

Procedural Digest

November 2016				
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No. 4

45th Parliament

7 – 10 November 2016

Bills

4.01 Leave not granted for Member to second amendment

On Thursday 10 November, during the second reading debate on the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016, the Member for Denison (Mr Wilkie) moved a second reading amendment substituting all words after 'That' with other words. The Member for Indi (Ms McGowan), having already spoken to the question on the second reading, sought leave to second the amendment. Leave was not granted and the Member for Melbourne (Mr Bandt) seconded the amendment. Debate then ensued on the question that the amendment be agreed to.

A Member who has already spoken to the original question may not second an amendment moved subsequently, unless the House grants leave for the Member to do so.

Hansard: 10 November 2016, 3467-70

SOs 116, 142, 145

4.02 Closure of debate on migration bill; fewer than five Members vote on one side during division

After an opposition Member's contribution to the second reading debate on the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016, the Minister for Justice (Mr Keenan) moved a closure of question, which was carried on division. Accordingly, the Speaker put the question on the second reading amendment moved by the Member for Denison. A division was called and, there being fewer than five Members voting with the ayes, the Speaker declared the question negatived and stated that the names of those Members voting in the minority would be recorded in the *Votes and Proceedings*. The question on the second reading was put and carried on division. Leave was granted for the third reading to be moved immediately and the question on the third reading was carried on division. Accordingly, the bill was read a third time.

Hansard: 10 November 2016, 3497-502

Votes and Proceedings: 2016/329-332

SO 63, 80, 126, 127, 142, 155

Business

4.03 Program of sittings for 2017 presented and agreed to

After question time on 7 November, the Leader of the House presented the program of parliamentary sitting for 2017 and moved that the program be agreed to. Debate ensued and the question was put and was carried on the voices.

*Hansard: 7 November 2016, 2934-6
Votes and Proceedings: 2016/296*

SO 199

4.04 Statements by indulgence regarding United States presidential election

Just prior to question time on 10 November, the Prime Minister and Leader of the Opposition each made statements, by indulgence, regarding the United States presidential election. Both Members congratulated President-elect Trump on his election victory.

Hansard: 10 November 2016, 3518-20

SO 65

Members

4.05 Member sanctioned for refusing to withdraw remark

During question time on 9 November, an opposition Member interjected with an unparliamentary remark during the Leader of the House's answer to a question regarding Senator Bob Day. The Speaker asked the Member to withdraw. The Member refused, and the Speaker ordered the Member to withdraw for one hour for defying the Chair and he accordingly left the Chamber.

*Hansard: 9 November 2016, 3347
Votes and Proceedings: 2016/321*

SO 94

Motions

4.06 Opposition motions to suspend standing orders negated following closure of debate

On 7 November 2016, the Manager of Opposition Business was denied leave to move a motion which, among other things, condemned the Government 'for its failure to manage the Parliament'. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the Manager of Opposition Business was immediately closed on division. The motion was seconded by the Member for Jagajaga (Ms Macklin), 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.

Later that afternoon during question time, the Leader of the Opposition sought, and was denied, leave to move a motion which, among other things, condemned the Prime Minister for 'his weak leadership which is inflicting chaos on the Parliament and the country'. The Member then moved a suspension of standing orders to enable him to move the motion. Debate ensued and the Leader of the Opposition was immediately closed on division. The motion was seconded by the Manager of Opposition Business, 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 Leader of the Opposition be agreed to was accordingly put, and negated on division.

*Hansard: 7 November 2016, 2891-8, 2922-30
Votes and Proceedings: 2016/285-9, 289-94*

SOs 47, 80, 81

Petitions

4.07 Petition presented, by leave, during second reading debate

During the second reading debate on the Migration Legislation Amendment (Regional Processing Cohort) Bill 2016, the Member for Melbourne (Mr Bandt) was granted leave to present a petition regarding changes to immigration detention.

Leave was required because standing order 207(b) sets out the occasions where a Member may present a petition, which do not include the second reading debate on a bill, but do include the period for Members' 90 second statements, the period for Members' constituency statements, the adjournment debate and the grievance debate.

*Hansard: 10 November 2016, 3474
Votes and Proceedings: 2016/329*

SOs 63, 207

Private Members' business

4.08 Private Member's bill lapses

During private Members' business on Monday 7 November, when the notice relating to the presentation of the Dairy Produce Amendment (Milk Marketing Board) Bill 2016 was called on, as the Member for Kennedy was not present in the Chamber to present his bill, the notice lapsed.

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: 7 November 2016, 2877
Votes and Proceedings: 2016/284*

SOs 41, 113

Questions

4.09 Opposition Members display props during question without notice; Speaker calls on next questioner

During question time on 8 November, the Deputy Leader of the Opposition asked the Prime Minister a question the Minister for Education and Training's response to a question on notice regarding the Apprenticeships Training alternative delivery pilot program. During the question, a number of opposition Members, including the questioner, held up printouts of a photo. The Speaker asked the Member to resume her seat and stated that Members knew the rules regarding the display of props. The Speaker then called on the next questioner.

Hansard: 8 November 2016, 3137

4.10 Speaker intervenes after Members fail to refer to other Members by their parliamentary titles

During question time on 9 November, the Member for Melbourne asked a question to the Prime Minister during which he referred to a government Member by name. The Speaker reminded all Members to refer to other Members by their correct titles and stated that he would not allow an opportunity for the question to be re-stated, and called on the next questioner. A short time later, during the Deputy Prime Minister's answer to a question without notice, he referred to the Leader of the Opposition by name. The Speaker intervened and stated that he was 'clamping down' on Members' failure to refer to other Members by their correct titles, and called on the next question.

After question time, the Speaker made a statement to the House, noting that his recent interventions under standing order 84 had been for 'the purpose of reinforcing how important it is to the level of discourse in the House.' The Speaker also stated that, while he had taken strong action during that day's question time, he would always consider the context in which references are made to other Members, and would continue to maintain a practical approach.

Standing order 64 provides that in the House and Federation Chamber, a Member shall not be referred to by name, but by one of the following forms as appropriate:

- (a) the Member's ministerial office (e.g. Prime Minister, Minister for Defence, Attorney-General)*
- (b) the Member's parliamentary office (e.g. Leader of the House, Leader of the Opposition, Chief Government Whip);*
- (c) the Member's electoral division (e.g. Member for Adelaide).*

Hansard: 9 November 2016, 3344, 3346-7, 3359-60

SO 64

4.11 Minister for Agriculture and Water Resources adds to an answer

At the conclusion of question time on 10 November, the Minister for Agriculture and Water Resources (Mr Joyce), by indulgence, added to an answer he had given during question time regarding Dairy Recovery Concessional Loans.

Hansard: 10 November 2016, 3537

SO 65

Speaker

4.12 Presiding Officers' statement regarding condition of Parliament House

After the acknowledgement of country and Prayers on 10 November, the Speaker presented a document entitled Presiding Officers' statement regarding the condition of Parliament House.

Hansard: 10 November 2016, 3453
Votes and Proceedings: 2016/325

SO 199

4.13 Speaker's statement regarding rules for media related activity in Parliament House and its precincts

On 10 November, the Speaker made a statement concerning rules for media related activity in Parliament House and its precincts and presented an amended copy of the rules, issued by the Presiding Officers. The Speaker explained that the amended rules reflected a recent resolution of the Senate regarding photography in the Senate Chamber. Also taken into account were references to resolutions of the House and the Joint Committee on the Broadcasting of Parliamentary Proceedings in relation to the broadcast of proceedings which were revised in 2013.

Hansard: 10 November 2016, 3453
Votes and Proceedings: 2016/325

SO 199

4.14 Question to Speaker regarding Minister for Agriculture and Water Resources

After question time on 10 November, the Member for Hunter (Mr Fitzgibbon) asked the Speaker a question regarding the Minister for Agriculture and Water Resources, and whether it was appropriate for the Minister, having corrected the *Hansard* record, to correct 'the misleading of the House'. The Speaker stated that if the Member for Hunter wished to raise such matters, there were a number opportunities to raise them during the sitting of the House, or he could write to the Speaker or to any other authority. The Speaker stated that if he had anything to say on the matter, he would let the Member for Hunter know and then let the House know.

Hansard: 10 November 2016, 3537
Votes and Proceedings: 2016/325

SO 103

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'The Leader of the Opposition made it very clear during the election that there was a cigarette paper's difference between the government and the opposition. We now know that to be a lie. A great, big, red, bald-faced lie is what it was...'	9 November 2016	3327
'...it is sheer and rank hypocrisy for the Leader of the Opposition to sit here and lecture, after he lied to the Australian people, bald-faced and looking them in the eye, telling us that we should go to a higher level ...'	10 November 2016	3542

SOs 89, 90, 92

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