

# Procedural Digest

No. 14

45<sup>th</sup> Parliament

16– 26 October 2017

October 2017				
M	T	W	T	F
16	17	18	19	20
23	24	25	26	27

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

### 14.01 Addenda to package of industrial chemicals bills presented

Between items of business on 17 October, a minister presented addenda to the explanatory memoranda for each of the following five bills, which had earlier passed the House having been debated in cognate:

- Industrial Chemicals Bill 2017
- Industrial Chemicals (Consequential Amendments and Transitional Provisions) Bill 2017
- Industrial Chemicals Charges (General) Bill 2017
- Industrial Chemicals Charges (Customs) Bill 2017
- Industrial Chemicals Charges (Excise) Bill 2017

*Hansard*: 17 October 2017, 10954  
*Votes and Proceedings*: 2017/1146

**SO 199**

### 14.02 Leave not granted for third reading to be moved immediately; contingent notice moved; debate on third reading

At the conclusion of consideration in detail of the Criminal Code Amendment (Firearms Trafficking) Bill 2017, the question on Government amendments to the bill (moved together, by leave) was put and carried on division. The question that the bill, as amended, be agreed to, was then put and carried on division. Leave was not granted for the third reading to be moved immediately, so the Minister for Justice, pursuant to contingent notice, moved a suspension of standing orders to enable the third reading to be moved without delay, which was carried on division. The minister moved the third reading accordingly, and an opposition Member sought the call and debate ensued. The minister then moved a closure of question which was carried on division. The minister then moved the third reading which was carried on division and the bill was read a third time. [Watch]

*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.*

*Debate on the motion for the third reading of a bill is not common. The scope of debate is more restricted than at the second reading stage, being limited to the contents of the bill—that is, the matters contained in the clauses and schedules of the bill*

*Hansard: 25 October 2017, 12014-20  
Votes and Proceedings: 2017/1206-1211*

**SOs 47, 147, 155**

### 14.03 Division on unresolved question on second reading amendment

During government business time, the Second Deputy Speaker reported that the Fair Work Laws Amendment (Proper Use of Worker Benefits) Bill 2017 had been considered by the Federation Chamber and was returned with an unresolved question on a second reading amendment moved by an opposition Member. The question on the unresolved question was put and negated on division. The bill then 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 (standing order 188). An unresolved question arises when any Member dissents from the result announced from the Chair.*

*Hansard: 26 October 2017, 12136-8  
Votes and Proceedings: 2017/1218-19*

**SOs 129, 130, 188**

## Business

### 14.04 Statements by indulgence regarding death of Dr Evelyn Scott AO

Just prior to question time on 16 October, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the death, on 21 September, of Indigenous leader and advocate, Dr Evelyn Scott AO. The Leader of the House, by leave, moved that further statements on the matter be permitted in the Federation Chamber and the question was carried on the voices.

*Hansard: 16 October 2017, 10639-41  
Votes and Proceedings: 2017/1123*

**SO 65**

### 14.05 Ministerial statement regarding suicide by veterans

During government business time on 24 October the Minister for Veterans' Affairs, by leave, made a ministerial statement in response to the Senate Foreign Affairs, Defence and Trade Reference's Committee's report on the inquiry into suicide by veterans and ex-service personnel. The minister presented the Government's response to the Senate Committee's report entitled *The constant battle: Suicide by veterans* and a related document, and a copy of his statement. The Shadow Minister for Veterans' Affairs addressed the House in reply.

The minister then moved that the House take note of the statement. Debate was adjourned and the order of the day was referred to the Federation Chamber for further debate. [\[Watch\]](#)

Later in the week on 26 October, the Minister for Veterans' Affairs, by indulgence, made a statement in relation to the Defence community response to his ministerial statement, and presented a copy of the response. The Shadow Minister for Veterans' Affairs also made remarks on the matter, by indulgence. [\[Watch\]](#)

*Hansard: 24 October 2017, 11705-13; 26 October 2017, 12229-30  
Votes and Proceedings: 2017/1183, 1228*

**SOs 63, 63A, 183, 199**

## Committees

### 14.06 Extension of time for report on inquiry into the life insurance industry

On 16 October 2017, a message from the Senate was reported transmitting a resolution agreed to by the Senate which extended the time for the presentation of the report on the Parliamentary Joint Committee on Corporations and Financial Services' inquiry into the life insurance industry to 7 December 2017.

*This was the second extension granted by the Senate. The inquiry was originally referred by the Senate on 14 September 2016 with a reporting deadline of 30 June 2017. On 29 March 2017, the Senate extended the reporting date to 31 October 2017.*

*Hansard: 16 October 2017, 10604  
Votes and Proceedings: 2017/1121*

**SO 261**

### 14.07 Statements in relation to National Disability Insurance Scheme report

During government business time on 16 October, the Member for Menzies (Mr Andrews) was granted leave to move a 'take note' motion in respect of the Joint Standing Committee on the National Disability Insurance Scheme's report entitled Provisions of hearing services under the National Disability Insurance Scheme. Debate then ensued and after a speaker from each of the government and opposition sides, the report was referred to the Federation Chamber for further debate.

*The report had been presented in the House on 14 September just prior to the automatic adjournment and so there had not been time for the 'take note' motion to be moved, or for any statements to be made, at that time.*

*Hansard: 16 October 2017, 10666-8  
Votes and Proceedings: 2017/1125*

**SOs 39, 63**

## Debate

### 14.08 Intervention accepted during second reading debate

During the second reading debate on the Treasury Laws Amendment (Reducing Pressure on Housing Affordability Measures No. 1), an opposition Member accepted an intervention from a government Member. [\[Watch\]](#)

*An intervention is an interruption of a Member's speech by a brief question or response from another Member. This procedure was introduced with a view to encouraging interactivity and spontaneity in debate (standing order 66a). An intervention is only possible during debate on an order of the day—and not during other proceedings such as Members' statements or adjournment debates.*

Hansard: 17 October 2017, 10940-1

**SO 66A**

### 14.09 Mover of private Members' motion speaks a second time, without closing the debate

During private Members' business in the Federation Chamber on 23 October, a government Member (Ms Banks) was granted leave to speak a second time on her motion relating to the Women's Leadership Initiative, without closing the debate.

*A Member may not speak twice in the House to a question, with four exceptions specified in standing order 69. A Member who has moved a substantive motion or the second or third reading of a bill may, at the end of the debate, speak in reply to matters raised during the debate. The reply closes the debate (standing order 71). Therefore, leave was required for Ms Banks to speak a second time without closing the debate.*

Hansard: 23 October 2017, 11683-4  
Votes and Proceedings: 2017/1181

**SO 63**

## Documents

### 14.10 2018 program of sittings agreed to

After the discussion of the matter of public importance on 26 October, a minister presented the program of sittings for 2018 and, by leave, moved that the program be agreed to. The question was carried on the voices.

Hansard: 26 October 2017, 12228  
Votes and Proceedings: 2017/1227

**SOs 63, 199**

## Members

### 14.11 Members granted leave of absence

At the conclusion of private Members' business on 16 October, the Manager of Opposition Business moved that leave of absence be granted to the Member for Perth (Mr Hammond) from 16 to 19 October 2017 for parental leave purposes, and to the Member for Fremantle

(Mr J. Wilson) for the purposes of parliamentary business overseas. The question was carried on the voices.

After the acknowledgement of country and prayers on 25 October, the Manager of Opposition Business moved that leave of absence for the remainder of the sitting week be given to Ms Burney for personal reasons. Both the Manager of Opposition Business and the Leader of the Opposition spoke in support of the motion and sent condolences to Ms Burney and her family on behalf of the House. Later, just prior to question time, the Prime Minister and the Leader of the Opposition each made statements by indulgence regarding the death of Ms Burney's son and offered their condolences to Ms Burney and her family on behalf of the House. [\[Watch\]](#)

*A Member with leave of absence is excused from the service of the House or on any committee.*

*Hansard: 16 October 2017, 10604, 25 October 2017, 11881, 11954  
Votes and Proceedings: 2017/1121;*

**SOs 26, 65**

## 14.12 Changes to shadow ministry

Just prior to question time, the Leader of the Opposition presented a revised shadow cabinet and shadow ministry list and briefly addressed the House, by indulgence, to outline the changes.

*Hansard: 24 October 2017, 11735-8  
Votes and Proceedings: 2017/1121*

**SO 199**

## Motions

### 14.13 Health insurance determination agreed to

During government business time on 18 October, the Minister for Health, pursuant to notice, moved—That in accordance with section 10B of the *Health Insurance Act 1973*, the House approve the Health Insurance (Extended Medicare Safety Net) Determination 2017 made on 15 August and presented to the House on 4 September. The question was carried on the voices.

*Hansard: 18 October 2017, 11039-40  
Votes and Proceedings: 2017/1152*

**SOs 111, 117**

### 14.14 Opposition motions to suspend standing orders negated

During question time on 25 October, the Manager of Opposition Business moved a suspension of standing orders without notice, which sought, among other things, to condemn the Prime Minister 'for his grubby attacks and blatant abuses of power designed to protect his own political interests instead of protecting Australians.' As the Member began speaking to his motion, the Leader of the House immediately moved a closure of Member which was carried on division. The motion was seconded by an opposition Member who was also immediately closed on division. There being no further speakers, the Chair put the question on the suspension motion, which was negated on division. [\[Watch\]](#)

During question time on 26 October, the Manager of Opposition Business moved a suspension of standing orders without notice which, among other things, called on the Prime Minister to “sack the Employment Minister for breaching Ministerial standards by repeatedly misleading the Senate” and “explain to the House his involvement...in this serious matter.” As the Member began speaking to his motion, a minister moved a closure of Member which was carried on division. The motion was seconded by an opposition Member who was also immediately closed on division. A third opposition Member rose to speak to the suspension motion and the Leader of the House moved a closure of question which was carried on division. The question on the suspension motion was accordingly put and was negated on division. [\[Watch\]](#)

*Hansard: 25 October 2017, 11969-74; 26 October 2017, 12204-11  
Votes and Proceedings: 2017/ 1202-5; 1222-6*

**SOs 47, 80, 81, 129, 130**

### 14.15 Fewer than five Members vote in support of non-aligned Member’s motion to suspend standing orders regarding allegations against Crown Casino

After the acknowledgement of country and prayers on 26 October, the Member for Denison (Mr Wilkie) was denied leave to move a motion which sought, among other things, to call on the government and opposition to ‘immediately support a parliamentary inquiry into the casino industry...’. The Member then moved a suspension of standing orders without notice to enable the motion to be moved. Debate ensued and when the time allotted for the debate expired, the question was put and a division was called. As only four Members voted in support of the suspension motion, the Speaker declared the question negated and the names of those voting with the ‘Ayes’ were recorded in the *Votes and Proceedings*. [\[Watch\]](#)

*Hansard: 26 October 2017, 12123-8  
Votes and Proceedings: 2017/1217*

**SOs 47, 127**

## Parliamentary administration

### 14.16 Annual reports of parliamentary departments presented

On 16 October, the Speaker, pursuant to the Parliamentary Services Act 1999, presented annual reports for 2016–17 of the Department of the House of Representatives and the Department of Parliamentary Services. On 17 October, the Speaker presented annual reports of the Parliamentary Service Commissioner and the Parliamentary Budget Office.

*Hansard: 16 October 2017, 10659; 17 October 2017, 10895  
Votes and Proceedings: 2017/1124, 1142*

**SO 199**

## Private Members' business

### 14.17 Postponement of introduction of private Member's bill

During private Members' business on 16 October, upon a notice standing in the Member for Melbourne's (Mr Bandt's) name being called on, the Member for Denison (Mr Wilkie) fixed Monday, 23 October as the day for presenting the Coal-Fired Power Funding Prohibition 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: 16 October 2017, 10581  
Votes and Proceedings: 2017/1178

**SOs 41, 113**

### 14.18 Private Member's motion amended

During private Members' business in the Federation Chamber on 23 October, an opposition Member (Ms Brodtmann) was granted leave to amend her notice of motion relating to endometriosis, prior to moving the motion.

Hansard: 23 October 2017, 11613-5  
Votes and Proceedings: 2017/1178

**SOs 63, 111**

## Questions

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

During question time on 18 October, a non-aligned Member indicated that he had a question to the Prime Minister regarding electricity prices, but did not complete a question within his 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: 18 October 2017, 11098

**SOs 1, 100**

### 14.20 Call withdrawn from minister

On 24 October, during the Minister for Justice's response to an opposition question without notice regarding the Australian Federal Police, the Manager of Opposition Business raised a point of order requesting that certain comments be withdrawn. The Leader of the House also spoke to the point of order and the Speaker considered the matter and requested that the Minister withdraw and then continue with his answer. The Minister withdrew, but not without reservation, and so the Speaker asked the Minister to resume his seat and called on the next question. [\[Watch\]](#)

Hansard: 24 October 2017, 11751-3

**SOs 86, 90, 91**

## 14.21 Opposition attempts closure of minister during question time

On 24 October, during a minister's response to a government Member's question regarding law enforcement, the Manager of Opposition Business raised a point of order requesting that certain remarks be withdrawn. The Speaker ruled that the minister was in order and after the minister continued his response. The Manager of Opposition then moved a closure of the minister which was negated on division. The Minister concluded his answer and the Prime Minister asked that further questions be placed on the *Notice Paper*.

*Hansard*: 24 October 2017, 11756-8  
*Votes and Proceedings*: 2017/1184-5

**SOs 80, 129, 130**

## 14.22 Question regarding employment minister ruled out of order

On 26 October, a question from the Leader of the Opposition to the Prime Minister regarding the employment minister was ruled out of order. The Manager of Opposition Business was given the call on the assumption he wished to raise a point of order, but he instead attempted to move a suspension of standing orders without notice. The Speaker asked the Member to resume his seat and called on the next question. [\[Watch\]](#)

*Hansard*: 26 October 2017, 12203

**SOs 98, 100**

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

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...repeat your lies of the past.'	16 October 2017	10644
'...\$66 billion bill...'	17 October 2017	10892
'He lies.'	17 October 2017	10937
'Shut up, Fletch, you moron.'	19 October 2017	11341
""I thought you were all piss-weak—""	19 October 2017	11340
'...why is it that they continue to support the criminal organisations of the CFMEU?'	24 October 2017	11752
'...they are just using people's disabilities as an excuse to raise levies.'	25 October 2017	11906-7
'That's an improvement in the IQ level already.'	26 October 2017	12204
'You're better off keeping your mouth shut so we're still left to wonder if you're a fool, mate.'	26 October 2017	12214

**SOs 89, 90, 92**

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