

Procedural Digest

No. 5

45th Parliament

21 November – 1 December 2016

November/ December 2016				
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Bills

5.01 Registered organisations bill amended by Senate and agreed to

During Government business time on 22 November, a message from the Senate was reported returning the Fair Work (Registered Organisations) Amendment Bill 2014 with amendments. The House ordered that the amendments be considered immediately and the Minister representing the Minister for Employment moved that the amendments be agreed to. Debate ensued and the question was put and carried on division.

The Fair Work (Registered Organisations) Amendment Bill 2014 was one of three bills used as a trigger for the double dissolution election.

*Hansard: 22 November 2016, 3941-60
Votes and Proceedings: 2016/360-1*

SOs 158, 161, 261

5.02 Fewer than five Members vote on one side during divisions

On three occasions during the sitting fortnight, fewer than five Members voted on one side during divisions:

- On 22 November, on the question for the second reading of the Counter-Terrorism Legislation Amendment Bill (No. 1) 2016, fewer than five Members voted 'No'.
- On 24 November, on the question for the second reading of the Civil Nuclear Transfers to India Bill 2016, fewer than five Members voted 'No'.
- On 1 December, on the question for the second reading of the Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016, fewer than five Members voted 'No'.

On each occasion, the question was declared carried and the names of those Members voting in the minority were recorded in the *Votes and Proceedings*.

*Hansard: 22 November 2016, 3982; 24 November 2016, 4361; 1 December 2016, 5259
Votes and Proceedings: 2016/363, 377, 466*

SOs 126, 127

5.03 Social security bill considered in detail; no amendments moved

After the Social Security Legislation Amendment (Youth Jobs Path: Prepare, Trial, Hire) Bill 2016 had been read a second time, the bill was considered in detail and, by leave, taken as a whole. Debate then ensued on the question 'That the bill be agreed to'. After approximately 1 hour and 20 minutes of debate, the question was put and carried on the voices. Leave was granted for the third reading to be moved immediately and the question was carried on the voices. The bill was then read a third time.

The consideration in detail stage generally occurs when one or more Members intend to move amendments to the provisions of the bill. However, if debate for the purpose of further clarification or specific comment regarding the provisions of the bill is required, it is appropriate for this to take place during the consideration in detail stage.

Hansard: 23 November 2016, 4188-4207
Votes and Proceedings: 2016/371

SOs 148, 149

5.04 Consideration of Senate's requested amendments to working holiday maker reform bill; adjournment negated

After the discussion on a matter of public importance on 24 November 2016, a message from the Senate was reported returning the Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016 with requests for amendments. The House ordered that the amendments be considered immediately and the Treasurer moved that the requested amendments be not made. During the ensuing debate, the Shadow Treasurer moved an amendment to substitute all words after 'That' with the following words: 'the requested amendments be made'. At 4.30 pm debate was interrupted and the question was proposed 'That the House do now adjourn'. The Treasurer required the question to be put immediately without debate and the question was negated on the voices. Debate then continued on the amendment moved by the Shadow Treasurer. The question on the amendment was negated on division and the question on the original motion 'That the requested amendments be not made' was put and carried on division.

Under section 53 of the Constitution, the Senate may not amend bills imposing taxation, or proposed laws appropriating revenue for the ordinary annual services of the government (e.g. the budget bills). Further, the Senate may not amend any bill so as to increase any proposed charge or burden on the people. However, the Senate may return to the House any bill which the Senate may not amend, requesting that the House make certain amendments.

As the Senate's requested amendments proposed to decrease a tax, it provided the opposition with a unique opportunity to propose as an amendment to the Treasurer's motion, that 'the requested amendments be made'. At first glance, it would seem that the amendment was a direct negative, which is considered to be out of order, as the proper and accepted practice of expressing a completely contrary opinion, is to vote against the motion without seeking to amend it. However, a simple vote for or against the motion would have resulted in the bill being returned to the Senate without amendment, or potentially laid aside (in the case of a successful 'no' vote). Whereas, if the opposition's amendment to the motion had been successful, the requested amendments would have passed the House.

Hansard: 24 November 2016, 4409-18
Votes and Proceedings: 2016/378-81

SOs 31, 121, 165, 261

5.05 Statements by indulgence prior to adjournment of debate on second reading

During government business time on 28 November, the Treasurer introduced the Passenger Movement Charge Amendment Bill (No. 2) 2016 and made a second reading speech. In accordance with standing order 142, the Chair called for the debate to be adjourned. An opposition Member (the Member for Grayndler), by indulgence, requested a ruling from the Chair prior to the commencement of further debate on the legislation as to whether it was competent for the parliament to consider the legislation, given that it sought to 'bind not just this parliament but the next parliament as well' (in his second reading speech the Treasurer had stated that the bill gave effect to the government's commitment that the rate of the passenger movement charge applying from 1 July 2017 would not increase for a minimum period of five years from this date). The debate was then adjourned.

The following morning the Speaker made the following statement:

When the Treasurer introduced the Passenger Movement Charge Amendment Bill (No. 2) 2016, the Member for Grayndler sought a ruling from the Chair whether the legislation could proceed when it sought to bind future Parliaments by legislating that there would not be a further increase in the charge for five years after 1 July 2017.

It is not clear what point was being raised by the Member for Grayndler. The House frequently legislates measures that will apply many years into the future. There is nothing for me to rule on, but I do of course make the point that it is open to any future Parliament to amend such legislation.

The Member for Grayndler, by indulgence, also made a statement on the matter.

*Hansard: 28 November 2016, 4568-70; 29 November 2016, 4715
Votes and Proceedings: 2016/392, 403*

SOs 65, 142

5.06 Opposition objects to cognate debate

When the order of the day was read for the resumption of second reading debate on the Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016 the Speaker stated that he understood it was the wish of the House to debate the order of the day concurrently with the Passenger Movement Charge Amendment Bill (No. 2) 2016. The Manager of Opposition Business stated that the view of the opposition was that the bills should be dealt with separately. An objection having been raised, the second reading debate ensued on the Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016 only.

*When there are two or more related bills before the House, it frequently suits the House to allow their second readings to be debated together—that is, the debate on the first of the bills covers also the other related bills. A debate of this kind is known as a **cognate debate**. Although not provided for in the standing orders, this is a well-established practice. A cognate debate is initiated by a proposal from the Chair seeking the agreement of the House. Agreement to the proposal must be unanimous. Upon the conclusion of the debate separate questions are put as required on each of the bills.*

*Hansard: 29 November 2016, 4715-6
Votes and Proceedings: 2016/403-4*

SO 142

5.07 Proceedings on working holiday maker reform bill

After the discussion of a matter of public importance on 29 November, the order of the day was read for the resumption of debate on the Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016 (No. 2) and a second reading amendment moved by the opposition which, among other things, called on the House to decline to give the bill a second reading. The Treasurer moved a closure of question which was carried on division. Accordingly, the question on the second reading amendment was put, and was negatived on division. The question that the bill be read a second time was carried on division. The bill was then considered in detail and, by leave, taken as a whole. The Shadow Treasurer moved opposition amendments which were negatived on division. The question that the bill be agreed to was carried on the voices and, by leave, the bill was read a third time.

The following day, a message from the Senate was reported returning the bill with requests for amendments. The requested amendments sought to apply a 10.5 per cent income tax rate to assessable income derived by working holiday makers on amounts up to \$37,000, rather than the 15 per cent proposed in the bill. The House ordered that the requested amendments be considered at the next sitting.

During government business on 1 December, the order of the day was read for the consideration of the Senate's requested amendments and the Treasurer moved that the requested amendments be not made. During the ensuing debate, the Treasurer presented a letter and announced that the government had secured an agreement with the Australian Greens and certain other crossbench Senators, to ensure the taxation arrangements for working holiday makers would be set at 15 per cent. After the Shadow Treasurer's contribution, the Treasurer moved a closure of question which was carried on division. Accordingly, the Speaker put the question that the requested amendments be not made, which was carried on division. When a message was conveyed to the Senate, the Senate did not press its requests for amendments and the bill finally passed both Houses.

Hansard: 29 November 2016, 4784-93; 30 November 2016, 4994; 1 December 2016, 5213-9
Votes and Proceedings: 2016/405-9, 422, 449-51

SOs 63, 142, 145, 148, 150, 153, 155

5.08 Attempted suspension of standing orders during consideration of bill

When the order of the day was read for the resumption of the second reading debate on the Passenger Movement Charge Amendment Bill (No. 2) 2016, an Opposition Member (the Member for Grayndler) was denied leave to move a motion discharging the order of the day relating to the bill and not permitting the reintroduction of a bill relating to the Passenger Movement Charge 'unless it does not contravene well established parliamentary practice by purporting to bind future parliaments'. The Member then moved a suspension of standing orders without notice to enable the motion. Debate ensued and the motion was seconded by an opposition Member. When the time for debate expired, the question on the suspension motion was put and negatived on division. The House then returned to the question that the bill be read a second time.

If there is business before the House, a suspension motion without notice can only be moved if it is relevant to the business under discussion and seconded. Suspension motions moved without notice can be carried only by an absolute majority of Members.

Hansard: 29 November 2016, 4793-801
Votes and Proceedings: 2016/405-9

SOs 47, 142

5.09 Building and construction industry bills returned from Senate with amendments and agreed to

During government business time on Wednesday 30 November, a message from the Senate was reported returning the Building and Construction Industry (Improving Productivity) Bill 2013 with amendments. The House ordered that the amendments be considered immediately and the Prime Minister moved that the amendments be agreed to. Debate ensued and an opposition Member was interrupted by the Leader of the House who moved a closure of question, which was carried on the voices. Accordingly, the Speaker put the question that the amendments be agreed to, which was also carried on the voices.

A message from the Senate was then reported returning the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 with amendments. The House ordered that the amendments be considered immediately and the Prime Minister moved that the amendments be agreed to. Debate ensued and the question was carried on the voices.

The Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 were two of the three bills used as triggers for the double dissolution election.

Hansard: 30 November 2016, 5008-23
Votes and Proceedings: 2016/422-3

SOs 81, 158, 261

5.10 Consideration of proposed VET student loan bills

On 1 December, a message from the Senate was reported returning the VET Student Loans (Charges) Bill 2016 without amendments or requests.

A message from the Senate was then reported returning the VET Student Loans Bill 2016 with requests for amendments and informing the House of an annexed schedule containing amendments which had been made by the Senate. The House ordered that the amendments requested by the Senate be considered immediately. The Assistant Minister for Vocational Education and Skills (Ms Andrews) moved that the requested amendments be not made. The Shadow Minister for TAFE and Vocational Education (Ms Ellis) moved as an amendment that all words after "That" be omitted with a view to substituting the following words: "the House calls on the Government to recommend an appropriation from the Governor-General consistent with the request from the Senate." Debate ensued and an opposition Member who seconded the amendment was closed on division. The Leader of the House then moved a closure of question which was carried on division. Accordingly, the Speaker put the question on the amendment moved by the Shadow Minister. There being some confusion over the question before the House, the Speaker stated the full question, which was negatived on division. The House divided again on the question that the Senate's requested amendments be not made, and the question was carried.

A further message from the Senate was reported returning the VET Student Loans (Consequential Amendments and Transitional Provisions) Bill 2016 with amendments. The

House ordered that the amendments be considered immediately and the Assistant Minister for Vocational Education and Skills moved that the amendments be agreed to. The question was carried on the voices.

Later that evening, just prior to the House adjourning for the year, a message from the Senate was reported returning the VET Student Loans Bill 2016 and informing the House that the Senate did not press its requests for amendments which the House had not made and requested the concurrence of the House in the amendments made by the Senate. The House ordered that the amendments be considered immediately and the Assistant Minister for Vocational Education and Skills moved that the amendments be agreed to. The question was carried on the voices.

Hansard: 1 December 2016, 5115-29, 5260-3

Votes and Proceedings: 2016/433-7, 466

SOs 80, 81, 121, 158, 165, 261

5.11 Replacement explanatory memorandum presented

Between items of government business on 1 December, the Minister for Small Business presented a replacement explanatory memorandum to the Statute Update (A.C.T. Self-Government (Consequential Provisions) Regulations) Bill 2016.

Hansard: 1 December 2016, 5145

Votes and Proceedings: 2016/441

SOs 141, 199

5.12 New bill presented and passed through all stages

During government business time on 1 December the Treasurer presented the Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2016 without notice, together with an explanatory memorandum, and the bill was read a first time. There was a brief pause in proceedings while adequate numbers of copies of the bill were delivered to the Chamber. The Treasurer then made a second reading speech. Leave was not granted for the second reading debate to continue so the Treasurer moved a suspension of standing orders, pursuant to contingent notice, to enable the resumption of debate on the second reading of the bill to be made an order of the day for a later hour. Debate ensued and after an opposition Member had spoken to the motion, the Treasurer moved a closure of question, which was carried on division. Accordingly the Speaker put the question on the motion to suspend standing orders, and the question was carried on division. Second reading debate then ensued, and after three speakers the Leader of the House moved a closure of question, which was carried on division. The question on the second reading was accordingly put, and was carried on division. The Treasurer was denied leave to move the third reading immediately, and so moved a suspension of standing orders, pursuant to contingent notice, to enable the third reading to be moved without delay. An opposition Member was closed, on division, while speaking to the suspension motion. The Leader of the House then moved a closure of question which was carried on division. The suspension motion moved by the Treasurer was accordingly put, and was carried on division. The Treasurer moved the third reading. Debate ensued and the Leader of the House moved a closure of question which was carried on division. The question on the third reading was accordingly put and was carried on division, and the bill was read a third time.

The bill introduced by the Treasurer implemented a reduced rate of taxation for working holiday makers' superannuation – and was part of the agreement reached with the Australian Greens for the Senate not to press its requested amendments on the Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016 (No. 2) so that a 15 per cent income tax rate to assessable income derived by working holiday makers on amounts up to \$37,000 was achieved (see entry no. 5.07).

Under standing order 178, notice is not required for bills dealing with taxation.

*Hansard: 1 December 2016, 5219-50
Votes and Proceedings: 2016/451-60*

SOs 47, 138, 141, 142, 155, 178

Business

5.13 Ministerial statements regarding investment; national security; and infrastructure

During government business time on 23 November, the Minister for Trade, Tourism and Investment (Mr Ciobo) was granted leave to make a ministerial statement regarding investment and presented a copy of his statement. The Shadow Assistant Treasurer (Dr Leigh) addressed the House in reply. A minister moved that the House take note of the document, debate was adjourned and the order of the day was referred to the Federation Chamber for further debate.

Later that morning, debate on a government bill was adjourned and the Prime Minister was granted leave to make a ministerial statement regarding national security. The Prime Minister presented a copy of his statement. The Leader of the Opposition addressed the House in reply. A minister moved that the House take note of the document, debate was adjourned and the order of the day was referred to the Federation Chamber for further debate.

On Thursday 24 November, the same procedure was followed to enable the Prime Minister to make a ministerial statement, by leave, regarding infrastructure. The Leader of the Opposition addressed the House in reply and a motion to take note of the copy of the Prime Minister's statement was moved prior to debate being adjourned and the matter being referred to the Federation Chamber for further debate.

*Hansard: 23 November 2016, 4075-87, 4091-100; 24 November 2016, 4343-51
Votes and Proceedings: 2016/367-8, 377*

SOs 63A, 199

5.14 Leave of absence granted to all Members

After question time, as is customary on the last sitting of a calendar year, the Leader of the House moved that leave of absence be given to all Members from the determination of the sitting until the date of the next sitting of the House. The question was carried on the voices.

A Member's place becomes vacant if, without permission of the House, he or she does not attend the House for two consecutive months of any session of the Parliament (s. 38, The Constitution). It is the usual practice at the end of a period of sittings for a Minister to move 'That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting'.

Hansard: 1 December 2016, 5201

Votes and Proceedings: 2016/446

SO 26

5.15 MPI curtailed by motion to call on business of the day

After around half of the allotted time for the discussion of a matter of public importance on Thursday 1 December, the Treasurer moved that the business of the day be called on. The question was carried on division. Accordingly the House proceeded to the next item of business.

The motion 'That the business of the day be called on' is used to curtail or preclude a discussion on a matter of public importance, and can only be used in this context. This form of closure is provided because there is no question before the Chair during an MPI. The motion is moved in a similar manner to the closure. If the motion is agreed to, the discussion of the MPI is immediately concluded and the House proceeds to the next item of business.

Hansard: 1 December 2016, 5210-2

Votes and Proceedings: 2016/447-8

SO 46

5.16 Prime Minister and Leader of the Opposition make valedictory remarks

During Government business time on 1 December, the Prime Minister and the Leader of the Opposition, by indulgence, each made their customary end of year valedictory speeches.

Hansard: 1 December 2016, 5100-8

SO 65

5.17 Standing orders 31 and 33 suspended to allow for extended sitting

During government business time on 1 December, the Leader of the House moved to suspend 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 Leader of the House made a brief statement to explain that the House would likely need to sit late, in order to consider legislation when it was returned from the Senate. The suspension motion was carried on the voices.

At 7 pm that evening, the Leader of the House, by indulgence, updated the House on the likely program for the remainder of the evening, and explained that the House was still awaiting the return of some items yet to be considered by the Senate. He therefore proposed a dinner break. The sitting was then suspended at 7.02 pm until the ringing of the bells. The sitting resumed at 10.20 pm, and the House adjourned at 10.31 pm until 12 noon on Tuesday 7 February 2017.

Hansard: 1 December 2016, 5137-8, 5258, 5263

Votes and Proceedings: 2016/438

SOs 31, 33, 47

5.18 Consideration of Senate message regarding Royal Commission into the financial services industry

On 1 December, a message from the Senate was reported informing the House that the Senate had agreed to a resolution calling on the Government to establish a Royal Commission to inquire into misconduct in the banking and financial services industry. The Senate requested the concurrence of the House in the resolution. The Leader of the House moved that the message be considered at the next sitting. The Manager of Opposition Business moved an amendment to have the message taken into consideration immediately. The amendment was seconded by an opposition Member. The Leader of the House moved a closure of question which was carried on the voices. Accordingly the question on the amendment moved by the Manager of Opposition Business was put, and was negatived on division. The Leader of the House then moved a closure of the question (that the message be considered at the next sitting). The closure motion was carried on division. Accordingly, the Speaker put the question on the original motion moved by the Leader of the House and it was carried on division.

*Hansard: 1 December 2016, 5251-8
Votes and Proceedings: 2016/462-5*

SOs 81, 121, 122, 261

Committees

5.19 Speaker presents reports on access to committee documents

After question time on 29 November, the Speaker, pursuant to the resolution of the Senate on 6 September 1984 and the House of Representatives on 11 October 1984, presented two reports on access to committee documents.

Pursuant to a resolution of the House, the Speaker may permit any person to examine and copy evidence submitted to, or documents of, committees, which are in the custody of the House, which have not already been published by the House or its committees and which have been in the custody of the House for at least 10 years. However, if such evidence or documents were taken in camera or submitted on a confidential or restricted basis, disclosure shall not take place unless the evidence or documents have been in the custody of the House for at least 30 years, and, in the opinion of the Speaker, it is appropriate that such evidence or documents be disclosed. The Speaker must report to the House the nature of any evidence or documents made available under the resolution and the persons to whom they have been made available. Subject to the same conditions, the Speaker and the President of the Senate have been authorised to release records of joint committees. Any such release must be reported to both Houses.

*Hansard: 29 November 2016, 4766
Votes and Proceedings: 2016/404*

SO 199

5.20 Senate refers matter of whistleblower protections to joint committee for inquiry

On 1 December, a message from the Senate was reported informing the House that the Senate had the previous day agreed to a resolution referring the matter of whistleblower protections in the corporate, public and not-for-profit sectors to the Parliamentary Joint

Committee on Corporations and Financial Services for inquiry and report by 30 June 2017. The full terms of reference for the inquiry were included in the resolution.

Hansard: 1 December 2016, 5089
Votes and Proceedings: 2016/427

SO 261

5.21 Speaker's schedule of outstanding government responses to committee reports presented

After question time on 1 December the Speaker presented a document entitled: Committee reports—Schedule of outstanding Government responses to reports of House of Representatives and joint committees, also incorporating reports tabled and details of Government responses made in the period between 5 May 2016, the date of the last schedule, and 30 November 2016. The schedule was incorporated into Hansard and is available [online](#).

Hansard: 1 December 2016, 5193-201
Votes and Proceedings: 2016/445

SO 199

5.22 Joint Select Committee on Government Procurement established

During government business time on 1 December a message from the Senate was reported informing the House that the Senate had agreed to a resolution establishing a joint select committee, to be known as the Joint Select Committee on Government Procurement, to inquire and report by 31 May 2017 on a range of matters included in the terms of the resolution. The Senate requested the concurrence of the House in the resolution appointing the Committee. The Leader of the House moved that the House concur in the resolution of the Senate relating to the establishment of the Committee and that a message be sent to the Senate acquainting it of the resolution. The question was carried on the voices.

Hansard: 1 December 2016, 5250
Votes and Proceedings: 2016/460-2

SO 261

Debate

5.23 Minister speaks first on adjournment debate

On 21 November 2016, when the Chair proposed the question 'That the House do now adjourn', the call was first given to the Minister for Veterans' Affairs.

The practice of the House is that an opposition Member receives the first call on the motion to adjourn the House. Although, technically, Ministers are not excluded from participation in the adjournment debate, in practice the period is regarded as an opportunity for private Members, and House of Representatives Practice notes that previously, the Speaker has stated that it would not be proper for the Chair to recognise a member of the Executive in the adjournment debate, except at times when no other Members have risen to speak.

Hansard: 21 November 2016, 3748-9

SO 31

5.24 Call withdrawn from proposer of MPI; quorum called; dissent from Chair's ruling moved and later withdrawn

During the discussion of a matter of public importance on Wednesday 30 November, the Deputy Leader of the Opposition—who had proposed the matter for discussion—was warned for displaying props. Later during her contribution, the Deputy Leader of the Opposition and certain Members behind her displayed props again and the Chair asked the Member to resume her seat and called on a government Member. An opposition Member was asked to leave the Chamber for one hour under standing order 94(a) for interjecting while out of her seat and the discussion continued. An opposition Member drew the Chair's attention to the state of the House and the Chair ordered that the bells be rung. A quorum was formed and the discussion continued. The Manager of Opposition Business raised as a point of order that a number of government Members had been interjecting while out of their seats and asked the Chair to take action. The Chair stated that he did not propose to take action, and the Manager of Opposition Business moved that this ruling be dissented from. The motion was seconded and debate ensued.

During debate on the dissent motion, the Speaker assumed the Chair and made a statement to the House. He proposed that, in the interests of moving things forward, the House return to the MPI and at the conclusion of the government Member's contribution, the Deputy Leader of the Opposition would be given the call to complete her contribution. Accordingly, the dissent motion moved by the Manager of Opposition Business, was withdrawn, by leave. The MPI discussion then continued from the point of interruption.

*Hansard: 30 November 2016, 4963-6
Votes and Proceedings: 2016/419*

SOs 46, 63, 86, 87, 91, 94

Members

5.25 Oath of allegiance by Member for Hotham

After the acknowledgement of country and Prayers on 21 November, the Member for Hotham (Ms O'Neil), having been on parental leave since the beginning of the Parliament, made and subscribed the oath of allegiance required by law.

Section 42 of the Constitution provides that every Senator and every Member of the House of Representatives shall before taking his or her seat make and subscribe an oath or affirmation of allegiance. The form of the oath or affirmation is set out in a schedule to the Constitution.

*Hansard: 21 November 2016, 3597
Votes and Proceedings: 2016/337*

SO 4

Motions

5.26 Opposition motion to suspend standing orders negated following closure of debate

During question time on 22 November, the Leader of the Opposition was denied leave to move a motion which, among other things, condemned the Prime Minister 'for being so

weak and leading a Government that is so divided that the Prime Minister is powerless to act'. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the Leader of the Opposition was immediately closed on division. The motion was seconded by the Manager of Opposition Business, who was also closed on division. The Leader of the House then moved a closure of question which was carried on division. The question that the suspension of standing orders moved by the Leader of the Opposition be agreed to was accordingly put, and negated on division. Question time then continued.

Hansard: 22 November 2016, 3916-24
Votes and Proceedings: 2016/356-60

SOs 47, 80, 81

5.27 Prime Minister's motion regarding domestic and family violence

During government business time on 28 November, the Prime Minister, by leave moved a motion regarding domestic and family violence and, in speaking to the motion, asked all Members to support the 'No More' campaign. The Leader of the Opposition spoke in support of the motion and debate was then adjourned and the order of the day was referred to the Federation Chamber for debate. The motion was further debated in the Federation Chamber on 30 November.

Hansard: 28 November 2016, 4501-4; 30 November 2016, 5070-85
Votes and Proceedings: 2016/387, 425-6

SOs 63, 111

5.28 Opposition motion to suspend standing orders negated following closure of debate

During government business time on Monday 28 November, the Manager of Opposition Business was denied leave to move a motion which, among other things, called on various ministers to attend the House and provide an account of their or their offices' involvement in an alleged matter involving the Commonwealth and Western Australian Governments. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the Manager of Opposition Business was immediately closed on division. The motion was seconded by an opposition Member, who was also closed on division. The Leader of the House then moved a closure of question which was carried on division. The question that the suspension of standing orders moved by the Manager of Opposition Business be agreed to was accordingly put, and negated on division. Government business then resumed.

Hansard: 28 November 2016, 4505-12
Votes and Proceedings: 2016/388-91

SOs 47, 80, 81

5.29 Motion regarding the murder of Mrs Jo Cox MP

After question time on 29 November, the Leader of the House, by leave, moved a motion regarding the murder of Mrs Jo Cox, a Member of Parliament in the House of Commons for the constituency of Batley and Spen, who was killed in the course of performing her

responsibilities to her constituents. The motion condemned Mrs Cox's murder; expressed its deepest sympathies to her family, colleagues and all who knew her; paid tribute to her extraordinary contribution to public life; and sought to convey the terms of the resolution to the Speaker of the House of Commons. The matter was referred to the Federation Chamber, by leave, for further debate, which took place the following morning. After the discussion of a matter of public importance on 30 November, the matter was returned to the House and the motion was put and was carried on the voices.

A motion in similar terms had been moved by a private Member during private Members' business, however given that items of private Members' business are not usually voted on, the Leader of the House argued that his moving the motion enabled as many Members who wished to participate to speak to the motion, and for the question on the motion to be put and was carried.

*Hansard: 29 November 2016, 4766-7; 30 November 2016, 4977, 5046-61
Votes and Proceedings: 2016/405, 419*

SOs 63, 111, 125, 183, 197

5.30 Opposition motion to suspend standing orders negated following closure of debate

During government business time on 1 December, the Shadow Treasurer (Mr Bowen) was denied leave to move a motion which, among other things, called on the Government to 'end the chaos and deal with the backpacker tax immediately by accepting the sensible compromise offered by the Senate' and therefore to suspend standing orders to enable the order of the day relating to the Income Tax Rate Amendment (Working Holiday Maker Reform) Bill 2016 to be called on immediately. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the mover was immediately closed on division. The motion was seconded by an opposition Member, who was also closed on division. The Leader of the House then moved a closure of question which was carried on division. The question that the suspension of standing orders moved by the Shadow Treasurer be agreed to was accordingly put, and negated on division. Government business then resumed.

*Hansard: 1 December 2016, 5091-9
Votes and Proceedings: 2016/428-32*

SOs 47, 80, 81

5.31 Opposition motion to suspend standing orders negated following closure of debate

During question time on 1 December the Manager of Opposition Business was denied leave to move a motion which, among other things, condemned the Prime Minister for 'preferring to hurt rural and regional Australia and the tourism industry with a 32.5 per cent tax rate instead of accepting a sensible compromise'. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the Manager of Opposition Business was immediately closed on division. The motion was seconded by an opposition Member, who was also closed on division. The Leader of the House then moved a closure of question which was carried on division. The question that the suspension of standing orders moved by the Manager of Opposition Business be agreed to was accordingly put, and negated on division. Question time then concluded.

Hansard: 1 December 2016, 5187-93

Votes and Proceedings: 2016/388-91

SOs 47, 80, 81

Privilege

5.32 Privileges Committee report regarding right of reply

On Thursday 24 November, the Chair of the Standing Committee of Privileges and Members' Interests (Mr Broadbent) presented a report concerning an application from a citizen for the publication of a response to a reference made in the House of Representatives. The Chair, by leave, move that the report be agreed to and the question was carried on the voices. Accordingly, the response was incorporated in *Hansard*.

Hansard: 24 November 2016, 4319-20

Votes and Proceedings: 2016/376

5.33 House upholds claim of parliamentary privilege by Member in relation to material seized under a search warrant

On 28 November, the Chair of the Privileges and Members' Interests Committee presented its report on the claim of parliamentary privilege by the Member for Blaxland in relation to material seized under a search warrant (see entry no. 3.25). The report found that in all circumstances of the matter, the material seized under the search warrant was held by the Member for Blaxland in connection with his parliamentary responsibilities as a Member and that the material related to 'proceedings in Parliament' as defined in the *Parliamentary Privileges Act 1987*. As a result, the Committee found that the material was subject to parliamentary privilege and need not be produced under the search warrant. Accordingly, the Committee recommended that the House rule to uphold the claim of privilege by the Member for Blaxland and further that the AFP be advised of the House's ruling on the matter and that the seized material be returned by the Clerk to the Member for Blaxland.

On 1 December, the Chair of the Privileges and Members' Interests Committee, pursuant to notice, moved that the House agree with the Committee's recommendation and rule to uphold the claim of parliamentary privilege by the Member for Blaxland. The motion also provided for the AFP to be advised of the House's ruling on the matter and that the seized material in the custody of the Clerk be returned to the Member for Blaxland. The motion was seconded by the Deputy Chair of the Committee, was not debated and was carried on the voices.

Hansard: 28 November 2016, 4505; 1 December 2016, 5091

Votes and Proceedings: 2016/388, 428

SOs 113, 216

Parliamentary administration

5.34 House approves proposal for Parliament House perimeter security enhancements

On 1 December, the Speaker, pursuant to notice, moved that, in accordance with section 5 of the *Parliament Act 1974*, the House approve the proposal for work in the Parliamentary Zone which was presented to the House on 30 November regarding proposed security upgrade works for Parliament House. The Speaker spoke to the motion, which was put and was carried on the voices.

The Parliament Act 1974 defines the parliamentary zone within which no building or other work can be erected without the approval of both Houses of Parliament.

*Hansard: 1 December 2016, 5089-91
Votes and Proceedings: 2016/428*

SOs 111, 117

Private Members' business

5.35 Replacement explanatory memorandum for private Member's bill

Between question time and the discussion of a matter of public importance on 24 November, the Member for Melbourne (Mr Bandt), by leave, presented a replacement explanatory memorandum for the Fair Work Amendment (Protecting Christmas) Bill 2016, a private Member's bill he had presented earlier that week.

*Hansard: 24 November 2016, 4393
Votes and Proceedings: 2016/378*

SO 141

Questions

5.36 Opposition question ruled out of order

During question time on 24 November, the Shadow Treasurer asked the Prime Minister a question regarding the Member for Warringah and policy costings undertaken by the Parliamentary Budget Office. The Speaker ruled the question out of order and called on the next questioner.

Hansard: 24 November 2016, 4380

SO 98

5.37 Ministers add to answers

At the conclusion of question time on 30 November, the Minister for Social Services (Mr Porter), by indulgence, clarified an answer he had given during question time regarding the timing of when the Minister for Revenue and Financial Services had contacted the Western Australian Attorney-General.

The Minister for Revenue and Financial Services (Ms O'Dwyer) was also granted indulgence to add to an answer she had given the previous day regarding the Bell litigation matter.

Hansard: 30 November 2016, 4961

SO 65

Speaker

5.38 Question to Speaker regarding questions taken on notice by ministers

After question time on 29 November, the Manager of Opposition Business asked a question regarding questions taken on notice by ministers during question time. The Member sought clarification on the procedure to be followed when questions are taken on notice, noting that House of Representatives Practice states that there are two alternative procedures, either the Member is directly written to or the relevant minister provides the requested information on the floor of the House. The Speaker responded that it was a matter for the minister as to the timing of any response and the nature of it. The Speaker added that if a Member who asked a question was not happy with the timing or nature of a response, there was always an opportunity for the Member to ask another question.

Hansard: 29 November 2016, 4765-6

SO 103

5.39 Speaker suspends sitting following disturbance in the public gallery during question time

On Wednesday 30 November, shortly after question time commenced, a number of protestors disrupted proceedings from the public gallery. The Speaker suspended the sitting at 2.04 pm and proceedings resumed at 2.40 pm. Upon resumption, the Speaker stated to the House that his action in suspending the sitting was taken as a last resort, having formed the view that the dignity of the House would have been severely compromised had the sitting continued. He also stated that a thorough review of events would be undertaken. The Leader of the House and the Leader of the Opposition each made remarks on the matter, by indulgence.

The following day the Speaker made a further statement to inform the House that an investigation had commenced and would cover, among other things, procedures for security screening of people entering the public galleries, ticketing procedures for question time and procedures for non-ticketed attendees. The review would also consider security response procedures and capacity within Parliament House. The Leader of the House and the Manager of Opposition Business each made brief remarks, by indulgence, in response to the Speaker's statement.

The Speaker's action in temporarily suspending the sitting was not unprecedented, with previous Speakers having taken the same action following similar disruptions in the galleries on two occasions in the 1970s and once in 1920.

*Hansard: 30 November 2016, 4945-6; 1 December 2016, 5202-3
Votes and Proceedings: 2016/325, 446-7*

SOs 65, 95

5.40 Statement by opposition Member on Speaker's panel

Between Members' contributions to the MPI discussion on 30 November, the Chair (Mr Georganas) made a brief statement to inform the House that, so he can properly represent his constituents and advocate for his community, he would continue to exercise his deliberative vote. He therefore stated his intention to leave the chair before any division takes place.

Similar statements had been made earlier by other opposition Members who are also members of the Speaker's panel (see entry no. 2.24).

Hansard: 30 November 2016, 4976

SOs 16, 17

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'I note that the Liberal members in the chamber right now laughed when I talked about the impact the Medicare and health cuts are having. They should stay, listen and understand the impact that their unrelenting attacks on Medicare and the health system are having on communities like mine.'	22 November 2016	4046
'Members opposite are smirking about this, but it is a very, very serious matter.'	22 November 2016	4050
'So what we have now is that the Labor Party is playing one game, and it is political bastardry.'	24 November 2016	4375
'The shadow Treasurer put that in his forward estimates. Well, he lied on the basis of what he has put forward here.'	24 November 2016	4377
'He has deliberately misled on this matter. He knows what the facts are—'	24 November 2016	4390
'I tell you what, Mr Speaker: don't trust a word that Bill Shorten says. Don't trust a word that this Leader of the Opposition says. He is a con—'	29 November 2016	4757
'You're an idiot!'	29 November 2016	4771
'The difficulty is that it goes beyond that for this Leader of the Opposition because he is also, as we found out this week, signing other deals. He is signing other deals and he is consorting, as it turns out, through his CFMEU	30 November 2016	4954

[#] List of unparliamentary expressions recorded in *Hansard*.

links, with criminals and thugs—people that have been convicted of criminal offences. And that is the reality of this Leader of the Opposition.'		
'No wonder you got sacked by the Queensland police.'	30 November 2016	4955

SOs 89, 90, 92