

Procedural Digest

No. 139

2 – 5 May 2016

May 2016				
M	T	W	T	F
2	3	4	5	6

Bills

139.01 House asks Senate to resume consideration of 13 lapsed bills

On 2 May, messages from the Governor-General and the Administrator were announced recommending, in accordance with the requirements of section 56 of the Constitution, an appropriation for the purposes of four bills.

The Letters Patent relating to the office of Governor-General and the Constitution make provision for the appointment of an Administrator to administer the Government of the Commonwealth in the absence of the Governor-General.

A minister, by leave, moved a motion requesting that the Senate resume consideration of 13 bills (including those for which a message recommending an appropriation was reported). The motion required that the House's requests be conveyed to the Senate in a separate message for each bill. Debate ensued, and the motion was put and carried on the voices.

The following morning, messages from the Senate were reported informing the House that the Senate had agreed to resume consideration of the bills.

When the House is dissolved or prorogued all proceedings come to an end and all bills on the Notice Paper lapse. If it is desired to proceed with a bill that has lapsed following a dissolution, a new bill must be introduced, as there is no provision for proceedings to be carried over from Parliament to Parliament. However, both Houses have provisions for the resumption of business that has lapsed due to a prorogation of Parliament.

*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'.*

Hansard: 2 May 2016, 3908-11; 3 May 2016, 4169
Votes and Proceedings: 2016/47, 65

SOs 174, 180, 259, 261

139.02 *Supply bills introduced in anticipation of double dissolution*

On Monday 2 May 2016, Supply Bill (No. 1) 2016-2017; Supply Bill (No. 2) 2016-2017 and Supply (Parliamentary Departments) Bill (No. 1) 2016-2017 were presented by the Assistant Minister for Finance (Dr Hendy) following the reporting of messages from the Administrator recommending an appropriation for the purposes of each of the bills.

Standing order 180(b) provides that for an appropriation or supply bill, the message must be announced before the bill is introduced. For other bills appropriating revenue or moneys, the message is announced immediately after the second reading.

At the conclusion of the Assistant Minister's second reading speech on each bill, debate was adjourned and, by leave, made an order of the day for a later hour. A cognate second reading debate then ensued on the three bills, following which the questions on the second and third readings of each bill were put and carried on the voices.

Usually after a Minister's second reading speech, debate is adjourned to a future sitting in accordance with standing order 142. Leave was required to enable the resumption of debate and passage through all stages on the same day as the bills were introduced.

The function of supply bills is to provide funds for the interim period when the main appropriation bills are not scheduled to pass both Houses before the beginning of the financial year. The supply bills introduced on 2 May appropriate 5/12ths of the estimated 2016-17 annual appropriations (excluding Budget measures) in order to provide for continuity of normal government business in the event that both Houses are dissolved before the main appropriation bills have passed.

As with the appropriation bills, Supply Bill (No. 1) refers to salaries and administrative expenses and Supply Bill (No. 2) provides for capital expenditure. The Supply (Parliamentary Departments) Bill provides funds for parliamentary expenditure. The procedures for introduction, debate and amendments to supply bills are the same as for appropriation bills, but there is no budget speech or budget debate.

These days, supply bills are not a regular part of parliamentary business because the Budget is typically presented in May and the main appropriation bills are normally passed before the end of the financial year. The Budget was traditionally presented in August and it was common practice, prior to 1994, to present supply bills to provide for government expenditure between the end of the financial year and the passage of annual appropriation bills through both Houses.

Hansard: 2 May 2016, 3945-8, 3949-64
Votes and Proceedings: 2016/51-2, 53
SOs 63, 138, 141, 142, 153, 180

139.03 *Senate asks House to resume consideration of lapsed bill*

On 2 May, a message from the Senate was reported requesting that the House resume consideration of the Social Security (Administration) Amendment (Consumer Lease Exclusion) Bill 2015 which was transmitted during the last session of parliament but lapsed on prorogation. An opposition Member moved that the message be considered at the next sitting and the question was carried on the voices.

*Hansard: 2 May 2016, 3945
Votes and Proceedings: 2016/51*

SO 41, 174, 261

139.04 *House resumes consideration of five lapsed bills*

Between items of business, an Assistant Minister, by leave, moved that proceedings on the following five bills, which lapsed at prorogation, be resumed immediately at the point where they were interrupted:

- Tax Laws Amendment (Tax Incentives for Innovation) Bill 2016;
- Financial System Legislation Amendment (Resilience and Collateral Protection) Bill 2016;
- National Disability Insurance Scheme Amendment Bill 2016;
- National Disability Insurance Scheme Savings Fund Special Account Bill 2016; and
- Omnibus Repeal Day (Autumn 2015) Bill 2015.

The question was carried on the voices.

*Hansard: 2 May 2016, 3998
Votes and Proceedings: 2016/55*

SOs 63, 111, 174

139.05 *Speaker's statement on constitutional questions raised by Senate amendments*

On 3 May, a message from the Senate was reported returning the Northern Australia Infrastructure Facility Bill 2016 with amendments. The Speaker made a statement drawing the House's attention to an important point of constitutional principle raised by the Senate's amendments. The amendments proposed to amend the definition of 'Northern Australia' in the bill, which would change the destination of the appropriation in one of the bill's clauses. There was therefore doubt that the Senate could proceed in such circumstances by way of amendment, because section 53 of the Constitution prohibits the Senate from amending a bill so as to increase 'any proposed charge or burden on the people'. If the House wished to entertain the proposal reflected in the Senate's proposed amendments, the Speaker stated that it may choose to proceed by alternative means.

The Minister for Resources, Energy and Northern Australia (Mr Frydenberg) moved that the House endorse the Speaker's statement and that the Senate message be considered immediately. Debate ensued and the question was carried on the voices. Following the reporting of a message from the Administrator recommending an appropriation for the purposes of the amendments, the Minister moved that the Senate's purported amendments be disagreed to and that Government amendments in the same terms be made. During the ensuing debate the Minister presented a supplementary explanatory memorandum. The question was then put and carried on the voices.

Hansard: 3 May 2016, 4169-76
Votes and Proceedings: 2016/65-66
SOs 158, 161, 180

139.06 *Presentation of 2016-2017 Budget*

On Tuesday 3 May, after a suspension of sitting from 6.02 p.m. to 7.31 p.m., the Speaker reported a message from the Administrator recommending an appropriation for the purposes of Appropriation Bill (No. 1) 2016-2017. The Treasurer then presented the bill, moved the second reading and delivered the budget speech. Debate was adjourned and the Assistant Minister for Finance presented documents in connection with the Budget. The Assistant Minister also presented a ministerial statement entitled *Investing in regional growth 2016-17*.

The Assistant Minister then presented Appropriation Bill (No. 2) 2016-2017 and Appropriation (Parliamentary Departments) Bill (No. 1) 2016-2017. The introduction of each bill was preceded by a message from the Administrator recommending an appropriation for the purposes of the bill. The House adjourned at 8.11 p.m., on a motion moved by the Assistant Minister.

Hansard: 3 May 2016, 4255-67
Votes and Proceedings: 2016/68-69
SOs 32, 141, 142, 147, 178, 180, 182, 199

Business

139.07 *Statement by Chair of Joint Committee of Public Accounts and Audit on draft budget estimates for the ANAO and PBO*

During government business time on 3 May, the Chair of the Joint Committee of Public Accounts and Audit (Mr Macfarlane), by leave, made a statement concerning the draft budget estimates for the Australian National Audit Office and the Parliamentary Budget Office for 2016-2017. The Chair then, by leave, presented a copy of the statement.

As the committee responsible for parliamentary oversight of the ANAO and PBO, the Joint Committee of Public Accounts and Audit is required by legislation to consider the draft budget estimates for each office. Therefore, on Budget day each year the Committee

makes a statement on whether, in its opinion, these offices have been given sufficient funding to carry out their respective mandates. See the Parliamentary Service Act 1999 regarding the Committee's role in respect of the PBO and the Public Accounts and Audit Committee Act 1951 regarding the ANAO.

*Hansard: 3 May 2016, 4245-6
Votes and Proceedings: 2016/68*

SOs 63, 199

139.08 *Updated shadow ministry list presented*

Just prior to question time on 4 May, the Leader of the Opposition presented a revised shadow ministry list.

*Hansard: 4 May 2016, 4353
Votes and Proceedings: 2016/74*

SO 199

139.09 *Statements by indulgence regarding appointment of Reserve Bank Governor*

After question time on 5 May, the Treasurer made a statement by indulgence to announce the appointment of Dr Philip Lowe as the next Governor of the Reserve Bank of Australia when the current governor, Mr Glenn Stevens, finishes his term on 17 September 2016. The Shadow Treasurer, by indulgence, also made remarks on the appointment.

Hansard: 5 May 2016, 4584-6

SO 65

139.10 *Suspension of standing order 31 (automatic adjournment) to facilitate Leader of the Opposition's budget reply speech*

On Thursday 5 May the Leader of the House, by leave, moved that standing order 31 (automatic adjournment of the House) be suspended for the sitting, and that the House automatically adjourn following the budget reply speech by the Leader of the Opposition. The motion was agreed to on the voices.

Later that evening, debate on the Address in Reply was adjourned and the second reading debate on Appropriation Bill (No. 1) 2016-2017 was called on in preparation for the budget reply speech. The sitting was then immediately suspended, at 6.33 p.m.. When the sitting was resumed at 7.30 pm, the Leader of the Opposition made his budget reply speech. The House then adjourned at 8.02 p.m..

*Hansard: 5 May 2016, 4584, 4620-6
Votes and Proceedings: 2015/91, 92*

SOs 31, 47, 63, 142

Committees

139.11 *Procedure Committee reports on electronic voting and maintenance of the standing orders*

During committee and delegation business on 2 May, the Chair of the Procedure Committee (Dr Southcott) presented two reports: *Division required? Electronic voting in the House of Representatives* and *Maintenance of the standing orders*, together with the minutes of proceedings for each inquiry. The Chair and Deputy Chair (Mr Danby) each made statements in connection with the reports.

The first report recommended that electronic voting be implemented provided that: voting occurs in the Chamber; the traditional divide to the right and left of the Chair be maintained; and tellers continue to be appointed to ensure proxy votes for nursing mothers and backup in the event of technology failure. It also recommended that swipe or touch card be investigated as the option for allowing Members to vote from anywhere within the Chamber.

In the second report, the Procedure Committee made recommendations regarding minor technical amendments to clarify the operation of certain standing orders and to make minor consequential changes. The Committee also recommended that the House elect chairs of House committees (currently chairs are appointed by the Prime Minister and deputy chairs by the Leader of the Opposition).

*Hansard: 2 May 2016, 3916-21
Votes and Proceedings: 2016/48*

SOs 221, 247

139.12 *Appropriations and Administration Committee report*

On 5 May, the Speaker, as Chair of the Standing Committee on Appropriations and Administration, presented the Committee's report on the 2016-2017 budget estimates for the Department of the House of Representatives.

*Hansard: 5 May 2016, 4465
Votes and Proceedings: 2016/79*

SOs 222A, 247

139.13 *Schedule of outstanding government responses to committee reports presented*

Following question time, the Speaker presented the schedule of outstanding government responses to House and joint committee reports, covering the previous six month period.

*Hansard: 5 May 2016, 4575-83
Votes and Proceedings: 2016/90*

SO 199

Members

139.14 Member sanctioned for disorderly conduct

During Members' 90 second statements on 2 May, an opposition Member displayed a prop while making a statement and was ordered by the Chair to desist. The Member continued to display the prop and was directed, under standing order 94, to leave the Chamber for one hour for disorderly behaviour. The Member accordingly left the Chamber and Members' statements continued.

*Hansard: 2 May 2016, 3974
Votes and Proceedings: 2016/53*

SOs 91, 94

Motions

139.15 Condolence motion for former minister

On 2 May, the Prime Minister moved a condolence motion in respect of the Hon. Dr Rex Alan Patterson, a former minister and Member for the Division of Dawson from 1966 to 1975. The motion was seconded by the Leader of the Opposition. Debate was adjourned and, by leave, the matter was referred to the Federation Chamber for further debate. The following day the motion was returned to the House and the question was put, and passed, with all Members present rising in their places.

*Hansard: 2 May 2016, 3976-8
Votes and Proceedings: 2016/53*

SOs 49, 63, 183

139.16 Leave granted for opposition censure motion

During question time on 5 May, the Shadow Treasurer (Mr Bowen) sought leave to move a motion, among other things, calling on the House to censure the Prime Minister for 'hiding the true cost...of his centrepiece 10-year tax cut for big business.' The government granted leave for the motion and debate ensued. The Prime Minister moved, as an amendment, that all words after 'that' be omitted with a view to substituting the following words: 'This House welcomes and supports the Government's economic plan for jobs and growth.' At the conclusion of debate the Chair put the question on the amendment which was carried on division. The question that the motion, as amended, be agreed to, was then put and carried on division, and question time concluded.

*Hansard: 5 May 2016, 4496-503
Votes and Proceedings: 2016/82-6*

SOs 111, 116, 117, 118, 121, 122, 129, 130

Private Members' business

139.17 Selection Committee reports in accordance with resolution

Following acknowledgement of country and prayers on 2 May, the Speaker, as chair of the Selection Committee, presented a report containing the committee's determinations for private Members' business and committee and delegation business for 2 May, in accordance with a resolution of the House on 19 April. The resolution provided for the Committee to meet during the break in sittings and to communicate its determinations to all Members and then to report these to the House following the acknowledgement of country and prayers on 2 May.

*Hansard: 2 May 2016, 3901-8
Votes and Proceedings: 2016/47*

SOs 41, 222

Privilege

139.18 Former Member guilty of contempt; reprimanded by the House

During government business time on 4 May, the Deputy Leader of the House (Mr Chester), pursuant to notice, moved a motion to vary the resolution of the House regarding the procedures for dealing with matters of contempt, for the purposes of considering the Member for McMillan's notice relating to a report of the Committee of Privileges and Members' Interests (which he chairs). The motion moved by the Deputy Leader of the House proposed to vary the resolution to provide that two sitting days' notice, rather than the usual seven, could be given for a motion that makes a finding of contempt. The effect of the variation of the resolution was to enable the Member for McMillan's notice to be called on and resolved prior to the anticipated dissolution of both Houses. The question was put and carried on the voices.

The Member for McMillan (Mr Broadbent), pursuant to notice, moved a motion calling on the House to agree with the recommendation of the report of the Committee of Privileges and Members' Interests and to find the former Member for Dobell guilty of a contempt of the House in that, in the course of his statement to the House on 21 May 2012, the then Member deliberately misled the House. The motion also called on the House to reprimand the former Member for his conduct. The motion was seconded by the Deputy Chair of the committee and debate ensued. The question was put and carried on the voices.

*Hansard: 4 May 2016, 4388-9
Votes and Proceedings: 2016/75*

SOs 51, 111, 116, 117, 250

139.19 *Alleged unauthorised disclosure of committee draft report*

On 5 May, the Chair of the Standing Committee on Privileges and Members' Interests (Mr Broadbent) made a statement concerning the possible unauthorised disclosure of the committee's draft report. Mr Broadbent had first raised the matter when presenting the committee's final report on 17 March 2016. He stated that the committee had considered the matter and concluded that it was unlikely to amount to a substantial interference with the committee's work. Furthermore, the committee could not be expected to discover the source of the disclosure. Mr Broadbent stated that the matter was now concluded.

Hansard: 5 May 2016, 4472-3
Votes and Proceedings: 2016/80

Speaker**139.20** *Statement on arrangements for budget and budget reply nights*

After question time on Tuesday 3 May, the Speaker made some remarks concerning arrangements for budget night and budget reply night. He informed the House that he would be upholding the principle that a Member with the call is entitled to speak without interruption and advised that, in accordance with precedent, disorderly Members would be directed to leave the Chamber under standing order 94(a), by written note. The Speaker also asked Members to ensure that their guests arrived in the galleries in a timely way.

Hansard: 3 May 2016, 4197-8

Offensive words¹

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'Can't we do better than this Labor-Liberal policy of not drowning but burning?'	4 May 2016	4359

SOs 89, 90, 92

¹ List of unparliamentary expressions recorded in *Hansard*.