

Procedural Digest

No. 24

45th Parliament

15 – 25 October 2018

October 2018				
M	T	W	T	F
15	16	17	18	19
22	23	24	25	26

Selected entries contain links to video footage via *Parlview*. Please note that the first time you click a [Watch] link, you may need to refresh the page (ctrl+F5) for the correct starting point.

Bills

24.01 Bill introduced and passes all stages in one sitting

On 16 October, the Treasurer presented the Treasury Laws Amendment (Lower Taxes for Small and Medium Businesses) Bill 2018 and made a second reading speech. He then asked leave for the debate to continue. Leave was not granted and the Treasurer, pursuant to contingent notice, moved that standing orders be suspended to allow the resumption of the second reading debate to be made an order of the day for a later hour. The question was debated and carried on the voices.

The order of the day was immediately called on and the second reading debate continued until the time allocated for Members' Statements. Later, the second reading debate resumed and a number of Members spoke to the bill. The Assistant Treasurer summed up the debate and the question that the bill be read a second time was carried on the voices, with one Member (Mr Wilkie) dissenting.

By leave, the Assistant Treasurer moved the third reading immediately. A division was called and, there being fewer than five Members on the side for the 'Noes', the Deputy Speaker declared the question resolved in the affirmative without completing the count. The bill was read a third time.

Hansard: 16 October 2018, 10063-78; 10128-53
Votes and Proceedings: 2018/1885; 1888

SOs 47, 63, 127, 142, 155

24.02 Amendment moved to second reading amendment

On 24 October, debate resumed on the second reading of the Corporations Amendment (Strengthening Protections for Employee Entitlements) Bill 2018 and on an amendment to the bill moved earlier in the week by an opposition Member (Mr O'Connor). During her speech, the Centre Alliance Member (Ms Sharkie) moved an amendment to the amendment proposed by Mr O'Connor. After some debate, the debate was adjourned to a later hour.

When debate resumed, a minister summed up and the question was put on the amendment moved by Ms Sharkie to the proposed amendment moved by Mr O'Connor. There being fewer than five voting 'Aye', the Speaker declared the question resolved in the negative without completing the count. The question was then put on the second reading

amendment moved by Mr O'Connor and the amendment was negated on division. The bill then passed through the remaining stages.

Hansard: 24 October 2018, 10974-81; 10999-1002

Votes and Proceedings: 2018/1926

SOs 124, 145

Business

24.03 Statements regarding anniversary of the Westgate Bridge collapse

The Prime Minister and the Leader of the Opposition each made statements, by indulgence, regarding the 48th anniversary of the Westgate Bridge collapse. On the motion of the Leader of the House, further statements on the matter were permitted in the Federation Chamber.

As a mark of respect to the memory of the deceased, all Members present stood, in silence.

[\[Watch\]](#)

Hansard: 15 October 2018, 9868-71

Votes and Proceedings: 2018/1868

24.04 Statements regarding the Invictus Games

The Prime Minister and the Leader of the Opposition each made brief statements by indulgence welcoming the Duke and Duchess of Sussex and athletes from around the world to Australia for the Invictus Games, commencing in Sydney on 20 October 2018. [\[Watch\]](#)

Hansard: 15 October 2018, 9887-8

24.05 Motion to suspend standing orders regarding motion moved in the Senate

Following the acknowledgement of country and prayers on 16 October, the Manager of Opposition Business sought leave to move that the House reject a motion moved in the Senate the previous day regarding 'anti-white racism'. Leave was not granted. The Manager of Opposition Business then moved to suspend standing orders to allow him to move the motion and debate ensued.

When the time for the debate expired, the Speaker put the question. A division was called and it being during the period for deferred divisions, the division was deferred until after the matter of public importance discussion.

When the House proceeded to the deferred division, the Manager of Opposition Business asked the Speaker to re-state the question before the House, in accordance with standing order 67, and the Speaker did so. The suspension motion was negated on division.

Hansard: 16 October 2018, 10057-63; 10122-4

Votes and Proceedings: 2018/1886-7

SOs 47, 63, 67, 133

24.06 Statements on the death of Ian Kiernan AO

The Prime Minister and the Leader of the Opposition each made statements by indulgence, acknowledging the death of Ian Kiernan, founder of Clean Up Australia Day. On the motion of the Leader of the House, further statements were permitted in the Federation Chamber.

Hansard: 17 October 2018, 10279-81

Votes and Proceedings: 2018/1895

24.07 Motion to suspend standing orders regarding statements by minister

On 17 October, the Manager of Opposition Business moved to suspend standing orders to allow him to move that the Minister for the Environment attend and advise the House on statements she had made in the House earlier that day. Debate ensued. The House divided on the suspension motion and the numbers for the 'Ayes' and the 'Noes' were equal, 71:71.

The Speaker stated that while it was open to him to exercise his casting vote, in accordance with precedent he would simply declare the vote lost as the motion did not have the required support of an absolute majority of Members.

Usually, when the numbers are equal in a division, the Speaker will exercise his or her casting vote (in accordance with section 40 of the Constitution). However, motions for the suspension of standing orders moved without notice can only be carried by an absolute majority of Members (76 Members).

Hansard: 17 October 2018, 10331-9

Votes and Proceedings: 2018/1898-9

SO 47

24.08 Ministerial statement relating to veterans and their families

During government business time on 24 October, the Minister for Veterans' Affairs, by leave, made a ministerial statement relating to veterans and their families and presented a copy of his statement. The shadow minister addressed the House in reply. The minister then moved that the House take note of the document. The debate was adjourned and resumption of the debate was referred to the Federation Chamber. A number of members spoke to the motion in the Federation Chamber the following day. [\[Watch\]](#)

Hansard: 24 October 2018, 10874-83

25 October 2018, 11232-57

Votes and Proceedings: 2018/1925; 1938

SOs 63, 63A

Committees

24.09 Speaker presents annual report of House Appropriations and Administration Committee

The Speaker, as Chair of the House Standing Committee on Appropriations and Administration, presented the committee's annual report for 2017-18.

Hansard: 25 October 2018, 11109
Votes and Proceedings: 2018/1933

SOs 222A, 247

Documents

24.10 Speaker presents annual reports for parliamentary departments

On Monday 15 October, the Speaker presented the annual reports of the Department of Parliamentary Services and the Parliamentary Budget Office for 2017-18.

On Wednesday 24 October, he presented the annual report of the Department of the House of Representatives for 2017-18.

Hansard: 15 October 2018, 9888
24 October 2018, 10958
Votes and Proceedings: 2018/1869; 1927

SO 199

Federation Chamber

24.11 Deputy Speaker fixes alternative meeting time for Federation Chamber

The Speaker advised the House that the Deputy Speaker had fixed 4 pm for the meeting time of the Federation Chamber on Monday, 22 October 2018.

The Federation Chamber usually meets at 10.30 am on Mondays, but met late on 22 October due to the national apology to victims and survivors of institutional child sexual abuse.

Hansard: 15 October 2018, 9795
Votes and Proceedings: 2018/1865

Members

24.12 Leave of absence granted to Member

On 15 October, a minister moved that leave of absence be granted to Mrs Sudmalis for the remainder of the current period of sittings for public business overseas. The question was carried on the voices.

A Member with leave of absence is excused from the service of the House or on any committee.

*Hansard: 15 October 2018, 9888
Votes and Proceedings: 2018/1870*

SO 26

Motions

24.13 National apology to victims and survivors of institutional child sexual abuse

On 22 October, the Prime Minister moved a motion of apology to victims and survivors of institutional child sexual abuse. In accordance with a resolution of the House agreed on 20 September 2018 and pursuant to notice, the Prime Minister moved the motion at 11 am and spoke without limitation of time. The Leader of the Opposition spoke in support and all Members present stood in silence, as a mark of respect. Debate was adjourned and resumption of the debate was referred to the Federation Chamber. The sitting was then suspended at 11.44 am. [\[Watch\]](#)

In accordance with the resolution agreed on 20 September, the sitting was resumed at 2.30 pm and questions without notice were called on. The Prime Minister notified the House that he had consulted with the Leader of the Opposition and they had agreed that, in light of the events of the day, question time would not take place and asked that questions be placed on the Notice Paper.

The motion of apology was further debated in the Federation Chamber during the week and was returned to the House on Thursday 25 October. Later that day, the order of the day relating to the motion was called on and the question 'that the motion be agreed to' was put and carried, with all Members present again standing in silence.

*Hansard: 20 September 2018, 9704
22 October 2018, 10560-9
23 October 2018, 10829-47
24 October 2018, 11051-99
25 October 2018, 11112, 11174
Votes and Proceedings: 2018/1859; 1910-1; 1925; 1934; 1935*

SOs 41, 111, 197

Private Members' business

24.14 Private Members' business time rearranged for national apology

In accordance with a resolution of the House agreed on 20 September 2018, private Members' business in the House was scheduled to conclude by 11 am on Monday 22 October, to allow for the national apology. The resolution also provided for private Members' business to be scheduled in the Federation Chamber on Tuesday 23 October, between 4.30 pm and 5.30 pm, to make up for the time lost in the House.

Time is normally allocated for private Members' business and committee and delegation business in the House from 10 am to 12 noon on Mondays.

*Hansard: 20 September 2018, 9704
22 October 2018, 10560
23 October 2018, 10820-9*

Votes and Proceedings: 2018/1859; 1909-10; 1922-3

SOs 34, 41, 47, 192

Privilege

24.15 Privileges Committee report regarding right of reply

On 25 October, the Chair of the Standing Committee of Privileges and Members' Interests (Mr Vasta) presented a report concerning an application from a citizen (Mr Roman Quaedvlieg) for the publication of a response to a reference made in the House of Representatives.

The report noted that the committee agreed in principle to give Mr Quaedvlieg a right of reply but a response was not agreed between Mr Quaedvlieg and the committee. The committee recommended that no further action be taken.

The Deputy Chair, by leave, made a short statement in connection with the report.

*Hansard: 25 October 2018, 11209
Votes and Proceedings: 2018/1936*

SO 216

24.16 Reference to Privileges Committee

On 25 October, a government Member (Mr Vasta), pursuant to notice, moved that a number of matters be referred to the Committee of Privileges and Members' Interests in connection with the development of a foreign influence transparency scheme to apply to parliamentarians, in parallel with the Government's scheme established under the *Foreign Influence Transparency Scheme Act 2018*. The question was put and carried.

*Hansard: 25 October 2018, 11209-10
Votes and Proceedings: 2018/1936-7*

SO 216

Questions

24.17 Questions ruled out of order

During question time on 17 October, the Speaker ruled part of a question, relating to media commentary on leaks to the media, out of order.

Later, a shadow minister asked the Prime Minister a question regarding the activities of certain private government Members. The Speaker advised that the statements of private Members are not the responsibility of the Prime Minister and ruled the question out of order.

On 23 October, a shadow minister asked the Prime Minister a question regarding comments made by a government Member to a journalist in relation to party leadership. The Speaker ruled that the Prime Minister was not responsible for the comments of private Members and called on the next question. Later, a shadow minister asked the Prime Minister a question regarding comments made by the journalist on the matter. The Speaker ruled the question out of order.

Hansard: 17 October 2018, 10283-5; 10298
23 October 2018, 10729-30

SOs 98, 100

24.18 Member refuses to rephrase question

During question time, an Independent Member (Mr Wilkie) asked the Prime Minister a question in which he accused him of lying about the treatment of children in immigration detention. Following a point of order from the Leader of the House, the Speaker advised that the word 'lie' could not be used and asked the Member to withdraw it or rephrase the question. The Member refused and the Speaker called on the next questioner.

Hansard: 18 October 2018, 10463-4

SOs 100, 101

24.19 Question without notice addressed to private Member

During question time, the Shadow Minister for Rural and Regional Australia asked a private government Member (Mr Joyce) a question in relation to a motion in his name on the Notice Paper concerning the drought. Following points of order, the Speaker ruled the question in order, and Mr Joyce answered the question.

An oral question of a strictly limited nature may be asked of a Member who is not a minister. The question must relate to a bill, motion, or other business of the House or of a committee, for which the Member asked is responsible. Questions of this kind are uncommon.

Hansard: 18 October 2018, 10468-9

SO 99

Speaker

24.20 Statements by the Speaker

The Speaker made the following statements to the House:

- On 18 October, the Speaker updated the House on the new electronic access system for Members' suites.
- On 22 October, the Speaker informed the House of how Parliament House would be commemorating the Centenary of Armistice.
- On 25 October, the Speaker advised the House of security upgrade works at Parliament house.

Hansard: 18 October 2018, 10476-7
 22 October 2018, 10569-70
 25 October 2018, 11193
Votes and Proceedings: 2018/1906; 1936

24.21 Presiding Officers' statement

On 22 October, the Speaker presented the Presiding Officers' statement on the condition of the Parliament House building.

Hansard: 22 October 2018, 10533
Votes and Proceedings: 2018/190

SO 199

Offensive words[#]

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'Why are you slowly killing these children?'	17 October 2018	10287
'...will you continue to peddle lies about the abuse of the children suffering in Nauru?'	18 October 2018	10463-4
'...screw over the workers...'	22 October 2018	10624
'The member for Ballarort...'	23 October 2018	10739-40
'...a gaggle of right-wing nut jobs—'	24 October 2018	10939
'—we've had more corruption than we have ever had...'	24 October 2018	10965
'The opposition lied.'	25 October 2018	11202

SOs 89, 90, 92

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