

Procedural Digest

No. 20

45th Parliament

21 – 31 May 2018

May/June 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

20.01 Appropriation bills referred to the Federation Chamber for debate

During government business time on 21 May, the Chief Government Whip declared that, at the adjournment of the House, the Appropriation Bill (No.1) 2018-2019 and 4 related bills be referred to the Federation Chamber for further consideration [*and see* items 20.02 and 20.03].

Hansard: 21 May 2018, 3886
Votes and Proceedings: 2018/1529

SO 45

20.02 Statement by Deputy Speaker regarding arrangements for the consideration of the Appropriation Bills

On 30 May, prior to the commencement of the proposed schedule for consideration of the departmental portfolios in the Federation Chamber, the Deputy Speaker made a statement regarding the arrangements for participation in the debate. The Federation Chamber then agreed to the schedule and considered Appropriation Bill (No. 1) 2018 – 2019 in detail.

[[Watch](#)]

Hansard: 30 May 2018, 5049
Votes and Proceedings: 2018/1582

SOs 148, 149

Business

20.03 Suspension of standing orders to change order of business in the Federation Chamber

During government business time on 21 May, the Minister for Citizenship and Multicultural Affairs, by leave, moved a motion to suspend standing orders to allow for a variation to the order of business in the Federation Chamber for the consideration of Appropriation Bill (No. 1) 2018-2019 and 4 related bills. The motion allowed extra Government business time to

debate the bills with changes to the meeting times, private Members' business, grievance debates and adjournment debates from Tuesday 22 May to Thursday, 28 June 2017. The motion was carried on the voices.

*Hansard: 21 May 2018, 3885
Votes and Proceedings: 2017/1529*

SOs 47, 191, 192, 192B, 193

20.04 Personal explanation by Deputy Chair of Joint Committee of Public Accounts and Audit

During Government business time on 21 May, the Deputy Chair of the Joint Committee on Public Accounts and Audit made, by indulgence, a personal explanation regarding his statement on 8 May 2018 [see entry 19.05]. He gave the House further information he had received in regards to the draft budget estimates for the Australian National Audit Office.

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: 21 May 2018, 3892-3

SO 68

20.05 Minister absent from Chamber

During the discussion of the Matter of Public Importance on 23 May, an Opposition Member drew the Deputy Speaker's attention to the lack of a Minister in the Chamber. The Deputy Speaker advised that the House should continue with proceedings. Following multiple points of order, the Deputy Speaker repeated his rulings and called on the opposition Member to continue his speech. [\[Watch\]](#)

Hansard: 23 May 2018, 4354-6

Committees

20.06 Petitions Committee reports on inquiry into electronic petitioning

Following the acknowledgement of Country and Prayers on 29 May, the Chair of the Standing Committee on Petitions (Mrs Wicks) presented the Committee's report on its inquiry into the e-petitioning system of the House of Representatives. Mrs Wicks and the Deputy Chair (Mrs Elliot) each made statements, by leave, in connection with the report. [\[Watch\]](#)

*Hansard: 29 May 2018, 4681-2
Votes and Proceedings: 2018/1569*

SOs 63, 204, 205A, 220, 247

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

During Government business time on 30 May, the Minister for Social Services, on behalf of the Leader of the House, moved a motion to extend the time for presentation of the House Select Committee on Regional Development and Decentralisation final report until 28 June 2018. The motion was carried on the voices.

Hansard: 30 May 2018, 4876
Votes and Proceedings: 2018/1573

SO 223

Debate

20.08 Member granted extension of time

On 31 May, during a Government Member's speech on the second reading debate for the Veterans' Affairs Legislation Amendment (Veteran-centric Reforms No. 2) Bill 2018, an Opposition Member drew the Deputy Speaker's attention to the state of the House. A quorum was called and formed. The Government Member then concluded his speech and sought leave to continue his remarks to make up for the time lost to the quorum call. Leave was not granted. The Attorney-General then moved a motion to grant the Member an extension of time for seven and a half minutes. The motion was carried on division and debate continued. [[Watch](#)]

Standing order 1 allows a motion to be moved for an extension of time, for one period only.

Hansard: 31 May 2018, 5140-3
Votes and Proceedings: 2018/1587

SOs 1, 55

Members

20.09 Resignation of Members

Following acknowledgement of country and Prayers on 21 May, the Speaker informed the House that on 11 May 2018 he had received a letter from Ms Rebekah Sharkie resigning her seat as the Member for Mayo. The Speaker also informed the House that consideration is being given to the possible dates for the by-election and he would inform the House of the dates when a decision has been made. [[Watch](#)]

Later that day, following question time, the Speaker made a statement to update the House on his consultations with the Australian Electoral Commissioner on possible dates for, by-elections for the electorates of Braddon, Fremantle, Longman, Mayo and Perth [see also item 19.09]. He outlined to the House advice from the Electoral Commissioner and the consideration by the government of urgent changes through regulation to the nomination process to ensure that candidates are aware of their obligations under section 44 of the Constitution prior to the by-elections taking place. The Speaker advised that the commissioner and a recent report by the Joint Standing Committee on Electoral Matters both support this change.

Following a point of order from the Manager of Opposition Business, the Speaker reminded the House of his obligation as Speaker when dealing with resignations and assured the Manager of Opposition Business that he will continue to consult with the commissioner and party leaders and hoped to update the House by the end of the week. [\[Watch\]](#)

*Hansard: 21 May 2018, 3801, 3937
Votes and Proceedings: 2018/1531*

SO 65

20.10 Member for Batman makes first speech

At 4 pm on 21 May, during Government business time, standing orders were suspended to enable the Member for Batman, Ms Kearney to make a statement without limitation of time. Prior to calling on the Member for Batman, the Deputy Speaker reminded the House that it was the Member's first speech and asked that the usual courtesies be extended to her. Ms Kearney then addressed the House. [\[Watch\]](#)

*Hansard: 21 May 2018, 3948
Votes and Proceedings: 2018/1532*

SOs 47, 65

20.11 Member speaks in language other than English during proceedings

On 21 May, during debate on a private Members motion regarding the importance of Australia's relationship with Indonesia, the Member for Whitlam seconded the motion, spoke in Indonesian and then in English about the Indonesian language. [\[Watch\]](#)

Hansard: 21 May 2018, 4039-40

Motions

20.12 Condolence motion for former Senator Hon. Sir John Leslie Carrick AC, KCMG

Prior to question time on 8 May, the Prime Minister moved a condolence motion in relation to the death of the Honourable Sir John Leslie Carrick AC, KCMG a former Senator for New South Wales from 1971 - 1987. 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. The question was carried on the voices. [\[Watch\]](#)

On 30 May, during Government business time, the Deputy Speaker announced that the condolence motion had been debated in the Federation Chamber and returned to the House. The question on the condolence motion was put and carried on the voices.

*Hansard: 22 May 2018, 4123-6; 30 May 2018, 4970
Votes and Proceedings: 2018/1541, 1576*

SO 49

20.13 Opposition motions to suspend standing orders negated

During question time on 22 May, the Manager of Opposition Business sought leave to move a motion regarding the Prime Minister's 'secret deals'. Leave was not granted and the Manager of Opposition Business then moved to suspend standing orders to enable him to move the motion. Debate ensued and the Leader of the House moved consecutive closure motions on the mover and seconder, which was carried on division. The Leader of the House then moved a closure of question which was carried on division. The question that standing orders be suspended was accordingly put and negated on division. Questions without notice concluded. [\[Watch\]](#)

During Government business time on 31 May, the Manager of Opposition Business was denied leave to move a motion to, among other things, condemn the Government for 'delaying increased penalties in the livestock trade and silencing debate on the Member for Hunter's amendments to phase out the live sheep export trade.' The Manager of Opposition Business then moved to suspend standing orders to allow him to move the motion. A Minister moved consecutive closure motions on the mover and the seconder, which were carried on division. A motion that the question be put was moved by the Minister and agreed to on division. The question that standing orders be suspended was then put and negated on division. [\[Watch\]](#)

Hansard: 22 May 2018, 4139-45; 31 May 2018 5120-7
Votes and Proceedings: 2018/1542-5, 1583-6

SOs 47, 80, 81

Private Members' business

20.14 Amendments moved to private Members' motions

During private Members' business in the Federation Chamber on 21 May, an opposition Member moved an amendment to a government Member's motion on M1 Motorway funding. The amendment was seconded and debate on the motion and the proposed amendment ensued.

Later, the opposition Member moved an amendment to a government Member's motion on infrastructure. The amendment was seconded and debate on the motion and the proposed amendment ensued.

Hansard: 21 May 2018, 4070-1, 4083-4
Votes and Proceedings: 2018/1539

SOs 41, 121

Privilege

20.15 Speaker cautions House about sub judice convention

During Question Time on 31 May, a Government Member asked the Minister for Immigration and Border Protection a question regarding national security. Following a comment made by the Minister regarding an alleged offence, the Speaker, concerned about the comments getting into sub judice 'territory', warned the House 'in advance' to be careful about transgressing the sub judice conventions of the House. [\[Watch\]](#)

The sub judice convention states that, subject to the right of the House to legislate on any matter, matters awaiting adjudication in a court of law should not be brought forward in debate, motions or questions. This self-imposed restriction prevents the deliberations of the House and reports of its proceedings from prejudicing the course of justice.

Hansard: 31 May 2018, 5172-3

Questions

20.16 Question ruled out of order

During question time on 22 May, a Shadow Minister asked the Prime Minister a question regarding the Budget. After permitting the Shadow Minister to rephrase the question, the Speaker ruled the question out of order. [\[Watch\]](#)

Hansard: 22 May 2018, 4132-3

SOs 98, 100

20.17 Part of question ruled out of order

During question time on 22 May, the Leader of the Opposition asked the Prime Minister a question regarding the Turnbull Government. The Speaker allowed the question but ruled the last part of the question out of order. [\[Watch\]](#)

Hansard: 22 May 2018, 4137-8

SOs 98, 100

20.18 Opposition support for answers to questions

During question time on 29 May, after the Minister for Foreign Affairs had responded to a question regarding Malaysia Airlines Flight MH17, the Leader of the Opposition, on indulgence, made a brief statement to associate the Opposition with the Minister's remarks. [\[Watch\]](#)

During question time on 31 May, after the Minister for Social Services had responded to a question regarding the National Redress Scheme for survivors of institutional child sexual abuse, the Shadow Minister, on indulgence, made a brief statement to associate the Opposition with the Minister's remarks. [\[Watch\]](#)

Hansard: 29 May 2018, 4719-20; 31 May 2018, 5182-3

SOs 98, 100

Speaker

20.19 Question to Speaker regarding answers to questions without notice

Following question time on 31 May, the Manager of Opposition Business asked the Speaker a question regarding the answers to questions without notice asked earlier. The Speaker stated that Ministers can answer questions in their own manner and that he had no authority over their answers. [\[Watch\]](#)

Hansard: 31 May 2018, 5183

SOs 103, 104

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'Even you, shifty Shorten?'	21 May 2018	3876
'...ALP still pockets their cash.'	21 May 2018	3931
'...Unbelieva-Bill.'	21 May 2018	3932
'But the Leader of the Opposition should lead by example, otherwise, he's a fraud!'	23 May 2018	4341
'...hypocrite.'	23 May 2018	4346
'...duplicitous...'	23 May 2018	4346-7
'What do they call that down at the court of petty sessions?'	30 May 2018	4941

SOs 89, 90, 92

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