

Procedural Digest

No. 125

23 February – 5 March 2015

Feb / March 2015				
M	T	W	T	F
23	24	25	26	27
2	3	4	5	6

Business

125.01 *Statements by indulgence regarding Cyclones Marcia and Lam*

Just prior to question time on Monday 23 February, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the impact of Cyclone Marcia in Queensland, and Cyclone Lam in the Northern Territory.

Hansard: 23 February 2015, 871-3

SO 65

125.02 *Statements by indulgence regarding the death of Mrs Faith Bandler, AC*

Before question time on 23 February, the Prime Minister and the Leader of the Opposition, by indulgence, also made statements on the death of Mrs Faith Bandler, AC on 13 February 2015. As a mark of respect, all Members stood, in silence.

Hansard: 23 February 2015, 4873-4

Votes and Proceedings: 2015/1119

SOs 65, 183

125.03 *Attempted censure of Senate Minister; motion to suspend standing orders negatived*

During question time on Wednesday 25 February, the Leader of the Opposition sought leave to move a motion censuring the Attorney-General for, among other things, 'launching an unprecedented attack on the Australian Human Rights Commission designed to undermine its independence'. Leave was denied and the Member then moved, without notice, a suspension of standing orders to enable him to move the censure motion. The motion was seconded and debate ensued. When the time for debate expired, the question was put and negatived on division. Question time then concluded.

Hansard: 25 February 2015, 1286-95

Votes and Proceedings: 2014/1137-8

SOs 47, 63, 126, 127

125.04 *Ministerial statement regarding Iraq and Afghanistan and Australia's operations in the middle-East*

During Government business time on Thursday 26 February, the cognate second reading debate on Appropriation Bill (No. 3) 2014-2015 and three related bills was adjourned. The Minister for Defence, by leave, made a ministerial statement on Iraq and Afghanistan and Australia's operations in the middle-East and presented a copy of his statement. Standing orders were then suspended (on motion moved by the Minister, by leave) to enable the Shadow Assistant Minister for Defence to speak in reply.

*Hansard: 26 February 2015, 1437-43
Votes and Proceedings: 2015/1145-6*

SOs 47, 63, 199

125.05 *Attempted censure of Government; motion to suspend standing orders negatived*

During question time on Thursday 26 February, the Leader of the Opposition sought leave to move a motion censuring the Government for, among other things, 'launching an unprecedented attack on the Australian Human Rights Commission designed to undermine its independence'. Leave was not granted and the Member then moved, without notice, a suspension of standing orders to enable him to move the censure motion. The Leader of the Opposition was then closed on division on a motion moved by the Leader of the House. An Opposition Member seconded the motion and, while addressing the House, he too was closed on division. The Leader of the House then moved a closure of question which was carried on division. The question on the suspension motion was put, and negatived on division. Question time then concluded.

*Hansard: 26 February 2015, 1478-85
Votes and Proceedings: 2015/1147-51*

SOs 47, 63, 80, 81, 126, 127

125.06 *Ministerial statement regarding defence capability*

During the period for ministerial statements on Monday 2 March, the Assistant Minister for Defence, by leave, made a ministerial statement regarding defence capability through diversity. Standing orders were then suspended (on motion moved by the Minister) to enable the Shadow Parliamentary Secretary for Defence to speak in reply.

*Hansard: 2 March 2015, 1643-50
Votes and Proceedings: 2015/1157-8*

SOs 47, 63

125.07 *Statements by leave regarding deployment of Australian Defence Force personnel to Iraq*

During question time on Tuesday 3 March, after the Minister for Foreign Affairs responded to a question from a Government Member regarding Iraq and Syria, the Leader of the Opposition sought the indulgence of the Chair to respond to the Minister's answer. The Leader of the Opposition commenced a statement regarding the Government's announcement about the deployment of Australian Defence Force personnel to Iraq. The Speaker asked the Leader of the Opposition to resume his seat and stated that she would grant indulgence at the end of question time. A number of points of order were raised and the Prime Minister sought the call and sought leave to make a brief statement to which the Leader of the Opposition would have an opportunity to respond. Leave was granted, and the Prime Minister addressed the House. The Leader of the Opposition, by leave, then addressed the House on the same matter. Question time then resumed.

Hansard: 3 March 2015, 1850-3
Votes and Proceedings: 2015/1166

SO 63

125.08 *Ministerial statement regarding Intergenerational Report 2015*

During Government business time on Thursday 5 March, the Treasurer, by leave, made a ministerial statement on the 2015 Intergenerational Report, and presented a copy of the report (2015 Intergenerational Report—Australia in 2055) together with a copy of his statement. Standing orders were then suspended (on motion moved by the Treasurer, by leave) to enable the Shadow Treasurer to speak in reply.

Hansard: 5 March 2015, 2186-93
Votes and Proceedings: 2015/1182

SOs 47, 63, 199

Debate

125.09 *Members asked to be relevant to MPI topic*

During the discussion on a matter of public importance on Tuesday 24 February, a non-aligned Member and a Government Member were each asked on a number of occasions to be relevant to the topic for discussion.

Note: The Chair may take action under standing order 75(a) on the grounds of irrelevance if a Member's speech strays from the approved topic of discussion. Although standing order 76 refers to 'question under discussion' and there is technically no question before the Chair, the action of the House in supporting a proposed discussion of a particular matter, in effect confines the discussion to the matter proposed.

Hansard: 24 February 2015, 1121-2

SOs 46, 75

125.10 *Intervention accepted during Minister's summing up speech*

On 25 February, as the Minister for Education and Training summed up the second reading debate on the Higher Education and Research Reform Bill 2015, a Shadow Minister rose to ask if the Minister would give way. The Minister indicated that he would accept the intervention, the Shadow Minister asked a question, and the Minister answered and continued with his speech.

Hansard: 25 February 2015, 1219

SO 66A

Federation Chamber

125.11 *Federation Chamber meets for extended period of constituency statements*

On Wednesday 4 March, the Federation Chamber met at 9.30 a.m. and there being no objection, constituency statements continued until 10.32 a.m., when the Federation Chamber adjourned.

Note: Meeting times of the Federation Chamber are approximate and unlike the House there is no automatic adjournment provision. There was no other business listed on the program for the Federation Chamber.

Hansard: 4 March 2015, 2120-7
Votes and Proceedings: 2015/1175

SOs 190, 192, 193, 194

Members

125.12 *Member named and suspended*

During question time on Thursday 26 February, an Opposition Member was asked by the Speaker to withdraw an unparliamentary remark and to then leave the Chamber for one hour under standing order 94(a). The Member withdrew, but in doing so, repeated the offending remark. The Speaker named the Member for defying the Chair and the Leader of the House moved that the Member be suspended from the service of the House. A division was called, and the Member was permitted to vote in the division in accordance with precedent as the naming of the Member was considered to have superseded the direction to leave the Chamber under standing order 94(a). The question on the suspension of the Member was carried and the Speaker announced that the Member was excluded from the service of the House for 24 hours. The Member then left the Chamber and question time continued.

Hansard: 26 February 2015, 1463-5
Votes and Proceedings: 2015/1146-7

SOs 91, 94, 126, 129

125.13 *Two Members granted leave of absence for parental leave purposes*

After question time on Monday 2 March and Thursday 5 March, the Manager of Opposition Business moved that leave of absence be given to an Opposition Member for the remainder of the current period of sittings for parental leave. The question was carried on the voices.

After question time on Thursday 5 March, the Manager of Opposition Business moved that leave of absence be given to another Opposition Member for parental leave purposes until the end of the winter sittings. The question was carried on the voices.

Hansard: 2 March 2015, 1643; 5 March 2015, 2221
Votes and Proceedings: 2015/1157, 1183

SO 26

Motions

125.14 *Prime Minister's motion regarding the first anniversary of the loss of Malaysia Airlines flight MH370*

During Government business time on Thursday 5 March, the Minister for Immigration and Border Protection, by leave, moved a suspension of standing orders to enable the Leader of the Opposition to speak for a period equal to the Prime Minister when replying to the Prime Minister's motion on the first anniversary of the loss of Malaysia Airlines flight MH370.

Later that morning, the cognate debate on Appropriation Bill (No. 3) 2014-2015 and two related bills was adjourned and the Prime Minister sought leave to amend the notice in his name regarding flight MH370. Leave was granted and the Prime Minister moved the motion, as amended, and addressed the House. In accordance with the resolution agreed to earlier that morning, the Leader of the Opposition spoke in reply for an equal period of time. All Members present rose in their places a mark of respect and the debate was adjourned and made an order of the day for the next sitting.

Hansard: 5 March 2015, 2136, 2159-62
Votes and Proceedings: 2015/1177, 1181

SOs 47, 63, 106, 111

125.15 *Motion to take note of Prime Minister's Closing the Gap report agreed to*

During Government business time on Tuesday 24 February debate resumed on the motion to take note of the Prime Minister's Closing the Gap report presented on 11 February (*see* entry no. **124.03**). At the conclusion of the debate, the Chair put the question on the motion, which was carried on the voices.

Note: It is unusual for a vote to be taken on a motion to take note. Normally, following a take note motion, debate is adjourned and the order of the day remains on the Notice Paper, thus enabling further debate on the matter if this is desired.

Hansard: 24 February 2015, 1167-83

Votes and Proceedings: 2015/1130

SOs 117, 199, 202

Private Members' Business

125.16 *Member speaks a second time, by leave, during debate on private Member's motion*

In the Federation Chamber on Monday 2 March, a non-aligned Member, having spoken for his allotted time of five minutes on a private Member's motion relating to the development of Northern Australia, sought leave to speak a second time. Leave was granted and the Member addressed the Federation Chamber.

Hansard: 2 March 2015, 1758

Votes and Proceedings: 2015/1162

SOs 41, 63

Questions

125.17 *Member asked to rephrase question*

During question time on Tuesday 24 February, the Leader of the Opposition asked the Prime Minister a question which included the word 'inducement'. The Speaker ruled that the use of word constituted debate as it was of the nature of an allegation and asked the Member to rephrase his question. A point of order was raised by the Manager of Opposition Business, who argued that the word was used because it had been used in evidence given earlier during Senate Estimates. The Leader of the House also spoke to the point of order, and the Speaker confirmed her ruling and asked the Leader of the Opposition to rephrase his question. The Member did so, and the Prime Minister responded.

Hansard: 24 February 2015, 1088-9

SOs 86, 98, 100

125.18 *Question ruled out of order*

During question time on 24 February, the Deputy Leader of the Opposition asked the Prime Minister whether he would 'be sacking any of his cabinet colleagues for the recent stream of leaks...'. The Speaker ruled the question out of order and called on the next questioner.

Hansard: 24 February 2015, 1098

SOs 98, 100

125.19 *Question ruled out of order*

During question time on Thursday 26 February, the Leader of the Opposition asked the Prime Minister a question regarding the Attorney-General and the President of the Human Right Commission. The Leader of the House raised a point of order and the Manager of Opposition Business also spoke to the point of order. The Speaker ruled the question out of order on the grounds that it breached standing orders 98 and 100 and called on the next questioner.

Hansard: 26 February 2015, 1473

SOs 86, 98, 100

125.20 *Leader of the Opposition asked to rephrase question*

During question time on 26 February, the Leader of the Opposition asked a question to the Prime Minister regarding a previous answer given by the Minister for Foreign Affairs. The Leader of the House raised a point of order and stated that the Foreign Minister's remarks had been misrepresented in the question. In speaking to the point of order, the Manager of Opposition Business sought leave to table a transcript of the remarks being referred to. The Speaker stated that it was not in order to seek leave to table documents already on the public record. The Leader of the Opposition offered to rephrase the question, and the Speaker stated that she would be obliged if the Member would rephrase the question. He did so, and the Prime Minister responded.

Hansard: 26 February 2015, 1476

SOs 86, 98, 100

125.21 *Treasurer adds to an answer to a question without notice*

Following question time on Monday 2 March, the Treasurer, by indulgence, added to an answer regarding Australian Tax Office resources that he had been given during question time.

Hansard: 2 March 2015, 1641-2

SO 65

125.22 *Question ruled out of order*

During question time on Tuesday 3 March, a non-aligned Member asked a question to the Prime Minister regarding Liberal Party financial accounts. The Speaker ruled the question out of order and called on the next questioner.

Hansard: 3 March 2015, 1854

SO 98

125.23 *Shadow Minister supports Minister's remarks*

During question time on Wednesday 4 March, following a reply by the Minister for Foreign Affairs to a question without notice regarding two Australians facing the death penalty in Indonesia, the Shadow Minister for Foreign Affairs and International Development, by indulgence, made a short statement in support of the remarks by the Minister.

Hansard: 3 March 2015, 1849-50

SO 65

125.24 *Leader of the Opposition supports Prime Minister's remarks*

During question time on Thursday 5 March, following a reply by the Prime Minister to a question without notice regarding two Australians facing the death penalty in Indonesia, the Leader of the Opposition, by indulgence, made a short statement in support of the remarks by the Prime Minister.

Hansard: 5 March 2015, 2203

SO 65

Speaker

125.25 *Speaker announces receipt of authority to administer oath or affirmation*

After question time on Monday 23 February, the Speaker announced that she had received from His Excellency the Governor-General the authority to administer to Members the oath or affirmation of allegiance, and the authority was laid on the table.

Hansard: 23 February 2015, 889

Votes and Proceedings: 2015/1119

SO 68

125.26 *Question to the Speaker regarding the use of social media*

After question time on Thursday 26 February, the Leader of the House asked the Speaker a question about whether the actions of an Opposition Member, in tweeting an unparliamentary remark for which he had earlier been asked to leave the chamber under standing order 94(a), amounted to a contempt. The Speaker undertook to look into the matter and, after question time on Monday 2 March, reported to the House that she did not propose to take any other action in relation to the matter. However, the Speaker cautioned Members that communications via electronic devices, whether in the chamber or not, were unlikely to be covered by parliamentary privilege.

Hansard: 26 February, 1485; 2 March 2015, 1642

SO 103

125.27 *Question to the Speaker regarding changes to proof Hansard*

After question time on Thursday 26 February, an Opposition Member asked the Speaker to investigate the circumstances of a request by the Minister for Agriculture to amend the Hansard record of an answer he had given to a question without notice on 20 October 2014. The Member asked the Speaker whether the changes agreed to were within the *Hansard* guidelines. The Speaker stated that she would consider the matter and report back to the House.

After question time on Monday 2 March, the Speaker stated, 'As far as I am aware, this matter was dealt with by the Minister providing an explanation to the House about the circumstances of the original record being changed and then the Minister having the record revert to the original.'

Hansard: 26 February 2015, 1486; 2 March 2015, 1642

SO 103

125.28 *Question to the Speaker regarding administration of Hansard*

After question time on Thursday 26 February, an Opposition Member asked the Speaker whether she was aware of any corrections having been made to the previous day's *Hansard*. The Speaker stated that she was not aware and that she would look at it.

After question time on 2 March, the Speaker reported to the House, stating that although she had overall responsibility for the administration of *Hansard*, the *Hansard* record is prepared entirely independently of her under well-established guidelines, and she does not interfere in its preparation.

Hansard: 26 February 2015, 1486, 2 March 2015, 1642

SO 103

125.29 *Presiding Officers' Annual statement on Pacific Parliamentary Partnerships*

After question time on Thursday 5 March, the Speaker presented a document entitled: Presiding Officers' annual statement on Pacific Parliamentary Partnerships, 2014.

Hansard: 5 March 2015, 2221

SO 199

Withdrawals

125.30 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...hypocrite.'	24 February 2015	1122
'...'Beltway Bill'...'	26 February 2015	1461
<i>unrecorded</i>	26 February 2015	1462
'...pathological liar...'	26 February 2015	1463
'You'll be sweating ballot papers!'	26 February 2015	1470
<i>unrecorded</i>	26 February 2015	1474
'...Labor, the party that hates medical research, in a sneaky measure tried to take \$400 million away...'	4 March 2015	2027
<i>unrecorded</i>	5 March 2015	2208
<i>unrecorded</i>	5 March 2015	2212

SOs 89, 90, 92