

# Procedural Digest

No. 11

47<sup>th</sup> Parliament

22 May – 1 June 2023

May – June 2023				
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Aboriginal and Torres Strait Islander people should be aware that this publication contains the names of deceased persons.

## Committees

### 11.01 Presentation of the Voice referendum committee report

On Monday, 22 May, the Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum presented its advisory report to the House. The report was presented by the Deputy Chair of the committee, the Chair being a senator.

The advisory report recommended that the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 be passed unamended.

*Hansard: 22 May 2023, 3231-5  
Votes and Proceedings: 2022-23/702*

## Bills and other legislative proposals

### 11.02 Passage of the Constitution Alteration

On Monday, 22 May, the Leader of the House, by indulgence, provided information about how debate for the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 would proceed over the fortnight. He outlined that it would not be referred to the Federation Chamber, that the third reading vote would not happen until the next week, and that a division would automatically occur at the third reading to record whether an absolute majority was reached. Following the presentation of the Joint Select Committee's advisory report later that day, the House resumed debate on the legislation.

On Tuesday, 30 May, standing orders were suspended to allow the House to continue sitting until all members who wished to speak had done so, with provision for the half hour adjournment debate to still occur at 7.30pm. Debate on the second reading concluded at 8.03pm, after the adjournment debate. In total, 118 members spoke during the second reading debate on the legislation.

On Wednesday, 31 May, the question was put on the second reading and carried on division. An opposition member moved two detail amendments together, by leave, and these were defeated on the voices. The House divided on the question that the bill be agreed to, which was carried, and the Attorney-General, by leave, moved the third reading immediately. The question was carried on division (121 Ayes:25 Noes) with the absolute majority required under section 128 of the Constitution.

If the Constitution Alteration passes both Houses, it may be put to voters at a referendum not less than two months and not more than six months after its passage.

*Under the Referendum (Machinery Provisions) Act 1984, members of Parliament authorise statements for and against a proposed constitutional alteration to be included in a 'Yes/No Case Pamphlet' for distribution to voters. Only those who voted for the proposed law may contribute to the 'for' argument and only those who voted against to the 'against' argument.*

*Hansard: 22 May 2023, 3226-7*

*30 May 2023, 3826-7; 3858*

*31 May 2023, 3893-9*

*Votes and Proceedings: 2022-23/702; 751-752; 757-760*

**SOs 173**

### 11.03 Appropriation bills

Also on Monday, 22 May, the House agreed to a debate management motion relating to the 2023-2024 appropriation bills. Under this motion, the appropriation bills were referred to the Federation Chamber for debate and will return to the House after prayers on 13 June. The resolution also set the order and timings for consideration of portfolios during consideration in detail in the Federation Chamber.

*Hansard: 22 May 2023, 3226-7*

*Votes and Proceedings: 2022-23/701*

### 11.04 Customs Tariff Proposal

On Thursday, 25 May, the Minister for Home Affairs and Minister for Cyber Security moved Customs Tariff Proposal (No. 1) 2023. This tariff proposal amends the description of goods eligible for the customs duty concession, retrospectively from 1 December 2022, to allow the European Space Agency to import goods for its activities in Australia free from customs duty.

*By convention, duties can be collected from the day a tariff proposal is moved, even though the motion has not been agreed.*

*Hansard: 25 May 2023, 3684*

*Votes and Proceedings: 2022-23/735*

**SOs 178, 179**

### 11.05 Unresolved questions from the Federation Chamber

Several bills were returned from the Federation Chamber to the House with unresolved questions, including:

- Infrastructure Australia Amendment (Independent Review) Bill 2023, with one unresolved question
- Fair Work Legislation Amendment (Protecting Worker Entitlements) Bill 2023, with six unresolved questions
- Migration Amendment (Giving Documents and Other Measures) Bill 2023, with one unresolved question and
- Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023, with one unresolved question.

*Divisions cannot occur in the Federation Chamber and if a question cannot be decided on the voices it is reported to the House for later resolution there. An unresolved question arises when any Member dissents from the result announced from the Chair.*

*Hansard: 24 May 2023, 3505*

*25 May 2023, 3722-4*

*31 May 2023, 3899-903*

*Votes and Proceedings: 2022-23/722; 737-742; 760; 767*

**SOs 152, 153, 188**

## Members

### 11.06 Resignation of member

On Monday, 22 May, the Speaker informed the House that he had received a letter of resignation from the Member for Fadden on 18 May. He advised that it was his intention to issue a writ on 12 June for the election of a member to fill the vacancy. He announced that the dates for the by-election would be fixed as follows:

Close of roll	Monday, 19 June
Close of nominations	Thursday, 22 June
Date of polling	Saturday, 15 July
Return of writ	On or before Wednesday, 20 September

*Hansard: 22 May 2023, 3179*

*Votes and Proceedings: 2022-23/699*

## Privilege

### 11.07 Chair of Economics Committee raises a matter of privilege

On Tuesday, 30 May, the Chair of the Standing Committee on Economics raised a matter of privilege with the Speaker. He raised concerns that two media articles had been published which contained information provided to the committee in a private briefing and undertook to investigate the apparent breach and report back to the House.

On Thursday, 1 June, he informed the House that the committee had found that the unauthorised disclosure was unlikely to have caused substantial interference to the work of the committee such as to amount to a potential contempt. He also noted that it would be difficult to determine with any certainty the source of the disclosure.

*Under the standing orders and the Parliamentary Privileges Act, the unauthorised disclosure of committee documents and any proceedings is prohibited.*

*Hansard: 30 May 2023, 3816*

*1 June 2023, 4103*

*Votes and Proceedings: 2022-23/750; 774*

**SOs 51, 242**

## Delegation reports

### 11.08 Reports from parliamentary delegations

On Tuesday, 23 May, the Speaker presented a report on the Australian Parliamentary Delegation to the 146th Inter-Parliamentary Union Assembly held in Manama, Bahrain in March 2023.

On Wednesday, 31 May, by leave, two members presented oral reports in the form of statements on the Australian Parliamentary Delegation to the 2022 United Nations General Assembly. No written report was tabled.

*Hansard: 23 May 2023, 3371  
31 May 2023, 3962-7  
Votes and Proceedings: 2022-23/713; 764*

**SO 39**

## Statements

### 11.09 Condolences

Members rose in respect to mark the death of several notable persons during the period:

- on Monday, 22 May, the Prime Minister moved a condolence motion regarding the death of the Hon Tony Staley AO, former minister and member for Chisholm from 1970 to 1980
- on Thursday, 25 May, the Prime Minister and Leader of the Opposition made statements by indulgence on the death of Mr Frank McGovern OAM, the last remaining survivor of the HMAS Perth and
- on Wednesday, 31 May, the Speaker informed the House of the death of Bruce Childs, senator for New South Wales from 1981 to 1997.

Also on 22 May, three condolence motions (for Hon John Kerin AO, Hon Stewart West and Yunyingu AM) were returned from the Federation Chamber and were immediately considered together. A single question was put on the three motions moved by the Prime Minister and agreed to, with members rising in their places.

*Condolence motions are usually moved following the death of a Governor-General, a sitting member or senator, or former members or senators who held certain offices. From time to time, condolence motions may also be moved following the death of a distinguished Australian or a foreign Head of State or Government. In most circumstances, the death of a former senator or member, or of a notable Australian, is marked with a statement by the Speaker without a motion being moved.*

*Hansard: 22 May 2023, 3247-9  
25 May 2023, 3734-5  
31 May 2023, 3940  
Votes and Proceedings: 2022-23/703; 743; 763*

**SOs 49, 65**

### 11.10 Statement by indulgence of the Chair

After question time on Wednesday, 24 May, a Minister made a statement by indulgence relating to an attack on a Centrelink worker in Melbourne the previous day, expressing support to the injured staff member, their colleagues and the public service. The opposition endorsed the statement.

*Hansard: 24 May 2023, 3559*

## 11.11 Speaker's statements

On Tuesday, 30 May, the Speaker informed the house that, in recognition of National Reconciliation Week, he would be officially lighting up the Parliament House facade that evening in projections of the shapes, colours and landscapes of Central Australia by Luritja artist Kayannie Denigan.

On Thursday, 1 June, the Speaker made a statement on the retirement of Ms Belynda Zolotto after 35 years of service in the Department of the House of Representatives. The Speaker thanked her for her service to the parliament and wished her the best in her retirement.

*Hansard*: 30 May 2023, 3815  
1 June 2023, 4102

## Offensive words<sup>#</sup>

	<b>Hansard</b>	
	<i>Date</i>	<i>Page</i>
'...the grub...'	25 May 2023	3714
'...lie to the Australian people?'	25 May 2023	3722
'I get that the deputy leader is familiar with the concept of what it does look like when someone breaches the ministerial code.'	1 June 2023	4094
'You've got to hand it to Blinky, the member for Fairfax: he keeps swimming.'	1 June 2023	4108

**SOs 89, 90, 92**

<sup>#</sup> List of unparliamentary expressions recorded in *Hansard*.