

Procedural Digest

No. 132

12 – 22 October 2015

October 2015				
M	T	W	T	F
12	13	14	15	16
19	20	21	22	23

Bills

132.01 *Non-aligned Member dissents from second reading of three bills*

On three occasions during the sitting fortnight, a non-aligned Member was the only Member to call for a division when the question was put on the second reading of a bill. On each occasion, the question on the second reading was declared carried and the Member's dissent was recorded in the *Votes and Proceedings* and in *Hansard* in accordance with standing order 126. The bills in question were the Social Services Legislation Amendment (Low Income Supplement) Bill 2015 and the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015 which were read a second time on 14 October and the Education Services for Overseas Students Amendment (Streamlining Regulation) Bill 2015 which was read a second time on 19 October.

Note: Standing order 126 provides that a division may take place only after more than one Member challenges the Speaker's opinion about whether a question was resolved for the 'Ayes' or the 'Noes'.

Hansard: 14 October 2015, 11133-5, 11235-71; 19 October 2015, 11521
Votes and Proceedings: 2015/1640, 1660

SOs 126, 142

132.02 *Proposed shipping legislation considered in detail – no amendments moved*

On 14 October, after the question on the second reading of the Shipping Legislation Amendment Bill 2015 was agreed to, the House proceeded to consider the bill in detail and the bill, by leave, was taken as a whole. Debate then ensued on the question that the bill be agreed to for approximately one hour and forty minutes. During the debate, the Shadow Minister for Infrastructure and Transport asked a series of questions of the Minister for Infrastructure and Regional Development (who introduced the legislation) and the Minister responded in turn. No amendments were moved during the consideration in detail stage.

Hansard: 14 October 2015, 11235-55
Votes and Proceedings: 2015/1646

SOs 148, 149

132.03 *Fewer than five Members vote on one side in support of proposed amendments to China-Australia Free Trade Agreement bill*

After the question on the second reading of the Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015 was agreed to, the House proceeded to consider the bill in detail and the bill, by leave, was taken as a whole. The Australian Greens Member, by leave, moved certain amendments together and debate ensued. When the question on the amendments was put, a division was called and only two Members voted on the side for the 'ayes'. The question was therefore negatived in accordance with standing order 127 and the names of those Members voting in the minority were recorded in the *Votes and Proceedings*.

Hansard: 22 October 2015, 12189-95
Votes and Proceedings: 2015/1681

SOs 127, 148, 149, 150

Business

132.04 *Statements by indulgence regarding the death of Curtis Cheng*

Just before question time on 12 October, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the death of Mr Curtis Cheng, a member of the NSW Police Service.

Hansard: 12 October 2015, 10749-51

SO 65

132.05 *Death of former Member announced*

The Speaker informed the House of the death on 4 October 2015 of Robert Bruce (Bob) Whan AM, a Member for the Division of Eden-Monaro from 1972 to 1975. As a mark of respect all Members stood in silence.

Hansard: 12 October 2015, 10749
Votes and Proceedings: 2015/1618

132.06 *Statements by indulgence regarding the investigation into the downing of Malaysia Airlines flight MH17*

Prior to question time on Wednesday 14 October, the Prime Minister made a statement by indulgence to update the House on the investigation into the downing of Malaysia Airlines flight MH17 following the release of a report by the Dutch air safety board into the incident. The Leader of the Opposition also made remarks by indulgence on the same matter.

Hansard: 14 October 2015, 11191-2

SO 65

132.07 *Variation to order of business to enable debate on China-Australia Free Trade Agreement bills; House adjourns at 10 p.m.*

After question time, the Leader of the House, by leave, moved a suspension of standing orders to amend the order of business for the evening. The motion provided for the House to sit from 7.30 p.m. to 9.30 p.m. to enable the cognate second reading debate on the Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015 and the Customs Tariff Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015 to continue. During this period, any divisions called (except on motion moved by a Minister) were to be deferred until after prayers the following morning. The question was carried on the voices.

Note: The House usually adjourns at 8 p.m. on Wednesdays following an adjournment debate commencing at 7.30 p.m.

Later that evening, during debate on the China-Australia Free Trade Agreement bills, a Minister moved that the resolution agreed to earlier be amended to extend the sitting of the House until 10 p.m. The question was carried on the voices. Debate then continued until 10 p.m. at which time the Chair adjourned the House.

Hansard: 21 October 2015, 12009-10,12115
Votes and Proceedings: 2015/1675-6

SOs 1, 47, 63, 125

132.08 *Quorum called during government business time*

When the order of the day was read for the resumption of debate on the Social Services Legislation Amendment (More Generous Means Testing for Youth Payments) Bill 2015, the Leader of the House drew the Chair's attention to the state of the House. A quorum not being present, the bells were rung in accordance with standing order 56. Once a quorum was present, debate resumed.

Hansard: 22 October 2015, 12196

SOs 55, 56

Committees

132.09 *Amendment to standing order relating to House general purpose standing committees; new committees established*

After the acknowledgement of country and prayers, and the reporting of messages from the Senate, a Minister – on behalf of the Leader of the House and

pursuant to notice—moved a motion to remove a House standing committee and appoint two new committees in its place.

The motion provided that all members of the Standing Committee on Infrastructure and Communications be discharged and that standing order 215(a) be amended to remove that committee from the list of general purpose standing committees to be replaced by two new committees: a Standing Committee on Communications and the Arts and a Standing Committee on Infrastructure, Transport and Cities. The motion, which was carried on the voices, also provided for the two new committees to have the power to consider and make use of evidence and records of the former committee, and to continue any inquiries of that committee, as relevant.

Hansard: 13 October 2015, 10961
Votes and Proceedings: 2015/1633-4

SO 215

132.10 *Amendment to resolution of appointment to extend life of select committee*

A Minister, on behalf of the Leader of the House and pursuant to notice, moved an amendment to the resolution of appointment of the Joint Select Committee on Trade and Investment Growth. The amendment provided for the Committee to deliver its first report and recommendations on or before 15 October, and to continue its work until the House of Representatives is dissolved or expires by effluxion of time. The question was carried on the voices and a message was sent to the Senate seeking its concurrence. Later that evening, a message from the Senate was reported informing the House that it concurred with the resolution.

Hansard: 13 October 2015, 10961-2, 11085
Votes and Proceedings: 2015/1634, 1636

SOs 223, 224

132.11 *Senate refers inquiry to Electoral Matters committee*

On 19 October, a message from the Senate, dated 15 October 2015, was reported informing the House that the Senate had agreed to a resolution referring the following matter to the Joint Standing Committee on Electoral Matters for inquiry and report by the last sitting day in March 2016: The regulatory framework governing the financing of electoral activities undertaken by political parties and other participants in the political process. The full terms of reference were set out in the resolution.

Note: The resolution of appointment of the Joint Standing Committee on Electoral Matters provides that matters may be referred to the committee for inquiry by a Minister or by either House of Parliament.

Hansard: 19 October 2015, 11519-20
Votes and Proceedings: 2015/1659

SOs 224, 261

132.12 *Speaker presents schedule of annual reports allocated to committees*

Just prior to the discussion of a matter of public importance on 21 October, the Speaker presented a schedule showing the allocation to House general purpose standing committees and certain joint committees of annual reports of government departments and agencies, dated October 2015.

Hansard: 21 October 2015, 12010-27
Votes and Proceedings: 2015/1675

SO 199

Debate

132.13 *Members speak a second time during debates*

During the second reading cognate debate on the Omnibus Repeal Day (Autumn 2015) Bill 2015 and two related bills, a government Member spoke a second time, by leave. Later that day in the Federation Chamber, an opposition Member spoke a second time, by leave, on a private Member's motion relating to small business.

Hansard: 12 October 2015, 10720-3, 10896-900
Votes and Proceedings: 2015/1617, 1630

SOs 1, 63

Documents

132.14 *Updated ministry and shadow ministry lists presented*

Just before question time on 12 October, the Prime Minister presented a document entitled *Turnbull Ministry, 30 September 2015*. The document listed all ministers and provided details of representation arrangements in each chamber. The document also noted that Assistant Ministers listed in italics in the document are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*.

Prior to question time the following day, the Leader of the Opposition presented a revised shadow ministry list.

Hansard: 12 October 2015, 10751-3, 13 October 2015, 10990-3
Votes and Proceedings: 2015/1618, 1634

SO 199

Members

132.15 Election of new Member for Canning announced

Before question time on 12 October, the Speaker informed the House that he had received a return to the writ for the election of a Member to serve for the Division of Canning, Western Australia, to fill the vacancy caused by the death of Mr Don Randall. The Speaker declared that by the endorsement on the writ, it was certified that Mr Andrew William Hastie had been elected. The Serjeant-at-Arms then admitted Mr Hastie into the chamber where he made and subscribed the oath of allegiance required by law and the Speaker, on behalf of the House, welcomed the new Member.

Hansard: 12 October 2015 10748
Votes and Proceedings: 2015/1618

132.16 Standing orders suspended to enable new Member for Canning to make first speech

During government business time on 13 October, the Leader of the House moved a suspension of standing orders to enable the Member for Canning to immediately make a statement to the House, without limitation of time. The question was carried on the voices. Prior to calling the Member for Canning, the Speaker reminded the House that it was the Member's first speech and asked the House to extend the usual courtesies. The Member for Canning addressed the House.

Hansard: 13 October 2015 11047-53
Votes and Proceedings: 2015/1636

SO 47

132.17 Member for North Sydney makes valedictory remarks

During government business time on 21 October, the cognate debate on the China-Australia Free Trade Agreement bills was adjourned to enable the Member for North Sydney, the Hon. Joe Hockey MP, to make a statement by indulgence in relation to his retirement. The Member, by leave, presented a document entitled *Community service report card to the people of North Sydney, October 2015*. The Prime Minister, Leader of the Opposition, the Leader of the Nationals and other Members, by indulgence, also made statements on Mr Hockey's retirement. The Leader of the House, by leave, moved a motion to permit further statements on the matter to be made in the Federation Chamber. The question was carried on the voices. Debate then resumed on the China-Australia Free Trade Agreement bills.

Hansard: 21 October 2015 11947-62
Votes and Proceedings: 2015/1674

SOs 63, 65, 183, 199

Motions

132.18 Disallowance motion postponed in Member's absence; later moved and negatived

On 12 October, a Minister moved a suspension of standing orders on behalf of the Leader of the House (and pursuant to notice) to enable a private Members' business notice standing in the name of the Member for Kennedy to be called on immediately. The notice was in relation to a motion to disallow the Customs (Prohibited Imports) Amendment (Firearms and Firearm Magazines) Regulation 2015. The question was carried on the voices.

Upon the notice being called on, a non-aligned Member, in the absence of the Member for Kennedy, and at his request, fixed a later hour of the day as the time for moving the motion.

Later that evening between items of government business, the Member for Kennedy moved his motion for disallowance. The motion was seconded by a non-aligned Member and debate ensued. The question was put and negatived on the voices. The Member for Kennedy, as the only voice calling for a division, requested that his dissent be recorded in the *Votes and Proceedings* in accordance with standing order 126.

Hansard: 12 October 2015 10719, 10822-8
Votes and Proceedings: 2015/1617, 1620
SOs 47, 111, 113, 116, 117, 125, 126

Parliamentary administration

132.19 Speaker presents annual report of the Department of the House of Representatives

After question time on 21 October, the Speaker, pursuant to section 65 of the *Parliamentary Services Act 1999*, presented the annual report of the Department of the House of Representatives for 2014–5. The House ordered that the report be made a parliamentary paper.

Hansard: 21 October 2015, 12009
Votes and Proceedings: 2015/1674

SO 199

Petitions

132.20 Speaker's statement in relation to electronic petitioning

After the acknowledgement of country and prayers on 22 October, the Speaker made a statement regarding the development of an electronic petitions website and system for the House, in response to a recommendation by the Standing Committee on Petitions. The Speaker stated that he anticipated that an electronic petitions system would be available early next year and once developed, he would update the House. He noted that the House would need to consider amendments to standing orders to establish an e-petitions system.

*Hansard: 22 October 2015, 12145
Votes and Proceedings: 2015/1679*

SO 204

Private Members' business

132.21 Member uses AUSLAN during 90 second statement

During the period for Members' statements, the Member for Parramatta made a 90 second statement regarding the National Week of Deaf People while simultaneously delivering her speech in Australian sign language (AUSLAN).

Hansard: 21 October 2015, 11985-6

SO 43

Questions

132.22 Minister answers question asked of another Minister

During question time on 19 October, a shadow Minister asked a question without notice to the Minister for Cities and the Built Environment regarding transport infrastructure. The Leader of the House raised a point of order and stated that the Minister for Infrastructure and Regional Development was the most appropriate person to answer the question. The Manager of Opposition Business also spoke to the point of order and the Speaker ruled that it was up to the Executive to determine who answers questions. The Minister for Infrastructure and Regional Development then responded to the question.

Hansard: 19 October 2015, 11569-72

SO 98

132.23 *Prime Minister, by indulgence, announces trial of changes in government's approach to question time*

Just prior to question time on 20 October, the Prime Minister made a statement by indulgence to inform the House of a change in the approach to question time that would be undertaken by government Members from the next sitting week until the end of the year. The Prime Minister explained that government Members would trial a constituency question time to run every sitting day as part of questions without notice. After five questions have been asked by government Members in the traditional way, further questions would be addressed to Ministers by government backbenchers on matters of interest to their local constituency. The Prime Minister stated that it was up to the opposition as to whether they wished to proceed in the same manner. The Manager of Opposition Business raised points of order to question the Chair's granting of indulgence for this purpose. The Speaker allowed the Prime Minister to conclude his remarks and the House then proceeded to question time.

Hansard: 20 October 2015, 11791-2

SOs 65, 98

132.24 *Prime Minister invites Minister to assist in responding to question without notice*

During question time on 21 October the Leader of the Opposition asked the Prime Minister a question without notice regarding innovation. The Prime Minister responded to the question and then invited the Minister for Industry, Innovation and Science to use the remaining time allotted to provide some further details to the House on the government's commitment in the area.

Hansard: 21 October 2015, 12003-5

SO 104

Speaker

132.25 *Changes to composition of Speaker's panel*

After question time on 12 October the Speaker presented a warrant revoking nominations of the Members for Mitchell, Herbert and Braddon to be members of the Speaker's panel. The Speaker then presented a warrant nominating the Members for Calare, Durack and Deakin to be members of the Speaker's panel to assist the Chair when requested to do so by the Speaker or Deputy Speaker.

Hansard: 12 October 2015, 10770
Votes and Proceedings: 2015/1619

SO 17

Offensive words¹

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
"Guttersnipe"	15 October 2015	11395

SOs 89, 90, 92

¹ List of unparliamentary expressions recorded in *Hansard*.