

Procedural Digest

No. 136

22 February – 3 March 2016

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Bills

136.01 *Standing orders suspended to enable introduction of electoral bill; bill referred to committee for inquiry*

At the commencement of government business time on 22 February, the Leader of the House moved a suspension of standing orders to enable the Commonwealth Electoral Amendment Bill 2016 to be presented immediately, no notice of intention to present the bill having been given. Debate ensued and the question was carried with the concurrence of an absolute majority.

The Treasurer, in his capacity as the Minister representing the Special Minister of State in the House, presented the bill together with an explanatory memorandum. The bill was read a first time and the Treasurer moved the second reading and made a second reading speech. Debate was then adjourned.

An opposition motion to suspend standing orders was then moved and negatived (*see* entry **136.05**) following which the Treasurer moved that the bill be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by 9 a.m. on 2 March 2016. The Shadow Treasurer began speaking to the motion and the Leader of the House moved a closure of question which was carried on division. The motion to refer the bill to the Joint Standing Committee was accordingly put and carried on the voices.

Only appropriation or supply bills or bills (including tariff proposals) dealing with taxation may be presented to the House by a minister without notice.

If a suspension motion is moved without notice it can be carried only by an absolute majority of Members (standing order 47).

Hansard: 22 February 2016, 1558-62, 1570-2
Votes and Proceedings: 2016/1911, 1914-5

SOs 47, 81, 143

136.02 *Standing orders suspended to enable electoral bill to pass through all stages before committee presented advisory report on the bill*

At the conclusion of the second reading debate on the Commonwealth Electoral Amendment Bill 2016 on 24 February, the question on the second reading was

put and carried on division. The Assistant Minister for Finance (Dr Hendy) asked leave of the House to move a motion relating to further consideration of the bill. Leave was not granted. The Assistant Minister then moved that standing orders be suspended to enable consideration of the remaining stages of the bill to proceed immediately. Debate ensued and when the time for debate expired, the question was put and carried on division by an absolute majority.

The bill was then considered in detail and by leave, taken as a whole. The Assistant Minister was granted leave to move certain government amendments together and debate ensued. The question on the amendments was put and carried on the voices and the bill, as amended, was agreed to and read a third time.

Standing order 148 provides that a bill referred to a standing or select committee (by the House or by determination of the Selection Committee) shall not be considered in detail until the committee has reported. As the Joint Standing Committee on Electoral Matters (to which the bill had been referred by the House for inquiry) had yet to report, a suspension of standing orders was required to enable the bill to proceed through the remaining stages.

Hansard: 24 February 2016, 2100-19
Votes and Proceedings: 2016/1938-40

SOs 47, 63, 142-3, 148-150

136.03 *Senate amendment disagreed to; reasons adopted by House*

During government business time on 25 February, the order of the day was read for the consideration of a Senate amendment to the Communications Legislation Amendment (Deregulation and Other Measures) Bill 2015. The Minister for Major Projects, Territories and Local Government (Mr Fletcher) moved that the amendment be disagreed to and debate ensued. The question was carried on division. The Minister then presented reasons for the House disagreeing to the Senate amendment and moved that the reasons be adopted. The question was carried on the voices.

Procedures for the consideration of Senate amendments are similar to those applying during the consideration in detail stage of bills — speeches are limited to five minutes and the number of times a Member may speak is not restricted.

Hansard: 25 February 2016, 2244-9
Votes and Proceedings: 2016/1946-7

SOs 158, 161

136.04 *Proposed life insurance legislation considered in detail – no amendments moved*

On 3 March, after the question on the second reading of the Corporations Amendment (Life Insurance Remuneration Arrangements) Bill 2016 was agreed

to, the Assistant Minister to the Treasurer (Mr Hawke) sought and was denied leave to move the third reading immediately. The House then proceeded to consider the bill in detail and the bill, by leave, was taken as a whole. Debate then ensued on the question that the bill be agreed to for approximately ten minutes at which time debate was interrupted in accordance with standing order 43 for Members' 90 second statements. Later that afternoon following the discussion of a matter of public importance, the order of the day was read for the resumption of debate on the question that the bill be agreed to. There being no Members seeking the call, the question was immediately put and carried on the voices. The third reading was moved, by leave, and the motion was carried on the voices.

It is unusual for a detail stage to be required if no Member is proposing to move amendments. The detail stage is bypassed in the consideration of approximately 75 per cent of bills. When a bill is considered, by leave, as a whole (as in the case above) the debate is widened to include any part of the bill, however, discussion must relate to the clauses of the bill.

Hansard: 3 March 2016, 2991-4, 3037
Votes and Proceedings: 2016/1979, 1980

SOs 148-9

Business

136.05 Suspension of standing orders to require Treasure to attend House negatived

Between items of government business, the Manager of Opposition Business sought leave to move a motion to suspend so much of standing orders as would prevent the Treasurer immediately being given 46 minutes to outline the Government's economic plan for Australia, and the Shadow Treasurer being given equal time to respond. Leave was not granted, and the Member moved a suspension of standing orders to enable him to move the substantive motion. The Leader of the House moved a closure of Member which was carried on division. The motion was seconded and the seconder was immediately closed on division. The question on the suspension motion was then put and negatived on division.

The granting of leave by the House for a motion to suspend standing orders obviates the need for notice. In the above example, had leave been granted, the motion would have required a simple majority of those voting to be carried — rather than an absolute majority.

Hansard: 22 February 2016, 1564-70
Votes and Proceedings: 2016/1911-4

SOs 47, 63, 80

136.06 *Ministerial statements regarding 25th anniversary of the Gulf War; second anniversary of the disappearance of Malaysia Airlines flight MH370*

Two ministerial statements were made during the sitting fortnight:

- During government business time on 29 February, the Minister for Veterans' Affairs (Mr Tehan), by leave, made a ministerial statement relating to the 25th Anniversary of the First Gulf War and presented a copy of his statement. The Shadow Minister for Veterans' Affairs (Mr Feeney) addressed the House in reply.
- During government business time on 3 March, the Minister for Infrastructure and Transport (Mr Chester), by leave, made a ministerial statement marking the second anniversary of the disappearance of Malaysia Airlines flight MH370 and presented a copy of his statement. The Shadow Parliamentary Secretary for Regional Development and Infrastructure (Ms MacTiernan) addressed the House in reply.

While a period is provided in the order of business (standing order 34) for ministerial statements each sitting day (following question time on Mondays, and following the discussion of a matter of public importance on other days), ministers may make statements at other times as well—in all cases leave is required.

*Hansard: 29 February 2016, 2380-7; 3 March 2016, 2985-6
Votes and Proceedings: 2016/1951; 1979*

SOs 63, 63A

136.07 *Attempted suspension of standing orders to vote on marriage equality bill*

After question time on 2 March, the Member for Griffith (Ms Butler) sought leave to move a motion to suspend standing orders to enable the Marriage Legislation Amendment Bill 2015 – a private Member's bill co-sponsored by Ms Butler and six other Members – to be returned to the House from the Federation Chamber, to be called on immediately, and for the question on the second reading of the bill to be put immediately. Leave was not granted and the Member moved that standing orders be suspended to enable her to move the substantive motion. The motion was seconded and debate ensued until the time allotted for the debate expired, at which time the question was put and negatived on division.

*Hansard: 2 March 2016, 2838-47
Votes and Proceedings: 2016/1971-2*

SOs 47, 63

Committees

136.08 *Resolution of appointment of Electoral Matters committee amended*

Between items of government business on 22 February, the Leader of the House moved a suspension of standing orders to enable him to move a motion to amend the resolution of appointment of the Joint Standing Committee on Electoral Matters. The motion was carried on the voices with the concurrence of an absolute majority. The Leader of the House then moved a motion to enable Senators to be appointed to the committee as participating members for the purposes of the committee's inquiry into the Commonwealth Electoral Amendment Bill 2016. The motion provided that participating members could participate in hearings and deliberations of the committee and have all rights of a committee member except that they could not vote on any question before the committee. The question was agreed to and a message was sent to the Senate informing it of the resolution and requesting its concurrence. On 24 February, a message from the Senate was reported informing the House that the Senate concurred with the resolution.

Hansard: 22 February 2016, 1572-3; 24 February 2016, 1992
Votes and Proceedings: 2016/1915-16; 1929

SOs 260, 261

136.09 *Procedure Committee reports on consideration in detail of the main appropriation bill*

On 29 February the Chair of the Standing Committee on Procedure (Dr Southcott) presented the Committee's report entitled *Consideration in detail of the main appropriation bill*, together with minutes of proceedings of the Committee. The Chair and Deputy Chair (Mr Danby) each made statements in connection with the report. The order of the day relating to the motion to take note of the report was referred to the Federation Chamber where it was further debated on 2 March.

The Committee's report recommended that the House adopt a sessional order for the remainder of the Parliament to provide in respect of the consideration in detail stage of the main appropriation bill that each Member be permitted to speak for an unlimited number of two minute periods. The Committee also recommended sessional orders which clarify the rules applying to the consideration in detail of the main appropriation bill.

Currently, consideration in detail of the main appropriation bill (Appropriation Bill (No. 1)) is the same as for any other bill. That is, Members may speak for an unlimited number of five minute periods.

Hansard: 29 February 2016, 2350-2; 2 March 2016, 2924-6
Votes and Proceedings: 2016/1951, 1975

SOs 148, 149, 221, 247

Members

136.10 Member for North Sydney makes first speech

Just prior to 12.30 p.m. on 2 March, standing orders were suspended during government business time to enable the Member for North Sydney (Mr Zimmerman) to make a statement immediately without limitation of time. Prior to calling on the Member for North Sydney, the Speaker reminded the House that it was the Member's first speech and asked that the usual courtesies be extended to him. Mr Zimmerman then addressed the House.

There is a convention in the House that a first speech is heard without interjection or interruption, and the Chair will normally draw the attention of the House to the fact that a Member is making a first speech. A recording of a Member's first speech is taken from the televised proceedings of the House and a copy made available to the Member.

Hansard: 2 March 2016, 2790-7
Votes and Proceedings: 2016/1969

SO 65

Motions

136.11 Condolence motion for the Hon. Bob Halverson OBE, former Member and Speaker

Just before question time on 22 February, the Prime Minister moved a motion of condolence in respect of the death of the Honourable Robert George (Bob) Halverson OBE, a Member of the House for the Division of Casey from 1984 to 1998 and Speaker. The Leader of the Opposition, who seconded the motion, and the Speaker each addressed the House in support of the motion, and all Members present rose in silence as a mark of respect. The debate was adjourned and the order of the day was referred to the Federation Chamber where it was further debated on 24 February. The motion was returned to the House on 24 February and the question was put and passed, with all Members once again rising in their places to indicate their support for the motion.

Mr Halverson was the 22nd Speaker of the House of Representatives, serving from 30 April 1996 until 3 March 1998.

Hansard: 22 February 2016, 1593-6; 24 February 2016 2064, 2168-74
Votes and Proceedings: 2016/1917; 1937; 1942

SOs 49, 63, 117

Questions

136.12 Question to Speaker regarding warnings for disorderly conduct

During question time on 22 February there were a series of interjections during the Prime Minister's answer to a question from the Leader of Opposition. The Speaker, while responding to a point of order from the Manager of Opposition Business, stated 'Just while I have a break in proceedings...can I also caution all the people I warned in the last sitting week...I am just cautioning that all of those Members are interjecting in a disorderly manner again.' The Member for Chisholm (Ms Burke) raised a point of order, stating 'I am loath to make an administrative point at this time, but how long does a warning last for? This is a new ruling that is absurd.' The Speaker asked the Member to resume her seat and asked her not to reflect on the Chair.

After question time, the Member for Chisholm, during a question to the Speaker, sought clarification on how long a warning lasts for, given that previous Speakers had determined that a warning stands for the day. The Speaker stated that the approach he had sought to take was to give Members who were persistent interjectors fair warning before asking them to leave the Chamber under standing order 94(a).

House of Representatives Practice (p. 535) states that before directing a disorderly Member to leave the Chamber for one hour under standing order 94(a) the Chair will generally first call a Member to order and sometimes warn the Member, but there is no obligation on the Chair to do so. Sometimes the Chair will issue a 'general warning', not aimed at any Member specifically, and Members ignoring a warning may expect quick action by the Chair.

Hansard: 22 February 2016, 1614

SOs 86, 91, 94, 103

Speaker

136.13 Speaker's statement regarding speech-timing clocks

After question time on 23 February, the Speaker made a statement regarding the setting of the clock during question time. The Speaker stated that the practice in respect of questions is that the clock is started after a Member has directly stated to which minister their question is directed. He noted that this practice did not occur in respect of all questions the previous day. The Speaker stated that the practice with ministers' answers is that the clock is started as soon as the minister begins speaking. This had been communicated to officers at the table operating the clocks.

Hansard: 23 February 2016, 1901-2

136.14 *Question to Speaker regarding AFP investigation*

After question time on 29 February, the Member for Isaacs (Mr Dreyfus) asked a question of the Speaker regarding an ongoing Australian Federal Police investigation. The Member asked whether the Department of Parliamentary Services had provided any recent assistance to the AFP in accessing parliamentary records. The Speaker replied that he does not comment on police matters and stated that any queries concerning such matters should be directed to the AFP. The Speaker also reminded the House that the AFP has a national guideline for execution of search warrants where parliamentary privilege may be involved, as agreed by the Minister responsible for the AFP and the Presiding Officers. Further, the Speaker stated that any process for the execution of search warrants in circumstances where parliamentary privilege may be involved would only be done in accordance with the principles of the guideline to ensure that privilege is protected.

Hansard: 29 February 2016, 2429

SO 103

Offensive words¹

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'It never ceases to amaze me how people who speak in this House speak without any reflection, intelligence or thoughtfulness whatsoever, and the last speaker was a good example of that.'	24 February 2016	2023-4
'Yes indeed, the professor himself, the shadow Assistant Treasurer'	24 February 2016	2066
'...is your commitment to socially progressive values so skin deep that you will put young people's welfare at risk and throw a successful antibullying campaign under a bus just because the bigots in the conservative brotherhood tell you to?'	1 March 2016	2630-1
'It is always a privilege to follow the bleater from Bendigo.'	2 March 2016	2861-2
'What a divided, disgusting, useless bunch you are!'	2 March 2016	2905
'God, you sound like a raving parrot! Have you ever thought about having any manners?'	3 March 2016	2943

SOs 89, 90, 92

¹ List of unparliamentary expressions recorded in *Hansard*.