

# Procedural Digest

## No. 120

26 August – 4 September 2014

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## Bills

### **120.01** *Consideration of Senate messages regarding Asset Recycling Fund bills deferred until a later hour*

During Government business time on Tuesday 26 August, a message from the Senate was reported returning the Asset Recycling Fund Bill 2014 and informing the House that the Senate insisted upon its amendments disagreed to by the House and desired reconsideration of the Bill by the House of the amendments. The Parliamentary Secretary to the Prime Minister moved that the message be made an order of the day for a later hour and debate ensued. The question was carried on division.

A further message from the Senate was reported returning the Asset Recycling Fund (Consequential Amendments) Bill 2014 and informing the House that the Senate insisted upon its amendments disagreed to by the House and desired reconsideration of the Bill by the House of the amendments. The Parliamentary Secretary moved that the message be made an order of the day for a later hour. During the ensuing debate, the Parliamentary Secretary moved a closure of question which was carried on division. The original motion was then carried on division.

*Hansard: 26 August 2014, 8517-28  
Votes and Proceedings: 2014/741-4*

**SOs 81, 111, 117, 158**

### **120.02** *Bill laid aside and standing orders suspended to enable introduction of new bill and passage through all stages*

Between items of business during Government business time on 1 September, the Parliamentary Secretary to the Treasurer moved that business intervening before order of the day no. 20, Government business, be postponed until a later hour. The question was carried on the voices. The order of the day was then called on; being consideration of a Senate message (from 26 August 2014) returning the Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2] and acquainting the House that the Senate insisted upon the amendments disagreed to by the House. The Parliamentary Secretary moved that the bill be laid aside and debate ensued. The Parliamentary Secretary moved a closure of question which was carried on division. The question that the bill be laid aside was then carried on the voices.

The Parliamentary Secretary sought leave to move a motion to facilitate the introduction and passage of a new bill—the Minerals Resource Rent Tax Repeal and Other Measures Bill 2014. Leave was not granted and the Parliamentary Secretary moved a motion to suspend standing orders to enable the new bill to be presented and proceed immediately through all stages. Debate ensued and during the contribution of the Manager of Opposition Business, a closure of question was moved and carried on division. The suspension motion was then carried on division, by an absolute majority as required.

In accordance with the resolution, the Parliamentary Secretary presented the Minerals Resource Rent Tax Repeal and Other Measures Bill 2014 and an explanatory memorandum and the bill was read a first time. The Parliamentary Secretary moved the second reading but did not make a second reading speech, and debate ensued. Just prior to 1 p.m. the Parliamentary Secretary, by leave, moved that standing order 43 be suspended for the sitting. The motion was carried on division, by an absolute majority.

Debate resumed on the second reading and the Parliamentary Secretary to the Minister for Finance then made a second reading speech which was considered to be the Minister's second reading speech for the purposes of the bill. At the conclusion of his speech the Parliamentary Secretary moved a closure of question which was carried on division. The House then divided on the question that the bill be read a second time, and the motion was carried. The bill was read a second time and the House proceeded to consider the bill in detail, by leave, as a whole.

During the ensuing debate a Shadow Minister moved a suspension of standing orders to enable debate to be adjourned until the following sitting day 'to provide Members with an opportunity to examine the legislation'. The motion was seconded and a Parliamentary Secretary moved a closure of question, which was carried on division. The motion to suspend standing orders was then negatived on division.

Consideration in detail continued and the Parliamentary Secretary to the Treasurer moved a closure of question which was carried on division. The question that the bill be agreed to was then carried on division.

In accordance with the resolution agreed to earlier, the Parliamentary Secretary moved that the bill be read a third time. Debate ensued and the Parliamentary Secretary moved a closure of question which was carried on division. The House divided again on the question that the bill be read a third time. The motion was carried and the bill was read a third time.

*Hansard*: 1 September 2014, 9114-47  
*Votes and Proceedings*: 2014/775-87

**SOs 37, 43, 47, 63, 81, 125, 126, 141, 142, 148, 153, 155, 158**

### **120.03** *Consideration of Senate message regarding Minerals Resource Rent Tax Repeal and Other Measures Bill 2014*

During Government business time on Tuesday 2 September, a message from the Senate was reported retuning the Minerals Resource Rent Tax Repeal and Other Measures Bill 2014 with amendments. The Parliamentary Secretary to the Treasurer moved that the amendments be considered immediately and, following some debate, the question was carried on the voices. The Parliamentary Secretary then moved that the amendments be agreed to. Debate ensued and the question was closed on motion moved by the Parliamentary Secretary which was carried on division. The question that the amendments be agreed to was then carried on division.

*Hansard: 2 September 2014, 9445-54  
Votes and Proceedings: 2014/802-4*

**SOs 125, 126, 158, 161**

### **120.04** *Closure of debate on higher education reform bill*

On Thursday 4 September, during the second reading debate on the Higher Education and Research Reform Amendment Bill 2014, the Leader of the House and Minister for Education moved a closure of question, stating: 'After 14 hours of debate, I move that the motion be put.' The question was carried on division. A division was called on the question that the bill be read a second time, and was carried. The bill was read a second time and a message from the Governor-General was announced recommending an appropriation for the purposes of the bill. The bill was then considered in detail and, by leave, taken as a whole. During the ensuing debate the Minister moved a closure of question which was carried on division. The question that the bill be agreed to was carried on the voices. Leave was granted for the Minister to move the third reading immediately. The question was carried on the voices and the bill was read a third time.

*Hansard: 4 September 2014, 9766-77  
Votes and Proceedings: 2014/813-6*

**SOs 63, 81, 125, 126, 142, 147, 148, 153, 155**

## **Business**

### **120.05** *Attempted suspension of standing orders to call on private Member's bill*

Immediately following discussion on a matter of public importance on 26 August, a Shadow Minister sought leave to move a motion to suspend standing orders to enable a private Member's bill standing in his name on the Notice Paper to be called on immediately and given priority over all other business for passage through all stages. Leave was not granted and the Shadow Minister moved a suspension motion.

A Minister moved a closure of Member, which was carried on division. An Opposition Member seconded the Shadow Minister's motion and the Minister again moved a closure of Member, which was carried on division. Debate ensued on the suspension motion and a closure of question was immediately moved by the Minister and carried on division. The question that the motion be agreed to was put and negatived on division. The House moved on to Government business.

*Hansard:* 26 August 2014, 8582-9  
*Votes and Proceedings:* 2014/746-50

**SOs 34, 47, 80, 81**

### **120.06** *Condolence motion for victims of Ukraine Air Disaster*

Just before question time on 26 August, the Prime Minister moved a motion of condolence regarding Malaysia Airlines Flight MH17. The Leader of the Opposition addressed the House in support of the Prime Minister's motion. Members rose in silence as a mark of respect and debate was adjourned. The Leader of the House, by leave, moved that the resumption of debate on the condolence motion be referred to the Federation Chamber and the motion was carried on the voices.

The condolence motion was returned to the House on 27 August, and carried as all Members again rose in their places.

*Hansard:* 26 August 2014, 8549-52; 27 August 2014, 8750-1  
*Votes and Proceedings:* 2014/745, 760

**SOs 49, 63, 183**

### **120.07** *Prime Minister presents report of Royal Commission into the Home Insulation Program*

At the commencement of Government business time on Monday 1 September, the Prime Minister presented a document entitled 'Report of the Royal Commission into the Home Insulation Program'. The Prime Minister, by leave, made a short statement in connection with the report.

*Hansard:* 1 September 2014, 9113-4  
*Votes and Proceedings:* 2014/775

**SOs 63, 199**

### **120.08** *Statements on situation in Iraq*

Just prior to question time on 1 September, the Prime Minister, by leave, made a statement on the situation in Iraq. The Leader of the Opposition, by leave, made a statement on the same matter. The Leader of the House then moved that further statements on the matter be permitted in the Federation Chamber and the motion was carried on the voices.

*Hansard:* 1 September 2014, 9147-50  
*Votes and Proceedings:* 2014/787

SOs 63, 183

**120.09** *House agrees to private Member's motion being debated during Government business time in Federation Chamber*

During Government business time on 1 September, a Parliamentary Secretary, pursuant to leave, moved a suspension of standing orders to enable a private Member's notice of motion to have priority over other business in the Federation Chamber for 20 minutes from 4.45pm that day. The question was carried on the voices.

*Note:* The private members' business item in question, a motion regarding the 20<sup>th</sup> anniversary of the Australian Government's recognition of Australian-born South Sea Islanders as a distinct ethnic group, had been allocated time by the Selection Committee to be debated during the period for private Members' business in the Federation Chamber earlier in the day. However, due to the Federation Chamber having to suspend on a number of occasions to enable Members to attend divisions in the House, the motion was not called on before the time for private Members' business concluded.

*Hansard:* 1 September 2014, 9168, 9302-7  
*Votes and Proceedings:* 2014/789, 796

SOs 41, 47, 63, 183, 192

**120.10** *Statements by indulgence regarding 75<sup>th</sup> Anniversary of World War II*

Immediately prior to question time on Wednesday 3 September, the Prime Minister, by indulgence, made a statement acknowledging the 75<sup>th</sup> anniversary of Australia's entry into the Second World War. The Prime Minister referred to a statement by then Prime Minister, Robert Menzies, which was broadcast on radio stations across the country at 9.15 p.m. on 3 September 1939. The Leader of the Opposition also made a statement by indulgence on the same matter.

*Hansard:* 3 September 2014, 9574-5

SO 65

**120.11** *Treasurer makes ministerial statement relating to G20-OECD Tax and transparency*

During Government business time on Thursday 4 September, the Treasurer, by leave, made a ministerial statement relating to G20-OECD Tax and transparency and presented a copy of his statement. Standing orders were then suspended to enable the shadow Treasurer to speak in reply to the statement.

*Hansard:* 4 September 2014, 9744-51  
*Votes and Proceedings:* 2014/813

SOs 63, 199

## Committees

### *120.12 Amendment to resolution of appointment to extend reporting date for joint select committee*

After question time on Wednesday 27 August, the Leader of the House, by leave, moved a motion to amend the resolution of appointment of the Joint Select Committee on Northern Australia and to send a message to the Senate requesting its concurrence. The amendment extended the committee's reporting date to enable it to complete its deliberations, and also extended the life of the committee beyond the reporting date, for the life of the Parliament. The motion was carried on the voices.

*Hansard:* 27 August 2014, 8771-2  
*Votes and Proceedings:* 2014/761

**SOs 63, 224**

### *120.13 Intelligence Committee reports findings orally in advance of written report*

During Government business time on Thursday 4 September, the Chair of the Parliamentary Joint Committee on Intelligence and Security, by leave, made a statement to report the Committee's findings in relation to its inquiry into the listing of Boko Haram as a terrorist organisation under the *Criminal Code Act 1995*. The Chair stated that he was reporting the committee's findings by way of oral statement to fulfil the Committee's responsibility (under the provisions of the Criminal Code) to report within the disallowance period for the Criminal Code (Terrorist Organisation—Boko Haram) Regulation 2014. The Committee recommended that the regulation not be disallowed. The Chair stated that the Committee's written report would be presented to the House in the next sitting fortnight.

*Hansard:* 4 September 2014, 9730  
*Votes and Proceedings:* 2014/813

**SO 63, 226**

## Federation Chamber

### *120.14 Members granted extension of time during statements on Iraq*

During statements on Iraq in the Federation Chamber on Wednesday 3 September which had earlier been referred by the House (*see* entry **120.08**), the Deputy Leader of the Opposition and an Opposition Member were each granted an extension of time, by leave, after the 10 minutes they had each been allotted expired.

*Note:* The usual process for granting an extension is for another Member to move that the Member whose speech is interrupted (because the allotted time has expired) be granted an extension of time. If the motion is carried the speech can continue for up to 10 minutes or half the original period allotted, whichever is shorter.

*Hansard:* 3 September 2014, 9675, 9687  
*Votes and Proceedings:* 2014/810

**SO 63**

## Members

### **120.15** *Member excluded from division count*

Following a division on a motion to make consideration of a Senate message relating to the Asset Recycling Fund (Consequential Amendments) Bill 2014 an order of the day for a later hour, the Speaker advised a non-aligned Member present in the Chamber that he was not counted as he had chosen to sit in the distinguished visitors' gallery during the division.

*Hansard:* 26 August 2014, 8527-8

**SOs 2, 129, 130**

### **120.16** *Member requests Speaker's intervention after Treasurer repeats matter corrected by personal explanation*

During an answer by the Treasurer to a question without notice on Wednesday 27 August, a Shadow Minister raised a point of order requesting that the Speaker intervene on the basis that the Treasurer was repeating information the Shadow Minister had earlier sought to correct by personal representation. The Speaker upheld her previous rulings on the matter and noted that the Member had lost his opportunity to make a personal explanation following question time.

*Note:* On 26 June 2014, the Speaker ruled on the same matter, stating 'if people wish to refer to the (Member's) writing when he said such and such was true, that remains a fact, but if they try to impute a current belief to him which he refutes then standing order 68 will apply.' (See entry no. **118.41**).

*Hansard:* 27 August 2014, 8766

**SOs 68, 86**

### **120.17** *Member initially refuses to withdraw offensive words*

On Wednesday 27 August, during the second reading debate on the Military Rehabilitation and Compensation Amendment Bill 2014, an Opposition Member stated '...this government has lied, and lied spectacularly, to our veterans' community' and was asked to withdraw the remark. The Member initially refused to withdraw, referring to the Speaker's ruling on the previous day in which she stated that the word 'lies' was only unparliamentary 'when it is a descriptor of a person.' The Chair again called on the Member to withdraw to assist the House, and the Member did so, and resumed his speech.

*Hansard:* 26 August 2014, 8570; 27 August 2014, 8704

**SOs 89, 92**

**120.18** *Member withdraws motion to suspend standing orders; division cancelled*

During debate on a private Member's motion relating to minorities in Iraq, a non-aligned Member sought the call and moved a suspension of standing orders to enable the House to debate immediately 'whether Australian forces should be deployed to Iraq'. A Minister moved that the Member be no longer heard. A division was called and the non-aligned Member withdrew his suspension motion. The division was cancelled and debate then resumed on the private Member's motion.

*Hansard*: 1 September 2014, 9098

**SOs 47, 65, 66, 80, 126, 133**

**120.19** *Leave not granted for motion to suspend standing orders*

In-between items of private Members' business on 1 September, a non-aligned Member sought the call and sought leave of the House to move a motion to suspend standing orders to enable the House to debate immediately 'whether Australian forces should be deployed to Iraq'. Leave was not granted and the Member resumed his seat. The next item of private Members' business was called on.

*Hansard*: 1 September 2014, 9102-3

**SO 47, 63**

## Motions

**120.20** *Leave granted for motion condemning the Prime Minister*

During question time on Tuesday 2 September, the Leader of the Opposition sought leave to move a motion condemning the Prime Minister for 'violating the trust of the Australian people...', among other things. Leave was granted and the Leader of the Opposition moved the motion. The motion was seconded and debate ensued, during which the Prime Minister moved an amendment to omit certain words with a view to substituting other words. When the time allotted for the debate expired, the Speaker put the question on the amendment which was carried on division. The motion, as amended, was then carried on the voices.

*Hansard*: 2 September 2014, 9399-9415

*Votes and Proceedings*: 2014/800-2

**SOs 63, 111, 116, 117, 118, 121, 122, 125, 126**



## Private Members' Business

### *120.21 Amendment to private Member's notice moved*

During private Members' business in the House on Monday 1 September, when a notice relating to a bill in his name was called on, a non-aligned Member sought leave to move an amendment to the short title of the bill. Leave was granted and the Member presented the Australian Security Intelligence Organisation Amendment (Restoring Merits Review) Bill 2014 and presented an explanatory memorandum. The bill was read a first time and the Member moved the second reading and made a second reading speech. The time allotted for the debate expired and the motion was seconded by a non-aligned Member. The resumption of debate was made an order of the day for the next sitting.

*Hansard: 1 September 2014, 9087-9*  
*Votes and Proceedings: 2014/773*

**SOs 41, 63, 141, 142**

### *120.22 Amendment moved to private Member's motion*

During private Members' business in the House on Monday 1 September, when an item in an Opposition Member's name was called on regarding minorities in Iraq, he sought leave to amend the motion. Leave was granted and the Member moved the motion as amended. The motion was seconded and debate ensued in accordance with the time allotted by the Selection Committee. Debate was then adjourned and resumption of debate made an order of the day for the next sitting.

*Hansard: 1 September 2014, 9095-9102*  
*Votes and Proceedings: 2014/774*

**SOs 41, 63**

## Questions

### *120.23 Question ruled out of order*

During question time on Wednesday 27 August, the Leader of the Opposition asked the Prime Minister a question regarding the Treasurer and the budget. The Speaker upheld a point of order raised by the Leader of the House in which he stated that it was 'simply a rhetorical statement to the House and should not be regarded as a question seeking information'. The Speaker ruled the question out of order and called on the next questioner.

*Hansard: 27 August 2014, 8767-8*

**SOs 98, 100**

**120.24** *Leader of the Opposition supports Minister's remarks*

During question time on Tuesday 2 September, following a reply by the Minister for Foreign Affairs to a question without notice regarding the Ukraine air disaster, the Leader of the Opposition, by indulgence, made a short statement to associate the Opposition with the remarks of the Minister.

*Hansard: 2 September 2014, 9392*

**SO 65**

**120.25** *Prime Minister adds to an answer given during question time*

After question time on 3 September, the Prime Minister, by indulgence, added to an answer he had given earlier in question time. The Prime Minister clarified that Malaysia's contribution to the search for missing Malaysia Airlines flight MH370 was \$60 million and not \$30 million as he had stated earlier, and he thanked Malaysia for the contribution.

*Hansard: 3 September 2014, 9593*

**SO 65**

## Speaker

**120.26** *Speaker thanks parliamentary security staff for handling of incident in public gallery*

During question time on Tuesday 26 August, an incident occurred in the public galleries with a person attempting to disrupt proceedings in the House by whistling and shouting. The person was removed from the gallery by parliamentary security staff. At the start of question time on Thursday 28 August, the Speaker made a statement thanking the parliamentary security staff for their handling of the incident. The Speaker also thanked staff of the Departments of Parliamentary Services and the House of Representatives for their work towards ensuring the smooth and effective running of the parliament.

*Hansard: 26 August 2014, 8559; 28 August 2014, 8973*

**120.27** *Speaker makes statement regarding Australian National Flag Day*

Just before question time on Wednesday 3 September, the Speaker made a statement regarding Australian National Flag Day. The Speaker informed the House that a flag-raising ceremony had been held in the forecourt of Parliament House earlier that day in which the Centenary Flag was marched on by members of the Federation Guard and presented to the Prime Minister. The flag was then raised.

*Note:* The Centenary Flag is the Australian National Flag with a white headband incorporating a cardinal red stripe and an inscription. It was proclaimed an official flag of Australia by the Governor-General on 13 September 2001, just over 100 years after the Australian National Flag was first flown.

*Hansard: 3 September 2014, 9574*

## Withdrawals

### 120.28 *Offensive words*

	<i>Hansard</i>	
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'...galahs...'	26 August 2014	8566
'...this government has lied, and lied spectacularly, to our veterans' community.'	27 August 2014	8704
'...hypocrite.'	27 August 2014	8764
'...a duplicitous government.'	2 September 2014	9400-1
'...the Prime Minister lied...'	2 September 2014	9420-1
'...three stooges...'	2 September 2014	9421
'...clowns...hypocrites.'	3 September 2014	9582
'...bulldust?'	4 September 2014	9792
<i>unrecorded</i>	4 September 2014	9807
<i>unrecorded</i>	4 September 2014	9822-3

**SOs 89, 90, 92**