

Procedural Digest

No. 26

45th Parliament

12– 21 February 2019

February 2019				
M	T	W	T	F
11	12	13	14	15
18	19	20	21	22

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

26.01 Constitutional questions raised regarding Senate amendments to the 'Medivac bill'; Government defeated in six votes on the floor of the House

On 12 February, a message from the Senate was reported returning the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 with amendments. The Speaker made a statement concerning the constitutional implications of the Senate amendments to the bill. He referred to advice received from the Attorney-General and the Solicitor-General (which he had presented earlier in the day) which indicated that the Senate's amendments increased a 'charge or burden on the people' contrary to the requirements of section 53 of the Constitution and, further, did not comply with the requirement of section 56 that a proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has been recommended by a message of the Governor-General. The Speaker concluded that it was a matter for the House as to how it wished to proceed with the Senate's amendments. [[Watch](#)]

The Attorney-General moved that the House endorse the Speaker's statement and that consideration of the Senate's amendments be made an order of the day for the next sitting. The Manager of Opposition Business moved, as an amendment, that the House refrain from the determination of its constitutional rights in respect of the Senate message, having regard to the fact that the public interest demanded the early enactment of the legislation, and that the amendments be considered immediately.

Following some debate, the Manager of Opposition Business moved that the question be put and the closure motion was carried on division. Accordingly, the question that the Opposition amendment be agreed to was put and carried on division. The question that the motion, as amended, be agreed to was then put and carried on division. Accordingly, the House proceeded to consider the Senate's amendments.

The Leader of the House moved that the Senate amendments be disagreed to. The Leader of the Opposition moved, as an amendment, that the Senate amendments be agreed to, with amendments to the Senate amendments. After some debate, the Manager of Opposition Business moved that the question be put and the closure motion was carried on division. Accordingly, the question that the Leader of the Opposition's amendment be agreed to was put and carried on division. The question that the motion, as amended, be

agreed to was then put and carried on division. Thus, the Senate amendments were agreed to, with amendments to the Senate amendments.

The next day, the Senate agreed to the amendments made by the House to the Senate amendments.

Hansard: 12 February 2019, 13027-8; 13044-73

Votes and Proceedings: 2019/2051-9

Journals of the Senate: 2019/4616-20

SOs 81, 158, 161, 179, 180, 199

26.02 Senate bill introduced and passes all stages

During government business time on 19 February, a message from the Senate transmitting the Wine Australia Amendment (Trade with United Kingdom) Bill 2019 was reported and the bill was read a first time. A minister presented an explanatory memorandum to the bill, moved the second reading and made a second reading speech. Leave was then granted for the second reading debate to continue immediately. Following some debate, the question on the second reading was put and carried on the voices. Leave was then granted for the third reading to be moved immediately and the question was put and carried on the voices.

Hansard: 19 February 2019, 13936-47

Votes and Proceedings: 2019/2115

SOs 63, 141, 142, 155, 166

26.03 Closure of debate on government bill

During the second reading debate on the Future Drought Fund Bill 2018, the Leader of the House moved that the question be put. The closure motion was carried on division and accordingly, the question that the bill be read a second time was put and carried on division. Following consideration in detail, the bill was passed by the House.

Hansard: 21 February 2019, 14317-30

Votes and Proceedings: 2019/2135-8

SO 81

Business

26.04 Statements acknowledging the deaths of Paul Neville and Bernard Cooney

On 12 February the Speaker informed the House of the death of Paul Christopher Neville, a Member of the House for the division of Hinkler from 1993 to 2013. He also informed the House of the death of Bernard Cornelius (Barney) Cooney, a Senator for Victoria from 1984 to 2002. As a mark of respect, all Members stood in silence. On the motion of the Leader of the House, statements on the matter were permitted in the Federation Chamber.

Further statements were made in the Federation Chamber on 13 February.

Hansard: 12 February 2019, 12998-9

13 February 2019, 13349-63, 13376-9

Votes and Proceedings: 2019/2048; 2085

26.05 Statements regarding the 10th anniversary of the Black Saturday Bushfires

The Prime Minister and the Leader of the Opposition each made statements remembering the Victorian Black Saturday Bushfires of 7 February 2009. On the motion of the Leader of the House, further statements were permitted in the Federation Chamber. [\[Watch\]](#)

Further statements were made in the Federation Chamber on 13 February.

*Hansard: 12 February 2019, 13001-4
13 February 2019, 13368-76; 13379-80
Votes and Proceedings: 2019/2049; 2085*

26.06 Statements in relation to recent natural disasters

The Prime Minister and the Leader of the Opposition each made statements regarding floods and fires across Australia in recent weeks. A number of private Members whose electorates have been particularly affected also made statements by indulgence.

Hansard: 12 February 2019, 13004-3

26.07 Statements regarding cyber-security

On 12 February, the Speaker updated the House on the Parliament's response to a parliamentary computing network security incident.

The following week, the Prime Minister and the Leader of the Opposition each made statements regarding the incident and on cyber-security more generally.

*Hansard: 12 February 2019, 13043-4
Hansard: 18 February 2019, 13637-9
Votes and Proceedings: 2019/2099*

SO 63

26.08 Prime Minister makes statement on Closing the Gap

The Prime Minister made a ministerial statement on the Closing the Gap report for 2019 and presented a copy of the report. The Leader of the Opposition made a statement in reply and the Leader of the House moved that the House take note of the document. The report was then referred to the Federation Chamber for debate. [\[Watch\]](#)

The report was debated in the Federation Chamber on 20 February 2019.

The Closing the Gap report is an annual report to parliament on progress in closing the gap between outcomes for Indigenous and non-Indigenous Australians.

*Hansard: 14 February 2019, 13396-409
Hansard: 20 February 2019, 1423-40
Votes and Proceedings: 2019/2088; 2126*

SOs 63A, 183, 199, 202

26.09 Extended question time; no MPI submitted

Question time continued longer than usual on Thursday 14 February and, at 3.42 pm, the Manager of Opposition Business moved that the business of the day be called on. The Speaker ruled that, under the standing orders, that motion could only be moved during the matter of public importance and not at any other time during the day. The Speaker reminded Members that the length of question time was at the discretion of the Prime Minister.

The Speaker also informed the House that no matter of public importance had been submitted to him and there would therefore be no MPI discussion that day. He added that while members from both sides of the House are entitled to propose a matter, it had become convention for the Opposition to lodge an MPI and he was disappointed that the House would be deprived of an important part of the sitting day.

The Manager of Opposition Business indicated that the Opposition had not lodged an MPI because it had hoped to consider a Senate message transmitting a resolution proposing a royal commission into abuse of people with a disability.

Questions and answers continued until 4.08 pm, when the Leader of the Opposition moved to suspend standing orders to allow him to move that the Prime Minister allow enough time in the House to consider the Senate message. Debate on the suspension motion continued until 4.30 pm when it was interrupted by the adjournment debate.

Question time typically concludes when the Prime Minister asks that further questions be placed on the Notice Paper, usually at around 3.10 pm. The MPI discussion normally follows question time on Tuesdays, Wednesdays and Thursdays.

*Hansard: 14 February 2019, 13463-503
Votes and Proceedings: 2019/2093*

SOs 34, 46, 47, 66, 261

26.10 House agrees to Senate resolution proposing royal commission into abuse of people with a disability

On Monday 18 February, a message from the Senate was reported informing the House that the Senate had agreed to a resolution, calling on the Government to request the Governor-General to establish a royal commission to inquire into violence, abuse and neglect of people with a disability. The Prime Minister moved that the Senate resolution be agreed to and, after some debate, the question was carried on the voices. [\[Watch\]](#)

*Hansard: 18 February 2019, 13694-702
Votes and Proceedings: 2019/2102*

SO 261

26.11 Statements regarding Australia's diplomatic relationship with Israel

The Prime Minister and the Leader of the Opposition each made statements in relation to the 70th anniversary of Australia's formal diplomatic relationship with the State of Israel. On the motion of the Leader of the House, further statements were permitted in the Federation Chamber.

A number of Members made further statements in the Federation Chamber on 20 February 2019.

Hansard: 19 February 2019, 13865-8
20 February 2019, 14206-23
Votes and Proceedings: 2019/2113; 2126

26.12 Speaker informs House of retirement of Clerk and thanks Clerk Assistant (Committees)

At the conclusion of question time on 19 February, the Speaker informed the House that the Clerk, David Elder, intended to retire early in the next parliament. The Speaker noted that Mr Elder had served the House for 38 years, with five years as Clerk, and Members gave a round of applause.

On 21 February, the Speaker informed the House of the departure from the Department of the House of Representatives of Bronwyn Notzon-Glenn, Clerk Assistant (Committees). The Speaker thanked Ms Notzon-Glenn for her service and wished her well in her new role.

Hansard: 19 February 2019, 13913
21 February 2019, 14314
Votes and Proceedings: 2019/2114; 2135

26.13 Motions to debate Australian dairy industry

Following prayers on Wednesday 20 February, the Shadow Minister for Agriculture, Fisheries and Forestry moved to suspend standing orders to allow him to move a motion regarding the Australian dairy industry. The motion was debated and negatived on division.

The following morning after prayers, the shadow minister again moved a motion to suspend standing orders to allow him to move a motion on the same issue. The motion was debated and negatived on division. The Katter's Australian Party Member then moved a motion to suspend standing orders to allow him to move a motion in different terms on the issue. This motion was also debated and negatived on division.

Hansard: 20 February 2019, 14033-41
21 February 2019, 14273-90
Votes and Proceedings: 2019/2119-20; 2129-31

SO 47

26.14 Ministerial statement on Australia-United States joint defence facilities

The Minister for Defence made a ministerial statement on Australia-United States joint defence facilities and presented a copy of his statement. The shadow minister made a statement in response.

Hansard: 20 February 2019, 14049-57
Votes and Proceedings: 2019/2121

SO 63A

Committees

26.15 Matter referred to Joint Standing Committee on Electoral Matters established in the next parliament

A message from the Senate was reported informing the House that the Senate had agreed to refer a matter to the Joint Standing Committee on Electoral Matters established in the next Parliament. The referral provided for a review of the operation of the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018*.

Hansard: 12 February 2019, 12966
Votes and Proceedings: 2019/2046

SO 261

26.16 Petitions Committee report presented

The Chair of the House Standing Committee on Petitions presented a report entitled; *Your voice can change our future: The inquiry into the future of petitioning in the House*. The report included a number of recommendations to amend standing orders with regard to the petitions process, including that petitions with over 20,000 signatures be considered for debate in the Federation Chamber.

Hansard: 21 February 2019, 14311-2
Votes and Proceedings: 2019/2135

SOs 220, 247

Documents

26.17 Revised ministry list presented

The Prime Minister presented a revised ministry list, reflecting the appointment of Mr Andrew Gee to the ministry as the Assistant Minister to the Deputy Prime Minister.

Hansard: 12 February 2019, 13013-4
Votes and Proceedings: 2019/2049

SO 199

Members

26.18 Valedictory speeches by retiring Members

During the fortnight, a number of Members retiring at the end of the 45th Parliament made valedictory speeches:

Ms Kate Ellis on 18 February [\[Watch\]](#)

Mr Wayne Swan on 19 February [\[Watch\]](#)

Ms Jenny Macklin on 20 February [\[Watch\]](#)

Ms Kelly O'Dwyer on 20 February [\[Watch\]](#)

Ms Gai Brodtmann on 21 February [\[Watch\]](#)

Ms Julie Bishop on 21 February [\[Watch\]](#)

Hansard: 18 February 2019, 13688-94
19 February 2019, 13928-36
20 February 2019, 14134-46
Hansard: 21 February 2019, 14331-6, 14371-3

Motions

26.19 Condolence motion on the death of the Honourable Gordon Glen Denton Scholes AO

On 12 February, the Prime Minister moved that the House record its regret at the death of the Honourable Gordon Glen Denton Scholes, a former minister and a Member of the House for the division of Corio from 1967 to 1993. The Leader of the Opposition spoke in support of the motion and the debate was adjourned. On the motion of the Leader of the House, the condolence motion was referred to the Federation Chamber for debate. [\[Watch\]](#)

The following day, the motion was debated in the Federation Chamber, returned to the House and was carried.

Hansard: 12 February 2019, 12999-13001
13 February 2019, 13286; 13346-9
Votes and Proceedings: 2019/2049; 2082; 2085

SO 49

Privilege

26.20 Privilege matter raised regarding Chair of House Economics Committee

On 13 February, the Manager of Opposition Business raised as a matter of privilege, the conduct of the Chair of the House Standing Committee on Economics during the Committee's inquiry into refundable franking credits. The Speaker stated that he would consider the issues raised and report back to the House.

The Speaker responded on 21 February, stating that while the actions of the Committee Chair could be seen to have caused damage to the Committee's reputation and the reputation of the House committee system more generally, in his view, the actions of the Chair did not meet the test for contempt set out in the *Parliamentary Privileges Act 1987*.

[\[Watch\]](#)

Hansard: 13 February 2019; 13267-70
21 February 2019; 14290-3
Votes and Proceedings: 2019/2081-2; 2131-3

SO 51

Offensive words

	Hansard	
	<i>Date</i>	<i>Page</i>
'Socialist, populist crap!'	20 February 2019	14036
'He's lying! He's lying!'	20 February 2019	14130
'The member for Sturt says the ambassador to the US is doing a good job. What he really meant is: this is a tidy little earner for Liberal Party donors, for people who run companies who benefit from these government contracts.'	21 February 2019	14368
'She has lied.'	21 February 2019	14380

SOs 89, 90, 92