

# Procedural Digest

No. 13

45<sup>th</sup> Parliament

4 – 14 September 2017

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**\*NEW:** Selected entries contain links to video footage via *Parlview*. Please note that the first time you click a [\[Watch\]](#) link, you may need to refresh the page (ctrl+F5) for the correct starting point.

## Bills

### 13.01 Unresolved question in Federation Chamber on second reading of product emissions standards bill

At the conclusion of the second reading debate on the Product Emissions Standards Bill 2017 in the Federation Chamber, the Chair put the question on a second reading amendment moved earlier by the Shadow Minister for Climate Change and Energy. The question was not resolved unanimously and as it was necessary to resolve the question to enable further consideration of the bill, the bill was returned to the House for further consideration in accordance with standing order 195. [\[Watch\]](#)

Later that afternoon in the House, the Deputy Speaker reported that the bill had been fully considered and returned with an unresolved question and presented a certified copy of the bill together with a schedule of the unresolved question. The unresolved question—that the amendment be agreed to—was proposed and a division was called for. The question was negatived and the bill passed through the remaining stages on the voices. [\[Watch\]](#)

*Divisions cannot occur in the Federation Chamber and if a question cannot be decided on the voices it is reported to the House for later resolution there (S.O.188). An unresolved question arises when any Member dissents from the result announced from the Chair*

*Hansard: 6 September 2017, 9505-7, 9592  
Votes and Proceedings: 2017/1054, 1058-9*

**SOs 129, 130, 145, 195, 198**

### 13.02 Marriage Law Survey (Additional Safeguards) Bill received from Senate and passes through all stages in one sitting

During government business time on 13 September, a message from the Senate was reported transmitting for the concurrence of the House the Marriage Law Survey (Additional Safeguards) Bill 2017. The bill was read a first time and the Minister for Infrastructure and Transport moved the second reading and made a second reading speech. Leave was granted for the second reading debate to continue immediately and after two opposition Members' contributions, the question that the bill be read a second time was carried on the voices. Leave was granted for the third reading to be moved immediately and the question was carried on the voices and the bill was read a third time.

*Hansard: 13 September 2017, 10220-6  
Votes and Proceedings: 2017/1095*

**SOs 63, 141, 142, 155, 166**

### 13.03 Opposition seeks to delay the time for resumption of debate on coastal shipping bill

On 13 September, following the Minister's second reading speech on the Coastal Trading (Revitalising Australian Shipping) Amendment Bill 2017 the debate was adjourned on a motion moved by the Manager of Opposition Business, who requested that a separate question be put on the resumption of the debate. The question that the debate be adjourned was carried on the voices, and the Chair then put the question that the resumption of the debate be made an order of the day for the next sitting. The Shadow Minister for Infrastructure, Transport, Cities and Regional Development (Mr Albanese) moved as an amendment that the words "the next sitting" be omitted with a view to substituting "the first sitting in 2018 to allow proper consultation to take place consistent with the commitment made by the Government." The amendment was seconded and debate ensued. The question on the amendment was then put and negatived on division. The question that the original motion be agreed to was put and carried on the voices.

[\[Watch\]](#)

*Hansard:* 13 September 2017, 10184-8

*Votes and Proceedings:* 2017/1092-3

**SO 121, 122, 129, 130, 142**

### 13.04 Closure of debate on higher education bill

On 13 September, after a non-aligned Member's contribution to the second reading debate on the Higher Education Support Legislation (A More Sustainable, Responsive and Transparent Higher Education System) Bill 2017 and on a second reading amendment moved by the Deputy Leader of the Opposition, the Minister for Urban Infrastructure moved a closure of question which was carried on division. The question that the amendment moved by the Deputy Leader of the Opposition be agreed to was accordingly put and negatived on division. The question that the bill be read a second time was then put and carried on division. The bill was then considered in detail and, by leave, was taken as a whole. A non-aligned Member moved an amendment which was negatived on the voices following debate. The same Member then, by leave, moved certain other amendments together which were negatived on division following debate. The question that the bill be agreed to was carried on the voices and the bill, by leave, was read a third time. [\[Watch\]](#)

*Hansard:* 13 September 2017, 10308-19

*Votes and Proceedings:* 2017/1097-1101

**SOs 142, 145, 148, 150, 153, 155**

### 13.05 Division not proceeded with at request of opposition

At the conclusion of a government Member's contribution to the second reading debate on the Treasury Laws Amendment (Enterprise Tax Plan No. 2) Bill 2017, a minister moved that the debate be adjourned. The Chair put the question and a division was called for by the opposition. As the bells were ringing, the Manager of Opposition Business sought the call and informed the Chair that the opposition no longer wished to proceed with the division and the division, by leave, was not proceeded with. The debate was adjourned and the resumption of debate made an order of the day for a later hour. [\[Watch\]](#)

*Hansard:* 14 September 2017, 10451

*Votes and Proceedings:* 2017/1108

**SOs 63, 128, 129**

## Business

### 13.06 Attempted suspensions of standing orders to enable motions calling on the Deputy Prime Minister to stand aside

On each day's sitting during the week commencing 4 September, motions to suspend standing orders were moved during question time by the opposition in relation to the Deputy Prime Minister and his constitutional qualifications:

- On 4 September, the Manager of Opposition Business moved a suspension of standing orders to enable him to move a motion calling on the Prime Minister to 'immediately stand aside the Deputy Prime Minister from Cabinet until his constitutional qualifications have been determined by the High Court.' The Leader of the House moved a closure of Member which was carried on division. The motion was seconded by an opposition Member who was also closed on division. The question on the suspension motion was then put and negatived on division. Question time then continued. [[Watch](#)]
- On 5 September, the Manager of Opposition Business moved a suspension of standing orders to enable him to move a motion calling on the Deputy Prime Minister to 'stand aside from Cabinet immediately.' The Leader of the House moved a closure of Member which was carried on division. The motion was seconded by an opposition Member who was also closed on division. The Leader of the House then moved a closure of question which was carried on division. The question on the suspension motion was accordingly put and negatived on division. Question time then continued. [[Watch](#)]
- On 6 September, the Manager of Opposition Business moved a suspension of standing orders to enable him to move a motion calling on the Deputy Prime Minister to 'stand aside from Cabinet until doubts about his constitutional qualifications have been resolved.' The motion was seconded and debate ensued. At the conclusion of the time allotted for the debate, the question on the suspension motion was put and negatived on division. The Prime Minister then asked that further questions be placed on the *Notice Paper*. [[Watch](#)]
- On 7 September, 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 Prime Minister to 'direct his Deputy Prime Minister to immediately stand aside'. The Leader of the House moved a closure of Member which was carried on division. The motion was seconded by an opposition Member who was also closed on division. The question on the suspension motion was then put and negatived on division and question time continued. [[Watch](#)]

*Hansard*: 4 September 2017, 9036-42; 5 September 2017, 9248-55; 6 September 2017, 9480-8; 7 September 2017, 9685-91

*Votes and Proceedings*: 2017/1020-3, 1038-42, 1051-2, 1064-7

**SOs 47, 80, 81, 129, 131**

### 13.07 Death of former Member

Just prior to question time on 5 September, the Speaker informed the House of the death on 31 August of John William Bouchier, a Member of the House for the Division of Bendigo from 1972 to 1983. As a mark of respect, all Members present stood in silence.

*Hansard: 5 September 2017, 9235  
Votes and Proceedings: 2017/1038*

### 13.08 Statement by indulgence regarding former Member, Henry George Pearce

After question time on 14 September, the Leader of the House, by indulgence, made a statement regarding the oldest former Member of the House, Henry George Pearce, who was soon to celebrate his 100<sup>th</sup> birthday. On behalf of the House, the Leader of the House wished Mr Pearce a happy birthday. [[Watch](#)]

*Hansard: 14 September 2017, 10503*

**SO 65**

## Committees

### 13.09 Select Committee on Regional Development and Decentralisation presents issues paper

During government business time on 4 September 2017, the Chair of the House Select Committee on Regional Development and Decentralisation presented an issues paper which had been presented out of session to the Speaker on 24 August, together with minutes of proceedings of the Committee. The Chair and Deputy Chair each made statements, by leave, in connection with the report. [[Watch](#)]

*Select committees are appointed by the House by motion, pursuant to standing order 223. While there have been many joint select committees in recent parliaments, the last House Select Committee was the House Select Committee on the Recent Australian Bushfires which was established during the 40<sup>th</sup> Parliament in 2003 and dissolved later that year upon the presentation of its final report.*

*Hansard: 4 September 2017, 9045-8  
Votes and Proceedings: 2017/1024*

**SOs 39, 63, 247**

### 13.10 Speaker presents annual report of House Appropriations and Administration Committee

On 7 September 2017, the Speaker, as Chair of the House Standing Committee on Appropriations and Administration, presented the committee's annual report for 2016-17.

*Hansard: 7 September 2017, 9306  
Votes and Proceedings: 2017/1061*

**SOs 222A, 247**

## Members

### 13.11 Members granted leave of absence

After question time on 11 September, the Manager of Opposition Business moved that leave of absence be granted to the Member for Gorton (Mr O'Connor) from 11 to 13 September 2017 for personal reasons. The question was carried on the voices.

After question time on 13 September, the Leader of the House moved that leave of absence until 16 October 2017 be given to the Member for Canning (Mr Hastie) for parental leave purposes, and leave of absence until 7 December 2017 be given to the Member for Leichhardt (Mr Entsch) on the ground of public business overseas. 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: 11 September 2017, 9842; 13 September 2017, 10261  
Votes and Proceedings: 2017/1075, 1096*

**SO 26**

## Motions

### 13.12 Condolence motion for the Hon. Doug Everingham

Just prior to question time on 4 September the Prime Minister moved a motion of condolence regarding the death, on 24 August 2017, of the Honourable Douglas Nixon "Doug" Everingham, a former minister and Member of the House for the Division of Capricornia from 1967 to 1975 and 1977 to 1984. The motion was seconded by the Leader of the Opposition and was then referred to the Federation Chamber for further debate. On 6 September, the motion was reported to the House and was carried on the voices.

[\[Watch\]](#)

*Hansard: 4 September 2017, 9024-6; 5 September 2017, 9350-4; 6 September 2017, 9504  
Votes and Proceedings: 2017/1019-20, 1046, 1053*

**SOs 49, 183, 197**

### 13.13 Motion condemning Leader of the Opposition regarding power prices agreed to after opposition amendment negated

During government business time, the Minister for the Environment and Energy, pursuant to notice, moved a motion condemning the Leader of the Opposition for 'deliberately misleading the Australian public on power prices.' Debate ensued and the Shadow Minister for Climate Change and Energy moved, as an amendment, that all words after "condemns" be omitted with a view to substituting the following words: "the Prime Minister for being so out of touch that his Government is telling the average Sydney household that since the this Government was elected in 2013, their power bills have only gone up by \$1 or gone down by more than \$470 a year." The amendment was seconded by an opposition Member. The Leader of the House moved a closure of question which was carried on division. The question that the amendment be agreed to was accordingly put and negated on division.

The question that the motion condemning the Leader of the Opposition be agreed to was then put and carried on division. [\[Watch\]](#)

*House of Representatives Practice (p. 328) notes that a motion censuring or condemning the Leader of the Opposition, not being a member of the Executive Government, is not consistent with the parliamentary convention that the traditional purpose of a vote of censure is to question or bring to account a Minister's responsibility to the House, and that the passage of such a motion has no substantive effect. Furthermore, given the relative strength of the parties in the House, and the strength of party loyalties, in ordinary circumstances it could be expected that a motion expressing censure or condemnation of an opposition leader would be agreed to, perhaps regardless of the circumstances or the merits of the arguments or allegations.*

*Hansard: 14 September 2017, 10451-62  
Votes and Proceedings: 2017/1108-1112*

**SOs 106, 111, 121, 122, 129, 130**

## Parliamentary administration

### 13.14 Speaker presents statement regarding Parliament House security upgrade works

On 7 September, the Speaker advised the House that he had briefed the Standing Committee on Appropriations and Administration on one aspect of the design of fences being installed on the grass ramps of Parliament House as part of the perimeter security enhancements approved by resolutions of both Houses on 1 December 2016. The Speaker presented a written statement on the matter for the information of all Members.

*Hansard: 7 September 2017, 9603  
Votes and Proceedings: 2017/1061*

**SO 199**

### 13.15 Statements by the Speaker regarding release of records of Parliamentary Commission of Inquiry

In a statement to the House after question time on 11 September, the Speaker referred to the joint press release issued by the Presiding Officers on 20 July, in which it was advised that processes relating to the publication of class A records of the Parliamentary Commission of Inquiry into the conduct of the late Justice Lionel Murphy were taking longer than expected and there would be a delay in the publication of the records originally scheduled for release on 24 July. The Speaker informed the House that, the processes having now been completed, the Presiding Officers would table the records in the respective Houses at 9.30 am on Thursday 14 September. The records would soon afterwards be published on the Parliament of Australia website under the authority of the standing orders of the respective Houses. [\[Watch\]](#)

On Thursday 14 September, the Speaker presented the Class A and Class B records of the Parliamentary Commission of Inquiry. The Speaker noted that the Class B records had been available on the Parliament of Australia website since 19 December 2016. [\[Watch\]](#)

*Hansard: 11 September 2017, 9842-3; 14 September 2017, 10411  
Votes and Proceedings: 2017/1075, 1105*

### 13.16 Statement by the Speaker regarding security construction work around Parliament House

After question time on 14 September, the Speaker made a statement to update the House on construction work that was soon to commence on the House of Representatives entrance at Parliament House. The Speaker noted that the work would cause significant disruption and affect access to the building at various times in the coming months. He thanked Members for their understanding as the important work to improve the physical security of the building was undertaken. [\[Watch\]](#)

*Hansard: 14 September 2017, 10503-4  
Votes and Proceedings: 2017/1075, 1105*

## Private Members' business

### 13.17 Postponement of item of private Members' business

During private Members' business on 4 September, upon a notice standing in her name being called on, the Member for Indi (Ms McGowan) fixed Monday, 16 October as the day for presenting the Renewable Energy Legislation Amendment (Supporting Renewable Communities) Bill 2017.

*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: 4 September 2017, 8969  
Votes and Proceedings: 2017/1015*

**SOs 41, 113**

### 13.18 Withdrawal of notice relating to private Member's bill

During private Members' business on 4 September, the Speaker informed the House that, pursuant to standing order 110, the Member for Kennedy (Mr Katter) had withdrawn notice no. 4 standing in his name. The Speaker stated that the order of precedence of remaining private Members' business notices, as determined by the Selection Committee's report presented to the House on 16 August, remained unchanged.

*Hansard: 4 September 2017, 8972  
Votes and Proceedings: 2017/1016*

**SOs 41, 110, 222**

## Privilege

### 13.19 Precedence given to motion to refer matter to Committee of Privileges and Members' Interests

On Monday 4 September the Speaker addressed the House in relation to the privilege matter raised by the Manager of Opposition Business on 15 August (see entry no. 12.21) regarding the circumstances surrounding a former Member accepting an appointment as a paid director of the Franchise Council of Australia whilst still a Member of the House. The Speaker stated that he was willing to give precedence to a motion for matters to do with

contempt or conduct in relation to the circumstances raised by the Manager of Opposition Business to be referred to the Committee of Privileges and Members' Interests. In doing so, the Speaker reiterated that he had not made a determination that there was a prima facie case, but that he was sufficiently concerned by the matters raised to consider they should be examined by the Committee. The Manager of Opposition Business then moved a motion to refer the matters raised to the Privileges Committee to determine whether they gave rise either to any issues that may constitute a contempt of the House or to any issues concerning the appropriate conduct of a Member having regard to their responsibilities to their constituents and to the public interest. The question was carried on the voices. [\[Watch\]](#)

*Hansard: 4 September 2017, 8989-91  
Votes and Proceedings: 2017/1017-8*

**SOs 51, 53**

## Questions

### 13.20 Indulgence not given to Leader of the Opposition to make a statement about the situation in North Korea

At the commencement of question time on 4 September, the Leader of the Opposition sought indulgence to make a statement about the situation in North Korea. The Speaker stated that he was not prepared to grant indulgence on the matter and the Manager of Opposition Business raised a point of order to ask that indulgence be granted. The Speaker stated: "Indulgence can be granted to Members for personal reasons, but when it comes to these sorts of matters, the practice is very, very clear that the indulgence is granted following a similar statement by the Prime Minister." [\[Watch\]](#)

*Hansard: 4 September 2017, 9026-7*

**SOs 65, 86**

### 13.21 Opposition supports Ministers' responses to questions regarding North Korea

On two occasions during the sitting fortnight, the opposition associated itself with remarks made by Ministers during question time regarding North Korea:

- On 5 September, the Minister for Foreign Affairs answered a question from a government Member regarding steps the government was taking in response to tensions on the Korean Peninsula. At the conclusion of the Minister's response, the Leader of the Opposition, by indulgence, rose to associate the opposition with the remarks. [\[Watch\]](#)
- On 6 September, the Prime Minister answered a question from a government Member regarding the security situation concerning North Korea. At the conclusion of the Prime Minister's response, the Leader of the Opposition, by indulgence, rose to associate the opposition with the remarks made by the Prime Minister. [\[Watch\]](#)

*Hansard: 5 September 2017, 9243-4; 6 September 2017, 9465-6*

**SO 65**



## 13.22 Opposition questions ruled out of order

On three occasions during the sitting fortnight, the Speaker ruled questions without notice out of order:

- On 6 September, a question from the Shadow Minister for Agriculture, Fisheries and Forestry to the Prime Minister regarding the Deputy Prime Minister was ruled out of order. [\[Watch\]](#)
- On 14 September, questions from the Leader of the Opposition [\[Watch\]](#) and the Shadow Minister for Climate Change and Energy [\[Watch\]](#) regarding the government's energy policy were ruled out of order.

*Hansard: 6 September 2017, 9474; 14 September 2017, 10492-3, 10500*

**SOs 98, 100**

## 13.23 Non-aligned Member does not complete question within allotted time

During question time on 6 September, a non-aligned Member indicated that she had a question to the Prime Minister regarding higher education, but did not complete a question within her allotted time and the Speaker called on the next question. [\[Watch\]](#)

*Under **standing order 100(f)**, the time limit for each question by a government or opposition Member is 30 seconds, while the time limit for each question by a non-aligned Member is 45 seconds.*

*Hansard: 6 September 2017, 9469*

**SOs 1, 100**

## 13.24 Opposition attempts closure of Deputy Prime Minister during question time

During question time on 6 September, a government Member asked the Deputy Prime Minister (Mr Joyce) a question regarding jobs in regional Australia. During the Deputy Prime Minister's answer, the Manager of Opposition Business moved a closure of Member which was negatived on division. The Speaker made a statement to the House, noting that there had now been a number of occasions where the Manager of Opposition Business had moved a closure of the Deputy Prime Minister during question time. He stated that question time was designed for openness and accountability. The Speaker referred Members to standing order 78, which states "...should any of these questions be 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." The Speaker stated that for the remainder of the week, he would not be accepting any further attempts to closure the Deputy Prime Minister during question time. The Deputy Prime Minister was given the call to continue his answer. The Manager of Opposition Business then attempted to move a suspension of standing orders and the Speaker stated that he would not accept such a motion during the middle of an answer (though the motion was accepted at the conclusion of the Member's answer – see entry no. **13.06**). [\[Watch\]](#)

The following week, on 11 September, when the Deputy Prime Minister began his reply to a government Member's question, the Manager of Opposition Business again moved that the

Member be no longer heard. The question was negatived on division and the Speaker referred to his ruling of 6 September and stated that, the matter now having been tested and negatived again, no further closure motions of the Deputy Prime Minister during question time would be accepted for the remainder of the week. The Deputy Prime Minister then continued his answer. [\[Watch\]](#)

*Hansard: 6 September 2017, 9477-9; 11 September 2017, 9831-2  
Votes and Proceedings: 2017/1050-1, 1074*

## Speaker

### 13.25 Speaker addresses the House in relation to the use of props

During question time on 6 September, after a Minister displayed a prop during his response to a question, the Speaker asked the Minister to resume his seat. He then stated to the House that he was going to have “a much lower tolerance for props from now on”, not just in question time but at all other times. He noted that there are occasions where props were tolerated to illustrate answers in a factual way, but they were very limited in question time and through debate. The Speaker stated that those who did not adhere to the rules regarding props would lose the call. [\[Watch\]](#)

*Hansard: 6 September 2017, 9473*

### 13.26 Changes to the Speaker's Panel

On 13 September 2017, the Speaker presented a warrant revoking the nomination of a government member to be a member of the Speaker’s panel.

*Hansard: 13 September 2017, 10261  
Votes and Proceedings: 2017/1096*

**SO 17**

### 13.27 Statement by opposition Member on Speaker’s panel

Between Members’ contributions to debate on a government bill, the Chair (Ms Claydon) made a brief statement to inform the House that, so she can properly represent her constituents and advocate for her community, she would continue to exercise her deliberative vote. She therefore stated her intention to leave the chair before any division takes place.

*Similar statements had been made earlier by other opposition Members who are also members of the Speaker’s panel (see, for example, entry no. 2.24).*

*Hansard: 14 September 2017, 10467*

**SOs 16, 17**

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

	<b>Hansard</b>	
	<i>Date</i>	<i>Page</i>
'...Well, no shit Sherlock!'	5 September 2017	9329
'...somebody who is completely controlled by the union movement...'	7 September 2017	9693
'You are full of crap!'	7 September 2017	9677
'...they're all making a sign of solidarity with the Muslim Brotherhood with the Rabia sign there. They might want to think about that.'	11 September 2017	9824-5
'I am proud of that, idiot!'	11 September 2017	9839
'...we have a Deputy Prime Minister, a Prime Minister and a government that continue to lie...'	11 September 2017	9909
'...brain fart...'	12 September 2017	10120-1
'They've had to swallow the lies... from those opposite'	13 September 2017	10273-4
'...Morons...'	13 September 2017	10272
'...you idiot!'	14 September 2017	0495

**SOs 89, 90, 92**

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