Hansard: 10 August 2015, 7748-847; 11 August 7903

Votes and Proceedings: 2015/1472, 1488

SOs 32, 49

130.12 *128 Members contribute to debate on Gallipoli motion*

On the evening of 18 August, debate concluded on the Prime Minister's motion of 12 May regarding the 100th anniversary of the landings at Gallipoli (*see* entry **127.12**), with 128 Members having contributed to the debate. The Chair put the question on the motion, which was carried on the voices.

Hansard: 18 August 2015, 8779
Votes and Proceedings: 2015/1525

SOs 117, 125

Petitions

130.13 *Member presents bark petition, by leave, regarding sanctity of traditional marriage*

Immediately after the Acknowledgment of Country and prayers on 20 August, the Member for Hasluck, Mr Ken Wyatt MP, was granted leave to present an Uluru bark petition regarding the sanctity of traditional marriage which had been approved for presentation by the House Standing Committee on Petitions. Mr Wyatt, by leave, made a statement in connection with the petition.

Note: Leave was required because the Member was not seeking to present the petition in accordance with standing order 207(b) which details the periods a Member may present a petition.

Hansard: 20 August 2015, 8983-4
Votes and Proceedings: 2015/1535

SOs 63, 207, 220

Private Members' business

130.14 *Members granted leave to speak twice on private Members' motions in the Federation Chamber*

On four occasions during private Members' business in the Federation Chamber Members were granted leave to speak a second time on a private Member's motion, without closing the debate. On 12 August, the Member for Hindmarsh spoke to a motion regarding government domestic procurement a second time, by leave. On 17 August, the Member for Shortland spoke a second time, by leave, to her motion regarding Lyme disease. Also on 17 August, the Member for Bass spoke a second time, by leave, on his motion regarding Free Trade Agreements and the Member for Fremantle also spoke a second time, by leave, on the same motion.

Hansard: 12 August 2015, 8221; 17 August 2015, 8588, 8590
Votes and Proceedings: 2015/1501, 1519, 1520

SOs 41, 63

Questions

130.15 Question ruled out of order

During question time, the Member for Fairfax asked a question to the Prime Minister regarding parliamentarians' entitlements. The Leader of the House raised a point of order arguing that the question was not within the Prime Minister's responsibilities. The Speaker ruled the question out of order.

Hansard: 12 August 2015, 8096

SOs 86, 98, 100

130.16 Member asked to rephrase question

During question time, the Leader of the Opposition asked the Prime Minister a question regarding emissions reduction targets and called on the Prime Minister to 'apologise for misleading the Parliament'. The Leader of the House raised a point of order which was also addressed by the Manager of Opposition Business. The Speaker asked the Leader of the Opposition to repeat the question without the last part, noting that there were other forms of the House the Member could take.

Hansard: 12 August 2015, 8101-2

SOs 86, 100, 101

Speaker

130.17 Resignation of Speaker; election of new Speaker

On Monday 10 August, the Clerk informed the House that he had received the following communication from His Excellency the Administrator:

I desire to inform the House of Representatives that I have received a letter dated 2 August 2015 from the Hon. Bronwyn Bishop MP, tendering her resignation as Speaker of the House of Representatives, and that I have accepted her resignation. Accordingly, I invite the House to elect a new Speaker.

The Clerk informed Members that the next business of the House was the election of a Speaker and called for nominations. The Member for Deakin moved that the Member for Casey take the chair of the House as Speaker. The motion was seconded by the Member for Robertson and the Member for Casey stated that he accepted the nomination. There were no further proposals and the Clerk declared that the Member for Casey had been elected as Speaker. Accordingly, the Member for Casey took the chair. The Prime Minister, Leader of the Opposition and other Members made congratulatory remarks, and the Speaker made some remarks in reply. The Prime Minister stated that he had been advised His Excellency the Governor-General would set a time to receive the Speaker and the sitting was suspended until the ringing of the bells.

Hansard: 10 August 2015, 7743-8
Votes and Proceedings: 2015/1471

SO 10, 11, 12, 15, 19

130.18 *Issue of writ for the Division of Canning*

On 17 August, the Speaker informed the House that he had earlier that day issued a writ for the election of a Member to serve for the electoral division of Canning in Western Australia to fill the vacancy caused by the death of Donald James Randall. The Speaker informed the House of the dates in connection with the by-election.

*Hansard: 17 August 2015, 8431
Votes and Proceedings: 2015/1514*

130.19 *Authority for Speaker to administer the oath or affirmation of allegiance to Members*

Just before proposing the question that the House adjourn, the Speaker announced that he had received from His Excellency the Governor-General the authority to administer the oath or affirmation of allegiance to those Members who had not already made and subscribed that oath or affirmation since their election or last election to the House.

*Hansard: 17 August 2015, 8561
Votes and Proceedings: 2015/1517*

130.20 *Appointment of Member to Speaker's Panel*

A warrant nominating the Member for Boothby, Dr Andrew Southcott MP, to the Speaker's Panel was presented to the House by the Speaker.

*Hansard: 19 August 2015, 8891
Votes and Proceedings: 2015/1530*

Withdrawals**130.21** *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'You're a hypocrite!'	11 August 2015	7919
'...absolute crap...'	11 August 2015	8012-3
'The question was about his dog of a policy...'	12 August 2015	8092
<i>unrecorded</i>	12 August 2015	8092
'...Hypocrite...'	12 August 2015	8095
'...Carbon Bill...'	12 August 2015	8104-5
'You are such a grub!'	13 August 2015	8266-7
<i>unrecorded</i>	12 August 2015	8310

'Bagman!'	13 August 2015	8323
'So what rank hypocrisy from the member opposite!'	17 August 2015	8591
'...lie...'	18 August 2015	8719
'...Bellyache Bill...'	20 August 2015	9063

SOs 89, 90, 92