

Procedural Digest

No. 1

45th Parliament

30 August – 1 September 2016

August/September 2016				
M	T	W	T	F
29	30	31	1	2

Bills

1.01 Prime Minister presents 'privilege' bill prior to Speaker reporting Governor-General's speech

Prior to the Speaker reporting the Governor-General's speech to the House on 30 August, the Prime Minister presented the Statute Law Revision Bill 2016 together with an explanatory memorandum. The bill was read a first time and the second reading was made an order of the day for the next sitting.

When the Speaker, in procession, returns to the House of Representatives Chamber and before the Speaker reports the Governor-General's speech to the House, it is necessary for the House to transact some formal business, usually the introduction of a non-contentious bill. This bill is known as the 'formal' bill or 'privilege' bill. Its presentation is taken to express the House's traditional right to conduct its own business without reference to the immediate cause of summons. The order of the day is placed on the Notice Paper and nowadays remains the last item of government business throughout the session, the bill lapsing at prorogation or dissolution.

*Hansard: 30 August 2016, 17
Votes and Proceedings: 2016/9*

SOs 6, 141

1.02 Prime Minister re-introduces bills used to trigger double dissolution election

During government business time on 31 August, the Prime Minister, pursuant to notice, re-introduced three bills which were used as triggers for the double dissolution election, namely: the Building and Construction Industry (Improving Productivity) Bill 2013, the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 and the Fair Work (Registered Organisations) Amendment Bill 2014. The Prime Minister made a second reading speech for each bill and debate was adjourned.

*Hansard: 31 August 2016, 81-8
Votes and Proceedings: 2016/49*

SOs 141, 142

1.03 2016-2017 Budget bills re-introduced

During government business time on 31 August, the Minister for Infrastructure and Transport presented Appropriation Bill (No. 1) 2016-2017, Appropriation Bill (No. 2) 2016-2017 and Appropriation (Parliamentary Departments) Bill (No. 1) 2016-2017 and made a second reading speech for each bill. The Minister informed the House that the bills were substantively the same as the bills of the same names that were introduced on Budget night

in the previous parliament (3 May 2016), with some minor changes to reflect new administrative arrangements and machinery of government changes. Debate on each bill was adjourned.

Hansard: 31 August 2016, 96-9
Votes and Proceedings: 2016/50-1
SOs 141, 142, 147, 178, 180, 182

Business

1.04 Ministerial and party arrangements

When Members returned from hearing the Governor-General's speech in the Senate Chamber, the Prime Minister informed the House of the ministry and ministerial arrangements and the appointment of Government whips. The Leader of the Opposition also announced the shadow ministry and the appointment of opposition whips and the Leader of the Nationals announced parliamentary party arrangements.

Hansard: 30 August 2016, 11-7
Votes and Proceedings: 2016/7-9

SO 6

1.05 Death of former Member, Mr Eoin Cameron

On 30 August, the Speaker informed the House of the death, on 23 June 2016, of Mr Eoin Harrap Cameron, former Member for the Division of Stirling from 1993 to 1998. As a mark of respect all Members present rose and stood in silence. The Leader of the House made remarks by indulgence and moved that further statements on the matter be permitted in the Federation Chamber. The question was carried on the voices.

Hansard: 30 August 2016, 30-1
Votes and Proceedings: 2016/10

1.06 Statements by indulgence regarding 2016 Olympic Games and Paralympic Games

On 30 August, the Prime Minister and Leader of the Opposition each made remarks, by indulgence, regarding the performance of Australian athletes at the 2016 Olympic Games held in Rio de Janeiro. On 1 September, the Prime Minister and Leader of the Opposition each made remarks, by indulgence, to offer the Parliament's best wishes to athletes competing at the 2016 Paralympic Games in Rio de Janeiro.

Hansard: 30 August 2016, 31-3; 1 September 2016, 329-30

SO 65

1.07 Proposed sitting program agreed to

The Leader of the House presented the proposed program of sittings for the remainder of 2016 and, by leave, moved that it be agreed to. The Manager of Opposition Business spoke to the question, which was carried on the voices.

Hansard: 30 August 2016, 33-4
Votes and Proceedings: 2016/10

SO 29

1.08 Ministerial statements regarding recent military commemorations and national security

On 31 August, the Prime Minister, by leave, made a ministerial statement updating the House on recent military commemorations and presented a copy of his statement. The Leader of the Opposition addressed the House in reply and the Member for Kennedy (Mr Katter), by leave, also addressed the House. The Leader of the House moved that the House take note of the document and debate was adjourned until the next sitting.

On 1 September, the Prime Minister, by leave, made a ministerial statement relating to national security and presented a copy of his statement. The Leader of the Opposition addressed the House in reply. The Leader of the House moved that the House take note of the report and debate was adjourned until the next sitting. The Leader of the House then declared, in accordance with standing order 45, that the order of the day was referred to the Federation Chamber for debate.

Hansard: 31 August 2016, 45-52; 1 September 2016, 235
Votes and Proceedings: 2016/39, 61

SOs 45, 63, 63A, 183, 199, 202

1.09 Debate on consideration of Senate message; adjournment negated; Speaker gives casting vote

Following the matter of public importance discussion, a message from the Senate was reported informing the House that the Senate had agreed to a resolution calling for a Royal Commission to inquire into misconduct in the banking and financial services industry and requesting the concurrence of the House.

An Assistant Minister moved that consideration of the message be made an order of the day for the next sitting. The Manager of Opposition Business moved, as an amendment, that the message be considered immediately. The amendment was negated on division. It being after 4.30 pm, the Speaker then proposed that the House adjourn and the adjournment debate ensued.

After a number of Members had spoken, the Speaker made a statement regarding the principal architect of Parliament House, Mr Romaldo Giurgola AO (see entry no. 1.27). At 4.59 pm, just prior to the normal time of adjournment, the Speaker put the question that the House do now adjourn. The question was negated on division with opposition Members voting on the side for the 'Noes'.

Debate resumed on the question that consideration of the Senate message be made an order of the day for the next sitting. An opposition Member moved, as an amendment, that the message be considered at 5.20 pm that day or the first opportunity thereafter and the motion was seconded. The Manager of Opposition Business then moved a closure of question which was carried on division.

The question on the opposition amendment was accordingly put and was carried on division. The question on the motion, as amended, was then stated. The Manager of Opposition Business moved a closure of question and the House divided. The result of the division being equal, the Speaker gave his casting vote with the 'Noes' in accordance with the principle that he should allow further discussion where possible.

Debate continued on the question that the Senate message be considered at 5.20 pm that day or the first opportunity thereafter. After two government Members had spoken, an opposition Member moved that the question be now put. In accordance with standing order 78, the Speaker did not accept the closure motion and debate continued. During the debate, the Manager of Opposition Business moved that an opposition Member be granted an extension of time and the question was carried on the voices.

At the conclusion of the Member's speech, the Leader of the House moved that the debate be adjourned and the question was carried on division. The question was then proposed that the adjourned debate be made an order of the day for the next sitting. The Leader of the House moved a closure of question which was carried on division. The question that the debate be made an order of the day for the next sitting was accordingly put and was carried on division.

The Leader of the House then moved that the House adjourn. A closure of question was carried on division and the question that the House adjourn was put and was carried on division. The House adjourned at 7.21 pm.

It is rare for a majority Government to lose a vote on the floor of the House. During this sitting, the Government lost three consecutive votes following divisions.

Standing order 78 provides that when certain questions (including closure motions) are negatived, no similar proposal shall be received if the Speaker is of the opinion that it is an abuse of the orders or forms of the House, or is moved for the purpose of obstructing business.

Section 40 of the Constitution provides that the Speaker shall not vote unless the numbers are equal, and then he or she shall have a casting vote. Pursuant to Standing Order 135(c), any reasons given by the Speaker for exercising a casting vote are recorded in the Votes and Proceedings.

Hansard: 1 September 2016, 365-410
Votes and Proceedings: 2016/84-94

SOs 1, 29, 31, 32, 78, 81, 135, 261

Committees

1.10 Resolutions to appoint 13 joint committees

On 31 August, the House resolved to appoint a Joint Standing Committee on Treaties and requested the concurrence of the Senate. The following day, a message from the Senate was reported agreeing to the resolution. On 1 September, the House resolved to appoint a further 12 joint committees, including:

eight joint standing committees, on:

- Electoral Matters;
- Foreign Affairs, Defence and Trade;
- the Parliamentary Library;
- Migration;
- the National Capital and External Territories;
- the National Disability Insurance Scheme;
- Northern Australia; and
- Trade and Investment Growth;

and four joint statutory committees, on:

- Corporations and Financial Services;
- Human Rights;
- Law Enforcement; and
- the Australian Commission for Law Enforcement Integrity.

Each resolution requested the concurrence of the Senate.

Standing committees are committees created for the life of a Parliament and are usually re-established in successive Parliaments. They have a continuing role. Statutory committees are those established by Act of Parliament, that is, by statute. All existing statutory committees are joint committees.

*Hansard: 31 August 2016, 112-3; 1 September 2016, 294-312
Votes and Proceedings: 2016/54-55, 67-82, 84*

SO 224

Debate

1.11 Members speak in a language other than English during Address in Reply debate

During the debate on the Address in Reply, two Members spoke in a language other than English. The Member for Barton (Ms Burney), in making her first speech, spoke briefly in the Wiradjuri language and gave a translation in English. Later during Ms Burney's speech, Ms Lynette Riley sang a Wiradjuri song of welcome from the public gallery.

During the Member for Hindmarsh's (Mr Georganas) contribution to the Address in Reply debate, he spoke briefly in Greek to acknowledge the Greeks' contribution to Australia and his own cultural heritage. An English translation was incorporated into Hansard.

Although there is no specific rule set down by standing order, the House follows the practice of requiring Members' speeches to be in English. It is in order, however, for a Member to use or quote phrases or words in another language during the course of a speech.

Hansard: 31 August 2016, 163-170, 195-200

Members

1.12 Member granted leave of absence for parental leave

Just prior to the House adjourning on the opening day of the parliament, the Manager of Opposition Business moved that leave of absence be given to the Member for Hotham (Ms O'Neil) until 22 November 2016 for parental leave purposes. The question was carried on the voices.

A Member with leave of absence is excused from the service of the House or on any committee.

*Hansard: 30 August 2016, 34
Votes and Proceedings: 2016/10*

SO 26

Motions

1.13 Opposition motion regarding banking and financial services industry amended by Government and carried

Between items of business on 31 August, the Leader of the Opposition was granted leave to move a motion relating to the banking and financial services industry which, among other things, called on the Government ‘to listen to the many victims of banking and financial scandals who are calling for the immediate establishment of a Royal Commission.’ The motion was seconded by the Member for Kennedy (Mr Katter). During the ensuing debate, the Member for Dawson (Mr Christensen) moved an amendment substituting all words after ‘that’ with other words. Before calling for a seconder, the Speaker noted that the amendment was ‘extremely lengthy’ and drew the House’s attention to the relevant section of *House of Representatives Practice* which points out that motions should be concise. He indicated that he had chosen not to take action on this occasion but flagged the issue for the benefit of all Members. The motion was seconded by the Member for Swan (Mr Irons) and the Leader of the House moved a closure of question, which was carried on division. Immediately following the division, the Manager of Opposition Business raised a point of order regarding pairing arrangements. The Speaker stated that the Chair has no responsibility for pairing arrangements, which are a matter for the whips. The question that the amendment be agreed to was accordingly put and was carried on division. The question that the motion, as amended, be agreed to was stated by the Chair and immediately as an opposition Member began addressing the House the Leader of the House moved a closure of question, which was carried on division. The question that the motion, as amended, be agreed to, was accordingly put and was carried on division. At the conclusion of the item, the Speaker made a further statement to clarify that no point of order can be taken on pairs because they are not the business of the Speaker.

The pairs system is an unofficial arrangement between Members, organised by party whips, which can be used to enable a Member on one side of the House to be absent for any votes when a Member from the other side is to be absent at the same time or when, by agreement a Member abstains from voting. By this arrangement a potential vote on each side of a question is lost and the relative voting strengths of the parties is maintained.

*Hansard: 31 August 2016, 52-71
Votes and Proceedings: 2016/40-45*

SOs 63, 111, 116

1.14 Opposition motion to suspend standing orders negated

On 31 August, the Shadow Treasurer sought leave to move a motion which, among other things, condemned the Prime Minister for ‘failing to provide the new economic leadership he promised...’. Leave was not granted, so the Shadow Treasurer moved a suspension of standing orders to enable him to move the motion. The Leader of the House moved a closure of Member and the question was carried on division. The Shadow Treasurer’s motion was seconded by the Manager of Opposition Business who was also closed on division. There being no further speakers, the Chair put the question on the motion to suspend standing orders, which was negated on division.

*Hansard: 31 August 2016, 72-8
Votes and Proceedings: 2016/45-8*

SOs 47, 80

Opening of Parliament

1.15 Opening of 45th Parliament

The 44th Parliament was prorogued and the House of Representatives and Senate were dissolved on 9 May 2016. A general election was held on 2 July 2016. In accordance with the Governor-General's proclamation, Senators and Members assembled in Parliament House at 10.30 am on 30 August 2016.

As Deputy of the Governor-General, the Chief Justice of the High Court (The Hon. Robert Shenton French AC) declared open the Parliament in the Senate Chamber, Members having proceeded there on request delivered by the Usher of the Black Rod. Members returned to the House of Representatives Chamber after being instructed to elect a Speaker (in accordance with the Constitution).

*Hansard: 30 August 2016, 1
Votes and Proceedings: 2016/1-2*

SO 4

1.16 Returns to writs for general election; Members sworn

After the opening of Parliament, Members returned to the Chamber and the Clerk presented the returns to writs for the general election on 2 July 2016. As Deputy of the Governor-General, The Hon. Susan Mary Kiefel AC, a Justice of the High Court, then administered the making and subscription of the oath or affirmation of allegiance by the 150 Members elected.

*Hansard: 30 August 2016, 1-6
Votes and Proceedings: 2016/3-6*

SO 4

1.17 Governor-General's speech

Shortly after the Speaker reported to the House that he had presented himself to the Governor-General, the Usher of the Black Rod delivered a message that the Governor-General desired the attendance of Members in the Senate Chamber. Members proceeded to the Senate Chamber to hear the Governor-General's opening speech and returned to the House of Representatives Chamber after the speech.

*Hansard: 30 August 2016, 11
Votes and Proceedings: 2016/7*

SO 5

1.18 Governor-General's speech reported; Address in Reply committee appointed

The Speaker reported that the House had attended the Governor-General in the Senate Chamber, where His Excellency was pleased to make a speech to both Houses of Parliament. The full text of the speech appears in the day's Hansard. The Prime Minister then moved that a committee, consisting of the Member for Boothby (Ms Flint), the Member for Fairfax (Mr T. O'Brien) and himself, be appointed to prepare an Address in Reply to the Governor-General's speech and that the committee report at the next sitting. The question was carried on the voices.

The Address in Reply committee traditionally consists of the Prime Minister and two other Members of the government party or parties (usually backbench Members elected for the first time at the preceding general election).

Hansard: 30 August 2016, 17-25
Votes and Proceedings: 2016/9

SO 6

1.19 Presentation of Address in Reply

The Address prepared by the Address in Reply committee was presented to the House during Government business on 31 August. The Member for Boothby (Ms Flint) presented the address and moved 'That the Address be agreed to' and made her first speech. The Member for Fairfax (Mr T. O'Brien), also a member of the Address in Reply committee, seconded the motion and made his first speech. Prior to the Address being presented, the House agreed to suspend standing order 43 (Members' statements) until the Member for Fairfax had concluded so as not to interrupt his first speech. Standing order 43 was similarly suspended the following day so as not to interrupt the Member for Eden-Monaro (Dr M. Kelly) during his contribution to the Address in Reply debate.

The Address in Reply is a short resolution expressing loyalty to the Queen and thanks to the Governor-General. When the proposed Address in Reply is presented, a motion is moved that the Address be agreed to. By this means a major debate is initiated. A feature of the debate is that standing order 76 exempts the debate from the normal rules of relevance, and Members may speak on any matter they wish, provided the other rules of debate are observed.

Hansard: 31 August 2016, 114-23; 1 September 2016, 318
Votes and Proceedings: 2016/55-6, 82

SOs 6, 43, 47, 76, 116

Parliamentary administration

1.20 Appointment of Registrar of Members' Interests

The Speaker informed the House that in accordance with resolution (3) of the House of Representatives he had appointed Ms Claressa Surtees, Deputy Clerk of the House of Representatives, as Registrar of Members' Interests in the 45th Parliament.

The Registrar of Members' Interests—commonly the Deputy Clerk—in accordance with procedures adopted by the Committee of Privileges and Members' Interests, is required to maintain a Register of Members' Interests in a form determined by the committee.

Hansard: 31 August 2016, 45
Votes and Proceedings: 2016/39

SO 216

Private Members' business

1.21 Arrangements for private Members' business on Monday 12 September

Between items of business on 31 August, the Leader of the House, by leave, moved a suspension of standing orders to enable the Selection Committee to meet to determine arrangements for private Members' business and committee and delegation business for

Monday 12 September; to communicate its determinations to all Members prior to that day; and to report its determinations to the House following prayers on 12 September. The motion also provided for the Selection Committee's determinations to be shown in the Notice Paper for 12 September. In the absence of a fully constituted Selection Committee, the motion provided for the arrangements for private Members' business on 12 September to be determined by the Speaker, Chief Government Whip and Chief Opposition Whip. The question was carried on the voices.

Hansard: 31 August 2016, 112
Votes and Proceedings: 2016/54

SOs 41, 47, 222

Questions

1.22 Question ruled out of order

During question time on 1 September, the Manager of Opposition Business asked a question without notice to the Prime Minister regarding the Member for Warringah. The Speaker ruled the question out of order and stated that the Prime Minister is responsible for his ministry and not for other Members of Parliament who are not part of the Executive.

Hansard: 1 September 2016, 341

SO 98

Speaker

1.23 Election and presentation of Speaker

After Members had been sworn in, the Clerk called for nominations for the office of Speaker. The Members for Deakin (Mr Sukkar) and Robertson (Mrs Wicks) proposed and seconded a motion for the Member for Casey, the Hon. Tony Smith to take the Chair, and Mr Smith accepted the nomination. There being no further proposal Mr Smith was declared elected as Speaker.

A number of Members, led by the Prime Minister and the Leader of the Opposition made congratulatory remarks and the Speaker thanked the House for re-electing him as Speaker. The Prime Minister informed the House that he had ascertained that it would be His Excellency the Governor-General's pleasure to receive the Speaker in the Members Hall immediately after the resumption of sittings at 2.40 pm. The sitting was suspended at 11.41 am until 2.40 pm.

When the sitting resumed at 2.40 pm, the Speaker, accompanied by Members, presented himself to the Governor-General in the Members' Hall. The Governor-General presented to the Speaker an authority to administer to Members the oath or affirmation of allegiance. The Speaker laid the authority on the Table when he resumed the Chair.

Hansard: 30 August 2016, 5-10
Votes and Proceedings: 2016/6-7

SOs 4, 10, 11, 12, 15

1.24 Election of Deputy Speaker and Second Deputy Speaker

When the sitting resumed at 5 pm, a ballot was conducted for the election of Deputy Speaker and Second Deputy Speaker. The Member for Parkes, Mr Mark Coulton, received 77 votes and the Member for McEwen, Mr Robert Mitchell, received 71. The former was elected Deputy Speaker and the latter Second Deputy Speaker. A number of Members, led by the Prime Minister and the Leader of the Opposition made congratulatory remarks.

Hansard: 30 August 2016, 26-30
Votes and Proceedings: 2016/10

SOs 11, 13, 14

1.25 Appointment of Speaker's panel

After the acknowledgement of Country and prayers on 31 August, the Speaker presented a warrant appointing Mr Broadbent (McMillan), Mr Irons (Swan), Mr C. Kelly (Hughes), Mr Vasta (Bonner) and Mrs Wicks (Robertson) to the Speaker's panel.

After question time the following day, the Speaker presented a further warrant appointing Mr Georganas (Hindmarsh), Mr Goodenough (Moore), Mr Hastie (Canning), Mr Hogan (Page) and Ms Vamvakinou (Calwell) to the Speaker's panel.

At the commencement of every Parliament the Speaker nominates a panel of Members to assist the Chair. The role of the Speaker's panel is to take the Chair of the Federation Chamber (as Deputy Speaker) when requested to do so by the Deputy Speaker or, in his or her absence, by the Second Deputy Speaker; and to take the Chair of the House as Deputy Speaker when requested to do so by the Speaker or, more usually, by the Deputy Speaker.

Hansard: 31 August 2016, 45; 1 September 2016, 349
Votes and Proceedings: 2016/39, 83

SO 17

1.26 Speaker's statement regarding Mr Romaldo Giurgola

Just prior to putting the question on the adjournment on 1 September, the Speaker made a statement regarding Mr Romaldo Giurgola, AO, who died on 16 May 2016. Mr Giurgola was the principal design architect of Australia's Parliament House from its inception in 1983 to its opening in 1988. The Speaker informed the House that he, together with the President of the Senate, had attended a gathering in the Great Hall the previous week to celebrate Mr Giurgola's life and his contribution to architecture. On behalf of the House, the Speaker expressed condolences to Mr Giurgola's family.

Hansard: 1 September 2016, 374-5

Standing orders

1.27 Amendments to standing orders agreed to

Two sets of standing order amendments were agreed to by the House on 31 August and 1 September respectively.

During government business time on 31 August, the Leader of the House, pursuant to notice moved amendments to standing orders 1, 29, 34, 229 and 247. The effect of the amendments was:

- to provide for a 9.30 am meeting commencement on Wednesdays and Thursdays (previously 9.00 am);
- to provide that any Member appointed as Minister immediately ceases to be a member of all committees; and
- to provide for committee reports to be presented in the Federation Chamber as well as the House; and
- to remove time limits on valedictory remarks.

The Leader of the House spoke to the motion, which was carried on the voices.

On 1 September, having amended by leave the notice in his name, the Leader of the House moved amendments to standing orders 34, 55, 133 and 192. The effect of the amendments was to provide for divisions and quorums called between 7.30 pm and 9.30 pm on Mondays and Tuesdays to be deferred until the following day, unless leave is granted for the division to take place immediately. The order of business for the Federation Chamber was also amended to provide for a 10 am start on Wednesdays and Thursdays to reflect the later start to sittings in the House on those days. After debate, the motion was carried on the voices.

Hansard: 31 August 2016, 109-11; 1 September 2016, 289-94
Votes and Proceedings: 2016/52-4, 64-6

SOs 1, 29, 34, 55, 63, 111, 117, 133, 192, 229, 247

Offensive words[#]

Nil.

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