

Procedural Digest

No. 138*18 – 19 April 2016*

April 2016				
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18	19	20	21	22

Business

138.01 *Opening of the second session of the Forty-fourth Parliament*

On Monday 18 April, Members of the House assembled at 9.30 a.m. pursuant to Proclamation of His Excellency the Governor-General dated 21 March 2016. The Speaker took the Chair and the Proclamation was read at the Table by the Clerk. The Proclamation provided for the Parliament to be prorogued from 5 p.m. on Friday 15 April 2016 until 9.30 a.m. on Monday, 18 April, at which time Senators and Members were summoned to meet at Parliament House to hold a session of the Parliament.

The Speaker made an acknowledgement of country and read prayers. The Usher of the Black Rod then delivered a message to the House, informing the Speaker that the Governor-General desired the attendance of honourable Members in the Senate Chamber. Accordingly, the Speaker, with Members of the House, attended the Senate Chamber where the Governor-General made a speech to both Houses of the Parliament.

Hansard: 18 April 2016, 3651-2
Votes and Proceedings: 2016/1

SOs 5, 8

138.02 *Address in Reply committee appointed*

After the Speaker reported the Governor-General's speech (*see* entry no. **138.08**), the Prime Minister moved that a committee, consisting of the Member for North Sydney (Mr Zimmerman), the Member for Durack (Ms Price) and himself, be appointed to prepare an Address in Reply to the Governor-General's speech and report at a later hour. The Manager of Opposition Business moved, as an amendment, that the committee also include the Members for Warringah and Menzies. Debate ensued and the Manager of Opposition Business was closed by the Leader of the House on division. The Leader of the House then moved a closure of question which was carried on division. The amendment moved by the Manager of Opposition Business, having not been seconded, was therefore dropped and the question on the motion moved by the Prime Minister was put and carried on division.

Hansard: 18 April 2016, 3651-8
Votes and Proceedings: 2016/2-5

SOs 6, 116

138.03 *Programming motion for consideration of certain bills agreed to*

During government business time, the Leader of the House moved a suspension of standing orders without notice to enable the following to occur:

- the Fair Work (Registered Organisations) Amendment Bill 2014 [No. 3] to be presented without notice, read a first time, second reading moved and debate adjourned to a later hour;
- immediately thereafter the Road Safety Remuneration Repeal Bill 2016 to be presented, read a first time, second reading moved and debate adjourned to a later hour;
- immediately thereafter the Road Safety Remuneration Amendment (Protecting Owner Drivers) Bill 2016 to be presented, read a first time, second reading moved and debate adjourned to a later hour; and
- the Road Safety Remuneration Repeal Bill 2016 and the Road Safety Remuneration Amendment (Protecting Owner Drivers) Bill 2016 to be debated in cognate.

The motion provided that any variation to this arrangement could only be made on a motion moved by a minister. Debate ensued, and the Leader of the House moved a closure of question which was carried on division. The question on the suspension motion was accordingly put and carried on division by an absolute majority, as required. Business then proceeded in accordance with the resolution.

Hansard: 18 April 2016, 3668-75
Votes and Proceedings: 2016/10-13

SOs 47, 81

138.04 *Proposed Address in Reply to Governor-General's speech presented*

The Member for North Sydney (Mr Zimmerman) presented the proposed Address in Reply to the Governor-General's speech, prepared by the committee appointed earlier that day (*see* entry no. **138.02**). The proposed address was read by the Clerk and Mr Zimmerman moved that the address be agreed to. The motion was seconded by the Member for Durack (Ms Price) and debate was adjourned until a later hour.

Hansard: 18 April 2016, 3683
Votes and Proceedings: 2016/13

SOs 6, 29

138.05 *Program of sittings for second session presented and agreed to*

Between items of business on 18 April, the Leader of the House presented the program of sittings for the second session of the 44th Parliament and, by leave, moved that the program be agreed to. The question was carried on the voices.

Hansard: 18 April 2016, 3683-4
Votes and Proceedings: 2016/13

SO 199

138.06 *Deaths of former Members announced*

Just prior to question time on 18 April, the Speaker informed the House of the death, on 18 March 2016, of Allan Charles Rocher, a Member of the House for the Division of Curtin from 1981 to 1998.

Before question time on 19 April the Speaker informed the House of the death, on the weekend just passed, of Kenneth James Aldred, a Member for the Divisions of Henty, Bruce and Deakin between 1975 and 1996. The Speaker also informed the House of the death, on 17 April, of Robert Edwin (Bob) Charles, a Member for the Division of La Trobe from 1990 to 2004.

As a mark of respect, all Members present stood in silence following each announcement.

Hansard: 18 April 2016, 3719; 19 April 2016, 3864-5
Votes and Proceedings: 2016/15, 37

138.07 *Closure of MPI discussion; House adjourns early*

After question time on 19 April, the Speaker informed the House that he had received a letter from the Deputy Leader of the Opposition proposing that a definite matter of public importance be submitted to the House for discussion. When the Speaker called on the Deputy Leader of the Opposition, the Leader of the House immediately moved that the business of the day be called on. The question was carried on division.

Divisions were then held on suspension motions moved by the Leader of the Opposition and Member for Grayndler respectively during the period for deferred divisions earlier in the day. Both were negatived. Then, at 3.33 p.m., the Leader of the House moved that the House adjourn. The question was carried on the voices.

The discussion on a matter of public importance (MPI) may be terminated at any stage by the House agreeing to the motion, moved by any Member, 'That the business of the day be called on'. Pursuant to standing order 78, the motion is not open to debate, must be moved without comment and the question must be put immediately and resolved without amendment.

Hansard: 19 April 2016, 3888-94
Votes and Proceedings: 2016/41-44

SOs 32, 46, 78, 81, 133

Bills

138.08 *Prime Minister presents 'privilege' bill prior to Speaker reporting Governor-General's speech*

When the Speaker and Members returned to the Chamber after attending the Governor-General in the Senate Chamber, the Prime Minister presented the Statute Law Revision Bill (No. 3) 2016 together with an explanatory memorandum. The bill was read a first time and the second reading was made an order of the day for the next sitting. The Speaker then reported that the House had attended the Governor-General in the Senate Chamber, where His Excellency was pleased to make a speech to both Houses of Parliament. The full text of the speech appears in the day's *Hansard*.

When the Speaker, in procession, returns to the House of Representatives Chamber and before the Speaker reports the Governor-General's speech to the House, it is necessary for the House to transact some formal business, usually the introduction of a non-contentious bill. This bill is known as the 'formal' bill or 'privilege' bill. Its presentation is taken to express the House's traditional right to conduct its own business without reference to the immediate cause of summons. The order of the day is placed on the Notice Paper and nowadays remains the last item of government business throughout the session, the bill lapsing at prorogation or dissolution.

*Hansard: 18 April 2016, 3651
Votes and Proceedings: 2016/2*

SO 6

138.09 *House requests Senate to resume consideration of lapsed building and construction industry bills, following message from Governor-General*

Between items of business on 18 April, a message from the Governor-General was announced recommending, in accordance with the requirements of section 56 of the Constitution, an appropriation for the Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2]. The Leader of the House, by leave, moved a motion requesting that the Senate resume consideration of the Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2] and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2]. The bills had been transmitted to the Senate for its concurrence during the previous session of the parliament. The Australian Greens Member (Mr Bandt) began speaking on the motion and the Leader of the House immediately moved a closure of question which was carried on division. The motion asking the Senate to resume consideration of the bills was accordingly put, and carried on division.

Later that afternoon, a message from the Senate was reported informing the House that the Senate had agreed to resume consideration of the bills.

*Section 56 of the Constitution provides that 'A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has **in the same session** been recommended by message of the Governor-General to the House in which the proposal originated'. No previous bill on which the House has asked the Senate to resume consideration has involved an appropriation.*

Hansard: 18 April 2016, 3664-8, 3740
Votes and Proceedings: 2016/7-10, 15-16

SOs 81, 174, 180

138.10 *Lapsed Northern Australia bills revived following suspension motion; bills pass through all stages without delay in accordance with resolution*

On 19 April, the Leader of the House moved a suspension of standing orders to enable him to move a motion to allow proceedings on the Northern Australia Infrastructure Facility Bill 2016 and the Northern Australia Infrastructure Facility (Consequential Amendments) Bill 2016, which lapsed at prorogation, to be resumed at the point where they were interrupted. The Manager of Opposition Business rose to speak to the motion and the Leader of the House immediately moved a closure of member which was carried on division. The Leader of the House then moved a closure of question which was carried on division. The question on the suspension motion was accordingly put and carried on the voices.

The Leader of the House then moved that proceedings on the two bills be resumed forthwith at the point where they were interrupted and the question was carried on the voices. Standing orders were suspended to enable the passage of the bills through all stages without delay, and the bills were each read a second and third time.

Hansard: 19 April 2016, 3844-9
Votes and Proceedings: 2016/34-37

SOs 47, 80, 81, 174

138.11 *Closure of second reading debate on road safety remuneration bills; House divides twice on motion for third reading after confusion in the numbers reported by the tellers*

Just prior to 6.30 p.m. on 18 April during the second reading cognate debate on the Road Safety Remuneration Repeal Bill 2016 and a related bill, the Leader of the House moved a motion to suspend standing order 133 (relating to deferred divisions on Mondays and Tuesdays). The Leader of the House stated that he was moving the motion so that the House could move to a vote on the road

safety remuneration bills at the earliest convenience of the House. The question was carried on the voices. The Leader of the House then moved a closure of the question (that the Road Safety Remuneration Repeal Bill 2016 be read a second time). The question was carried on division. Accordingly, the Chair put the question on the second reading, which was carried on division, and the bill was read a second time.

The Leader of the House sought leave to move the third reading immediately, and leave was not granted. He then moved, without notice, that standing orders be suspended to enable the motion for the third reading to be moved and put without delay. Debate ensued and the Leader of the House moved a closure of question which was carried on division. The question on the motion to suspend standing orders was carried on division, by an absolute majority, as required. Accordingly, the Leader of the House moved the third reading and, in accordance with the resolution agreed to earlier, the question was put with no intervening debate permitted. A division was called and the Speaker reported that the question had been carried. There was some confusion over the numbers reported by the tellers, and the Manager of Opposition Business, on a point of order, requested that, in accordance with standing order 132(a) the House divide again on the question that the bill be read a third time. Accordingly, the bells were rung for four minutes, and another division on the question was held. The motion was carried and the bill was read a third time.

Hansard: 18 April 2016, 3785-823
Votes and Proceedings: 2016/16-22
SOs 63, 81, 131, 132, 133

138.12 *Leave not granted to move third reading immediately; no amendments moved during consideration in detail debate*

When the order of the day was read for the resumption of the second reading debate on the Road Safety Remuneration Amendment (Protecting Owner Drivers) Bill 2016, the Leader of the House immediately moved a closure of question, which was carried on division. The question that the bill be read a second time was accordingly put, and carried on the voices. Leave was not granted for the third reading to be moved immediately and the House proceeded to consider the bill in detail. The bill, by leave, was taken as a whole and debate ensued for around an hour and a half, with no amendments moved, until debate was interrupted by the automatic adjournment at 9 p.m.

Hansard: 18 April 2016, 3799-823
Votes and Proceedings: 2016/22-23
SOs 63, 148

Private Members' business

138.13 Arrangements for private Members' business on Monday 2 May

Between items of business on 19 April, the Leader of the House, by leave, moved a suspension of standing orders to enable the Selection Committee to meet to determine arrangements for private Members' business and committee and delegation business for Monday 2 May; to communicate its determinations to all Members prior to 2 May; and to report its determinations to the House following the acknowledgement of country and prayers on 2 May. The motion also provided for the Selection Committee's determinations to be shown in the Notice Paper for 2 May. The question was carried on the voices.

Hansard: 19 April 2016, 3833
Votes and Proceedings: 2016/31

SOs 41, 47, 222

Questions

138.14 Prime Minister adds to an answer

After question time on 18 April, the Prime Minister, by indulgence, added to an answer he had given during question time that day regarding health funding.

Hansard: 18 April 2016, 3740

SO 65

Offensive words¹

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'You don't use banks, Bill. You use brown paper bags.'	18 April 2016	3659
'I am trying to get Buffoon over here to listen.'	18 April 2016	3739
'Declare who you're sponsored by.'	19 April 2016	3867

SOs 89, 90, 92

¹ List of unparliamentary expressions recorded in *Hansard*.