

Procedural Digest

No. 23

45th Parliament

10 – 20 September 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

23.01 Response to contamination of strawberries and other fruits; bill introduced and passes all stages

On Wednesday 19 September, during his answer to a question without notice, the Prime Minister referred to recent cases of food contamination across Australia. He advised that the Government would be introducing legislation to increase penalties for food tampering. The Leader of the Opposition, by indulgence, made a brief statement in support of the Prime Minister's remarks.

The following morning the Attorney-General, pursuant to notice, presented the Criminal Code Amendment (Food Contamination) Bill 2018 and made a second reading speech. Leave was granted for the second reading debate to continue immediately. The Manager of Opposition Business advised that speakers had been asked to keep their speeches within a reasonable time frame, on the understanding that it was the intention of the House to pass the bill that morning. Several Members spoke to the bill and the Prime Minister summed up the debate. The question that the bill be read a second time was then put and carried on the voices. Leave was granted for the third reading to be moved immediately and on the motion of the Attorney-General, the bill was read a third time.

Hansard: 19 September 2018, 9529
20 September 2018, 9643-69
Votes and Proceedings: 2018/1855

SOs 63, 142, 155

23.02 Amendment moved to second reading amendment

During second reading debate on the Government Procurement (Judicial Review) Bill 2017, an opposition Member (Dr Chalmers) moved an amendment to the bill. Later that day, debate resumed on the second reading and on the amendment. During his speech, the Australian Greens Member (Mr Bandt) moved an amendment to the amendment proposed by Dr Chalmers and debate ensued.

The question was put on the amendment moved by Mr Bandt to the proposed amendment moved by Dr Chalmers and, there being fewer than five voting 'Aye', the Speaker declared the question resolved in the negative without completing the count. The question was then put on the second reading amendment moved by Dr Chalmers and the amendment was negated on division. The bill then passed through the remaining stages.

Hansard: 19 September 2018, 9578-88
Votes and Proceedings: 2018/1849-1850

SO 145

Business

23.03 Remonstrance from Legislative Assembly of the Northern Territory and from Legislative Assembly of the Australian Capital Territory

On Wednesday 12 September, the Speaker informed the House that he had received a remonstrance passed by the Legislative Assembly of the Northern Territory. The remonstrance referred to the actions of the Senate in voting against the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 (a private Senator's bill) and requested that the parliament repeal section 50A of the *Northern Territory (Self-Government) Act 1978* (which precludes the Legislative Assembly from making laws which permit euthanasia). Copies were placed on the table and the full terms were recorded in the Votes and Proceedings and Hansard. The Member for Lingiari then, by indulgence, made a brief statement in support of the remonstrance.

On Tuesday 18 September, the Speaker presented a copy of a remonstrance in similar terms addressed to the Senate from the Australian Capital Territory Legislative Assembly. The Member for Fenner, by indulgence, made a brief statement in support of the remonstrance.

A remonstrance is a document in which grievances are stated and remedial action is sought.

Hansard: 12 September 2018, 8799-800; 18 September 2018, 9339
Votes and Proceedings: 2018/1808; 1838

23.04 Concerns in relation to Auditor-General's report

During the adjournment debate in the Federation Chamber, the Deputy Chair of the Joint Committee of Public Accounts and Audit raised some concerns regarding an Auditor-General's report presented earlier that week. The Member explained that the Attorney-General had issued a certificate requiring the Auditor-General to remove certain sections of *Auditor-General's report No. 6 of 2018-19, Army's protected military vehicle-Light*, in accordance with section 37 of the *Auditor-General Act 1997*.

The Deputy Chair suggested that the Attorney-General should explain his actions to the parliament and consider a confidential briefing with the Committee to assuage concerns.

[\[Watch\]](#)

Hansard: 13 September 2018, 9045-7

23.05 Statements regarding recipient of the National Police Bravery Award

During question time, the Speaker informed the House that Senior Constable Stephanie Bochorsky, recipient of the inaugural National Police Bravery Award, was in the gallery. The Prime Minister and the Leader of the Opposition, by indulgence, both made statements congratulating Ms Bochorsky on her award. [\[Watch\]](#)

Hansard: 20 September 2018, 9715-6

Members

23.06 Resignation of Member and issue of writ

On Monday 10 September, the Speaker announced that he had received a letter from the Hon Malcolm Turnbull resigning his seat as the Member for Wentworth. He advised that possible dates for the by-election were being considered.

On Wednesday 12 September, the Speaker announced that it was his intention to issue a writ on Monday, 17 September for the election of a Member to serve for the electoral division of Wentworth, to fill the vacancy. The dates in connections with the by-election are as follows:

Close of rolls	Monday, 24 September 2018
Close of nominations	Thursday, 27 September 2018
Date of polling	Saturday, 20 October 2018
Return of writ	On or before Wednesday, 26 December 2018

*Hansard: 10 September 2018, 8309; 12 September 2018, 8769
Votes and Proceedings: 2018/1769; 1807*

23.07 Statements by Prime Minister, Deputy Prime Minister and Leader of the Opposition; new ministry list presented

Prior to question time on 10 September, the Prime Minister made a statement by indulgence confirming that he had been elected Leader of the Liberal Party and sworn in as Prime Minister and that Mr Frydenburg had been elected as Deputy Leader of the Party. He then presented a revised ministry list. The Prime Minister thanked the former Prime Minister and former Deputy Leader of the Liberal Party for their service.

The Deputy Prime Minister and Leader of the Nationals then, on indulgence, informed the House that Mr Drum had been appointed the Nationals Chief Whip and Mr O'Dowd the Nationals Whip.

Finally, the Leader of the Opposition, on indulgence, congratulated the new Prime Minister and acknowledged the service of the former Prime Minister and former Deputy Leader of the Liberal Party.

*Hansard: 10 September 2018, 8374-6
Votes and Proceedings: 2018/1775*

23.08 Statements in relation to the death of United States Senator John Sidney McCain

Prior to question time on 10 September, the Prime Minister and Leader of the Opposition each made statements by indulgence in relation to the death of United States Senator John McCain on 25 August 2018. [\[Watch\]](#)

The Leader of the House, by leave, moved that further statements be permitted in the Federation Chamber and the question was carried.

*Hansard: 10 September 2018, 8377-9
Votes and Proceedings: 2018/1775*

SO 183

23.09 Member for Perth makes first speech

Following question time on 10 September, standing orders were suspended to allow the Member for Perth, Mr Patrick Gorman, to make a statement without limitation of time. The Speaker advised that it was the Member's first speech and asked the House to extend to him the usual courtesies. Mr Gorman addressed the House. [\[Watch\]](#)

*Hansard: 20 September 2018, 8397-403
Votes and Proceedings: 2018/1776*

SO 47

23.10 Leave of absence granted to Member

On 19 September, the Manager of Opposition Business moved that leave of absence be granted to Ms Macklin for the remainder of the current period of sittings for 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: 19 September 2018, 9547
Votes and Proceedings: 2018/1848*

SO 26

23.11 Statement by Prime Minister regarding Mitochondrial Disease Awareness Week

After question time on 20 September, the Prime Minister made a brief statement by indulgence regarding Mitochondrial Disease Awareness Week.

Hansard: 20 September 2018, 9734

Motions

23.12 Motion to suspend standing orders ruled out of order

During second reading debate on the Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018, the Manager of Opposition Business moved to suspend standing orders to allow him to move a motion. The proposed motion referred to both the bill before the House and to matters in connection with the Minister for Home Affairs. The Speaker ruled the motion out of order as it was not relevant to the business before the House.

Hansard: 10 September 2018, 8361-3

SOs 47, 76

23.13 Motion to suspend standing orders to allow motion of no confidence in Minister for Home Affairs

During government business time on Thursday 20 September, the Australian Greens Member (Mr Bandt) moved to suspend standing orders to allow him to move a motion of no confidence in the Minister for Home Affairs. The motion was debated and negatived on division. [\[Watch\]](#)

Hansard: 20 September 2018, 9674-82

Votes and Proceedings: 2018/1856

SO 47

23.14 Standing orders suspended to allow for national apology to victims and survivors of institutional child sexual abuse

An Assistant Minister, on behalf of the Leader of the House and pursuant to notice, moved to suspend standing orders to facilitate a national apology by the Prime Minister to victims and survivors of institutional child sexual abuse on Monday, 22 October 2018. The question was put and carried.

Hansard: 20 September 2018, 9704

Votes and Proceedings: 2018/1859

SO 47

Private Members' business

23.15 Private Senator's bill introduced; amendment moved to motion that the second reading be made an order of the day

On 10 September, a message from the Senate was reported transmitting for the concurrence of the House, the Animal Export Legislation Amendment (Ending Long-haul Live Sheep Exports) Bill 2018 (a private Senator's bill). The bill was read a first time and the Leader of the House moved that the second reading be made an order of the day for the next sitting.

The Manager of Opposition Business moved, as an amendment, that the second reading be made an order of the day for Monday 17 September, where it shall be the first item of private Members' business, and if the second reading debate has concluded on 17 September, the bill be called on immediately for its third reading as the first item of private Members' business on Monday 15 October 2018.

The amendment was seconded and debate ensued. The amendment was negated on division and the motion that the second reading of the bill be made an order of the day for the next sitting was carried on division.

Hansard: 10 September 2018, 8418-23
Votes and Proceedings: 2018/1779-82

SOs 141, 142

23.16 Motion to suspend standing orders to bring on private Member's bill

During government business time on 10 September, the Shadow Minister for Agriculture, Fisheries and Forestry moved to suspend standing orders to enable the Live Sheep Long Haul Export Prohibition Bill 2018 (a private Member's bill) to be returned to the House from the Federation Chamber, called on immediately and given priority over all other business for passage through all stages by 6 pm that day.

The mover and seconder were closed on division and the suspension motion was negated on division.

Hansard: 10 September 2018, 8418-23
Votes and Proceedings: 2018/1779-82

SOs 47, 80

Questions

23.17 Questions ruled out of order

During question time on Monday 10 September, a Shadow Minister asked the Minister for Energy a question in relation to leadership of the Liberal Party. Following a point of order from the Leader of the House, the Speaker ruled the question out of order.

On Thursday 20 September, the Deputy Leader of the Opposition asked the Prime Minister a question regarding comments by a government Member about the Minister for Home Affairs that had been 'overheard'. The Speaker ruled the question out of order.

Hansard: 10 September 2018, 8387-6; 20 September 2018, 9729

SOs 98, 100

Speaker

23.18 Changes to Speaker's panel

On 10 September, the Speaker presented warrants revoking the nominations of two government Members of the Speaker's panel, and nominating two other government Members (Mr Craig Laundry and Mr John McVeigh) to be members of the panel, to assist the Chair when requested to do so by the Speaker or Deputy Speaker.

Hansard: 10 September 2018, 8397
Votes and Proceedings: 2018/1776

SO 17

23.19 Speaker gives casting vote

At the conclusion of the second reading debate on the Customs Amendment (Comprehensive and Progressive Agreement for Trans-pacific Partnership Implementation) Bill 2018, the question was put on an opposition second reading amendment. The House divided and the numbers for the 'Ayes' and the 'Noes' were equal. The Speaker gave his casting vote with the 'Noes' in accordance with the principle that a casting vote on an amendment to a bill should leave the bill in its existing form. The amendment was therefore negated and the bill passed through the remaining stages. [\[Watch\]](#)

Section 40 of the Constitution provides that the Speaker shall not vote unless the numbers are equal, and then he or she shall have a casting vote. The Speaker will normally give his or her casting vote in accordance with established principles; see [House of Representatives Practice, p. 186](#).

Hansard: 17 September 2018, 9097-9
Votes and Proceedings: 2018/1820-2

SO 135

Offensive words[#]

Nil.

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