

# Procedural Digest

No. 9

45<sup>th</sup> Parliament

9 May– 11 May 2017

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## Bills

### 9.01 Presentation of 2017-18 Budget

On Tuesday 9 May, following a suspension of sitting from 6 pm to 7.30 pm, the Speaker reported a message from the Administrator recommending an appropriation for the purposes of the Appropriation Bill (No.1) 2017-2018. The Treasurer then presented the bill, moved the second reading and delivered the budget speech. Debate was adjourned and the Minister for Small Business presented budget-related documents and a ministerial statement relating to Regional Australia.

The Minister for Small Business then presented Appropriation Bill (No. 2) 2017-2018 and Appropriation (Parliamentary Departments) Bill (No. 1) 2017-2018 with their respective explanatory memorandum. Before each of the bills was introduced, the Speaker announced receipt of a message from the Governor General recommending appropriation. The House then adjourned at 8.11 pm without debate.

*Hansard: 9 May 2017, 4058-69*

*Votes and Proceedings: 2017/721-3*

**SOs 32, 141, 142, 147, 178, 180, 182, 199**

### 9.02 Government orders of the day discharged

During government business time on Wednesday 10 May, the Minister for Social Services, pursuant to notice, moved that the resumption of the second reading debate of the Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2016; Social Services Legislation Amendment (Budget Repair) Bill 2016; Social Services Legislation Amendment (Youth Employment) Bill 2016; and Fairer Paid Parental Leave Bill 2016 be discharged. Debate ensued, and after nine speakers the Leader of the House moved for the closure of debate which was carried on division. During this division the Manager of Opposition Business raised a point of order relating to the terms of the motion. The question that the motion be agreed to was stated, put and was carried on the voices.

*Standing order 67 provides that a Member may, at any time, request that the Speaker state the question or matter under discussion. The Minister for Social Services, in moving the motion, referred to the motion 'relating to the discharge of certain orders of the day, government business, in the terms in which it appears on the Notice Paper', rather than reading the terms in full to the House.*

*Hansard: 10 May 2017, 4107-32*

*Votes and Proceedings: 2017/731-2*

**SOs 37, 67, 81, 106**

### 9.03 Fewer than five Members vote in favour of amendments

During Government business time on Wednesday 10 May, the second reading debate on the Parliamentary Business Resources Bill 2017 concluded and the bill was read a second time. Following the reporting of a message from the Governor-General recommending an appropriation for the purposes of the bill, the House then considered the bill in detail and the bill, by leave, was taken as a whole. A non-aligned Member (Ms Sharkie) moved four amendments and debate ensued. At the conclusion of the debate the question on the amendment was put a division was called. As there were fewer than five Members on the side for the 'Ayes', the Speaker declared the question negatived. Consideration in detail concluded, and the question that the bill be agreed to was carried on the voices. Leave was granted for the third reading to be moved immediately and the bill was read a third time.

*Standing order 127 provides that if, after the doors after the doors are locked, there are four or fewer Members on one side in a division, the Speaker shall declare the decision of the House immediately, without completing the count. The names of the Members who are in the minority are recorded in the Votes and Proceedings.*

*Hansard: 10 May 2017, 4210-11  
Votes and Proceedings: 2017/734*

**SOs 127, 148, 150**

### 9.04 Amendment moved on motion for the resumption of debate on a bill

Following the presentation and then second reading speech by the Treasurer on the Treasury Laws Amendment (Enterprise Tax Plan No. 2) Bill 2017 on 11 May, the Manager of Opposition Business moved that the debate be adjourned and asked that the question of the resumption of the debate be put separately. The motion to adjourn the debate was subsequently put and carried on the voices. The Speaker then stated the question that the resumption of debate be made an order of the day for the next sitting. The Manager of Opposition Business moved, as an amendment, that the words 'the next sitting' be omitted and substituted with '29 August 2019', which was seconded. Following debate, the Speaker put the question that the amendment be agreed to which was negatived on division and the original question was then accordingly put and carried on the voices.

*Hansard: 11 May 2017, 4315-9  
Votes and Proceedings: 2017/739-40*

**SOs 121, 126, 142**

## Business

### 9.05 Suspension of standing orders 31 and 33 for budget night

Following question time on Tuesday 9 May, the Leader of the House, by leave, moved that standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) be suspended for the remainder of the sitting to allow for the presentation of the 2017-18 budget (see item 9.01).

*Hansard: 9 May 2017 739-40  
Votes and Proceedings: 2017/720*

**SOs 31, 33, 47**

## 9.06 Attempted motion to suspend standing orders not seconded

During government business time on 9 May, the Deputy Opposition Leader was denied leave to move a motion which, among other things, called on the House to censure the Prime Minister. The Deputy Leader then moved to suspend standing orders to allow her to move the motion. The Deputy Leader's speech was interrupted at 1.30 pm, in accordance with standing order 43, before the motion could be seconded. The motion subsequently lapsed and was not included in the Votes and Proceedings.

*Standing order 43 requires the Speaker to interrupt debate at 1.30 pm and call on statements by Members. Standing order 116 requires that a motion must be seconded and, if not seconded, must not be debated nor recorded in the Votes and Proceedings.*

Hansard: 30 March 2017 3857, 3907  
Votes and Proceedings: 2017/702, 704, 708

**SOs 1, 43, 47, 116, 117**

## 9.07 Statement by Chair of Joint Committee of Public Accounts and Audit on draft budget estimates for the ANAO and PBO

During government business time on 9 May, the Chair of the Joint Committee of Public Accounts and Audit, by leave, made a statement regarding the draft estimates for the Australian National Audit Office and the Parliamentary Budget Office for 2017-2018. The Chair then, by leave, presented a copy of the statement.

*As the committee responsible for parliamentary oversight of the ANAO and PBO, the Joint Committee of Public Accounts and Audit is required by legislation to consider the draft budget estimates for each office. Therefore, on Budget day each year the Committee makes a statement on whether, in its opinion, these offices have been given sufficient funding to carry out their respective mandates. See the Parliamentary Service Act 1999 regarding the Committee's role in respect of the PBO and the Public Accounts and Audit Committee Act 1951 regarding the ANAO.*

Hansard: 9 May 2017, 4057-8  
Votes and Proceedings: 2017/721

**SOs 63, 199**

## 9.08 Suspension of standing order 31 (automatic adjournment) to facilitate Leader of the Opposition's budget reply speech

On Thursday 11 May the Leader of the House, by leave, moved that standing order 31 (automatic adjournment) be suspended for the sitting and that the House automatically adjourn following the Leader of the Opposition's budget reply speech. The motion was carried on the voices.

Later, debate on an unrelated bill was adjourned and business intervening before the main appropriation bill was postponed. The second reading debate on Appropriation Bill (No. 1) 2017-2018 then resumed and the House immediately suspended at 5.59 pm. Upon resumption of the sitting at 7.31 pm, the Leader of the Opposition gave his budget reply speech, at the conclusion of which the House adjourned at 8.03 pm.

Hansard: 11 May 2017, 4315, 4445-52  
Votes and Proceedings: 2017/739, 746

**SOs 29, 31**

## 9.09 Statements by indulgence on the death of Mark Colvin

Following question time on 11 May, the Prime Minister and the Leader of the Opposition each made a statement by indulgence on the death of Mr Mark Colvin, a prominent ABC journalist. The Leader of the House moved that further statements on the matter be permitted in the Federation Chamber, and the question was carried on the voices.

*Hansard: 11 May 2017 4406-7  
Votes and Proceedings: 2017/745*

**SO 65**

# Committees

## 9.10 Appropriations and Administration Committee report

On 11 May, the Speaker, as Chair of the Standing Committee on Appropriations and Administration, presented the Committee's report on the 2017-2018 budget estimates for the Department of the House of Representatives.

*Hansard: 11 May 2017, 4315  
Votes and Proceedings: 2017/739*

**SOs 222A, 247**

## 9.11 Senate amendment to resolution of appointment of joint select committee

On 11 May a message from the Senate seeking the concurrence of the House to an amendment to the resolution of appointment of the Joint Select Committee on Government Procurement. The amendment extended the Committee's final reporting date to 30 June 2017. On the motion of the Minister for Social Services, the Senate resolution was agreed to on the voices.

*The Joint Select Committee's resolution of appointment was agreed to by the House on 1 December 2016 (see entry 5.22).*

*Hansard: 11 May 2017, 4368  
Votes and Proceedings: 2017/744*

**SOs 223, 224, 261**

## Documents

### 9.12 Speaker presents document

Following question time, the Speaker presented a copy of advice to the Minister for Employment received from the First Parliamentary Counsel relating to gender-specific language included in the Seacare Code of Practice Approval 2017.

*Section 16 of the Legislation Act 2003 requires the First Parliamentary Counsel to advise a rule maker (in this instance the Minister for Employment) when an instrument uses gender-specific language when it is not necessary to identify persons by their sex. The First Parliamentary Counsel must also notify both Houses of Parliament about any such advice.*

*Hansard: 9 May 2017, 4018  
Votes and Proceedings: 2017/719*

**SO 199**

## Members

### 9.13 Leave of absence granted to Member

Prior to the MPI on 9 May, the Leader of the House moved that leave of absence be granted to the Member for Higgins (Ms O'Dwyer) from 9 May to 22 June 2017 for parental leave purposes. The question was carried on the voices.

*Hansard: 9 May 2017, 4018-19  
Votes and Proceedings: 2017/720*

**SO 26**

## Privilege

### 9.14 Question to Speaker regarding a Senate Privileges committee report

Following acknowledgement of country and Prayers on Tuesday 9 May, the Speaker made a statement regarding a question in relation to a Senate Committee of Privileges report on search warrants in the Senate which was raised at a previous sitting (see Digest entry 8.16). The Speaker advised that the Senate Committee of Privileges considered that the execution of some warrants could interfere with the duties of a Senator and the functions of the Parliament more broadly and that the Committee has undertaken an inquiry which will consider the AFP national guidelines for the execution of search warrants where Parliamentary Privilege may be involved. The Speaker suggested that the House of Representatives Committee of Privilege also involve itself in any reconsideration of the guidelines.

*Hansard: 9 May 2017, 3963  
Votes and Proceedings: 2017/715*

**SO 51**

## Questions

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

On Tuesday 9 May, after the Prime Minister had responded to a question regarding the battle of the Coral Sea, the Leader of the Opposition, on indulgence, responded in support of the Prime Minister's remarks.

*Hansard: 9 May 2017, 3999-4000*

**SOs 98, 100**

### 9.16 Additional answers by Prime Minister and Minister

After question time on 9 May, the Prime Minister, by indulgence, added to an answer to a question without notice regarding school funding, which he had given at question time that day.

After question time on 10 May, the Treasurer, by indulgence, added to an answer which he had given at question time that day regarding the budget.

*Hansard: 9 May 2017, 4016-7; 10 May 2017, 4190*

**SO 65**

## Speaker

### 9.17 Statement regarding the 90th anniversary of the Australian Parliament in Canberra

Following question time on Tuesday 9 May, the Speaker made a statement marking 90 years since the Australian Parliament met in Canberra for the first time. The Speaker concentrated on the history of the despatch boxes, which were a present from the House of Commons to mark the occasion.

*Hansard: 9 May 2017, 4017-8*

*Votes and Proceedings: 2017/718-9*

### 9.18 Statement on arrangements for budget and budget reply nights

Following question time on 9 May, and again on 11 May, the Speaker made some remarks about the operation of the Chamber and galleries on both the budget and budget reply nights. He asked for cooperation from Members and their guests in the galleries to ensure each night proceeded smoothly. He reminded the House that the Member with the call is entitled to speak without interruption and advised that if any action under Standing Order 94(a) was required, it would be by written note. He also asked Members to ensure that their guests arrive at the galleries in time to undertake security screening and show photographic identification before being seated in the galleries in a timely way.

*Hansard: 9 May 2017, 4017; 11 May 2017, 4407*

**SO 94(a)**

## Offensive words<sup>#</sup>

	<b>Hansard</b>	
	<i>Date</i>	<i>Page</i>
'The record prices for goats—and here's one!'	9 May 2017	4003
'...lie.'	11 May 2017	4418

**SOs 89, 90, 92**

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<sup>#</sup> List of unparliamentary expressions recorded in *Hansard*.