

Procedural Digest

No. 19

45th Parliament

8 – 10 May 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

19.01 Presentation of 2018-19 Budget

On Tuesday 8 May, following a suspension of sitting from 5.55 pm to 7.31 pm, the Speaker reported a message from the Governor-General recommending an appropriation for the purposes of the Appropriation Bill (No.1) 2018-2019. The Treasurer then presented the bill, moved the second reading and delivered the budget speech. Debate was adjourned and the Assistant Minister for Finance presented budget-related documents and a ministerial statement relating to Regional Australia. [\[Watch\]](#)

The Assistant Minister for Finance then presented Appropriation Bill (No. 2) 2018-2019, Appropriation (Parliamentary Departments) Bill (No. 1) 2018-2019, Appropriation Bill (No. 5) 2017-2018 and Appropriation Bill (No. 6) 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 8.14 pm without debate.

Hansard: 8 May 2018, 3342-52

Votes and Proceedings: 2018/1499-501

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

19.02 Leave not granted for debate to continue on second reading

During government business time on 9 May, the Treasurer introduced the Treasury Laws Amendment (Personal Income Tax Plan) Bill 2018. Following the conclusion of the Treasurer's second reading speech, the Leader of the House sought, and was denied, leave to continue debate. Debate on the bill was then adjourned, and the resumption of debate made an order of the day for the next sitting.

Hansard: 9 May 2018, 3393-4

SOs 63, 142

19.03 Budget reply speech

During government business time on 10 May, debate on an unrelated bill was adjourned, and business intervening before the main appropriation bill was postponed. In accordance with the resolution made on the 8 May 2018 [see entry 19.04], the second reading debate on Appropriation Bill (No. 1) 2018-2019 was called on prior to the suspension of the sitting 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 8.05 pm. [\[Watch\]](#)

Hansard: 10 May 2018, 3762-8
Votes and Proceedings: 2018/1524

SOs 29, 37

Business

19.04 Suspension of standing orders 31 and 33 for budget night and budget reply night

After question time on 8 May, the Leader of the House, by leave, moved a suspension of standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the remainder of the sitting to allow for the presentation of the 2018-19 budget [see item 19.01].

The Leader of the House also moved that standing orders 31 (automatic adjournment of the House) be suspended for the sitting on Thursday, 10 May 2018 and that the House stand automatically adjourned after the Leader of the Opposition's budget speech in reply has concluded [see item 19.03].

Hansard: 8 May 2018, 3279
Votes and Proceedings: 2018/1496

SOs 31, 33

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

During government business time on 8 May, the Deputy Chair of the Joint Committee of Public Accounts and Audit made a statement regarding the draft estimates for the Australian National Audit Office and the Parliamentary Budget Office for 2018-2019. 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: 8 May 2018, 3340-2
Votes and Proceedings: 2018/1499

SOs 63, 199

19.06 Statements by indulgence

Following question time on 10 May, the Prime Minister and the Leader of the Opposition made statements, on indulgence, regarding the 50th anniversary of the battles at the Fire Support Bases Coral and Balmoral during the Vietnam War. [\[Watch\]](#)

Hansard: 10 May 2018, 3723-4

SOs 65

Federation Chamber

19.07 Deputy Speaker fixes time for next meeting of Federation Chamber

Following acknowledgement of country and Prayers on 8 May, the Speaker advised the House that the Deputy Speaker had fixed 10 am on Wednesday, 9 May 2018 for the next meeting of the Federation Chamber.

Hansard: 8 May 2018, 3229

Votes and Proceedings: 2018/1493

SO 186

19.08 Issues with Federation Chamber clocks

During government business time in the Federation Chamber on 9 May, during the cognate debate on the second reading of the Telecommunications Legislation Amendment (Competition and Consumer) Bill 2017 and Telecommunications (Regional Broadband Scheme) Charge Bill 2017, the Member for Lyons spoke and concluded his speech on the assumption that his time had expired. The Member for Lalor rose to speak and during her statement the Deputy Speaker advised of a problem with the clocks and allowed her to continue for a further eight minutes. The Deputy Speaker later announced that an issue with the electronic clocks had necessitated manual time-keeping and that Members will be alerted when their time is expiring.

The following day, the Member for Lyons was granted leave to continue his remarks for a period of five minutes.

Hansard: 9 May 2018, 3609; 3613-4; 10 May 2018, 3689

SO 1

Members

19.09 Resignation of Members

During government business time on 9 May, the Members for Braddon, Fremantle and Longman spoke on indulgence advising the House of their intention to resign as Members, following the decision of the High Court ruling Senator Gallagher ineligible to serve in Parliament under s.44 of the Constitution. [\[Watch\]](#)

Prior to question time on 10 May, the Speaker informed the House that he had received letters from Justine Terri Keay, resigning her seat for the electoral division of Braddon; Joshua Hamilton Wilson, resigning his seat for the electoral division of Fremantle; Susan Lamb, resigning her seat for the electoral division of Longman; and Timothy Jerome Hammond, resigning his seat for the electoral division of Perth. The Speaker advised that he would inform the House in due course of the dates fixed for the by-elections.

*Hansard: 9 May 2018, 3433-6; 10 May 2018, 3705
Votes and Proceedings: 2018/1522*

SOs 65

Motions

19.10 Opposition motion to suspend standing orders negatived

Following acknowledgement of country and Prayers on 8 May, the shadow Treasurer sought leave to move a motion condemning the Government for 'giving up on Budget repair and for its failure to address the long-term structural problems in the Budget'. Leave was not granted and the shadow Treasurer then moved a suspension of standing orders to enable him to move the motion. Debate ensued, and when the time allowed for debate expired, the question that the standing orders be suspended was put and a division was called. In accordance with standing order 133, the division was deferred until after the matter of public importance. [\[Watch\]](#)

Following the discussion on a matter of public importance, the question was put and negatived on the division.

Standing order 133(b) requires any divisions called for between 12 noon and 2 pm on Tuesdays to be deferred until after the discussion of the matter of public importance, with the exception of motions moved by a Minister during that period. Similarly, ***standing order 133(a)*** requires any divisions called for between 10 am and 12 noon on Mondays, with the exception of motions moved by a Minister during that period, stand deferred until 12 noon.

*Hansard: 8 May 2018, 3230-7, 3294-5
Votes and Proceedings: 2018/1494, 1496-7*

SOs 47, 133

19.11 Condolence motion for former minister, Senator Jocelyn Newman AO

Prior to question time on 8 May, the Prime Minister moved a condolence motion in relation to the death of the Honourable Jocelyn Margaret Newman AO, a former Senator for Tasmania from 1986 - 2002. The Leader of the Opposition seconded the motion and also addressed the House. All Members present rose in silence as a mark of respect. Debate was adjourned and the Leader of the House moved that the order of the day be referred to the Federation Chamber for debate, where on 9 May it was debated, agreed to and returned to the House. [\[Watch\]](#)

Hansard: 8 May 2018, 3259-60; 9 May 2018, 3536, 3587-90
Votes and Proceedings: 2018/1495, 1514, 1516-17

SO 49

Questions

19.12 Opposition support for answers to questions

During question time on 8 May, after the Deputy Prime Minister had responded to a question regarding infrastructure and road safety, the Shadow Minister for Infrastructure, Transport, Cities and Regional Development, on indulgence, responded in support of the Deputy Prime Minister's remarks. [\[Watch\]](#)

Later, following a response from the Minister for Social Services to a question regarding a National Redress Scheme for survivors of child sexual abuse, the Deputy Leader of the Opposition, on indulgence, responded in support of the Minister's remarks. [\[Watch\]](#)

Hansard: 8 May 2018, 3263, 3271

SOs 98, 100

19.13 Two Ministers answer one question without notice

During question time on 8 May, a non-aligned Member asked the Minister for Home Affairs a question regarding controlled fuel sources. The minister briefly answered the question and then passed the question to the Minister for the Environment and Energy for further comment. The Manager of Opposition raised a point of order and the Speaker ruled that the question could be referred to another Minister and cited precedents. The Minister for Environment and Energy concluded his answer. The Speaker then made a short statement clarifying that the question related to both Ministers portfolio's and that it was 'perfectly in order' for both Ministers to answer the question. [\[Watch\]](#)

Hansard: 8 May 2018, 3265-7

SOs 98, 104

19.14 Part of question ruled out of order

During question time on 8 May, a shadow Minister asked the Prime Minister a question regarding taxation. The Speaker allowed the question but ruled part of the question out of order. [\[Watch\]](#)

Hansard: 8 May 2018, 3273-4

SOs 98, 100

19.15 Opposition ask consecutive questions

During question time on 9 May, the Member for McMahon asked the Treasurer a question regarding the recent budget. Following a brief answer by the Treasurer, the Member for McMahon rose again and asked the Prime Minister a question regarding the budget.

[\[Watch\]](#)

Hansard: 9 May 2018, 3460

SOs 65, 98, 100

Sovereign

19.16 Message from Queen regarding the 30th Anniversary of the opening of Parliament House

Following acknowledgement of country and Prayers on 9 May, the Speaker advised the House that His Excellency the Governor-General wrote to Her Majesty Queen Elizabeth II noting the anniversary and drawing Her Majesty's attention to the program of events to be held this year to mark the occasion. The Speaker proceeded to read the message in reply from Her Majesty. The Leader of the House and the Manager of Opposition Business made short statements on the matter. [\[Watch\]](#)

Hansard: 9 May 2018, 3381-2

Votes and Proceedings: 2018/1509

Speaker

19.17 Statement on arrangements for budget and budget reply nights

Following question time on 8 May, and again on 10 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.

Hansard: 8 May 2018, 3278; 10 May 2018, 3724

SO 94(a)

19.18 Question to Speaker regarding the resignations of the Members for Mayo, Longman and Fremantle

Following question time on 9 May, the Leader of the House asked the Speaker whether he had received the resignations of the Members for Mayo, Longman and Fremantle [see item 19.09]. The Speaker advised that he had not received the letters of resignation and reminded the House of the resignation process.

The Leader of the House then asked the Speaker to inform the House of the situation in cases of a member who has indicated that they are ineligible to sit in the parliament but has not yet formally resigned, in terms of the status of their use of entitlements as members of parliament up until the resignation is received. The Speaker informed the House he is not responsible for Members entitlements and Members can indicate they are going to resign, and, until they have, they remain Members of Parliament.

The Leader of the House then referred to the precedent in the House of Representatives Practice. The Speaker informed the Leader of the House of section 37 of the Constitution and referred him to the Special Minister of State. [\[Watch\]](#)

Hansard: 9 May 2018, 3471-2

SO 103

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'You can't change the rules to suit Shifty Shorten.'	9 May 2018	3468
'Then he lied to the media or misled the media.'	9 May 2018	3569
'...shadow Treasurer scurried under the table there, like the little rat he is. He got under there—'	10 May 2018	3718

SOs 89, 90, 92

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