

Procedural Digest

No. 16

45th Parliament

5 – 15 February 2018

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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

16.01 Leave not granted to move third reading immediately; contingent notice moved

During government business time on 8 February, following the second reading of the Treasury Laws Amendment (Enterprise Tax Plan No. 2) Bill 2017, the Treasurer was denied leave to move the third reading immediately. The Treasurer, pursuant to contingent notice, moved a suspension of standing orders to enable the third reading to be moved without delay. The question was carried on division. Accordingly the Treasurer moved the third reading and the Shadow Treasurer rose to debate the motion. The Treasurer moved a closure of question which was carried on division. Accordingly the Speaker put the question on the third reading which was carried on further 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.

Hansard: 8 February 2018, 721-7
 Votes and Proceedings: 2018/1340-5
SOs 47, 81, 129, 130, 131, 155

Business

16.02 Return to writ for Bennelong by-election; Mr John Alexander sworn in

After the acknowledgement of country and prayers on 5 February, the Speaker announced that he had received a return to the writ which he had issued on 13 November 2017 for the election of a Member to serve for the Division of Bennelong (NSW), to fill the vacancy

caused by the resignation of John Alexander. By the endorsement on the writ, it was certified that Mr John Alexander had been elected. Mr Alexander was admitted to the chamber where he made and subscribed the oath of allegiance required by law. [\[Watch\]](#)

*Hansard: 5 February 2018, 1
Votes and Proceedings: 2018/1297*

SO 4

16.03 Speaker informs House of Mr Feeney's resignation as the Member for Batman and issue of writ for by-election

On 5 February, the Speaker also informed the House that, on 1 February, he received a letter from Mr Feeney resigning his seat as the Member for Batman. The Speaker informed the House that consideration was being given to possible dates for the by-election, and that consultations with party leaders would begin shortly in the usual way.

On 7 February, the Speaker announced that, earlier that day, he had issued a writ for a new election in the Division of Batman (Vic.) to fill the vacancy caused by Mr Feeney's resignation. Dates in connection with the new election were announced, with 17 March fixed as the date of polling.

*Hansard: 5 February 2018, 133; 7 February 2018, 551
Votes and Proceedings: 2018/1301, 1330*

16.04 Statements by indulgence regarding the death of Ron Walker

Just before question time on 7 February, the Prime Minister and the Leader of the Opposition each made statements by indulgence on the death of former chairman of the Australian Grand Prix Corporation, Mr Ronald Joseph Walker AC CBE. The matter was referred to the Federation Chamber where further statements were made on 8 February. [\[Watch\]](#)

*Hansard: 7 February 2018, 551-3; 8 February 2018, 825-32
Votes and Proceedings: 2018/1330, 1351*

SO 65

16.05 Opposition Member makes statement regarding citizenship

After question time on 7 February, an opposition Member (Ms Lamb) made a statement by indulgence regarding citizenship. [\[Watch\]](#)

Hansard: 7 February 2018, 571-3

SO 65

16.06 Statements on the Royal Commission into Institutional Responses to Child Sexual Abuse

After the acknowledgement of country and prayers on 8 February, the Prime Minister and the Leader of the Opposition each made statements by indulgence on the Royal Commission into Institutional Responses to Child Sexual Abuse. The Royal Commission delivered its final report, comprising 409 recommendations, to the Governor-General on 15 December 2017. [\[Watch\]](#)

Hansard: 8 February 2018, 703-7

SO 65**16.07 Prime Minister makes ministerial statement regarding the 2018 Closing the Gap report**

On 12 February, the Prime Minister, by leave, made a ministerial statement relating to the Closing the Gap report and presented a copy of the report together with a copy of his statement. The Leader of the Opposition addressed the House in reply. The House agreed to a motion to take note of the Prime Minister's statement and the matter was referred to the Federation Chamber where it was further debated on 13 and 14 February. [\[Watch\]](#)

Hansard: 12 February 2018, 918-29; 13 February 2018, 1297-1306; 14 February 2018, 1503-31

Votes and Proceedings: 2018/1355, 1374, 1381

SOs 63A, 183, 199, 202

16.08 Statements by indulgence regarding the 10th Anniversary of the Apology to Australia's Indigenous Peoples

Just before question time on 13 February, the Prime Minister and the Leader of the Opposition each made statements by indulgence in relation to the 10th Anniversary of the Apology to Australia's Indigenous Peoples. The House agreed to a motion to permit further statements on the matter in the Federation Chamber. [\[Watch\]](#)

Hansard: 13 February 2018, 1191-4

Votes and Proceedings: 2018/1369

SO 65

Committees

16.09 Reporting deadline for Select Committee on Regional Development and Decentralisation extended

After the presentation of documents on 7 February, the Leader of the House moved a motion to amend the resolution of appointment of the House Select Committee on Regional Development and Decentralisation to extend the committee's reporting deadline from 28 February 2018 to 31 May 2018. The motion was carried on the voices.

Hansard: 7 February 2018, 571

Votes and Proceedings: 2018/1331

SO 223

16.10 Committee Chair makes statement discharging the committee's obligation to present an advisory report on a bill

On 12 February, the Chair of the Standing Committee on Employment, Education and Training (Mr Laming) made a statement discharging the Committee's obligation to present an advisory report on the Fair Work Amendment (Protecting Take Home Pay of All Workers) Bill 2017. The bill—a private Member's bill introduced by the Member for Dawson (Mr Christensen)—had been referred to the Committee for an advisory report on 22 June 2017. The Chair stated: '...as there are no issues requiring a formal report, an inquiry into this

bill by this committee would not be a productive use of parliamentary resources.’ The following day, the Chair presented minutes of the committee relating to his statement.

Hansard: 12 February 2018, 967; 13 February 2018, 1159
Votes and Proceedings: 2018/1356, 1367

SO 143

Documents

16.11 Revised ministry lists presented

At the conclusion of question time on 5 February, the Prime Minister presented a revised ministry list.

Hansard: 5 February 2018, 130-1
Votes and Proceedings: 2018/1301

SOs 199

16.12 Speaker presents letter from High Court

On 5 February, the Speaker presented a copy of a letter from the Chief Executive and Principal Registrar of the High Court of Australia, dated 8 December 2017, relating to the reference to the Court of Disputed Returns of the qualification of the Member for Batman, Mr David Feeney.

Hansard: 5 February 2018, 132
Votes and Proceedings: 2018/1301

SO 199

16.13 Speaker presents report on access to committee documents

After the acknowledgement of country and prayers on 6 February, the Speaker presented a report relating to access to committee documents.

Under a resolution of the House adopted in 1984, the Speaker is authorised to permit any person access to particular historic records of House committees. The Speaker is required to report to the House the details of any such disclosures. Similarly, the President of the Senate and the Speaker are authorised to permit any person access to particular historic records of joint committees.

Hansard: 6 February 2018, 311
Votes and Proceedings: 2018/1319

SO 199

Members

16.14 Leave of absence granted to Member

Between items of business on 12 February, the Manager of Opposition Business moved that leave of absence be granted to an opposition Member for that day and the remainder of the week for personal reasons. 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: 12 February 2018, 1024
Votes and Proceedings: 2018/1359

SO 26

Motions

16.15 Condolence motion for former minister, Barry Cohen AM

Just prior to question time on 5 February, the Prime Minister referred to the death, on 18 December 2017, of the Honourable Barry Cohen AM, a former minister and Member for the Division of Robertson from 1969 to 1990, and moved a motion of condolence to place on record the House's gratitude of his service. The Leader of the Opposition seconded the motion and as a mark of respect all Members present stood, in silence. The motion was referred to the Federation Chamber where it was further debated on 6 February before being reported to the House on 7 February, and agreed to. [\[Watch\]](#)

Hansard: 5 February 2018, 111-13; 6 February 2018, 445-58; 7 February 2018; 504
Votes and Proceedings: 2018/1301, 1325, 1329

SO 49

16.16 Opposition motion to suspend standing orders negated

After the acknowledgement of country and prayers on 15 February, the Member for Isaacs (Mr Dreyfus) moved a suspension of standing orders without notice, which sought, among other things, to call on the Prime Minister 'to immediately sack the Deputy Prime Minister for clearly breaching the Prime Minister's Statement of Ministerial Standards.' Debate ensued and when the time allotted for the debate expired, the question was put and negated on division. [\[Watch\]](#)

Hansard: 15 February 2018, 1593-1600
Votes and Proceedings: 2018/1385-6

SOs 47, 129, 130

Questions

16.17 Questions ruled out of order

During question time on 14 and 15 February, a number of questions asked by opposition Members were ruled out of order. Two questions in successive days by the Member for Isaacs (Mr Dreyfus) to the Deputy Prime Minister were ruled out of order – the first because it was based on private conversations reported in the media [\[watch\]](#) and the second because it contained an imputation of an improper motive [\[watch\]](#). A question by the Member for McMahon to the Deputy Prime Minister on 14 February was ruled out of order because it related to matters relevant to the Deputy Prime Minister's previous portfolio. [\[Watch\]](#)

Also on 14 February, a question by the Member for Blaxland (Mr Clare) to the Member for Flynn (Mr O'Dowd) in his capacity as the Chair of the Joint Standing Committee on Trade and Investment Growth was ruled out of order. The Speaker stated that, while questions to committee chairs under standing order 99 had been permitted in the past if they related specifically to timing and procedure, in his view the question was broad in nature and sought to introduce matters which didn't fall within the committee chair's responsibilities to

seek to make a political point. [\[Watch\]](#) A subsequent question to the same committee chair by the Manager of Opposition Business was permitted (see next entry).

Hansard: 14 February 2018, 1405, 1412, 1414-5; 15 February 2018, 1672

SOs 98, 99, 100

16.18 Question without notice to Committee Chair

On 14 February, the Manager of Opposition Business asked a question to a private Member—the Member for Flynn (Mr O’Dowd)—in his capacity as the Chair of the Joint Standing Committee on Trade and Investment Growth, in accordance with standing order 99. [\[Watch\]](#)

An oral question of a strictly limited nature may be asked of a Member who is not a Minister. Questions must relate to a bill, motion, or other business of the House or of a committee, for which the Member asked is responsible. Questions of this kind are rare. More commonly, and usually at the end of Question Time, questions may also be put to the Speaker on matters of parliamentary administration.

Hansard: 14 February 2018, 1416-7

SO 99

Speaker

16.19 Changes to Speaker’s panel

On 5 February, the Speaker presented warrants revoking the nomination of a government Member to be a member of the Speaker’s panel and nominating another government member (Hon Mr Andrews) to the panel, to assist the Chair when requested to do so by the Speaker or Deputy Speaker.

On 6 February, the Speaker presented a warrant revoking the nomination of another government Member to serve on the Speaker’s panel.

The role of the Speaker’s panel is to take the Chair of the Federation Chamber (as Deputy Speaker) when requested to do so by the Deputy Speaker or, in his or her absence, by the Second Deputy Speaker; and to take the Chair of the House as Deputy Speaker when requested to do so by the Speaker or, more usually, by the Deputy Speaker.

Hansard: 5 February 2018, 133; 6 February 2018, 311

Votes and Proceedings: 2018/1302, 1319

SO 17

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
‘He wouldn’t know how to let Shorten be Shorten.’	6 February 2018	347
‘And if they don’t, they should bloody well be held to account.’	7 February 2018	570

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

'It's in the budget papers, you moron.'	7 February 2018	574
'What a lie!'	8 February 2018	801
'I listened to the contribution of the Member for Wakefield with great interest, and I was reminded of Joseph Goebbels, Hitler's propaganda minister...He was reputed to have said that if you tell a lie enough and keep repeating it people will eventually come to believe it.'	12 February 2018	898
'...these jokers can't make up their minds...'	14 February 2018	1423
'No Coal' Joel...'	14 February 2018	1424

SOs 89, 90, 92