

Procedural Digest

No. 6

45th Parliament

7 – 16 February 2017

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Bills

6.01 Fewer than five Members vote in favour of amendments to parliamentary entitlements bills

During Government business time on 15 February, the second reading debate on the Parliamentary Entitlements Legislation Amendment Bill 2017 concluded and the bill was read a second time. Following the reporting of a message from the Governor-General recommending an appropriation for the purposes of the bill, the House then considered the bill in detail and the bill, by leave, was taken as a whole. A non-aligned Member (Ms Sharkie) moved an amendment and debate ensued. When debate concluded, the question on the amendment was put and a division was called. There being fewer than five Members voting with the "Ayes", the Speaker declared the question negatived. Consideration in detail concluded, and the question that the bill be agreed to was carried on the voices. Leave was granted for the third reading to be moved immediately and the bill was read a third time.

Later that morning, the second reading debate on the Independent Parliamentary Expenses Authority Bill 2017 (debated in cognate with a related bill) concluded and the bill was read a second time. The House then considered the bill in detail and the bill, by leave, was taken as a whole. A non-aligned Member (Ms Sharkie), by leave, moved certain amendments together and debate ensued. When debate concluded, the question on the amendments was put and a division was called. There being fewer than five Members voting with the "Ayes", the Speaker declared the question negatived. Consideration in detail concluded, and the question that the bill be agreed to was carried on the voices. Leave was granted for the third reading to be moved immediately and the bill was read a third time.

Standing order 127 provides that if, after the doors after the doors are locked, there are four or fewer Members on one side in a division, the Speaker shall declare the decision of the House immediately, without completing the count. The names of the Members who are in the minority are recorded in the Votes and Proceedings.

Hansard: 15 February 2017, 1090-100
Votes and Proceedings: 2017/544

SOs 127, 148, 150

6.02 Closure of debate on building and construction industry bill

After the discussion of the matter of public importance on 14 February, debate resumed on the second reading of the Building and Construction Industry (Improving Productivity) Amendment Bill 2017. At approximately 7 pm, the Leader of the House moved a closure of question which was carried on division. Accordingly the Chair put the question on the

second reading which was carried on division. Leave was not granted for the third reading to be moved immediately so the Leader of the House moved a suspension of standing orders, pursuant to contingent notice, to enable the third reading to be moved without delay. The motion was carried on division. The Leader of the House then moved that the bill be read a third time. An opposition Member rose to speak to the motion and the Leader of the House moved a closure of question which was carried on division. The question that the bill be read a third time was accordingly put, and carried on division.

*After completion of the consideration in detail stage, or following agreement to the second reading if no detail stage has occurred, the House may grant leave for the motion for the third reading to be moved immediately. If leave is not granted, a Minister may move a **contingent notice** of motion to suspend standing orders to enable the third reading to be moved immediately. Contingent notices are notices conditional upon an event occurring in the House which in fact may not eventuate. In practice, the significance of the procedure is that a motion to suspend standing orders moved pursuant to a contingent notice only needs to be passed by a simple majority, whereas the same motion moved without notice would require an absolute majority.*

Hansard: 14 February 2017, 962-1001
Votes and Proceedings: 2017/535-9

SOs 127, 148, 150

6.03 Leave not granted for third reading to be moved immediately, contingent notice moved and debated

At the conclusion of debate on the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017, the question on the second reading was put and carried on the voices and a message from the Governor-General recommending an appropriation in connection with the bill was reported. Leave was not granted for the third reading to be moved immediately, so the Leader of the House, pursuant to contingent notice, moved a suspension of standing orders to enable the third reading to be moved without delay. Debate ensued. At the conclusion of debate, a division was called, and the suspension motion was carried on division. The Leader of the House then moved the third reading which was carried on division and the bill was read a third time.

Hansard: 16 February 2017, 1291-322
Votes and Proceedings: 2017/559-61

SOs 47, 147, 155

Business

6.04 Statements by indulgence regarding the Bourke Street tragedy; the death of Anne Deveson AO; and the 50th Anniversary of the Black Tuesday bushfires in Tasmania

Just prior to question time on 7 February, the Prime Minister and the Leader of the Opposition each made statements by indulgence in relation to the events of 20 January in the Bourke Street mall in Melbourne, in which six people were killed. As a mark of respect to the memory of the deceased, all Members present stood, in silence.

The Prime Minister and the Leader of the Opposition also each made statements by indulgence regarding the death of Ms Anne Barbara Deveson AO – an Australian writer, broadcaster, filmmaker and social commentator. As a mark of respect to the memory of the deceased, all Members present stood, in silence.

The Speaker then made a brief statement to acknowledge the 50th Anniversary of the 1967 Black Tuesday bushfires in Tasmania, which killed 64 people, injured 900 more and destroyed countless thousands of livestock, buildings, vehicles and property. The Member for Denison (Mr Wilkie), the Prime Minister and the Leader of the Opposition each made statements by indulgence on the matter.

Further statements on each matter were made in the Federation Chamber the following day.

*Hansard: 7 February 2017, 32-8; 8 February 2017, 427-36, 447-53
Votes and Proceedings: 2017/474, 507-8*

SO 65

After question time on 7 February, the Leader of the House presented a revised program of parliamentary sittings for 2017 and, by leave, moved that the revised program be agreed to. The Leader of the House spoke briefly to the motion, which was then put and carried on the voices.

The revised sitting calendar is available online at: http://www.aph.gov.au/about_parliament/sitting_calendar.

*Hansard: 7 February 2017, 38-41
Votes and Proceedings: 2017/474*

SO 199

6.06 Statements by indulgence regarding the Queen's Sapphire Jubilee

Just prior to question time on 8 February, the Prime Minister and the Leader of the Opposition each made statements by indulgence acknowledging the occasion of Her Majesty Queen Elizabeth II's Sapphire Jubilee—65 years of service as Queen of the United Kingdom and 15 other Commonwealth realms, including Australia. Further statements on the matter were made in the Federation Chamber the following day.

*Hansard: 8 February 2017, 277-8; 9 February 2017 597-609
Votes and Proceedings: 2017/499, 516*

SO 65

6.07 Ministerial statement regarding defence industry

During government business time on 9 February, the Minister for Defence Industry (Mr Pyne) was granted leave to make a ministerial statement relating to defence industry and presented a copy of his statement. The Shadow Minister for Defence (Mr Marles) addressed the House in reply.

*Hansard: 9 February 2017, 501-10
Votes and Proceedings: 2017/513*

SOs 63A, 199

6.08 Statements by indulgence regarding the anniversary of the apology to Australia's Indigenous peoples

Just prior to question time on 13 February, the Prime Minister and the Leader of the Opposition each made statements by indulgence in relation to the anniversary of the apology delivered by former Prime Minister Kevin Rudd to Australia's Indigenous peoples.

Hansard: 13 February 2017 721-2

SO 65

6.09 Statements by indulgence regarding the 75th Anniversary of the Fall of Singapore

Just prior to question time on 15 February, the Prime Minister and the Leader of the Opposition each made statements by indulgence in relation to the 75th Anniversary of the Fall of Singapore.

Hansard: 15 February 2017 1139-41

SO 65

6.10 Ministerial statement regarding Closing the Gap report

After the acknowledgement of country and Prayers on 14 February 2017, the Prime Minister, by leave, made a ministerial statement relating to the Closing the Gap report for 2017 and presented the report and a copy of his statement. The Leader of the Opposition addressed the House in reply and the Member for Kennedy (Mr Katter), by leave, also addressed the House. A minister moved a 'take note' motion in respect of the Closing the Gap report, which was debated in the Federation Chamber the following day.

Hansard: 14 February 2017 895-910; 15 February 2017 1248-66

Votes and Proceedings: 2017/533, 548

SOs 63A, 199, 202

Documents

6.11 Motion to take note of audit report; report later debated in the Federation Chamber

After question time on 14 February, the Speaker presented Audit report No. 38 of 2016-2017, a performance audit regarding the approval and administration of Commonwealth funding for the WestConnex project. The House ordered that the report be made a parliamentary paper. At the request of the opposition, the Leader of the House, by leave, moved that the House take note of the report. Debate was adjourned and the order of the day, by leave, was referred to the Federation Chamber, where it was debated the following day.

Hansard: 14 February 2017, 945, 15 February 2017, 1266-8

Votes and Proceedings: 2017/534, 548-9

SO 31

Members

6.12 Speaker presents statements of thanks and appreciation from former Members of the 44th Parliament

After the acknowledgement of country and Prayers on 9 February, the Speaker presented a document comprising statements of thanks and appreciation from former Members of the 44th Parliament.

*Hansard: 9 February 2017, 457
Votes and Proceedings: 2017/509*

SO 199

6.13 Speaker's statement regarding Members' use of props

On three occasions during the sitting fortnight, Members displayed unusual props while addressing the House, prompting the Speaker to make a short statement on the matter.

On 9 February, the Treasurer held up a piece of coal while responding to a question without notice. On 13 February, the Member for Kennedy (Mr Katter) played traditional Aboriginal clapping sticks and then played foreign imports of the same item to illustrate the difference. During question time later that day, the Member for Melbourne (Mr Bandt), while raising a point of order, held up a solar panel. After asking the Member for Melbourne to resume his seat, the Speaker addressed the House and made the following statement:

"Last Thursday, I have to say, an undesirable prop was used here in the House, and this has occurred again today. If you look at the history of our parliamentary debate, this has occurred from time to time, but I am just giving fair warning now...this is not going to become a regular occurrence in the House. So, like a game of musical chairs, that is it. Any further repetition of it I will need to deal with. As I said, it has happened from time to time, but is not going to become a regular feature of question time."

Hansard: 9 February 2017, 536; 13 February 2017, 729-8

6.14 Leave of absence for parental leave purposes

During the sitting fortnight, three Members were granted leave of absence for parental leave purposes, as follows:

- On 7 February leave of absence from 7 February 2017 until 26 February 2017 was given to the Member for Mitchell (Mr Hawke) and leave of absence from 7 February 2017 until 8 May 2017 was given to the Member for Greenway (Ms Rowland).
- On 9 February, leave of absence from 9 February 2017 until 2 March 201 was given to the Member for Rankin (Dr Chalmers).

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

*Hansard: 7 February 2017, 58; 9 February 2017, 548
Votes and Proceedings: 2017/477, 514*

SO 26

Motions

6.15 Opposition motion to suspend standing orders negated

During question time on 8 February, the Leader of the Opposition was denied leave to move a motion which, among other things, condemned the Prime Minister in relation to cuts to family payments. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the motion was seconded by an Opposition Member. When the time allotted for the debate expired, the question on the suspension motion was put and negated on division. Question time then concluded.

Hansard: 8 February 2017, 291-9
Votes and Proceedings: 2017/500-1

SOs 47, 128, 129

6.16 Non-aligned Member's motion to suspend standing orders negated following deferred division

After the acknowledgement of country and Prayers on 7 February, the Member for Denison (Mr Wilkie) was denied leave to move a motion which, among other things, condemned the Minister for Human Services in relation to Centrelink debt recovery activities. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the motion was seconded by a non-aligned Member. When the time allotted for the debate expired, the question on the suspension motion was put and a division was called. In accordance with standing order 133, the division was deferred until after the discussion of the matter of public importance. After the MPI, the division on suspension motion was held and the question was negated.

Hansard: 7 February 2017, 1-7, 74-6
Votes and Proceedings: 2017/471, 477-8

SOs 47, 128, 129, 133

6.17 Opposition motion to suspend standing orders negated

At the conclusion of private Members' business on 13 February, the Shadow Treasurer was denied leave to move a motion which, among other things, called on the Prime Minister to 'act on housing affordability'. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the mover and seconder were each closed on division on motions moved by the Leader of the House. There being no further speakers, the question on the suspension motion was put and negated on division. The House then proceeded to government business.

Hansard: 13 February 2017, 690-7
Votes and Proceedings: 2017/518-21

SOs 47, 80, 128, 129

6.18 Opposition motion to suspend standing orders negated

On the morning of 16 February, after messages from the Senate had been reported, the Manager of Opposition Business was denied leave to move a motion which, among other things, condemned the Prime Minister for 'condoning a failure to consult with Aboriginal

and Torres Strait Islander communities'. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the mover and seconder were each closed on division on motions moved by the Leader of the House. The Leader of the House then moved a closure of question which was carried on division. Accordingly, the Speaker put the question on the suspension motion which was negated on division. The House then proceeded to government business.

Hansard: 16 February 2017, 1269-77
Votes and Proceedings: 2017/551-555

SOs 47, 80, 81, 128, 129

Parliamentary administration

6.19 Statement by the Speaker regarding protests on 30 November and 1 December 2016

After question time on 7 February, the Speaker made a statement regarding the disruption of proceedings in the chamber by protestors on 30 November and the display of a banner by protestors at the front of Parliament House the following day. The Speaker stated that the parliamentary departments and the Australian Federal Police were finalising a report to the Presiding Officers on the incident and would make recommendations, including those for medium and longer term implementation. The Speaker also stated that in the interim, there would be a more visible presence by the Parliamentary Security Service in the public galleries, particularly during question time. There would also be a greater presence by the AFP outside the galleries and in the Members' Hall where people obtain tickets and queue to enter the galleries. The Speaker undertook to provide additional updates as appropriate.

Hansard: 7 February 2017, 57
Votes and Proceedings: 2017/475

6.20 Statements by the Speaker and others regarding the retirement of Ms Robyn McClelland

After question time on 16 February, the Speaker informed the House of the forthcoming retirement of Ms Robyn McClelland, Clerk Assistant (Committees), paid tribute to Ms McClelland's distinguished contribution to the parliament and wished her well in retirement. The Prime Minister, Leader of the Opposition and other Members also made remarks, by indulgence, thanking Ms McClelland for her service.

Hansard: 16 February 2017, 1357-60
Votes and Proceedings: 2017/562

Questions

6.21 Questions ruled out of order

During question time on 7 February, the Deputy Leader of the Opposition asked the Prime Minister a question regarding a statement by the Member for Warringah. The Speaker ruled the question out of order and called on the next questioner.

On 13 February 2017, the Leader of the Opposition asked the Prime Minister a question regarding the Western Australian state election. The Speaker ruled the question out of order. A point of order was raised by the Manager of Opposition Business who cited a precedent for a similar question being allowed, however, the Speaker maintained his ruling and stated that ministers can only be questioned on matters for which they are responsible.

Hansard: 7 February 2017, 53-4; 13 February 2017, 723-4

SO 98

Offensive words[#]

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'we are not going to be lectured by a hypocrite.'	7 February 2017	56
'our company tax cuts that those hypocrites opposite used to support and now oppose...'	9 February 2017	536
'here he is; the whinger from Watson!'	9 February 2017	536-7
'...it is families around Australia who will pay the price if 'Electricity Bill' ever becomes Prime Minister'	9 February 2017	541
'the member for Hughes: you have stood up here and just talked crap...'	9 February 2017	561
'Mind you, a lie as big as the one that you had funded the gap...'	13 February 2017	734
'this government's policy ... of lying about disruptions to power in South Australia...'	13 February 2017	805
'Another lie! Another lie! Another lie!'	14 February 2017	928

SOs 89, 90, 92

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