

Procedural Digest

No. 3

45th Parliament

10 – 20 October 2016

October 2016				
M	T	W	T	F
10	11	12	13	14
17	18	19	20	21

Bills

3.01 Bill returned from Federation Chamber with unresolved question and agreed to (one Member dissenting)

On Monday 10 October, the Speaker reported that the Treasury Laws Amendment (Income Tax Relief) Bill 2016 had been considered by the Federation Chamber and was returned with an unresolved question. The Speaker presented a certified copy of the bill together with a schedule of the unresolved question. The unresolved question—that the bill be now read a second time—was then proposed by the Speaker. The question was carried on the voices, with the Member for Denison (Mr Wilkie) requesting that his dissent be recorded. An Assistant Minister, by leave, moved that the bill be read a third time and the question was carried on the voices, with Mr Wilkie again requesting that his dissent be recorded.

A unique feature of Federation Chamber procedure is the provision for unresolved questions. Decisions in the Federation Chamber are taken only 'on the voices'. If any Member dissents from the result announced by the Chair—that is, in situations which would cause a division in the House—the Federation Chamber must report the matter back to the House as 'unresolved'.

Standing order 126 provides that if only one Member calls for a division, that Member may tell the Speaker he or she wishes his or her dissent to be recorded, and the dissent must be recorded in the Votes and Proceedings and in Hansard.

Hansard: 10 October 2016, 1260
Votes and Proceedings: 2016/169-70

SOs 126, 152, 153, 155, 195

3.02 Migration bill passes House (one Member dissenting)

On 10 October, when the questions on the second and third readings of the Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016 were put and passed by the House on the voices, the Member for Denison (Mr Wilkie) requested that his dissent on each question be recorded.

Hansard: 10 October 2016, 1262-3
Votes and Proceedings: 2016/170

SO 126

3.03 Opposition second reading amendment agreed to on international tax agreements bill

During government business time on 12 October, debate resumed on the second reading of the International Tax Agreements Amendment Bill 2016 and on a second reading amendment moved earlier in the day by the Member for Fenner (Dr Leigh). The amendment proposed to omit all words after 'That' and to substitute the following words: 'whilst not declining to give the bill a second reading, the House calls on the Government to explain why it has failed to close tax loopholes and increase transparency in Australia.'

After a Minister was called to sum up the debate, the Chair put the question 'that the amendment be agreed to' and the question was carried on the voices. Questions on the second and third readings were then put and was carried.

A short time later, the Speaker made the following statement to the House:

Earlier today, the question on a second reading amendment moved by the Member for Fenner on the International Tax Agreements Amendment Bill 2016 was put to the House and, as I understand it, called for the Ayes.

As the question on the amendment was called for the 'Ayes' and not contested, the amendment was validly passed and proceedings on the bill should have ceased at that point. I understand that questions on the second and third readings of the bill were then put. This should not have happened and those proceedings were not valid. The Votes and Proceedings record will be corrected to show the second reading amendment being agreed to and proceedings on the bill ceasing at that point.

House of Representatives Practice discusses the possibility of a second reading amendment being agreed to and states 'if a reasoned amendment were carried...it could be argued that the amendment would not necessarily arrest the progress of the bill, as procedural actions could be taken to restore the bill to the notice paper and have the second reading moved on another occasion'.

As the Member for Fenner's amendment was in the form 'whilst not declining to give the bill a second reading...' I consider this is a reasonable course of action and I will permit that to occur.

The Manager of Opposition, by indulgence, made a statement on the matter.

The Leader of the House, by leave, moved that standing orders be suspended to enable the bill to be restored immediately, and proceedings being resumed with the second reading to be moved. The question was carried on the voices.

Accordingly, the Leader of the House then moved that the bill be read a second time. The question was carried on the voices. The bill was then considered in detail and, by leave, was taken as a whole. Debate ensued on the question 'that the bill be agreed to'. The question was then put and was carried on the voices and consideration in detail concluded. Leave was granted for the third reading to be moved immediately and, on the motion of the Minister for Defence Industry (Mr Pyne), the bill was read a third time.

A second reading amendment (*i.e. an amendment to the question 'That this bill be now read a second time'*) may be moved by any Member (but generally would be moved by a non-government Member). Such amendments are known as 'reasoned amendments' as they enable Members to place on record any special reasons for not agreeing to the second reading or, alternatively, for agreeing with qualification. A reasoned amendment may be declaratory of some principle adverse to, or differing from, the principles, policy or provisions of the bill. It may express opinions as to circumstances connected with the introduction or prosecution of the bill, or may seek further

information in relation to the bill. The usual form of amendment is to move that all words after 'That' be omitted and other words be substituted.

The International Tax Agreements Amendment Bill 2016 is the first bill for which the House has agreed to a second reading amendment.

Hansard: 12 October 2016, 1747, 1769-73

Votes and Proceedings: 2016/201-2

SOs 47, 142, 145, 148, 155

3.04 Closure of debate on working holiday-maker reform bills; opposition suspension motion negated; adjournment negated

During government business time on 17 October, debate resumed on the Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016 which the House agreed to debate in cognate with three related bills. The Shadow Treasurer moved a second reading amendment substituting all words after 'That' with other words. Debate then ensued on the question 'that the amendment be agreed to.' Debate was interrupted for Members' statements at 1.30 pm and resumed after question time. Just prior to 6.30 pm the Treasurer moved a closure of question, which was carried on division. Accordingly the question on the second reading amendment was put, and negated on division. The question that the bill be read a second time was then put and was carried on the voices. The House then considered the bill in detail, and the bill, by leave, was taken as a whole. An opposition Member rose to speak and the Treasurer immediately moved a closure of question which was carried on division. The question that the bill be agreed to was carried on the voices and consideration in detail concluded. The Treasurer sought and was denied leave to move the third reading immediately, and so, pursuant to contingent notice, moved a suspension of standing orders to enable the third reading to be moved without delay. An opposition Member sought to speak to the motion, and the Treasurer immediately moved a closure of question, which was carried on division. The motion to suspend standing orders was accordingly put, and was carried on the voices. The Treasurer moved the third reading, which was carried on the voices.

After the first of the four cognate bills had been read a third time, the Manager of Opposition Business sought leave of the House to move a motion which, among other things, called on the House to condemn the Treasurer and the Leader of the House for 'gagging debate' on the working holiday-maker reform bills. Leave was not granted, so the Member moved a suspension of standing orders to enable him to move the motion. As he began speaking to his motion, the Manager of Opposition Business was closed on a motion moved by the Treasurer and was carried on division. The suspension motion was seconded by an opposition Member who was also closed on division. The Treasurer then moved 'That the question be put' and the motion was carried on division. Accordingly, the Speaker put the question on the suspension motion moved by the Manager of Opposition Business, and the motion was negated on division.

The order of the day was then read for the resumption of debate on the second of the four cognate bills, the Treasury Laws Amendment (Working Holiday Maker Reform) Bill 2016. The question on the second reading was put and was carried on the voices. The Treasurer sought and was denied leave to move the third reading immediately, and so, pursuant to contingent notice, moved a suspension of standing orders to enable the third reading to be

moved without delay. The question was carried on division. Accordingly, the Treasurer moved the third reading, and debate ensued. It being just after 7.30 pm, the Speaker proposed 'That the House do now adjourn'. The Leader of the House required that the question be put immediately and without debate, in accordance with standing order 31(c). The question was negated on the voices. The House then returned to the matter before it at the time of the automatic adjournment, the question on the third reading of the Treasury Laws Amendment (Working Holiday Maker Reform) Bill 2016. The Treasurer moved a closure of question which was carried on division. The question on the third reading was accordingly put, and was carried on the voices.

When the remaining cognate bills were called on in sequence, the questions on the second reading were carried on the voices and the House granted leave for the third reading of each of the bills to be moved immediately. The questions on the third reading were each carried on the voices. The Leader of the House moved 'That the House do now adjourn', and the question was carried on the voices and the House adjourned at 7.49 pm.

*After a question has been proposed from the Chair, a **closure of question** motion i.e. 'That the question be now put' may be moved by any Member without notice at any time, whether any other Member is addressing the Chair or not. The question on the closure must be put and decided immediately without amendment or debate. If the closure is agreed to, the question before the Chair is put immediately without any further debate. If debate on an amendment is closed, debate may then continue on the original question.*

*After completion of the consideration in detail stage, or following agreement to the second reading if no detail stage has occurred, the House may grant leave for the motion for the third reading to be moved immediately. If leave is not granted, a Minister may move a **contingent notice** of motion to suspend standing orders to enable the third reading to be moved immediately. Contingent notices are notices conditional upon an event occurring in the House which in fact may not eventuate. In practice, the significance of the procedure is that a motion to suspend standing orders moved pursuant to a contingent notice only needs to be passed by a simple majority, whereas the same motion moved without notice would require an absolute majority.*

*The House is **adjourned** by agreement to the motion 'That the House do now adjourn', which may only be moved by a Minister, or in accordance with the automatic adjournment provisions. At the time set for the adjournment to be proposed, the Speaker interrupts proceedings to propose the question 'That the House do now adjourn'. If a division is occurring at the time of interruption, the division (and any consequential division) is completed and the result announced. A Minister may require the question to be put immediately (to allow it to be negated to enable the business before the House to continue). If the question is then negated the House resumes its proceedings at the point they were interrupted.*

Hansard: 17 October 2016, 2131-51
Votes and Proceedings: 2016/221-31

SOs 29, 31, 47, 80, 81, 142, 145, 148, 153, 155

3.05 'Debate management motion' regarding building and construction industry bills amended, by leave, and agreed to

During government business time on 18 October, the Leader of the House sought and was granted leave to amend his notice relating to the suspension of standing orders for the consideration of the Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013. The motion provided for the resumption of debate on the second readings of the bills

being called on together and the bills debated cognately, and the first opposition Member being immediately called to speak, followed immediately by the Member for Kennedy, following which the Prime Minister would be called immediately to conclude the second reading debate. One question would then be put on the second reading of both bills, a Governor-General's message would be reported and one question would be put immediately on the third readings of both bills. Debate ensued and the suspension motion was carried on division.

In accordance with the resolution, a cognate debate ensued on the second readings of both bills. After the first opposition Member (Mr O'Connor) and the Member for Kennedy (Mr Katter), the Prime Minister summed up the debate. The question on the second readings of the bills was put and was carried on division. A message from the Governor-General was announced and, in accordance with the resolution, the question on the third readings of the bills was immediately put and was carried on division.

The Building and Construction Industry (Improving Productivity) Bill 2013 and the Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 were triggers for the double dissolution election on 2 July 2016.

Hansard: 18 October 2016, 2310-32
Votes and Proceedings: 2016/243-7

SOs 47, 111, 126

3.06 'Debate management motion' regarding registered organisations bill agreed to

During government business time on 19 October, the Leader of the House, pursuant to notice, moved a motion relating to the suspension of standing orders for the consideration of the Fair Work (Registered Organisations) Amendment Bill 2014. The motion provided for the resumption of debate on the second reading of the bill being called on and the first opposition Member being immediately called to speak, following which the Prime Minister would be called immediately to conclude the second reading debate and the question on the second reading of the bill would then be put immediately. A Governor-General's message would be reported and the question on the third readings would be put immediately. Debate ensued and the Manager of Opposition Business moved an amendment to permit a consideration in detail stage. The amendment was seconded by an opposition Member. At the conclusion of debate, the Speaker put the question on the amendment which was negated on division. The motion moved by the Leader of the House was then carried on division.

In accordance with the resolution, debate resumed on the second reading of the bill. After the first opposition Member (Mr O'Connor), the Prime Minister summed up the debate. The question on the second reading was put and was carried on division. A message from the Governor-General was announced and, in accordance with the resolution, the question on the third readings was immediately put and was carried on division.

The Fair Work (Registered Organisations) Amendment Bill 2014 was a trigger for the double dissolution election on 2 July 2016.

Hansard: 19 October 2016, P2436-55
Votes and Proceedings: 2016/252-6

SOs 47, 111, 126

3.07 Plebiscite bill agreed to following closure of debate

Just prior to 10 am on 20 October, debate resumed on the Plebiscite (Same-Sex) Marriage Bill 2016 and on a second reading amendment moved previously by the Leader of the Opposition which called for the bill to be 'withdrawn and redrafted to legislate for marriage equality and that the House calls on the Government to afford all members of parliament a free vote.' At approximately 1 pm the Leader of the House moved a closure of question which was carried on division. The question on the Leader of the Opposition's second reading amendment was accordingly put, and negatived on division. The question on the second reading was put and was carried on division. A message from the Governor-General was announced and the Leader of the House, pursuant to contingent notice, moved that standing orders be suspended to enable the third reading of the bill to be moved without delay. The motion was carried on division. Accordingly, the Leader of the House moved the third reading, which was carried on division.

*Hansard: 20 October 2016, 2692-742
Votes and Proceedings: 2016/266-71*

SOs 47, 81, 126, 142, 145, 155

3.08 2016-2017 appropriation bills passed by the House

On 20 October, consideration in detail of Appropriation Bill (No. 1) 2016-2017 in the Federation Chamber concluded and the question that the bill be agreed to was carried on the voices. The questions on the second readings of the other appropriation bills, Appropriation Bill (No. 2) 2016-2017 and Appropriation Bill (Parliamentary Departments) Bill 2016-2017, were put and was carried on the voices and each bill was reported to the House without amendment. After the discussion of the matter of public importance, the Speaker reported that Appropriation Bill (No. 1) 2016-2017 had been fully considered by the Federation Chamber and agreed to without amendment, and presented a certified copy of the bill. The Speaker put the question 'That the bill be agreed to' and the question was carried on the voices. Leave was granted for a Minister to move the third reading immediately and the question was carried on the voices. This process was then repeated for the remaining two appropriation bills, and the questions 'That the bill be agreed to' and 'That the bill be read a third time' were also carried on the voices for each of those bills, leave having been granted for the third readings to be moved immediately.

When the Federation Chamber has fully considered a bill referred to it and no amendment has been proposed and there are no unresolved questions, standing order 198 provides that a final question shall be put immediately and resolved without amendment or debate, 'That the bill be reported to the House without amendment.' The Clerk of the Federation Chamber then certifies a copy of the bill to be reported to the House and unless otherwise provided, the Speaker reports the matter at a later hour that day when other business is not before the House.

Standing order 153(a) provides that if a bill is reported from the Federation Chamber without amendment or unresolved questions, the question 'That the bill be agreed to' is to be put immediately and must be decided without amendment or debate.

*Hansard: 20 October 2016, 2790-1, 2842
Votes and Proceedings: 2016/277, 280*

SO 63, 142, 152, 153, 155, 198

Business

3.09 Statements by indulgence regarding death of Shimon Peres

Just prior to question time on 10 October, the Prime Minister and Leader of the Opposition each made statements, by indulgence, regarding the death of Mr Shimon Peres, former President and Prime Minister of Israel. The Leader of the House moved that the House take note of the statement made by the Prime Minister and debate was adjourned.

Hansard: 10 October 2016, 1279-81, 1298
Votes and Proceedings: 2016/172

SO 202

3.10 Updated shadow ministry list presented

Just prior to question time on 11 October, the Leader of the Opposition presented a revised shadow ministry list.

Hansard: 11 October 2016, 1497-500
Votes and Proceedings: 2016/188

SO 199

3.11 Address by the Prime Minister of Singapore

On 12 October, the sitting was suspended from 10.32 am and the Speaker resumed the Chair at 10.46 am and welcomed the President of the Senate and Senators, who had assembled in the House of Representatives Chamber, as guests. The Prime Minister of the Republic of Singapore, His Excellency Lee Hsien Loong, was announced and the Speaker welcomed Prime Minister Lee. The Prime Minister and Leader of the Opposition each made welcoming remarks and the Speaker invited Prime Minister Lee to address the meeting. The Speaker, on behalf of the House, expressed thanks to the Prime Minister, who then departed the chamber. The sitting was then suspended from 11.30 am to 1.30 pm, in accordance with the resolution agreed to on 15 September 2016 (see entry no. **2.08**).

Hansard: 12 October 2016, 1675-84
Votes and Proceedings: 2016/199

3.12 Statements by indulgence regarding ADF operations in Iraq

On 18 October, the Prime Minister, by indulgence, made a statement updating the House on the battle against Daesh in the Middle East and the contribution by the Australian Defence Force. The Leader of the Opposition also made remarks by indulgence.

Hansard: 18 October 2016, 2269-71

SO 65

3.13 Statement by indulgence regarding Prime Minister's Prizes for Science

After question time on 20 October, the Minister for Industry, Innovation and Science (Mr Hunt), by indulgence, made a statement to acknowledge the presence in the gallery of winners of the Prime Minister's Prizes for Science which had been awarded the previous evening.

Hansard: 20 October 2016, 2772-3

SO 65

Debate

3.14 First speech during debate on Address in Reply

On 10 October the House agreed to suspend standing order 43 (Members' statements) until the Member for Paterson (Ms Swanson) had concluded her contribution to debate on the Address in Reply, so as not to interrupt her first speech. Members' statements commenced at 1.44 pm until the interruption for Question Time at 2.00 pm.

Standing order 43 requires that at 1.30 pm each sitting day, the Speaker shall interrupt business and call on statements by Members until 2 pm. During these periods, when called on by the Chair, Members may make a statement for no longer than 90 seconds.

*Hansard: 10 October 2016, 1268-75
Votes and Proceedings: 2016/171-2*

SOs 43, 47, 267

Federation Chamber

3.15 Variation to Federation Chamber order of business to facilitate debate on budget bills

On 10 October, the Leader of the House, by leave, moved a suspension of standing orders to vary the meeting times of the Federation Chamber and to provide additional government business time to that provided by the indicative order of business. The purpose of the motion was to facilitate debate on the Appropriation Bill (No. 1) 2016-2017, Appropriation Bill (No. 2) 2016-2017 and Appropriation (Parliamentary Departments) (No. 1) Bill 2016-2017. The motion provided for the following:

- on Tuesday, 11 October 2016 the Federation Chamber to meet from 12.30 pm to 1.30 pm, in addition to its scheduled hours of meeting;
- on Thursday, 13 October the adjournment debate in the Federation Chamber to commence at 1 pm and continue for 30 minutes;
- on Monday, 17 October the hours scheduled for private members' business in the Federation Chamber from 4.45 pm to 7.30 pm to be allocated to government business;
- on Tuesday, 18 October the Federation Chamber to meet from 12.30 pm to 1.30 pm, in addition to its scheduled hours of meeting;
- on Wednesday, 19 October the meeting of the Federation Chamber to continue until 1.30 pm and then suspend until 4 pm; and
- on Thursday, 20 October the adjournment debate in the Federation Chamber to commence at 1 pm and continue for 30 minutes.

The question on the motion was put and was carried on the voices. Immediately thereafter, the Chief Government Whip (Ms Marino) declared that, unless otherwise ordered, at the adjournment for that day's sitting the three appropriation bills stood referred to the Federation Chamber for further debate.

*Hansard: 10 October 2016, 1299
Votes and Proceedings: 2016/173*

SO 45, 47, 183, 192

Members

3.16 Member granted leave of absence for parental leave

After question time on 20 October, the Manager of Opposition Business moved that leave of absence be given to the Member for Blaxland (Mr Clare) until the end of the Spring sittings 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: 20 October 2016, 2774
Votes and Proceedings: 2016/276*

SO 26

Motions

3.17 Prime Minister's motion regarding equal rights for all Australians

On 10 October 2016, the Prime Minister, pursuant to notice, moved a motion which, among other things, called on the House to reaffirm 'its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin'. The Leader of the Opposition also addressed the motion and debate was then adjourned.

*Hansard: 10 October 2016, 1251-9
Votes and Proceedings: 2016/169*

SO 111

3.18 Motion to suspend standing orders negatived following closure of debate

On 10 October 2016, the Leader of the Opposition sought, and was denied, leave to move a motion regarding Medicare. The Leader of the Opposition then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the motion was seconded by an opposition Member (Ms King), who spoke briefly to the motion before moving a closure of question, which was carried on the voices. The question on the suspension motion was accordingly put, and negatived on division.

*Hansard: 10 October 2016, 1263-8
Votes and Proceedings: 2016/170-1*

SOs 47, 81

3.19 Motion to suspend standing orders negatived following closure of debate

After the acknowledgement of country and prayers on 13 October 2016, the Manager of Opposition Business moved a suspension of standing orders to enable him to move a motion which, among other things, called on 'the Minister for Revenue to attend the House to explain why the Government has failed to close tax loopholes and increase transparency in Australia. Debate ensued and the Manager of Opposition Business was immediately closed on division. The motion was seconded by the Member for McMahon (Mr Bowen),

who was also closed on division. The Leader of the House then moved a closure of question which was carried on division. The question that the suspension of standing orders moved by the Manager of Opposition Business be agreed to was accordingly put, and negated on division.

*Hansard: 13 October 2016, 1841-9
Votes and Proceedings: 2016/205-9*

SOs 47, 80, 81, 116, 126

3.20 Condolence motion for King of Thailand

Just before question time on 17 October 2016, the Prime Minister moved a motion of condolence in respect of His Majesty King Bhumibol Abdulyadej of Thailand, who died on 13 October. The motion offered the House's sympathies to the Thai Royal Family and the people of Thailand. The Leader of the Opposition seconded the motion, which was carried, with all Members rising in silence.

*Hansard: 17 October 2016, 2065-7
Votes and Proceedings: 2016/220*

SO 49

3.21 Motion to suspend standing orders negated on deferred division

After the acknowledgement of country and prayers on 18 October, the Leader of the Opposition moved a suspension of standing orders to enable him to move a motion regarding gun laws and proposed industrial relations bills. The motion was seconded by the Deputy Leader of the Opposition and debate ensued until the time allotted for the debate (25 minutes) expired. The question on the motion was put, and a division was called and, in accordance with standing order 133, the division was deferred until after the discussion of the matter of public importance. After the MPI, the division was held and the question on the suspension motion was negated.

Standing order 133 provides for any division called for prior to 2 pm on Tuesdays to be deferred until after the discussion of the matter of public importance, except for a division called on a motion moved by a Minister during that period.

*Hansard: 18 October 2016, 2239-45, 2308-10
Votes and Proceedings: 2016/237, 243-4*

SOs 34, 47, 116, 126, 133

3.22 Motion to suspend standing orders negated following closure of debate

During question time on 18 October, the Leader of the Opposition sought and was denied leave to move a motion condemning the government for 'being willing to trade John Howard's gun laws for votes in the Senate'. The Member then moved a suspension of standing orders to enable him to move the motion. The Leader of the House moved a closure of Member, which was carried on division. The motion was seconded by the Deputy Leader of the Opposition and she, too, was closed on division. The Leader of the House then moved a closure of question, which was carried on division, and the Speaker accordingly put the question on the suspension motion moved by the Leader of the Opposition, and the motion was negated on division. Question time then concluded.

Hansard: 18 October 2016, 2285-93
Votes and Proceedings: 2016/238-42

SOs 47, 80, 81, 116, 126

3.23 Motion to suspend standing orders to enable motion of censure negated following closure of debate

During question time on 20 October, the Manager of Opposition Business was given the call and sought leave to move a motion which, among other things, called on the House to censure the Prime Minister for '15 days of unprecedented chaos from a Government in disarray' Leave was not granted and the Member moved a suspension of standing orders to enable him to move the censure motion. The Leader of the House moved a closure of Member, which was carried on division. The motion was seconded by an opposition Member and he, too, was closed on division. The Leader of the House then moved a closure of question, which was carried on division, and the Speaker accordingly put the question on the suspension motion moved by the Manager of Opposition Business, and the motion was negated on division. Question time then continued.

Hansard: 20 October 2016, 2763-71
Votes and Proceedings: 2016/271-5

SOs 47, 80, 81, 116, 126

Private Members' business

3.24 Postponement of items of private Members' business

At the commencement of private Members' business on 10 October, upon notice no. 1, private Members' business, being called on, relating to the presentation of the Banking Commission of Inquiry Bill 2016, the Member for Mayo (Ms Sharkie) in the absence of the Member for Kennedy (Mr Katter), and at his request, fixed the next sitting Monday as the day for presenting the bill. Later during private Members' business, when notice no. 3 relating to the presentation of the Dairy Produce Amendment (Milk Marketing Board) Bill 2016 was called on, the Member for Kennedy fixed the next sitting Monday as the day for presenting the bill.

Private Members' business notices relating to the presentation of bills by the Members for Denison (Mr Wilkie) and Franklin (Ms Collins) were also postponed until a later hour that day on behalf of the Members who were absent at that time. The House was informed that, due to weather conditions in Melbourne, flights from Tasmania had been delayed and the Tasmanian representatives had yet to arrive in Canberra. The Members arrived shortly thereafter and introduced their respective bills later during the period for private Members' business.

During private Members' business on the following Monday (17 October), when the notice relating to the presentation of the Dairy Produce Amendment (Milk Marketing Board) Bill 2016 was called on, the Member for Kennedy fixed the next sitting Monday as the day for presenting the bill.

Standing order 113 provides that a motion not moved when called on shall be removed from the Notice Paper except if the Member who gave notice, or another Member at his or her request, sets a future time for moving the motion.

Hansard: 10 October 2016, 1224, 1229; 17 October 2016, 2010

Votes and Proceedings: 2016/165, 166, 217

SOs 41, 113

Privilege

3.25 Speaker's statement regarding seizure of material under a search warrant

On 11 October, the Speaker made a further statement regarding the seizure of a range of material by the Australian Federal Police following the execution of a search warrant in Parliament House on 24 August 2016 (see entry no. 2.19). On 13 September the Speaker had informed the House that the Member for Blaxland was seeking a ruling from the House in relation to his claim that material seized was protected by parliamentary privilege and, in accordance with the AFP Guideline for the Execution of Search Warrants where parliamentary privilege may be involved, had been held securely in the office of the Clerk of the House. The Speaker had advised the House that he would undertake consultations to determine the way in which the matter would be dealt with. Having undertaken those consultations, the Speaker presented for the information of Members a paper prepared by the Clerk's Office on the process to determine claims of privilege in matters such as the one in question. The paper proposed that the House Committee of Privileges and Members' Interests be tasked with considering the claim by the Member for Blaxland and making a recommendation to the House about its ruling on the claim. The Speaker stated that, with that in mind, he proposed to give precedence to a motion to refer the matter of the determination of the Member for Blaxland's claim of parliamentary privilege to the Committee for consideration and advice to the House.

Accordingly, the Manager of Opposition Business moved a motion to refer the matter to the Committee of Privileges and Members' Interests. The motion provided, among other things, for the Committee to consider the claim and to make a recommendation to the House about its ruling on the claim. The motion was carried on the voices.

This is the first occasion on which a ruling has been sought from the House under the AFP Guideline for Execution of Search Warrants.

Hansard: 11 October 2016, 1467
Votes and Proceedings: 2016/187-8

SOs 51, 216

Questions

3.26 Member sanctioned for displaying prop during question time

During question time on 12 October, the Member for Scullin (Mr Giles) asked the Minister for Health (Ms Ley) a question regarding Medicare. During the Minister's answer, an opposition Member interjected and displayed a prop. The Speaker asked the Member to desist and, the Member continuing to interject, he was directed, under standing order 94(a), to leave the chamber for one hour for disorderly behaviour and he accordingly left the chamber.

Hansard: 12 October 2016, 1695
Votes and Proceedings: 2016/199

SO 94

3.27 Questions ruled out of order

During question time on 13 October, two questions asked by opposition Members were ruled out of order. On each occasion, the Speaker ruled the question out of order immediately as it was asked and called on the next questioner.

Hansard: 13 October 2016, 1918, 1927-8

SO 98

3.28 Minister for Social Services adds to an answer

At the conclusion of question time on 17 October, the Minister for Social Services (Mr Porter), by indulgence, added to an answer he had given jointly with the Prime Minister during question time regarding the Disability Support Pension.

Hansard: 17 October 2016, 2085

SO 65

Speaker

3.29 Speaker's statement regarding records of 1986 Parliamentary Commission of Inquiry

After the acknowledgement of country and prayers on 10 October, the Speaker made a statement regarding the expiration of the period of exclusive possession of documents of the 1986 Parliamentary Commission of Inquiry. The inquiry was established to advise the parliament on whether any conduct of the Honourable Lionel Keith Murphy was such as to amount, in its opinion, to proved misbehaviour within the meaning of section 72 of the Constitution. The inquiry was discontinued due to the terminal illness of the judge and the Act repealing the inquiry gave the Presiding Officers exclusive possession of the documents of the Commission for 30 years from its commencement. The Speaker informed the House that the Presiding Officers had determined that the Clerks of the respective Houses and other nominees approved by the Presiding Officers could access and examine the records for the purposes of providing advice to assist in responses to requests for access. The examination of records by parliamentary officers commenced on 29 September 2016 and the Presiding Officers were awaiting advice on the contents of the records before determining any arrangements for wider access to them. The Speaker stated that the process may take some time as the records were extensive.

Hansard: 10 October 2016, 1195
Votes and Proceedings: 2016/165

3.30 Appointments to Speaker's panel

After question time on 11 October, the Speaker presented a warrant appointing the Members for Cunningham (Ms Bird) and Newcastle (Ms Claydon) to the Speaker's panel.

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: 11 October 2016, 1520
Votes and Proceedings: 2016/189

SO 17

3.31 Question to Speaker regarding live captioning of parliamentary proceedings

After question time on 17 October, the Member for Parramatta (Ms Owens) asked the Speaker, given that it was the National Week of Deaf People, if he could update the House on progress in ensuring the parliament is accessible to the deaf and hearing impaired. The Speaker informed the House that live captioning of parliamentary proceedings had been introduced to improve the accessibility of televised coverage of the parliament. The service would initially be available for five hours each sitting day, from 12 noon until 5 pm in the House, and on Monday from 1.30 pm to 6.30 pm and on Tuesday to Thursday from 2 pm until 7 pm in the Senate. The Speaker stated that the service would be progressively expanded to cover all chambers and parliamentary committees over the course of 2017, eventually providing approximately 3,000 hours of live captions per year. A working group with representatives from both chamber departments had been established to seek feedback from relevant stakeholders through the implementation phase of the new service.

At the conclusion of question time, questions without notice may be put to the Speaker relating to any matter of administration for which he or she is responsible, in accordance with standing order 103.

Hansard: 17 October 2016, 2085-6

SO 103

Offensive words[#]

	Hansard	
	Date	Page
'No wonder everyone over there thinks you're a grub!'	11 October 2016	1490
'You're a dill.'	12 October 2016	1715
'...just by us all being in the room with you, makes us more stupid because we have to listen to you. You are that demeaning to this parliament. You mislead this parliament with your stupid ideology...'	12 October 2016	1721
'I suppose stupid is as stupid does...'	12 October 2016	1721
'the Leader of the Opposition...is one of the few Australians that support these bikies so vehemently.'	18 October 2016	2284
'...Bikie Bill Shorten...'	19 October 2016	2505
'...Bikie Bill...'	19 October 2016	2512
'What a joke you are!'	19 October 2016	2532
'Because they are boofheads!'	19 October 2016	2617

SOs 89, 90, 92

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