

# Procedural Digest

**No. 134***23 November – 3 December 2015*

<i>Nov/Dec 2015</i>				
<b>M</b>	<b>T</b>	<b>W</b>	<b>T</b>	<b>F</b>
23	24	25	26	27
30	1	2	3	4

## Bills

### **134.01** *Two bills debated at the third reading stage*

During the sitting fortnight, two bills were debated at the third reading stage. On 25 November, a government and opposition Member each spoke on the motion for the third reading of the Maritime Legislation Amendment Bill 2015, and on 30 November an opposition Member spoke on the motion for the third reading of the Defence Legislation Amendment (First Principles) Bill 2015.

*Note:* Debate on the motion for the third reading is not common. The time limits are as for a debate not otherwise provided for—that is, 15 minutes for the mover and 10 minutes for other Members. The scope of debate is more restricted than at the second reading stage, being limited to the contents of the bill. In practice, the opportunity to speak on the third reading may be taken by a Member who for some reason has been unable to participate in earlier debate.

*Hansard:* 25 November 2015, 13656-58; 30 November 2015, 14074-77  
*Votes and Proceedings:* 2015/1743, 1764

**SOs 1, 155**

## Business

### **134.02** *Statements regarding recent terrorist attacks and WA bushfires*

Before question time on 23 November, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the recent terrorist attack in Paris and other recent attacks around the world. In doing so, they each acknowledged the presence in the chamber of the Ambassador of France. The House resolved that further statements on the matter be permitted in the Federation Chamber. The Speaker asked all Members present to rise in their places as an indication of support for the remarks of the Prime Minister and the Leader of the Opposition, and as a mark of respect to those who lost their lives.

The Prime Minister and the Leader of the Opposition then each made statements by indulgence regarding the recent bushfires in Western Australia and expressed their condolences for the four people who died during the fires.

*Hansard:* 23 November 2015, 13249-53  
*Votes and Proceedings:* 2015/1730

**SOs 65, 183**

### **134.03** *Resolution of Legislative Assembly of Western Australia regarding marriage equality*

Between items of business on 25 November the Speaker informed the House that he had received a resolution passed by the Legislative Assembly of Western Australia on 23 September 2015 relating to marriage equality. The resolution read:

That this Western Australian Legislative Assembly calls on the Federal Government to abandon the proposed plebiscite on marriage equality and urgently calls on all members of the Federal Parliament to have a free vote on a bill to amend the *Marriage Act 1961*, regarding marriage equality.

*Note:* From time to time, the Speaker communicates to the House letters and documents addressed to the Speaker, such as replies to expressions of congratulation or condolence made by the House or resolutions from other legislatures which include a request to the Commonwealth Parliament.

*Hansard:* 25 November 2015, 13641  
*Votes and Proceedings:* 2015/1743

**SOs 55, 56**

### **134.04** *Statements by indulgence regarding South Australian bushfires*

After the acknowledgement of country and prayers on 26 November, the Manager of Opposition Business, by indulgence, informed the House that the Member for Wakefield would be absent from parliament due to the bushfires affecting his local community which had also come close to the Member's home. He added that he was 'sure the thoughts and prayers of all members of parliament on both sides are with (the Member for Wakefield) and his community at this difficult time.' Later, just before question time, the Prime Minister and Leader of the Opposition each made statements by indulgence in relation to the South Australian bushfires.

*Hansard:* 26 November 2015, 13823

**SO 65**

### **134.05** *Member attends chamber wearing 'safari' suit*

During the period for Members' statements on 2 December, the Chair, whose attention had been drawn to the dress of the Member for Berowra (Mr Ruddock) who had attended the chamber wearing a safari suit, noted that *House of Representatives Practice* states in reference to a 1977 ruling: '... it was acceptable for Members to wear tailored 'safari' suits without a tie.' Shortly after, the Member for Berowra made a 90 second statement explaining that his attire was part of an effort to raise money for the Motor Neurone Disease Foundation at Macquarie University. After question time, the Member for Grayndler, by indulgence, made some remarks to acknowledge the Member for Berowra's fundraising efforts and encouraged others to contribute to the research.

*Note:* While the standard of dress in the Chamber is a matter for the individual judgment of each Member, the ultimate discretion rests with the Speaker.

*Hansard:* 2 December 2015, 14482, 14484, 14513

**SO 65**

### **134.06** *End of year valedictories by indulgence*

During government business, the Prime Minister and Leader of the Opposition each made, by indulgence, their customary end-of-year valedictory speeches. The Speaker also made valedictory remarks. Further valedictory speeches were made prior to the period for Members' statements and after the discussion on a matter of a public importance.

*Hansard:* 3 December 2015, 14613-620, 14653-675, 14740-45

**SO 65**

### **134.07** *House awaits return of bill from Senate; adjourns for the year at 9.55pm*

At 3.24 p.m. on the last sitting of the year, the Leader of the House, by leave, moved a suspension of standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the remainder of the sitting. The motion was carried on the voices. At 5.30 p.m. the Speaker left the Chair while the House awaited the return of a bill from the Senate.

When the sitting resumed at 9.25 p.m. a message from the Senate was reported returning the Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015 and informing the House that the Senate did not insist on its amendments disagreed by the House and requested the concurrence of the House in amendments made in their place. The House ordered that the amendments be considered immediately and the Assistant Minister to the Treasurer moved that the amendments be agreed to. The ensuing debate was closed on a motion moved by a Minister which was carried on division. The question that the amendments made by the Senate be agreed to was then put and carried on division. The Leader of the House then moved that the House adjourn, and the question was carried on the voices. At 9.55 p.m. the House adjourned until Tuesday 2 February 2016.

*Note:* The House normally adjourns at 5.00 p.m. on a Thursday.

*Hansard:* 3 December 2015, 14720, 14760-69  
*Votes and Proceedings:* 2015/1814, 1816-8

**SOs 29, 31, 33, 34, 47, 63**

## Committees

### *134.08 Procedure Committee reports on provisions for nursing mothers*

On 2 December, the Chair of the Standing Committee on Procedure, by leave, presented the committee's report entitled *Provisions for a more family-friendly Chamber*, together with the minutes of proceedings and evidence received by the committee. The Chair and an opposition member of the committee each made statements, by leave, in relation to the report. The House resolved to take note of the report and the order of the day was referred to the Federation Chamber for debate, which took place the following day.

The Committee's report recommended that the House amend standing orders to allow Members to bring their infants into the Chamber and Federation Chamber to breastfeed, bottle feed and at other times when needed. To achieve this, the Committee proposed that standing order 257 be amended to provide that a 'visitor' does not include an infant being cared for by a Member.

*Hansard*: 2 December 2015, 14466-69; 3 December 2015, 14786-790

*Votes and Proceedings*: 2015/1790, 1820

**SOs 63, 247**

### *134.09 Speaker presents schedule of outstanding Government responses to committee reports*

Following question time on 3 December, the Speaker presented a schedule of outstanding Government responses to House and Joint Committee reports, covering the previous six month period.

*Note*: A schedule of outstanding responses is presented at approximately six monthly intervals, generally in the last sitting weeks of the winter and spring sittings. The Government is obliged by resolution of the House to present its response to recommendations contained in a report by a House or Joint Committee within six months of the report's presentation.

*Hansard*: 3 December 2015, 14709-719

*Votes and Proceedings*: 2015/1813

**SO 199, Resolution adopted 29 September 2010**

## Debate

### *134.10 Member speaks in Pitjantjatjara during debate on bill*

During the second reading debate on the Aboriginal Land Rights (Northern Territory) Amendment Bill 2015, the Member for Lingiari and Shadow Parliamentary Secretary for Indigenous Affairs, spoke briefly in Pitjantjatjara—a dialect of the Western Desert language traditionally spoken by the Pitjantjatjara people of Central Australia—and then provided an English translation.

*Note:* Although there is no specific rule set down by standing order, the House follows the practice of requiring Members' speeches to be in English. It is in order, however, for a Member to use or quote phrases or words in another language during the course of a speech.

*Hansard:* 24 November 2015, 13578

*Votes and Proceedings:* 2015/1813

**SO 199**

## Private Members' business

### **134.11** *Amendment moved to private Member's motion*

During private Members' business in the Federation Chamber on 30 November, a government Member (the Member for Dobell) moved a motion relating to the National Ice Taskforce. The motion was seconded and debate ensued.

An opposition Member (the Member for Throsby), during his contribution on the motion, moved an amendment replacing certain words with other words.

A government Member raised a point of order querying whether the amendment was in order, stating 'I do not believe that is in the spirit of what happens in (the Federation Chamber)'. The Chair stated that it was in order for an amendment to be moved to the motion. Debate then continued on the question that the amendment be agreed to. When the time allotted for the debate expired, the debate was interrupted, and the resumption of the debate was made an order of the day for the next sitting.

*Hansard:* 30 November 2015, 14197-14200

*Votes and Proceedings:* 2015/1770

**SOs 43, 111, 116, 118**

## Privilege

### **134.12** *Privileges and Members' Interests Committee report on request for right of reply*

During government business time on 3 December, the Chair of the Privileges and Members' Interests Committee presented a report concerning an application from a private individual for the publication of a response to a reference made about him in the Federation Chamber. The Committee recommended to the House that a response, in the terms included in the report, be incorporated in Hansard. On the motion of the Chair, by leave, the report was agreed to and the Chair, by leave, made a statement in connection with the report.

*Note:* A person who has been referred to in a debate in the House or Federation Chamber may make a submission, claiming that he or she has been adversely affected in some manner, by reason of that reference, and requesting that an appropriate response be incorporated in the parliamentary record. Submissions must be sent to the Speaker who, if satisfied that the matter is not obviously

trivial, frivolous, vexatious or offensive, must refer it to the Committee of Privileges and Members' Interests. In considering a submission, the Committee can only recommend that a response by the person, in terms agreed by the person and the Committee and specified in a report to the House, be published by the House and incorporated in Hansard, or that no further action be taken by the House or the Committee.

*Hansard:* 3 December 2015, 14651-52  
*Votes and Proceedings:* 2015/1809

**SO 216**

### **134.13** *Manager of Opposition Business raises matter of privilege*

Just prior to the discussion on a matter of public importance on 3 December, the Manager of Opposition Business raised as a matter of privilege whether the Special Minister of State had deliberately misled the House. The Manager of Opposition Business presented a series of documents in relation to the matter. The Speaker stated that he would consider the matter and report to the House at a later time.

*Note:* A Member may raise a matter of privilege at any time during a sitting. When a Member raises a matter of privilege the Speaker may reserve the matter for further consideration, or may give the matter precedence and invite the Member to move without notice, a motion declaring that a contempt or breach of privilege has been committed, or referring the matter to the Committee of Privileges and Members' Interests.

*Hansard:* 3 December 2015, 14720-21  
*Votes and Proceedings:* 2015/1814

**SO 51**

## **Offensive words<sup>1</sup>**

Nil.

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<sup>1</sup> List of unparliamentary expressions recorded in *Hansard*.