

Procedural Digest

No. 8

45th Parliament

20 March– 30 March 2017

March 2017				
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20	21	22	23	24
27	28	29	30	31

Bills

8.01 Non-aligned Member moves three amendments; one agreed to

During the consideration in detail stage of the Health Insurance Amendment (National Rural Health Commissioner) Bill 2017 on 20 March, a non-aligned Member moved two amendments together, by leave. These were negated on the voices with the non-aligned Member recording her dissent.

The non-aligned Member then moved a third amendment which was agreed to on the voices. The consideration in detail concluded and the bill was read a third time.

Hansard: 20 March 2017, 2389-90
Votes and Proceedings: 2017/617

SOs 47, 80, 142

8.02 Proceedings on misuse of market power bill

On 23 March, the order of the day was read for the resumption of debate on the Competition and Consumer Amendment (Misuse of Market Power) Bill 2017. Debate was initially resumed by an opposition Member who was not opposition spokesperson and debate on the bill was adjourned. The opposition spokesperson addressed the bill upon its resumption on 27 March, and subsequently moved a second reading amendment. Debate continued on the question 'That the amendment be agreed to'; the Members who had spoken prior to the moving of the second reading amendment did not speak again. At the conclusion of debate, the second reading amendment was negated on division. The question that the bill be read a second time was carried on division.

The bill was then considered in detail and, by leave, taken as a whole. The Treasurer moved government amendments which were carried on the voices. A non-aligned Member then moved amendments and debate was interrupted at 7.30 pm by the automatic adjournment of the House.

The following day, consideration in detail resumed and the question that the amendments be agreed to was put and a division called for. In accordance with standing order 133, the division was deferred until after the matter of public importance. Following the discussion on a matter of public importance, the question was put, the House divided and, there being fewer than five Members on the side for the 'Ayes', the Speaker declared the question resolved in the negative.

The bill, as amended, was carried on the voices and the motion, by leave, that the bill be read a third time was carried on the voices.

Hansard: 23 March 2017, 3014-17; 27 March 2017, 3221-6; 28 March 2017, 3377-9, 3441
Votes and Proceedings: 2017/648, 649, 660-2, 671, 672

SOs 1, 31, 127, 133, 142, 145, 148, 150, 155

8.03 Consideration of Senate message relating to the Transport Security Amendment (Serious or Organised Crime) Bill 2016

During Government business time on 30 March, the order of the day was read for the consideration of amendments made by the Senate to the Transport Security Amendment (Serious or Organised Crime) Bill 2016. The Minister for Infrastructure and Transport moved that amendments Nos (7), (8), (13) and (14) be disagreed to and following debate the question was put and carried on division. The Minister then presented the reasons for the House disagreeing to the Senate amendments and moved that the reasons be adopted, which was carried on the voices.

The Minister then moved that amendment Nos (1) to (6) and (9) to (12) be disagreed to and that Government amendments Nos (1) to (10) be made in place thereof and presented a supplementary explanatory memorandum to the bill. Following debate the question was put and carried on division.

Hansard: 30 March 2017, 3825-41
Votes and Proceedings: 2017/699-701

SOs 126, 158, 160, 161

8.04 Senate bill passes all stages in one sitting

On 31 March, following the resumption of the 30 March sitting, the Human Rights Legislation Amendment Bill 2017 was transmitted from the Senate and read a first time. The Leader of the House, pursuant to contingent notice, moved a motion to suspend standing orders to allow the bill to pass all stages without delay. At the commencement of debate on the motion, the Leader of the House moved that the question be now put, which was carried on division. The question that standing orders be suspended was accordingly put and was carried on division.

The Leader of the House then presented a revised explanatory memorandum to the bill and moved that the bill be read a second time and made a speech. Debate continued and after one Opposition speaker the Leader of the House moved that the question be now put which was carried on division. The question that the bill be read a second time was put and carried on the voices. The question that the bill be read a third time was accordingly put and was carried on the voices. The bill was then read a third time.

Hansard: 30 March 2017, 3908-15
Votes and Proceedings: 2017/705-8

SOs 47, 81, 141, 142, 155, 166

Business

8.05 British High Commissioner a distinguished guest; statements by indulgence regarding London terrorist attacks

On 23 March, following the Speaker's announcement that he had invited the British High Commissioner, Her Excellency Menna Rawlings, to the floor of the House, the Prime Minister and the Leader of the Opposition made statements by indulgence regarding the terrorist attacks at Westminster, London overnight. As a mark of respect to the memory of the deceased and in recognition of those injured all Members stood, in silence.

Hansard: 23 March 2017 3028-31

SO 257

8.06 Statements by indulgence regarding Cyclone Debbie

Prior to question time on 27 March, the Prime Minister, the Leader of the Opposition, a non-aligned Member and a Government Member made statements regarding the devastation caused by Cyclone Debbie in Far North Queensland.

Hansard: 27 March 2017 3189-91

8.07 Variation to order of business in the House

Prior to question time on 30 March, the Leader of the House, by leave, moved a suspension of standing orders to allow a variation to the order of business for question time to be called on at the later time of 2.30 pm and for speech time limits on the leave of absence motion being 5 minutes per Member. The question was carried on the voices.

Hansard: 30 March 2017 3857

Votes and Proceedings: 2017/702

SOs 34, 47, 97

8.08 Standing orders 31 and 33 suspended to allow for extended sitting

Prior to question time on 30 March, the Leader of the House moved to suspend standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the remainder of the sitting. The Leader of the House made a brief statement to explain that the House would likely need to sit late, in order to consider legislation when it was returned from the Senate. The suspension motion was carried on the voices.

At 5.15 pm that afternoon, the Leader of the House, by indulgence, updated the House on the progress of awaited legislation in the Senate. He therefore recommended suspending the House until the ringing of the bells. The sitting was then suspended at 5.16 pm until the ringing of the bells. The sitting resumed at 2.15 pm, and the House adjourned at 2.50 pm until 12 noon on Tuesday 9 May 2017.

Hansard: 30 March 2017 3857, 3907

Votes and Proceedings: 2017/702, 704, 708

SOs 31, 33, 47

8.09 Leave of absence granted to all Members

Prior to question time on 30 March, the Leader of the House moved that leave of absence be given to all Members from the determination of the sitting until the date of the next sitting of the House. Six Members made 5 minute speeches (limited by a variation to business see entry no. 8.07), and the question was then carried on the voices.

A Member's place becomes vacant if, without permission of the House, he or she does not attend the House for two consecutive months of any session of the Parliament (s. 38, The Constitution). It is the usual practice at the end of a period of sittings for a Minister to move 'That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting'.

Hansard: 30 March 2017, 3857-64
Votes and Proceedings: 2017/702

SO 26

Debate

8.10 Minister granted extension of time

The Minister for Veterans' Affairs time expired while making a speech in the Federation Chamber on a motion to take note of a document regarding recent military commemorations. An Opposition Member moved that the Minister be granted an extension of time, and it was agreed to on the voices. The Minister continued for the maximum allowable time of half of his original allotted time and was interrupted by the Deputy Speaker. An Opposition Member indicated that they would support the Minister's request to complete his speech and the Deputy Speaker, noting that there was no objection, granted the Minister indulgence to continue. The Minister then completed his speech by indulgence.

Standing order 1 allows a motion to be moved for an extension of time, for one period only.

Hansard: 21 March 2017, 2656-60
Votes and Proceedings: 2017/631

SO 1

Documents

8.11 Prime Minister requested to present document quoted from during Question Time

At the completion of an answer to a question without notice on 21 March, a Member requested that the Prime Minister present the document he was reading from. The document was on an electronic device and was not presented.

Standing order 201 states that if a Minister quotes from a document relating to public affairs, a Member may ask for it to be presented to the House. The document must be presented, unless it is of a confidential nature.

Hansard: 21 March 2017, 2572

SO 201

Federation Chamber

8.12 Change to order of business in the Federation Chamber

During government business time on 27 March the Leader of the House, by leave, moved a suspension of standing orders to allow a variation to the order of business in the Federation Chamber for the grievance debate scheduled for Tuesday, 28 March 2017 to take place at 6.30 pm on Wednesday, 29 March 2017 and other government business to continue until 7.30 pm on Tuesday. The motion was carried on the voices.

Hansard: 27 March 2017, 3208
Votes and Proceedings: 2017/656

SO 192

Motions

8.13 Opposition motion to suspend standing orders to retain section 18C of Racial Discrimination Act in its current form negatived

During Government business time on 22 March, the Leader of the Opposition was denied leave to move a motion which called on the House to resolve to retain section 18C of the Racial Discrimination Act in its current form. The Member then moved a suspension of standing orders to allow him to move the motion. The Leader of the House moved closure of the mover and the seconder, which were both carried on division. The Leader of the House then moved closure of the question which was carried on division. Accordingly, the question that standing orders be suspended was put and negatived on division.

Hansard: 22 March 2017, 2713-21
Votes and Proceedings: 2017/633-7

SOs 47, 128, 129

8.14 Standing orders suspended, motion for disallowance moved and negatived

During government business time on 29 March, standing orders were suspended to allow a private Member's notice of motion to be called on immediately. The notice was in relation to a motion to disallow sections 11(3)(a) and (c) of the Code for the Tendering and Performance of Building Work 2016, made under section 34 of the Building and Construction Industry (Improving Productivity) Act 2016.

The member then moved his motion for disallowance. Debate ensued and the question was negatived on division.

Hansard: 29 March 2017, 3543-8
Votes and Proceedings: 2017/679-80

SOs 47, 116, 117, 125

8.15 Attempted suspension of standing orders to allow parliamentary inquiry into Productivity Commission; Non-aligned Member records dissent

Following the MPI on 30 March, a non-aligned Member was denied leave to move a motion for a parliamentary inquiry into the Productivity Commission to be immediately undertaken. The Member then moved to suspend standing orders to allow him to move the motion. The motion was seconded by another non-aligned Member and debate ensued. The time allotted for debate expired and the question was put. The motion was negatived on the voices and the non-aligned Member recorded his dissent.

*Hansard: 30 March 2017, 3900-7
Votes and Proceedings: 2017/703-4*

SOs 47, 127, 128

Privilege

8.16 Question to Speaker regarding a Senate Privileges committee report

Following question time on 29 March, the Manager of Opposition Business referred to a Senate Privileges Committee report, which determined that AFP raids upon a Senator's office during the recent election campaign had 'the effect of interfering with the duties of a senator, and with the functions of the parliament more broadly'. The Member then asked that the Speaker report back to the House about 'what assurances might be sought from the Prime Minister, the government or government agencies to ensure an improper interference with parliament is not repeated.' The Speaker responded that he would give the matters raised by the Manager of Opposition Business 'very serious but also speedy consideration' and that he would report back to the House at the earliest opportunity.

The next day, during Government business time, the Speaker stated that he had considered the matter carefully and, given the significance of the issues raised and the overlap of a matter of privilege concluded by the House late last year, he will be taking further time to consider the matter. He also stated that he would take further advice before determining his view. He advised that he would report back to the House during the budget sittings.

*Hansard: 29 March 2017, 3626-7; 30 March 2017, 3884
Votes and Proceedings: 2017/703*

SO 51

8.17 Privilege – complaint of breach

When the sitting resumed on 31 March, the Deputy Chair of the Joint Standing Committee on Electoral Matters immediately raised, as a matter of privilege, the unauthorised disclosure of the draft conclusions of a report into the 2016 federal election. The Deputy Chair asked if the Committees of Privilege of each House could provide to Senators and Members with guidance and advice about committee disclosures and the potential damage caused by such breaches in general.

*Hansard: 30 March 2017, 3907-8
Votes and Proceedings: 2017/704*

Questions

8.18 Question ruled out of order

During question time, the Shadow Treasurer asked the Treasurer a question regarding his performance, the budget and proposed tax cuts. The Speaker stated that most of the question was out of order and called the next questioner.

Hansard: 27 March 2017, 3203

SOs 98, 100

8.19 Leader of the Opposition supports Prime Minister's answer to a question

On 28 and 30 March, after the Prime Minister had responded to questions regarding Cyclone Debbie, the Leader of the Opposition, on indulgence, responded in support of the Prime Minister's remarks.

Hansard: 28 March 2017, 3406; 30 March 2017, 3864-6

SOs 98, 100

8.20 Question from non-aligned Member to another non-aligned Member regarding his private Member's bill

A question was asked by a non-aligned Member to another non-aligned Member relating to the Banking Amendment (Establishing an Effective Code of Conduct) Bill 2017, a bill presented in the Member's name and an order of the day for the next sitting. The question asked for information about when debate would resume on the bill, and what process was needed for the House to consider this bill. The Speaker allowed the question and directed the non-aligned Member to confine his answer to 'matters of timing and procedure'. The non-aligned Member responded, noting that that the bill's progress was dependent on the Selection Committee scheduling a resumption of debate.

Hansard: 28 March 2017, 3409-11

SO 99

8.21 Speaker requests Member to rephrase question without notice

During question time on 28 March, a shadow Minister asked the Prime Minister about Sunday penalty rates. After hearing points of order from the Leader of the House and the Manager of Opposition Business, the Speaker asked the shadow Minister to rephrase his question. The Shadow Minister rephrased his question, which was then answered by the Prime Minister.

Hansard: 28 March 2017, 3420-2

SOs 98, 100, 101

8.22 Member 'sat down' by Speaker during question time

During question time on 29 March, an Opposition Member received the call to ask a question without notice. Before he commenced the question, he asked 'are you hungover?'. The Speaker directed the Member to resume his seat and immediately called on the next question.

Hansard: 29 March 2017, 3609-10

SOs 98, 100, 101

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'It is a lie.'	20 March 2017	2341
'...and I refuse to be a hypocrite like the Leader of the Opposition.'	20 March 2017	2486
'...the Leader of the Opposition is, by any definition, the greatest hypocrite in this chamber.'	22 March 2017	2782
'...unless, of course, you are Senator Kitching filling in a Health Services Union workplace safety test for a few friends.'	28 March 2017	3429
'...he was a complete hypocrite.'	30 March 2017	3879

SOs 89, 90, 92

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