

Procedural Digest

No. 11

45th Parliament

13– 22 June 2017

June 2017				
M	T	W	T	F
12	13	14	15	16
19	20	21	22	23

Bills

11.01 Bill declared returned from the Federation Chamber

During Government business time on 13 June, the Chief Government Whip declared that Criminal Code Amendment (Protecting Minors Online) Bill 2017 be returned to the House for further consideration.

*Hansard: 13 June 2017, 6181
Votes and Proceedings: 2017/817*

SO 45

11.02 Attempted suspension of standing orders to move a motion to bring on government Bill

During Government business time on 13 June, a shadow Minister was denied leave to move a motion to allow a government bill (Fair Work Amendment (Protecting Take-Home Pay) Bill 2017) to be called on immediately and given priority over all other business for passage through all stages.

The shadow Minister then moved to suspend standing orders to allow the motion. Debate ensued and, the time allowed by standing order 1 for debate on the motion having expired, the question that standing orders be suspended was deferred in accordance standing order 133. Later, following the discussion on a matter of public importance, the question on the motion to suspend standing orders was put and negated on division.

The bill had been initiated in the Senate and co-presented by three non-Government Senators. Upon its introduction in the House on 30 March, the Leader of the House moved that the second reading be made an order of the day or the next sitting, which had the effect of placing the bill in the Government Business section of the Notice Paper.

*Hansard: 13 June 2017, 6181-7, 6235-7
Votes and Proceedings: 2017/817-8, 819-20*

SOs 1, 47, 133

11.03 2017-2018 appropriation bills passed by the House

On 15 June, consideration in detail of Appropriation Bill (No. 1) 2017-2018 in the Federation Chamber concluded and the question that the bill be reported to the House without amendment was carried on the voices. The questions on the second readings of the other appropriation bills, Appropriation Bill (No. 2) 2017-2018 and Appropriation Bill (Parliamentary Departments) Bill 2017-2018, were put and carried on the voices and each bill was reported to the House without amendment.

Later that day, the Speaker reported that the Appropriation Bill (No. 1) 2017-2018 had been fully considered by the Federation Chamber and agreed to without amendment, and presented a certified copy of the bill. The Speaker put the question 'That the bill be agreed to' and the question was carried on the voices. Leave was granted for a Minister to move the third reading immediately and the question was carried on the voices. This process was then repeated for the remaining two appropriation bills, and the questions 'That the bill be agreed to' and 'That the bill be read a third time' were also carried on the voices for each of those bills, leave having been granted for the third readings to be moved immediately.

*When the Federation Chamber has fully considered a bill referred to it and no amendment has been proposed and there are no unresolved questions, **standing order 198** provides that a final question shall be put immediately and resolved without amendment or debate, 'That the bill be reported to the House without amendment.' The Clerk of the Federation Chamber then certifies a copy of the bill to be reported to the House and unless otherwise provided, the Speaker reports the matter at a later hour that day when other business is not before the House.*

***Standing order 153(a)** provides that if a bill is reported from the Federation Chamber without amendment or unresolved questions, the question 'That the bill be agreed to' is to be put immediately and must be decided without amendment or debate.*

*Hansard: 15 June 2017, 6689-90, 6722-6760
Votes and Proceedings: 2017/839, 843*

SOs 63, 142, 152, 153, 155, 198

11.04 Private Senate bill introduced and debated; Second reads immediately on second reading; amendment moved to motion to resume debate; Speaker gives casting vote

During government business time on 15 June, a bill co-sponsored by six non-government Senators, the Banking and Financial Services Commission of Inquiry Bill 2017, was transmitted from the Senate and read a first time. A non-aligned Member then moved that the bill be read a second time and made a speech. Another non-aligned Member seconded the motion and immediately made a speech, then, on a motion moved by the Leader of the House, debate was adjourned.

The Manager of Opposition Business asked that the question of the resumption of the debate be put separately and the question, that the resumption of debate be made an order of the day for the next sitting, was proposed. The Manager of Opposition Business then moved, as an amendment, that the words 'the next sitting' be omitted and substituted with '14 August 2017, where it shall be the first item of Private Members Business, and if the second reading debate has concluded on 14 August 2017 the bill be called on immediately for its third reading as the first item of Private Members Business on 4 September 2017, and on each day it shall be permitted for the debate to conclude and the question to be put',

which was seconded and debate continued, until the Manager of Opposition Business moved a closure of question.

Before the Speaker put the question on the closure he made a short statement reminding Members that the Selection Committee determines private Members' business under standing order 41 and that the Selection Committee was not bound by the resolution currently before the House.

The House then divided on the closure motion. The number for the "Ayes" and the "Noes" were equal and the Speaker, citing precedents for allowing further discussion where possible, gave his casting vote to the 'Noes' and debate subsequently continued. At 4.30 pm debate was interrupted and the Speaker put the question that the House do now adjourn and debate ensued. The House adjourned at 5 pm.

Hansard: 15 June 2017, 6690-6704
Votes and Proceedings: 2017/839-41

SOs 31, 41, 70, 81, 135, 141, 142, 166

11.05 Passage of the Major Bank Levy Bill 2017

During Government business time on 19 June, debate resumed on the second reading of the Major Bank Levy Bill 2017, and on an Opposition Member's second reading amendment. After three speakers the Leader of the House moved that the question be now put, which was carried on division. Accordingly, the question that the amendment be agreed to was then put and negatived on division. The question that the bill be read a second time was carried on the voices and the bill was read a second time.

Leave was granted for the third reading to be moved immediately and debate ensued. The Treasurer 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 the voices and the bill was read a third time.

Hansard: 19 June 2017, 6813-22
Votes and Proceedings: 2017/848-51

SOs 81, 142, 145, 155

11.06 Closure of debate on Medicare guarantee bills; leave not granted for third reading; contingent notice moved; suspension of standing orders moved

During government business time on 19 June, debate resumed on the second reading debate on the Medicare Guarantee Bill 2017 which the House agreed to debate in cognate with the Medicare Guarantee (Consequential Amendments) Bill 2017. A shadow Minister moved a second reading amendment substituting all words after 'That' with other words. Debate then ensued on the question 'that the amendment be agreed to'. After five speakers, the Leader of the House moved a motion to closure debate which was carried on division. The question that the amendment be agreed to was accordingly put and negatived on division and the question that the bill be read a second time was carried on the voices. The Speaker then announced receipt of a message from the Governor-General recommending an appropriation for the purposes of the bill.

The Treasurer then sought leave to move the third reading immediately, but an objection was raised and leave was not granted. The Treasurer, pursuant to contingent notice, moved a suspension of standing orders to allow the motion for the third reading to be moved without delay, which was carried on division. The Treasurer accordingly moved that the bill be read a third time.

The Manager of Opposition Business then moved a motion to suspend standing orders to allow several Members to speak for 15 minutes each on the bill's third reading. After several points of order the Speaker allowed the motion. The Leader of the House moved consecutive motions 'That the Member be no longer heard' on the mover and seconder. These motions were carried on division. The Leader of the House then moved 'That the question be now put', which was carried on division. Accordingly, the question that standing orders be suspended was put and was negatived on division. Debate ensued on the question that the bill be read a third time until the Treasurer moved that the question be now put. That motion was carried on division. The question that the bill be read a third time was accordingly put and carried on the voices.

The order of the day was then read for the resumption of debate on the cognate bill, the Medicare Guarantee (Consequential Amendments) Bill 2017. The question on the second reading was put and carried on division. The Leader of the House sought, and was denied, leave to move the third reading, and so, pursuant to contingent notice, moved a suspension of standing orders to allow the motion for the third reading to be moved without delay. Debate ensued on the motion until the Leader of the House moved that the question be now put, which was carried on division. The motion that the standing orders be suspended was accordingly put and carried on division. The question that the bill be read a third time was put and carried on the voices and the bill was read a third time.

*Hansard: 19 June 2017, 6860-95
Votes and Proceedings: 2017/852-62*

SOs 47, 80, 81, 142, 145, 155

11.07 Passage of the Fair Work Amendment (Repeal of 4 Yearly Reviews and Other Measures) Bill 2017

On 20 June, the order of the day was read for the resumption of the second reading debate on the Fair Work Amendment (Repeal of 4 Yearly Reviews and Other Measures) Bill 2017. Debate was resumed by the opposition spokesperson who moved a second reading amendment to the bill. Debate continued on the question 'that the amendment be agreed to' and was interrupted by members' statements at 1.30 pm. Debate resumed later that day and at the conclusion of debate, the second reading was negatived on the voices and the question that the bill be read a second time was carried on the voices.

The House considered the bill in detail and agreed to government amendments to the bill. The opposition spokesperson then, by leave, moved opposition amendments together. The Leader of the House raised a point of order stating that the amendments, which dealt with the issue of penalty rates, didn't relate to the bill. After several points of order the Speaker ruled that as the amendments were not at odds with the long title of the bill, nor seeking to amend another act, they were in order. Debate then ensued. The Leader of the House moved that the question be put, which was carried on the voices. The question that the amendments be agreed to was accordingly put and was negatived on division.

The opposition spokesperson moved further amendments and, following several points of order and a ruling from the Speaker that the amendments were in order, the Leader of the House moved closure of the question which was carried on the voices. The question that the amendments be agreed to was accordingly put and was negatived on division. A non-aligned member then moved further amendments to the bill. The Leader of the House immediately moved that the question be put which was carried on the voices. The question that the amendments be agreed to was accordingly put and was negatived on division. The consideration in detail stage concluded, the bill as amended was agreed to and the motion for the bills third reading was agreed to on the voices.

*Hansard: 20 June 2017, 7008-12, 7080-97
Votes and Proceedings: 2017/872, 874-7*

SOs 81, 142, 145, 148, 150, 155

11.08 Private Members' bill referred to Committee

On 22 June, the Selection Committee presented its report relating to the consideration of bills introduced 19 June to 22 June 2017. The committee determined that the Fair Work Amendment (Protecting Take Home Pay of All Workers) Bill 2017 be referred to the Standing Committee on Employment, Education and Training.

*Hansard: 22 June 2017, 7521
Votes and Proceedings: 2017/910*

SOs 143, 222

11.09 Leave not granted for third reading; contingent notice moved

On 22 June, at the conclusion of the consideration in detail stage on the Export Finance and Insurance Corporation Amendment (Support for Commonwealth Entities) Bill 2016, a Minister sought, and was denied, leave to move the third reading. The Minister, pursuant to contingent notice, moved a suspension of standing orders to allow the motion for the third reading to be moved without delay, which was carried on division. The question that the bill be read a third time was accordingly put and carried on the voices.

*Hansard: 22 June 2017, 7554-5
Votes and Proceedings: 2017/911-2*

SOs 47, 155

11.10 Consideration of Senate amendments; sitting suspended twice

On 22 June, shortly after resuming from a suspension to await the return of items from the Senate (see entry 11.14), the Speakers announced receipt of a message from the Governor-General recommending an appropriation for the purposes of amendments to be made on motion moved by a Minister to the Australian Education Amendment Bill 2017. The House then considered a message from the Senate returning the bill with requests for amendments. The Leader of the House moved that the requested amendments be made, which, after debate, was carried on the voices. The House then suspended at 12.05 am and resumed the sitting at 1.45 am.

The House then considered eight amendments made by the Senate, which, after debate, were agreed to on division. The House then adjourned at 2.02 am.

Hansard: 22 June 2017, 7557-66
Votes and Proceedings: 2017/913-4
SOs 158, 159, 163, 165, 181

Business

11.11 Proposer not present for matter of public importance

On 15 June, the Speaker informed the House that a matter of public importance had been submitted. No Members rose in support of the matter, nor was the proposer present. The MPI was not proceeded with.

*Under **standing order 46**, a proposed discussion must be supported by eight Members, including the proposer, standing in their places.*

Hansard: 15 June 2017, 6687
Votes and Proceedings: 2017/838

SO 46

11.12 Statements regarding recent events in the United Kingdom

Prior to question time on 20 June, the Prime Minister, by indulgence, made a statement in relation to recent events in the United Kingdom. The Leader of the Opposition, by indulgence, also made a statement on the matter. As a mark of respect all Members present rose in their places.

Hansard: 20 June 2017, 7019-21
Votes and Proceedings: 2016/872

11.13 Leave of absence granted to all Members

Following question time on 22 June, 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 then 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: 22 June 2017, 7512
Votes and Proceedings: 2017/909

SO 26

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

Following question time on 22 June, the Leader of the House, by leave, moved a suspension of standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the remainder of the sitting. In moving the motion, the Leader of the House explained that the House would likely need to sit late, in order to consider legislation when it was returned from the Senate. The motion was carried on the voices.

At 5.34 pm that afternoon, the Leader of the House, by indulgence, updated the House on the progress of awaited legislation in the Senate. He recommended suspending the House until the ringing of the bells. The sitting was then suspended at 5.35 pm until the ringing of the bells. The sitting resumed at 12 midnight, and following consideration of requested Senate amendments, suspended again at 12.05 am until 1.45 am. Upon resumption, the House considered senate amendments and then adjourned at 2.02 am until 12 noon on Tuesday 8 August 2017.

*Hansard: 22 June 2017, 7512-3, 7557-66
Votes and Proceedings: 2017/910, 912-4*

SOs 31, 33

Committees

11.15 Leave not granted for committee Deputy Chair to make a statement

On 15 June, the Chair of the Parliamentary Committee on Economics presented a report and, by leave, made a statement in connection to the report. At the conclusion of the Chair's statement, the Deputy Chair also sought leave to make a statement in connection to the report. Leave was not granted.

*Pursuant to **standing order 63**, the House (or Federation Chamber) "may grant leave for a Member to act in a manner not expressly provided for in, or contrary to, orders of the House. Leave may be granted only if no Member present objects".*

Hansard: 15 June 2017, 6688-9

SOs 39, 63, 247

11.16 Establishment of joint select committee

During government business time on 20 June, a message from the Senate was reported informing the House that the Senate had agreed to the appointment of the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The resolution required the committee to report on the final sitting day of November 2018. The Assistant Minister for Trade Tourism and Investment moved that the House concur with the resolution, which was agreed to on the voices.

Hansard: 20 June 2017, 6991-3
Votes and Proceedings: 2017/869-71

SOs 224, 261

Members

11.17 Member directed to leave the Federation Chamber

On 14 June, during the consideration in detail stage of the Appropriation Bill (No.1) 2017-2018, an opposition member was directed, under standing order 187(b), to leave the Federation Chamber for fifteen minutes for continuing to interject after a warning had been given by the Chair. She accordingly left the Federation Chamber.

Hansard: 14 June 2017, 6527
Votes and Proceedings: 2017/833

SO 187

Motions

11.18 Attempted suspension of standing orders

Following the acknowledgement of country and prayers on 21 June, a shadow minister moved a motion to suspend standing orders to allow a bill [Fair Work Amendment (Protecting Vulnerable Workers) 2017] currently before the Senate, to pass both houses before the winter adjournment. The Leader of the House moved consecutive motions 'that the Member be no longer heard' on the mover and seconder and these were both agreed to on division. The Leader of the House then moved that the question be put which was agreed to on division. Accordingly, the question that standing orders be suspended was put and negated on division.

Hansard: 21 June 2017, 7161-8
Votes and Proceedings: 2017/881-5

SOs 47, 80, 81

11.19 Condolence motion for former minister

Prior to question time on 22 June, a condolence motion was moved by the Prime Minister in relation to the death of the Honourable Concetto Antonio (Con) Sciacca AO, a former Minister and Member for the division of Bowman from 1987 to 1996 and 1998 to 2004. The motion was seconded by the Leader of the Opposition and both he and the Member for Bowman addressed the House. All Members present rose in silence as a mark of respect. Debate was adjourned and the Leader of the House moved, by leave, that the order of the day be referred to the Federation Chamber for debate. The question was carried on the voices.

*Hansard: 22 June 2017, 7493-5
Votes and Proceedings: 2017/909*

SOs 49, 63, 183

Parliamentary administration

11.20 Appointment of Parliamentary Budget Officer

Following question time on 19 June, the Speaker made a statement informing the House that Ms Jenny Wilkinson had been appointed as the Parliamentary Budget Officer from 24 July 2017. The Chair of the Joint Committee of Public Accounts and Audit, by leave, informed the House of the Committee's deliberations and subsequent approval of the appointment, and congratulated Ms Wilkinson.

Under sections 64X and 64XA of the Parliamentary Service Act 1999, the appointment of the Parliamentary Budget Officer is the responsibility of the Presiding Officers, subject to the approval of the Joint Committee of Public Accounts and Audit.

*Hansard: 19 June 2017, 6856-8
Votes and Proceedings: 2017/852*

Private Members' business

11.21 Members speak twice by leave

On 21 June, in accordance with a resolution agreed to in an earlier sitting (see entry 10.08) private Members' business was held in the Federation Chamber. A government Member was given leave to speak again to a motion moved by an opposition Member. Another government member moved the next item of business and, later in the debate, was granted leave to speak again without closing the debate.

*Hansard: 21 June 2017, 7350,7353-5
Votes and Proceedings: 2017/895, 895-6*

SOs 63, 71

Privilege

11.22 Question to Speaker regarding immunity from court attendance

Prior to the MPI on 22 June, the Manager of Opposition Business raised, as a matter of privilege, whether extending Thursday's sittings into Friday is still considered, under privilege, as a sitting day of the parliament and thereby allowing Members immunity to appear in court within five days before or after a sitting. The Manager of Opposition Business then indicated that if any Member needs a pair for a court appearance the Opposition would provide one.

Later, the Speaker stated that the extension of sitting is still a 'meeting' of the House and as such is still covered by privilege and that the exercise of immunity is for the individual Members to assert.

*Hansard: 22 June 2017, 7521-2, 7556
Votes and Proceedings: 2017/910, 912*

SOs 63, 71

Questions

11.23 Questions ruled out of order

On three occasions during the sitting fortnight, the Speaker ruled a question without notice out of order:

- On 14 June, a question from a shadow Minister to the Minister for Foreign Affairs regarding the former Minister for Trade was ruled out of order as the subject of the question was not the responsibility of the Minister.
- On 15 June, a question from a shadow Minister to the Prime Minister regarding donations to political parties was ruled out of order as the substance of the question was not within the Prime Minister's responsibility.
- On 21 June, a question from an opposition Member to the Prime Minister in relation to representations made by a Government member regarding schools in her electorate was ruled out of order as the substance of the question was not within the Prime Minister's responsibility. The Speaker subsequently agreed to a request from the member to rephrase the question.

Hansard: 14 June 2017, 6427-8; 15 June 2017, 6680; 21 June, 7242-3

SO 98, 100

11.24 Opposition support for answers to questions

During question time on 21 June, the Leader of the Opposition, on indulgence, responded in support of the Minister for Foreign Affairs' response to a question regarding recent terror attacks and global security.

Later, a Shadow Minister, on indulgence, responded in support of the Minister for Veterans' Affairs' response to a question regarding the 2018 Invictus Games.

Hansard: 21 June 2017, 7245-6, 7256-7

SOs 98, 100

11.25 Additional answer by Prime Minister

During question time on 21 June, the Prime Minister, by indulgence, added to an answer to a question without notice regarding school funding, which he had given at question time that day.

Hansard: 21 June 2017, 7257-8

SO 65

Speaker

11.26 Statement regarding the Department of Parliamentary Services

On 13 June, following the matter of public importance and a deferred division, the Speaker made a short statement in response to a question regarding a data breach made by the Department of Parliamentary Services in March (see item 10.26). The speaker then presented a document entitled 'Response to questions from the member for Chifley: data spill of MPs' and Senators' private information on Monday, 20 March 2017'.

Hansard: 13 June 2017, 6237

Votes and Proceedings: 2017/820

SO 199

11.27 Statement regarding the Parliamentary Commission of Inquiry

Following acknowledgement of country and prayers on 22 June, the Speaker informed Members that further to his statement at a previous sitting (see entry 3.29) the examination of the documents of the 1986 Parliamentary Commission of Inquiry had been completed and that he and the President of the Senate had decided to allow the Class A documents to be published. In his statement, the Speaker explained the process for examining the documents and the reasons for publishing the material. The Speaker also informed the House that the documents would be scanned and published on the website on Monday, 24 July 2017 at 10 am and advised that close relatives of those named in the documents will be informed, where possible, of the publication of the documents.

Hansard: 22 June 2017, 7423-5
Votes and Proceedings: 2017/901-2

Offensive words[#]

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...a liar?'	15 June 2017	6744-5
'Shut up, you moron!'	22 June 2017	7491

SOs 89, 90, 92

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