

Procedural Digest

No. 14

47th Parliament

4 – 14 September 2023

September 2023				
M	T	W	T	F
4	5	6	7	8
11	12	13	14	17

Speaker

14.01 Dissent from ruling negated

On Wednesday, 6 September, following points of order from the Leader of the Opposition and the Manager of Opposition Business, the Speaker ruled that a minister's response to a question without notice was relevant. The Manager of Opposition Business moved that the Speaker's ruling be dissented from, as the opposition were of the view that the response was not relevant. Debate ensued until the Leader of the House moved a closure motion, which was agreed to on division. The House then divided on the question 'that the motion of dissent from the Speaker's ruling be agreed to', which was negated.

Standing order 87 provides that, if there is objection to the ruling of the Speaker or Chair, the objection or dissent must be declared at once and a motion submitted in writing. If the motion is seconded, the Speaker proposes the question 'that the dissent from the ruling of the Speaker be agreed to' and debate proceeds immediately. Dissent can only be moved in respect of a ruling, not on matters which are at the Speakers discretion (for example, allocation of the call).

*Hansard: 6 September 2023, 6515-23
Votes and Proceedings: 2022-23/961-2*

SOs 81, 86, 87, 104

14.02 Statements on disruption from public galleries

During Question Time on Monday, 4 September, several visitors in the public gallery caused disruption by interjecting, conversing and signalling to members in the House. The Speaker reminded visitors in the gallery about appropriate behaviour and, following a further incident, directed the perpetrators to leave the galleries quickly and quietly. Later, in response to a point of order about behaviour in the House and galleries, the Speaker warned he would not allow any further interjections or movement noise from the public galleries during his time as Speaker.

The next day, the Speaker made a statement in which he reiterated that the disruptive behaviour in the public galleries, which had then continued into the public areas of the building, was unacceptable and presented a significant risk to the working environment for parliamentary staff, other visitors and members of the House. He warned that guest seating in the galleries is a privilege that may be revoked and that attempts to disrupt or interfere with the proceedings of the House again would not be tolerated.

*Hansard: 4 September 2023, 6224; 6225; 6231
5 September 2023, 6377*

14.03 Question to Speaker – members' behaviour

On Thursday, 7 September, the Member for North Sydney asked a question to the Speaker relating to the behaviour of members following incidents during the consideration of the dissent motion on the previous day. The Speaker, in response, acknowledged that such behaviour does not reflect well on the House and requires change. He noted the legislation for building a safer and more respectful parliamentary workplace was before the Senate, but 'is just words and pieces of paper' unless members act differently.

Hansard: 7 September 2023, 6647-8

SO 103

14.04 Changes to the Speaker's panel

On Tuesday, 12 September, the Speaker presented a warrant revoking the nomination of the Member for Higgins (Dr Michelle Ananda-Rajah) and nominating the Member for McPherson (Hon Karen Andrews) to be a member of the Speaker's panel.

The role of Speaker's panel members is to take the Chair of the House or the Federation Chamber, as Deputy Speaker, when requested to do so.

*Hansard: 12 September 2023, 6883
Votes and Proceedings: 2022-23/989*

SO 17

Bills

14.05 Motions related to second reading of employment bill

On Monday, 4 September, the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 was introduced. Following the minister's second reading speech, the Manager of Opposition Business moved an amendment to the question that the resumption of the second reading debate be made an order of the day for the next sitting, proposing that "the next sitting" be substituted with "16 October 2023" to allow members further time to consider the bill before debate resumed. The amendment was negatived on division.

On Tuesday, 5 September, the Manager of Opposition Business moved that the bill be referred to a committee for consideration and an advisory report presented to the House by 1 February 2024. When the question was put, a division was called and deferred in accordance with standing order 133; the motion was then disagreed to after the matter of public importance discussion that afternoon.

Also on 5 September, a second reading amendment was moved by the Manager of Opposition Business. The next day, a crossbench member (the Member for Kennedy) moved an amendment to that amendment.

Debate on the second reading of the bill and the amendments continued in the House throughout the sitting fortnight and will resume at the next sitting.

Standing order 143 provides that, after the first reading of a bill but before the question on the second reading is put, a bill may be referred to the Federation Chamber or to a committee for

further consideration. A bill referred to a committee under standing order 143(b) cannot be considered in detail until the committee has reported.

Hansard: 4 September 2023, 6235-45

5 September 2023, 6345-8; 6388; 6354-5

6 September 2023, 6492-5

Votes and Proceedings: 2022-23/931-2; 945-6; 948-9; 957-8

SOs 133, 142, 143

14.06 Senate requests and amendments on housing bills

On Wednesday, 13 September, the Housing Australia Future Fund Bill 2023 was returned from the Senate with requests for 20 amendments to be made by the House. The requests were considered immediately and, following debate, agreed to on the voices. Two related bills which had passed the Senate were then reported with amendments and ordered to be considered at a later hour.

The following day, after its third reading in the Senate, the Housing Australia Future Fund Bill 2023 was returned with one amendment. The Prime Minister moved and spoke to the motion that the amendment be considered immediately, which was put and passed on the voices. The Minister for Housing then moved that the amendment be agreed to; debate ensued before the amendment was agreed on division. Finally, the House considered and agreed to the amendments to the two related bills, with amendments to the National Housing Supply and Affordability Council Bill 2023 agreed to on the voices and the amendment to the Treasury Laws Amendment (Housing Measures No. 1) Bill 2023 agreed to on division.

Under Section 53 of the Constitution, the Senate cannot amend proposed legislation which imposes taxation, appropriates money for the ordinary annual services of the government or increases any proposed charge or burden on the people. The Senate must instead request that the House make these amendments.

Hansard: 13 September 2023, 7072-81

14 September 2023, 7141-54

Votes and Proceedings: 2022-23/1001; 1009-11

SOs 158, 165

Government business

14.07 Referral to Climate Change Authority

On Wednesday, 6 September, the Minister for Climate Change and Energy, pursuant to notice, moved that a matter relating to Australia's transition to net zero emissions by 2050 be referred to the Climate Change Authority for review by 1 August 2024. The Leader of the Australian Greens, the Member for Indi and the Member for North Sydney rose to speak in support of the motion and the resolution to refer the matter was agreed to on the voices.

A message was sent to the Senate acquainting it with this resolution and requesting that it concur and take action accordingly. On Tuesday, 12 September, the Speaker reported a message from the Senate that it concurred with the resolution.

This is the first parliamentary referral to the authority under section 59 of the Climate Change Authority Act 2011, which provides that special reviews may be referred either by the minister

by written instrument, or by a joint resolution of both houses of parliament. Previously all special reviews had been referred to the authority by written instrument.

*Hansard: 6 September 2023, 6535-9
12 September 2023, 6883
Votes and Proceedings: 2022-23/963-4; 989*

14.08 Statements by ministers

During the time for statements on significant matters on Wednesday and Thursday mornings, three statements were made by ministers, with the relevant shadow minister speaking in reply:

- National TAFE Day (6 September, Minister for Skills and Training; Shadow Minister for Industry, Skills and Training in reply)
- World Suicide Prevention Day (7 September, Assistant Minister for Mental Health and Suicide Prevention; Shadow Assistant Minister for Mental Health and Suicide Prevention in reply), and
- Building an Australian offshore decommissioning industry (13 September, Minister for Resources; Shadow Minister for Agriculture in reply).

Also on Wednesday, 13 September, during government business, the Minister for Skills and Training made a ministerial statement, by leave, relating to national planning in vocational education, and presented a copy of the statement. The Shadow Minister for Industry, Skills and Training spoke in reply.

On Thursday, 14 September, the Minister for Health and Aged Care presented documents in the Federation Chamber relating to an independent investigation into the National Mental Health Commission and made a statement, by leave, in relation to the documents.

*Hansard: 6 September 2023, 6459-64
7 September 2023, 6587-90
13 September 2023, 6995-7; 7031-6
14 September 2023, 7220-1
Votes and Proceedings: 2022-23/955; 967; 997; 1000; 1016
SOs 50A, 63, 63A, 199*

Committees

14.09 Supplementary members appointed to Economics Committee

On Monday, 4 September, the Deputy Speaker reported to the House that the Speaker had received advice from the Chief Government Whip on 11 August 2023 nominating two supplementary members to the Standing Committee of Economics for the purposes of the committee's inquiry into insurers' responses to recent natural disasters in Australia. In accordance with standing order 229(b), their appointment had been effective from that date as the House was not expected to sit for several weeks. A minister moved, by leave, that the members be appointed and the question was resolved by the House in the affirmative.

The Deputy Speaker then reported that the Speaker had received advice from the Chief Opposition Whip nominating two further members to the same committee for the purposes of the same inquiry. A minister moved, by leave, that these members be appointed and this was also agreed.

Standing order 229 provides that members shall be appointed to or discharged from a committee by motion moved on notice. However, if the House is not sitting and not expected to sit for several weeks, change in membership can be arranged by the relevant whip informing the Speaker – the Speaker then reports the change to the House at the next sitting and the House resolves the membership of the committee.

Hansard: 4 September 2023, 6202
Votes and Proceedings: 2022-23/929–30
SOs 215, 229

14.10 Variation to resolution of appointment

On Wednesday, 6 September, a minister moved, pursuant to notice, that the resolution of appointment for the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs be amended to increase the committee's membership from 11 to 13 members, and that a message be sent to the Senate requesting its concurrence. The question was put and carried on the voices. On Tuesday, 12 September, the Speaker reported a message from the Senate informing the House that it concurred with the amendment to the resolution of appointment.

The functions, membership, powers and procedures of joint standing and select committees are determined by the resolutions which establish them. Any changes to such resolutions must be agreed by both houses.

Hansard: 6 September 2023, 6535
12 September 2023, 6883
Votes and Proceedings: 2022-23/96; 989
SO 224

14.11 Committee recommends actions by Speaker and NACC

On Wednesday, 13 September, the Chair of the Joint Standing Committee on Public Accounts and Audit tabled an interim report for the committee's inquiry into procurement at Services Australia and the National Disability Insurance Agency.

Through the inquiry to date, questions had arisen about the committee's statutory powers under the *Public Accounts and Audit Committee Act 1951*, particularly relating to parliamentary privilege and the operations of summons and warrants where a person is resident overseas. One of the committee's two recommendations in the interim report was that the Speaker approve the commissioning of legal advice in relation to these powers.

The Committee also recommended that the National Anti-Corruption Commission examine the material gathered through the inquiry to determine whether to conduct its own inquiry into the matters considered by the committee. This is the first recommendation of its kind from a parliamentary committee since the commencement of the commission in July.

Hansard: 13 September 2023, 7013-5
Votes and Proceedings: 2022-23/998

Matter of Public Importance

14.12 Proposed matter lapses

On Thursday, 7 September, the matter of public importance lapsed as the proposer was not present. Although more than eight members stood in support of the proposed discussion, the member who had proposed the matter was not in the House so the proposal did not have the support required to proceed.

*Hansard: 7 September 2023, 6648
Votes and Proceedings: 2022-23/971*

SO 46

Members

14.13 Member for Fadden makes first speech

During government business time on Monday, 4 September, a minister moved a suspension of standing and sessional orders to enable Mr Caldwell to deliver his first speech without a limitation of time.

*Hansard: 4 September 2023, 6245-8
Votes and Proceedings: 2022-23/933*

Motions

14.14 Opposition motions during Question Time

The Leader of the Opposition sought to suspend standing and sessional orders twice during Question Time in order to move motions relating to aviation (7 September) and the Voice referendum (12 September).

On both occasions, in accordance with standing order 47(e), the Leader of the House required that further proceedings in relation to the motion take place following the matter of public importance discussion that afternoon. Both motions to suspend standing orders, following debate, were negatived on division.

*Hansard: 7 September 2023, 6645; 6648-54
12 September 2023, 6912; 6925-30
Votes and Proceedings: 2022-23/971-2; 992-3*

SOs 47, 111

14.15 Other non-government motions

Throughout the sitting fortnight, members of the crossbench moved to suspend standing and sessional orders in order to move the following motions:

- relating to the prosecution of certain whistleblowers (Member for Clark, 6 September)
- seeking to amend standing order 104, relating to answers to questions without notice (Leader of the Australian Greens, 7 September)

- relating to the 50th anniversary of the 1973 coup in the Republic of Chile (Member for Griffith, 11 September), another private member's motion on the same topic already programmed for consideration in the Federation Chamber later that day, and
- relating to a climate and security risk assessment conducted by the Office of National Intelligence (Member for Warringah, 14 September).

In each instance, the motion to suspend standing orders was defeated on division.

Hansard: 6 September 2023, 6475-80

7 September 2023, 6612-8

11 September 2023, 6740-4

14 September 2023, 7135-40

Votes and Proceedings: 2022-23/956-7; 968-9; 977-8; 1008-9

SOs 47, 111

Sittings

14.16 Sitting calendar

On the last day of the sitting fortnight, the Leader of the House presented a revised program of sittings for the remainder of 2023 and, by leave, moved that it be agreed to. Following a brief debate, the question was agreed to on the voices.

Hansard: 14 September 2023, 7189-90

Votes and Proceedings: 2022-23/1014

SO 29

Offensive words[#]

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...the encouragement from the opposition for this conduct shows a great disrespect for your position and the orderly conduct of this House.'	4 September 2023	6231-2
'...will you call off your dogs?'	5 September 2023	6376
'Why not answer honestly?'	6 September 2023	6523-4
'You're liars.'	6 September 2023	6564
'Never get between a Liberal and money!'	7 September 2023	6644
'You could almost call the exploitation of migrant workers the Liberal-National business model.'	11 September 2023	6782
'...union thugs—'	12 September 2023	6942
'If ... like those opposite, you hate farmers and farming'	13 September 2023	7027-9

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

'...drip more poison into the well. That's how he seeks to divide and diminish this country and reap a political dividend from that.'	13 September 2023	7057-8
'The word "referendum" wasn't in there. Neither was "sneaky". You're cooked, mate!'	14 September 2023	7182

SOs 89, 90, 92