

# Procedural Digest

## No. 121

22 September – 2 October 2014

September/October 2014				
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29	30	1	2	3

## Bills

### **121.01** *Fewer than five Members vote on one side during division*

On Wednesday 24 September, when the question was put on the second reading of the Tax and Superannuation Laws Amendment (2014 Measures No. 5) Bill 2014, a division was called. Two non-aligned Members voted with the 'Noes' and, in accordance with standing order 127, the Chair declared the question carried without completing the count and the names of those in the minority were recorded in the Votes and Proceedings. The Parliamentary Secretary to the Treasurer, by leave, then moved that the bill be read a third time. The question was carried on the voices and the bill was read a third time.

*Hansard:* 24 September 2014, 10447

*Votes and Proceedings:* 2014/851

**SOs 63, 126, 127, 142, 155**

### **121.02** *Fewer than five Members vote on one side during divisions on four occasions during consideration of national security bill*

On Wednesday 1 October, when the question was put on the second reading of the National Security Legislation Amendment Bill (No. 1) 2014, a division was called. Three non-aligned Members voted with the 'Noes' and in accordance with standing order 127, the Chair declared the question carried without completing the count and the names of those in the minority were recorded in the Votes and Proceedings.

The bill was then considered in detail and, by leave, taken as a whole. A non-aligned Member, by leave, moved certain amendments together. Following debate, the question on the amendments was put, and a division was called. Three non-aligned Members voted with the 'Ayes' and in accordance with standing order 127, the Chair declared the question negatived without completing the count and the names of those in the minority were recorded in the Votes and Proceedings. The non-aligned Member then, by leave, moved certain other amendments together and again, a division was called and three non-aligned Members voted with the 'Ayes' and in accordance with standing order 127, the Chair declared the question negatived without completing the count.

Another non-aligned Member then, by leave, moved certain amendments together. The ensuing debate was closed on motion moved by the Assistant Minister for Defence and carried on the voices. The question on the amendments was put and a division was called. Three non-aligned Members voted with the 'Ayes' and in accordance with standing order 127, the Chair declared the question negatived without completing the count and the names of those in the minority were recorded in the Votes and Proceedings. The bill was then agreed to on the voices and consideration in detail concluded. The Assistant Minister for Defence, by leave, moved that the bill be read a third time. The motion was carried on the voices and the bill was read a third time.

*Hansard:* 1 October 2014, 10886-10904  
*Votes and Proceedings:* 2014/869-70

**SOs 63, 126, 127, 142, 148, 149, 150, 153, 155**

### **121.03** *Bill introduced and passes all stages in one sitting*

During Government business time on Thursday 2 October, the Minister for Social Services presented the Social Services and Other Legislation Amendment (2014 Budget Measures No. 6) Bill 2014 and an explanatory memorandum, and made a second reading speech. Leave was granted for debate on the second reading to continue immediately. After contributions from the Leader of the Opposition and a Shadow Minister, the Minister summed up the debate. The question that the bill be read a second time was carried on the voices and a message from the Governor-General recommending an appropriation for the purposes of the bill was reported. Leave was granted for the third reading to be moved immediately, the motion was carried on the voices, and the bill was read a third time.

*Hansard:* 2 October 2014, 11084-93  
*Votes and Proceedings:* 2014/876

**SOs 63, 141, 142, 147, 155**

## **Business**

### **121.04** *Ministerial statement regarding national security*

Immediately prior to question time on Monday 22 September, the Prime Minister, by leave, made a ministerial statement on national security. Standing orders were then suspended to enable the Leader of the Opposition to speak in reply to the statement. The Leader of the House, by leave, moved a motion to enable further statements on the matter to be made in the Federation Chamber. The motion was carried on the voices.

*Hansard:* 22 September 2014, 9957-63  
*Votes and Proceedings:* 2014/827

**SOs 47, 63, 111, 183**

**121.05** *Ministerial statement regarding investment*

During Government business time on Tuesday 23 September, the Minister for Trade and Investment, by leave, made a ministerial statement on investment and presented a copy of his statement. The Minister then, by leave, moved a suspension of standing orders to enable a Shadow Parliamentary Secretary to speak in reply to the statement. The question was carried on the voices and the Shadow Parliamentary Secretary addressed the House.

*Hansard*: 23 September 2014, 10177-88  
*Votes and Proceedings*: 2014/839

**SOs 47, 63, 199**

**121.06** *Acting Prime Minister makes statement, by leave, regarding national security*

Just prior to question time on Wednesday 24 September, the Deputy Prime Minister, as Acting Prime Minister, made a statement, by leave, on national security. The Leader of the Opposition, by indulgence, also made a statement on the matter.

*Hansard*: 24 September 2014, 10396-8

**SOs 63, 65**

**121.07** *Updated shadow ministry list presented*

Just prior to question time on 24 September, the Leader of the Opposition presented a revised shadow ministry list.

*Hansard*: 24 September 2014, 10398-10400  
*Votes and Proceedings*: 2014/850

**SO 199**

**121.08** *Parliamentary Secretary speaks during adjournment debate*

On Thursday 25 September, a Parliamentary Secretary was called as the final speaker in the adjournment debate, and spoke for one minute before the House adjourned.

*Note*: Members of the Executive are not normally given the call to speak in the adjournment debate unless no other Members are seeking the call.

*Hansard*: 25 September 2014, 10659

**SO 31**

**121.09** *Ministerial statement regarding Ukraine air disaster*

After the acknowledgement of country and prayers on 30 September, the Minister for Foreign Affairs, by leave, made a ministerial statement and presented a Treaty between Australia and the Kingdom of the Netherlands on the presence of Australian personnel in the Netherlands for the purpose of responding to the 'downing of Malaysia Airlines flight MH17'. She also presented a copy of her statement. A Parliamentary Secretary, by leave, moved a suspension of standing orders to enable the Deputy Leader of the Opposition to speak in reply to the

Minister's statement. The motion was carried on the voices and the Deputy Leader addressed the House.

*Hansard:* 30 September 2014, 10715-9  
*Votes and Proceedings:* 2014/863

**SOs 47, 63, 199**

### **121.10** *Statements by indulgence regarding Royal Commission into the Home Insulation Program*

After question time on 30 September, the Prime Minister and the Leader of the Opposition each made statements by indulgence on the Royal Commission report on the Home Insulation Program.

*Note:* The report of the Royal Commission was presented to the Parliament on 1 September. At that time, the Prime Minister had indicated to the House that he would report back to the Parliament on the matter by the end of the month.

*Hansard:* 30 September 2014, 10764-6  
*Votes and Proceedings:* 2014/864

**SO 65**

### **121.11** *Statements by indulgence regarding Middle East operations*

Just before question time on 1 October, the Prime Minister and the Leader of the Opposition each made statements by indulgence on Australian Defence Force operations in the Middle East.

*Hansard:* 1 October 2014, 10932-3

**SO 65**

### **121.12** *Minister speaks during adjournment debate*

On Thursday 2 October, the Minister for the Environment was called as the final speaker in the adjournment debate.

*Note:* Members of the Executive are not normally given the call to speak in the adjournment debate unless no other Members are seeking the call.

*Hansard:* 2 October 2014, 11197-8

**SO 31**

## **Committees**

### **121.13** *House agrees to Senate resolutions appointing two joint select committees*

During Government business time on Monday 22 September, messages were reported from the Senate transmitting resolutions agreed to by the Senate relating to the establishment of a Joint Select Committee on the Australia Fund Establishment and a Joint Select Committee on Trade and Investment Growth. Each message requested the concurrence of the House in the resolutions. The House deferred consideration of the resolutions to the next sitting day.

On 23 September, when each of the two orders of the day relating to the consideration of the Senate messages was called on, the Leader of the House moved that the House concur with the resolution and send a message to the Senate acquainting it of the resolution. On each occasion, the motion was carried on the voices.

*Hansard*: 22 September 2014, 9923-6; 23 September 2014, 10189  
*Votes and Proceedings*: 2014/823-6; 839-40

**SOs 224, 260, 261**

**121.14** *Procedure Committee presents report on use of electronic devices in the Chamber*

During Government business time on Wednesday 24 September, the Chair of the Standing Committee on Procedure presented the committee's report entitled 'Use of electronic devices in the Chamber and Federation Chamber' and, by leave, made a short statement in connection with the report. The Chair moved that the House take note of the report, debate was adjourned and the resumption of debate made an order of the day for the next sitting. The Chair of the committee then moved that the order of the day be referred to the Federation Chamber for debate and the motion was carried on the voices.

*Hansard*: 24 September 2014, 10331-2  
*Votes and Proceedings*: 2014/846

**SOs 63, 247**

## Debate

**121.15** *Point of order seeking the Speaker's intervention under standing order 68 (repetition of matters corrected by personal explanation)*

During the Prime Minister's response to a question without notice from a Shadow Minister on Tuesday 30 September, the Shadow Assistant Treasurer raised a point of order and requested that the Speaker intervene on the grounds that the Prime Minister was repeating a claim previously corrected by personal explanation. The Speaker indicated that she would review the Prime Minister's remarks after question time.

The following day, after question time, the Speaker made a statement on the matter and indicated that if the Prime Minister wished to refer to views expressed in a book written by the Shadow Assistant Treasurer, he must make this clear so as not to infringe standing order 68. She noted that in the previous day's case, this was not clear, and the Shadow Assistant Treasurer had been entitled to invoke standing order 68.

*Hansard*: 30 September 2014, 10750-1; 1 October 2014, 10952

**SO 68**

## Documents

### *121.16 Minister tables correspondence in relation to migration bill*

On Thursday 25 September, the Minister for Immigration and Border Protection presented the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 and made a second reading speech, following which debate was adjourned. The Minister then presented two items of correspondence between himself and a non-aligned Member in relation to the bill.

*Hansard*: 25 September 2014, 10550

*Votes and Proceedings*: 2014/856

**SO 199**

### *121.17 Shadow Treasurer not permitted to seek leave to table document*

After the Treasurer's answer to a question on notice from the Shadow Treasurer on Thursday 2 October, the Shadow Treasurer sought leave to table the previous day's *Hansard* and reports of a number of economic agencies. With respect to the previous day's *Hansard*, the Speaker ruled that the Member was not permitted to seek to table a document that was already a public document. Leave was not granted for the Member to table the reports of economic agencies.

*Note*: In a statement to the House on 26 May 2014 regarding the tabling of documents by private Members, the Speaker ruled that a request by a Member for leave to table a document would not be put where the document was already on the public record (*see* entry no. 117.31).

*Hansard*: 2 October 2014, 11157

**SOs 63, 199**

## Federation Chamber

### *121.18 Deputy Speaker makes statement regarding 20<sup>th</sup> Anniversary of Federation Chamber*

After taking the chair at the commencement of proceedings in the Federation Chamber, the Deputy Speaker made a statement to acknowledge the 20<sup>th</sup> anniversary of the opening of the Federation Chamber. An opposition whip, by indulgence, also made remarks on the matter.

*Note*: The Federation Chamber (then called the Main Committee) first met on 8 June 1994.

*Hansard*: 22 September 2014, 10064-5

*Votes and Proceedings*: 2014/835

## Members

### **121.19** *Member sanctioned for refusing to withdraw offensive words*

During the Treasurer's response to a question without notice on Thursday 2 October, an opposition Member rose on a point of order and stated 'that is a lie.' The Speaker asked the Member to withdraw, and the Member refused, and was asked to remove himself from the Chamber in accordance with standing order 94(a) for defying the Chair.

*Hansard: 2 October 2014, 11163  
Votes and Proceedings: 2014/879*

**SOs 89, 90, 91, 94**

## Petitions

### **121.20** *Deputy Chair of Petitions Committee presents ministerial responses to petitions on behalf of absent Chair*

On 22 September, during the period allocated for the presentation of petitions and responses to petitions by ministers, the Deputy Chair of the Standing Committee on Petitions presented a number of ministerial responses and made a statement, on behalf of the Chair, who was absent from Parliament.

*Hansard: 22 September 2014, 9887-94  
Votes and Proceedings: 2014/821*

**SOs 207, 209**

## Questions

### **121.21** *Minister adds to an answer and presents document*

At the conclusion of question time on Tuesday 23 September, the Minister for Social Services added to an answer he had given to a question without notice regarding New Zealand's welfare system. The Minister tabled an extract from the New Zealand Ministry of Social Development's 2012–13 annual report.

*Hansard: 23 September 2014, 10226-7  
Votes and Proceedings: 2014/841*

**SOs 65, 199**

### **121.22** *Treasurer responds to question directed to Prime Minister*

During question time on Tuesday 30 September, the Shadow Treasurer asked the Prime Minister a question relating to budget measures and the Treasurer answered the question on the Prime Minister's behalf.

*Hansard: 30 September 2014, 10747-8*

### **121.23** *Opposition Leader asked to rephrase question without notice*

During question time on Thursday 2 October, the Leader of the Opposition asked the Prime Minister a question regarding the budget. The Speaker ruled the question out of order as it contained the word 'lies', and asked the Leader of the Opposition to rephrase the last part of the question. He did so, and the Prime Minister responded to the question.

*Hansard: 2 October 2014, 11153*

**SOs 100, 101**

## **Speaker**

### **121.24** *Statements by Speaker regarding Parliament House security and the installation of screens in the Chamber*

After the acknowledgement of country and prayers on Monday 22 September, the Speaker made a statement regarding changes to security practices and procedures in Parliament House which had been designed to strengthen existing security arrangements. The Speaker asked Members to be patient as the new procedures were implemented.

The Speaker also made a statement about the installation of screens in the corners of the Speaker's end of the Chamber, to display the current matter and question before the House. The installation of the screens followed a request to the Speaker by the Procedure Committee earlier in the year.

*Hansard: 22 September 2014, 9887*

### **121.25** *Question to Speaker regarding responsibilities of the Chair and use of social media*

After question time on Wednesday 1 October, the Leader of the House asked a question to the Speaker as to whether or not the Second Deputy Speaker was in the chair as Deputy Speaker at the time that he posted a tweet reflecting on a Member's contribution to a debate. If so, the Leader of the House asked the Speaker whether it was appropriate for a Member of the Speaker's panel to reflect on other Members via social media while in the Chamber. The Speaker stated that the standing orders apply to social media and electronic devices just as they do to individuals within the Chamber. She said that she would consider whether or not it was the Second Deputy Speaker's tweet and whether the words alleged to have been tweeted were those which were tweeted and would report back to the House.

After question time the following day, the Speaker reported back to the House and stated: 'It is quite improper for occupiers of the chair whilst in the chair to reflect on the contributions of members, whether orally or by the use of social media.' The Speaker also informed the House that she would be instructing



occupants of the chair to refrain from using social media whilst they are in the chair, as they should be concentrating on the proceedings at hand.

*Hansard*: 1 October 2014, 10952; 2 October 2014, 11172-3

**SO 103**

### **121.26** *Question to Speaker regarding reflections on members of the judiciary*

After question time on 1 October, the Manager of Opposition Business asked the Speaker to consider an answer given by the Prime Minister to a question regarding the *Racial Discrimination Act 1975* and to ascertain whether the Prime Minister may have breached standing orders relating to reflections on members of the judiciary. The Speaker responded that ‘a question as to whether or not a matter is prosecuted is not a reflection on the judiciary’, but indicated that she would consider the matter.

After question time the following day, the Speaker noted that standing orders and practice of the House place certain constraints upon references in debate to members of the judiciary. However, she stated that the Prime Minister’s remarks had focused on whether a matter should have been prosecuted, rather than on any member of the judiciary.

*Hansard*: 1 October 2014, 10952; 2 October 2014, 11172-3

**SOs 89, 103**

## **Withdrawals**

### **121.27** *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
‘...deceitful government...’	23 September 2014	10234
‘...idiot...’	24 September 2014	10440
<i>unrecorded</i>	25 September 2014	10629
‘Scooter’	25 September 2014	10629
‘backstabbing Bill’	25 September 2014	10631
<i>unrecorded</i>	30 September 2014	10750
‘...Mensa...’	30 September 2014	10754
‘...shut up.’	30 September 2014	10831-2
<i>unrecorded</i>	2 October 2014	11134
‘the Prime Minister allows his backbenchers to	2 October 2014	11185-6

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tell the community that it is okay to hurl racist insults, and that hate speech must be permitted in our society.'		
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**SOs 89, 90, 92**