

Procedural Digest

No. 12

45th Parliament

8 – 17 August 2017

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Bills

12.01 Government order of the day discharged

During Government business time on 10 August, the Minister representing the Minister for Communications, pursuant to notice, moved that the resumption of the second reading debate of the Communications Legislation Amendment (SBS Advertising Flexibility) Bill 2017 be discharged. Debate ensued and after two Opposition speakers the question that the motion be agreed to was put and carried on the voices.

Hansard: 10 August 2017, 8056-8
Votes and Proceedings: 2017/950

SOs 37, 106

12.02 Leave denied for third reading; contingent notices moved

Twice during the fortnight leave was not granted for the third reading of a bill to be moved immediately and a suspension of standing orders, pursuant to contingent notice, was moved to enable the third reading to be moved without delay.

During government business time on 14 August, the order of the day was read for the resumption of debate on the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017. The question on the second reading was put and carried on division. A Minister then 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. The question was immediately put and carried on division and the question that the bill be read a third time was accordingly put and carried on division.

On 15 August, debate resumed on the second reading debate on the Petroleum and Other Fuels Reporting (Consequential Amendments and Transitional Provisions) Bill 2017 and an amendment moved by the opposition spokesperson. The question that the amendment be agreed to was negatived on division, and the question on the second reading was put and carried on the voices. An Assistant Minister sought, and was denied, leave to move the third reading. The Assistant Minister, pursuant to contingent notice, moved for the suspension of standing orders to allow the motion for the third reading to be moved without delay. The question was immediately put and carried on division and the question that the bill be read a third time was accordingly put and carried on the voices.

Hansard: 14 August 2017, 8319-22; 15 August, 8544-6
Votes and Proceedings: 2017/962-5

SO 47, 142, 155

12.03 Division retaken on second reading amendment

On 15 August, debate resumed on the second reading, and an amendment moved by the Manager of Opposition Business, of the Great Barrier Reef Marine Park Amendment Bill 2017. During the debate a non-aligned Member moved an amendment to the second reading amendment. At the conclusion of the debate, the question that the amendment to the amendment be agreed to was put and, a division having been called for, the division was deferred until after the matter of public importance, in accordance with standing order 133.

Following the discussion on a matter of public importance, the question, that the amendment to the second reading amendment be agreed to, was put. The House divided and, as there were fewer than five Members on the side for the 'Ayes', the Speaker declared the question resolved in the negative. A successive division immediately followed, for the second reading amendment and the bells rang for one minute. The amendment was agreed to. Due to confusion over the length of the one minute division, the Leader of the House moved for the division to be held again under standing order 132(a). The Manager of Opposition commenced debate on the motion when the Leader of the House moved that the Member be no longer heard. This motion was agreed to on division and the motion, that the House divide again was agreed to on the voices. The House then divided again on the question that the amendment be agreed to. After the bells rang for four minutes, the second reading amendment was negated and the questions for the second and third readings of the bill were passed on the voices.

Standing order 133 stipulates that any divisions, except for divisions on a motion moved by a Minister, called for prior to 2 pm on Tuesdays, be deferred until after the matter of public importance (similarly, divisions called for between 10 am and 12 noon on Mondays, except for divisions on a motion moved by a Minister, stand deferred until after 12 noon).

If, following a division, another division is called and there no intervening debate has occurred, **standing order 131** provides for the bells to be rung for one minute instead of the usual four minutes.

Standing order 132 provides the House with the ability to divide again in certain circumstances, which include confusion, error or misadventure.

Hansard: 15 August 2017, 8451-6, 8514-23
Votes and Proceedings: 2017/973-4, 979-82

SOs 121, 122, 124, 127, 129, 131, 132, 133, 145

12.04 Motions to refer bills to the Federation Chamber

During government business time on 16 August a Minister, by leave, moved separate motions referring the Education and Training Legislation Repeal Bill 2017 and the Statute Update (Winter 2017) Bill 2017 to the Federation Chamber. Both questions were carried on the voices.

Standing order 45(b) allows the Leader of the House or the Chief Government Whip to make a programming declaration referring a bill to the Federation Chamber. Until 16 August, no bills had been referred via a motions since 2 December 2013.

Hansard: 16 August 2017, 8649-50
Votes and Proceedings: 2017/992, 993

SOs 45, 183

Business

12.05 Statements by indulgence – deaths of Dr G Yunupingu and Kunmanara Lester

Prior to question time on 8 August, the Prime Minister and the Leader of the Opposition each made statements by indulgence on the deaths of Dr G Yunupingu and Mr Kunmanara Lester OAM. The Leader of the House moved that further statements on each matter be permitted in the Federation Chamber, and the question was carried on the voices.

Hansard: 8 August 2017, 7643-5, 7645-7
Votes and Proceedings: 2017/921

SO 65

12.06 Statements by indulgence – deaths of Betty Cuthbert and Les Murray

Prior to question time on 9 August, the Prime Minister and the Leader of the Opposition each made statements by indulgence on the deaths of Elizabeth Alyse (Betty) Cuthbert AM MBE and Les James Murray AM. The Leader of the House moved that further statements on each matter be permitted in the Federation Chamber, and the question was carried on the voices.

Hansard: 9 August 2017, 7886-8, 7888-90
Votes and Proceedings: 2017/940

SO 65

12.07 Senate resolution reported; amendment to consider message immediately not carried

During government business time on 10 August, a message from the Senate was reported informing the House of the Senate's agreement to a resolution relating to the Murray-Darling Basin Plan. The resolution, in which the Senate requested the concurrence of the House, among other things expressed concern about allegations of theft and corruption in the management of water resources and called for the establishment of an independent national judicial inquiry into the allegations. The Leader of the House moved that consideration of the message be made an order of the day for the next sitting, to which the Manager of Opposition Business immediately moved an amendment to allow the message to be considered immediately. Following the seconder's speech the question, that the amendment be agreed, to was put and negatived on division. The question on the original motion was accordingly put and carried on division.

Hansard: 10 August 2017, 8045-51
Votes and Proceedings: 2017/947-9

SOs 121, 261

12.08 Death of former Senator Patricia Jessie Giles

Prior to question time on 10 August, the Speaker informed the House of the death of Patricia Jessie Giles, a former senator for the state of Western Australia from 1981 to 1993. All Members present rose in silence as a mark of respect.

*Hansard: 10 August 2017, 8103
Votes and Proceedings: 2017/950*

12.09 Ministerial statement regarding the Solomon Islands

During Government business time on 14 August, the Prime Minister made a ministerial statement relating to the conclusion of the Regional Assistance Mission to the Solomon Islands. The Leader of the Opposition then addressed the House in reply. The Leader of the House then moved, by leave, that the House take note of the document and, also by leave, that the order of the day be referred to the Federation Chamber for debate. The question on the referral of the document was passed on the voices.

Standing order 63A provides the Leader of the Opposition, or Member representing, leave to speak in reply to a Ministerial statement for an amount of time equivalent to that of the Minister who made the statement.

*Hansard: 14 August 2017, 8233-8
Votes and Proceedings: 2017/957-8*

SOs 63A, 199

12.10 Statement by indulgence – Australia Day

Prior to question time on 16 August, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the celebration of Australia day.

Hansard: 16 August 2017, 8671-2

SO 65

Committees

12.11 Senate extends reporting date for joint committee inquiry

On 16 August, a message from the Senate was reported informing the House of a resolution agreed to by the Senate which extended the reporting date to 14 September 2017 for the Parliamentary Joint Committee on Corporations and Financial Services inquiry into whistle blower protections.

*Hansard: 16 August 2017, 8607
Votes and Proceedings: 2017/991*

SOs 258, 261

Debate

12.12 Minister given the call during adjournment debate

On 15 August, a Minister rose as the final speaker during the adjournment debate.

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: 15 August 2017, 8558-9

SO 31

Documents

12.13 Revised ministry list presented

Just prior to question time on Tuesday 8 August, the Prime Minister presented a revised ministry list, dated 27 July 2017.

Hansard: 8 August 2017, 7647-9
Votes and Proceedings: 2017/924

SO 199

12.14 Document relating to matter of public importance presented

On 17 August during the consideration in detail of a bill, the Manager of Opposition was granted leave to present a letter to the Speaker from the Leader of the Opposition proposing a matter of public importance to be discussed later in the day. Later, at the time provided in standing order 34, the matter was discussed.

*Under **standing order 46**, Members may propose a definite matter of public importance to be put to the House for discussion. A written statement of the matter must be given to the Speaker prior to 12 noon, and if in order, the Speaker reads the statement to the House at the time provided.*

Hansard: 17 August 2017, 8870, 8910
Votes and Proceedings: 2017/1007, 1011

SOs 34, 46, 199

Members

12.15 Members granted leave of absence

Three Members were granted leave of absence during the sitting fortnight:

Prior to the MPI on 8 August, the Leader of the House moved that leave of absence be granted to the Member for Adelaide (Ms Ellis) from 8 August to 3 December 2017 for parental leave purposes. The question was carried on the voices.

On 14 August, during government business time, the Manager of Opposition Business moved that leave of absence be granted to the Member for Gorton (Mr O'Connor) from 14 August to 17 August 2017 for personal reasons. The question was carried on the voices.

During government business time on 16 August, the Manager of Opposition Business moved that leave of absence be granted to the Member for Kingston (Ms Rishworth) from 16 August to 17 August 2017 on the ground of ill health. 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: 8 August 2017, 7662-3; 14 August 2017, 8250; 16 August 2017, 8611-2

Votes and Proceedings: 2017/923, 958, 992

SO 26

12.16 Referral of matter to the Court of Disputed Returns

Following the acknowledgement of country and prayers on 14 August, the Deputy Prime Minister, by indulgence, made a statement regarding his citizenship. He informed the house that he had asked for the matter to be referred to the Australian High Court, sitting as the Court of Disputed Returns, in accordance with section 376 of the Commonwealth Electoral Act.

Later that day, during government business time, the Leader of the House moved a motion, by leave, to allow the referral of questions relating to the citizenship of the Deputy Prime Minister to the Court of Disputed Returns. Following debate the question was put and carried on the voices.

On 16 August, following prayers and acknowledgement of country, the Speaker presented documents relating to the reference to the Court of Disputed Returns.

Hansard: 14 August 2017, 8185, 8239-40; 16 August 2017, 8599

Votes and Proceedings: 2017/958, 991

SOs 65, 199

Motions

12.17 Four attempts at suspending standing orders during consecutive question times

During four consecutive question times, the Manager of Opposition Business, without notice, moved to suspend standing orders to enable him to move motions calling for the Prime Minister to, among other things, direct the Deputy Prime Minister to resign from the cabinet.

On 14 and 17 August, the motion was seconded and debate ensued until the time allotted for debate had expired.

On 15 and 16 August, debate ensued on the motion to suspend standing orders and the Leader of the House moved closure motions on the mover and seconder which were carried on consecutive divisions.

On all four occasions, the question, that standing orders be suspended was put, negatived on division and questions without notice then concluded.

Hansard: 14 August 2017, 8275-84; 15 August 2017, 8489-95; 16 August 2017, 8683-9;
17 August 2017, 8902-9

Votes and Proceedings: 2017/960-1, 975-8, 994-7, 1009-10

SOs 1, 47, 80

12.18 Attempted motion to suspend standing orders lapsed for want of seconder

During government business time on 15 August, the Manager of Opposition Business moved a motion to suspend standing orders. Debate ensued and the Leader of the House moved a closure motion on the Manager of Opposition Business, which was carried on division.

Another member then rose to speak to the motion however did not second it. The Speaker ruled that the motion lapsed for want of a seconder.

Hansard: 15 August 2017, 8523-5
Votes and Proceedings: 2017/982-3

SOs 47, 80, 116

12.19 Condolence motion for former senator

Prior to question time on 16 August, a condolence motion was moved by the Prime Minister in relation to the death of the Honourable Brian Francis Gibson AM, a former Senator for the state of Tasmania from 1993 to 2002. The motion was seconded by the Leader of the Opposition who also addressed the House. All Members present rose in silence as a mark of respect. Debate was adjourned and the Leader of the House moved that the order of the day be referred to the Federation Chamber for debate. The question was carried on the voices.

Prior to question time on 17 August, the Speaker announced that the condolence motion on the death of the Honourable Brian Frances Gibson had been returned to the House from the Federation Chamber. Members again stood in their places to signify approval of the question that the motion of condolence be agreed to.

*Hansard: 16 August 2017, 8669-71; 17 August 2017, 8889-90
Votes and Proceedings: 2017/993, 1008*

SOs 49, 63, 183, 198

Private Members' business

12.20 Postponement of items of private Members' business

During private Members business on 14 August, notices No. 1, 2 and 3 were called on consecutively. The two non-aligned Members, who had given the notices, (Mr Bandt and Mr Katter) fixed the next sitting Monday (4 September 2017) as the day for presenting their private Members' bills.

***Standing order 113** provides that a motion not moved when called on shall be removed from the Notice Paper except if the Member who gave notice, or another Member at his or her request, sets a future time for moving the motion.*

*Hansard: 14 August 2017, 8208
Votes and Proceedings: 2017/955*

SOs 41, 113

Privilege

12.21 Matter of privilege raised

Prior to the MPI on 15 August, the Manager of Opposition Business raised, as a matter of privilege, whether the circumstances surrounding a former member accepting an appointment as a paid director of the Franchise Council of Australia whilst still a Member of the House and presented a number of documents. The Speaker stated that he would consider the statement and the material presented by the Manager of Opposition Business.

*Hansard: 15 August 2017, 8495-8
Votes and Proceedings: 2017/979*

SOs 51, 53

Questions

12.22 Questions ruled out of order

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

- On 9 and 10 August, questions from a shadow Minister to the Prime Minister regarding donations to political parties, as the Speaker did not believe the substance was within the Prime Minister's responsibility.
- On 15 August, a question from the Manager of Opposition Business to the Minister for Foreign Affairs regarding the Deputy Prime Minister.
- On 16 August, a question from the Manager of Opposition Business to the Prime Minister regarding the Deputy Prime Minister.

Hansard: 9 August 2017, 7902; 10 August 2017, 8119-20; 15 August 2017, 8479; 16 August 2017; 8680

SO 98, 100

12.23 Opposition support for answers to questions

During question time on 8 August, the Deputy Leader of the Opposition, on indulgence, made a brief statement to associate the Opposition with the Prime Minister's response to a question regarding national security.

After the Minister for Foreign Affairs responded to a question on 9 August regarding recent developments in North Korea, the Leader of the Opposition, on indulgence, responded in support of the Minister for Foreign Affairs' remarks.

Hansard: 8 August 2017, 7651; 9 August 2017, 7900-1

SOs 98, 100

12.24 Closure of Member moved during question time

During question time on 14 August, and again on 17 August, during responses from the Deputy Prime Minister to questions from government members, the Manager of Opposition Business moved a motion that the Member be no longer heard. On both occasions, the questions were put immediately and negated on division. The Deputy Prime Minister then continued his answers.

Hansard: 14 August 2017, 8267-71; 17 August 2017, 8898-8900
Votes and Proceedings: 2017/959, 1008-9

SOs 66, 80, 104

Speaker

12.25 Changes to the Speaker's Panel

On 8 August, during government business time, the Speaker presented a warrant nominating two government members to the Speaker's Panel.

Hansard: 8 August 2017, 7662
Votes and Proceedings: 2017/922

SO 17

12.26 Presiding Officers' statement regarding condition of Parliament House

After the conclusion of question time on 17 August, the Speaker presented a document entitled Presiding Officers' statement regarding the condition of Parliament House.

Hansard: 17 August 2017, 8910
Votes and Proceedings: 2017/1010

SO 199

Offensive words[#]

	Hansard	
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'The Prime Minister is compromised by his protection racket that he's running for the banks as they casually snub their noses at our laws. The Prime Minister is compromised by the Liberal Party's strong relationship with the Honoured Society, with the Mafia in Victoria.'	10 August 2017	8102
'Sometimes he has a little bit of tolerance for union corruption, because otherwise he would've voted.'	10 August 2017	8106-7
'And what happens is that the Labor Party is dictated to and run by the CFMEU. They've donated, over the last five years, \$8 million to this Leader of the Opposition and this Labor Party.'	10 August 2017	8108-9
'...you idiot!'	10 August 2017	8126
'This is the real world, Mr Turnbull, and these are real people you are affecting, facing a—'	14 August 2017	8440
'As I said, either they've got some sort of psychosis in the way that they are targeting the most vulnerable or they are incompetent or indifferent—'	14 August 2017	8444

SOs 89, 90, 92

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