

Procedural Digest

No. 16

47th Parliament

13 – 16 November 2023

November 2023				
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Bills

16.01 Private Senators' bills transmitted to the House

On Monday, 13 November, during government business time, the Speaker reported a message from the Senate transmitting a private Senators' bill relating to workplace relations. After the bill was read a first time, the Minister for Employment and Workplace Relations moved that the second reading be made an order of the day for the next sitting, to which the Manager of Opposition Business moved an amendment that 'the bill be considered immediately'. Debate on the motion and amendment was interrupted for Members' statements at 1.30 pm and was not resumed.

Later that afternoon, the Speaker reported a message from the Senate transmitting a second private Senators' bill relating to workplace relations. The bill was read a first time.

Following this, a message transmitting a third private Senators' bill relating to workplace relations was reported. After the first reading of that third bill, as it was not open to a private Member to move that the bill be considered immediately, the Manager of Opposition Business moved to suspend standing and sessional orders to enable him to move that the bill be brought on for debate immediately. The motion was defeated on division.

A message transmitting a fourth private Senators' bill relating to workplace relations was then reported and that bill read a first time, The Manager of Opposition Business moved a similar motion to suspend standing and sessional orders to bring on the bill for debate and this motion was defeated on division.

The Manager of Opposition Business then moved a suspension of standing orders and sessional orders to allow the second bill to be considered immediately. The House divided again, and the motion was also defeated.

On Tuesday, 14 November, following Question Time, the Manager of Opposition Business asked the Speaker about listing the bills on the *Notice Paper*. The Speaker responded that, as the House had not made any order to consider the bills at a later hour or another day, they had not become orders of the day.

Standing order 166 provides that Senate bills coming to the House for the first time proceed, to the necessary extent, as though they were a House bill. When a private Senator's bill is received, a minister may move a motion relating to the second reading, in which case the bill is then treated as government business. Alternatively, a private Member may move that the second reading be made an order of the day for the next sitting, in which case the bill is then treated as private Members' business.

Hansard: 13 November 2023, 7862-74; 7895-915

14 November 2023, 8037

Votes and Proceedings: 2022-23/1086; 1087-91

SOs 141, 166

16.02 Debate management motion for workplace relations bill

On Tuesday, 14 November, pursuant to notice, the Leader of the House moved a suspension of standing and sessional orders relating to the consideration of the Fair Work Legislation Amendment (Closing Loopholes) Bill. The motion set out a framework for proceedings on the bill, including arrangements for the second reading, detail and third reading stages. To facilitate the completion of the second reading stage during that sitting week, it proposed extended hours of sitting on 14 and 15 November and provided that, if necessary to complete the second reading state, the bill be called on immediately after prayers on 16 November, any questions on second reading amendments and on the second reading be put and messages from the Governor-General under standing order 147 be announced before the debate be automatically adjourned. An amendment moved by the Manager of Opposition Business to omit a provision placing time limits for the debate on detail amendments was defeated on division. The original motion was then agreed to on division.

That evening, pursuant to the resolution, debate on the second reading of bill resumed just before 6.30 pm, was interrupted by the adjournment debate from 7.30 pm to 8.00 pm, and continued until just before 10.30 pm. During debate, amendments to existing second reading amendments were moved by two members of the crossbench, bring the total number of second reading amendments to four.

On the evening of Wednesday, 15 November, when no further members rose to speak, the questions were put on the four second reading amendments. Three amendments were defeated on the voices:

- the amendment moved by Ms Sharkie to the amendment proposed by Ms Le;
- the amendment moved by Ms Le to the amendment proposed by Mr Katter; and
- the amendment moved by Mr Katter to the amendment proposed by Mr Fletcher.

When the question was put on the original amendment moved by Mr Fletcher, a division was called for and, it being after 6.30 pm, was deferred under standing order 133.

On the morning of Thursday, 16 November, the deferred division was called on immediately after prayers, and the original amendment was negated. The question that the bill be read second time was then put and agreed on division. The bill was read a second time, two messages from the Governor-General were announced, and debate adjourned.

Hansard: 14 November 2023, 8051-8; 8067-7; 8083-106

15 November 2023, 8170-5; 8181-9; 8224-48

16 November 2023, 8315-7

Votes and Proceedings: 2022-23/1110-5; 1123-5; 1130; 1137-9

SOs 133, 145, 147

16.03 Debate on the third reading of bankruptcy bill

On Wednesday, 15 November, debate resumed on the second reading of the Bankruptcy Amendment (Discharge from Bankruptcy) Bill 2023, which had been introduced the previous day. When the question that the bill be read second time was put, the House divided and, only three members voting 'No', the Speaker declared the question resolved in the affirmative in accordance with standing order 127.

Leave was then granted for the Attorney-General to move the third reading immediately. A brief debate ensued, with the Leader of the Australian Greens rising to note matters relating

to the urgency of the bill and the Attorney-General speaking in reply. The question was then agreed on the voices and the bill read a third time.

Debate to occur on the third reading of a bill is not common. When debate takes place, it is confined strictly to the contents of the bill and is not as wide-ranging as the second reading debate; it is not in order to re-open or repeat debate on matters discussed on the motion for the second reading or during the detail stage.

*Hansard: 15 November 2023, 8162-3
Votes and Proceedings: 2022-23/1123*

SOs 127, 145, 155

16.04 Migration bill passes both Houses in one day

On Thursday, 16 November, the Minister for Immigration, Citizenship and Multicultural Affairs introduced the Migration Amendment (Bridging Visa Conditions) Bill 2023 and moved that the bill be read a second time. The debate was adjourned and made an order of the day for the next sitting in accordance with standing order 142.

To enable debate on the bill to continue, the Leader of the House then moved a contingent motion to suspend standing orders to allow the second reading debate to resume immediately, with the time limit for Members speaking to be five minutes and the second reading to continue for no more than one hour, after which the bill would be passed through all remaining stages without delay. The Manager of Opposition Business moved an amendment to this motion to provide for greater time limits of 10 minutes for the Leader of the Opposition and the Shadow Minister for Immigration and Citizenship. Debate on the motion ensued and the Leader of the House moved closure of question, which was agreed to on division. Then question on the amendment was then put and passed on the voices and the suspension motion, as amended, was agreed to on division.

The second reading debate then resumed and, when the time for debate had expired, the question on the second reading was put and House divided. As only three members voted 'No', the Speaker declared the question resolved in the affirmative in accordance with standing order 127. After the bill was read a second time, leave was granted for the third reading to be moved immediately. The question was agreed to on the voices and the bill was read a third time. The bill was then transmitted to the Senate for its concurrence.

Later, after Question Time, the Leader of the House moved suspension of standing orders 31 and 33 (relating to the automatic adjournment of the house and the limit on business after normal time of adjournment) in anticipation of the bill being returned from the Senate that evening. The motion was agreed on the voices.

At 4.30 pm, the time the adjournment debate would have normally taken place, six members were given leave to make five-minute statements instead. The sitting of the House was then suspended at 4.58 pm.

At 9.37 pm, the Speaker resumed the chair and reported the bill returned from the Senate with amendments. Following a brief debate, these were agreed to on division. The House then adjourned at 9.59 pm.

*Hansard: 16 November 2023, 8317-33; 8379; 8389-98
Votes and Proceedings: 2022-23/1139-42; 1146; 1150-1*

SOs 31, 33, 127, 142, 145

Motions

16.05 Commemoration of National Apology anniversary

On Monday, 13 November, the Prime Minister moved, by leave, that the House commemorate the fifth anniversary of the national apology to the survivors and victims of institutional child sexual abuse. The Leader of the Opposition also spoke to the motion and debate was then adjourned. The Leader of the House declared the order of the day referred to the Federation Chamber for debate.

Further contributions were made in the Federation Chamber on Thursday, 16 November.

Hansard: 13 November 2023, 7880-2

16 November 2023, 8404-9

Votes and Proceedings: 2022-23/1086; 1153

SOs 45, 63, 111

16.06 Non-government motions to suspend standing orders

Non-government members moved to suspend standing and sessional orders in order to move the following motions:

- on Monday, 13 November, relating to the prosecution of certain whistleblowers (Member for Brisbane); and
- during Question Time on Wednesday, 15 November, relating to social cohesion and community safety (Leader of the Opposition).

Both suspension motions were negatived on division.

Hansard: 13 November 2023, 7915-9

15 November 2023, 8200-7

Votes and Proceedings: 2022-23/1091-2; 1125-7

SOs 47, 111

Statements

16.07 Ministerial statement

On Wednesday, 15 November, the Minister for the Environment and Water made a ministerial statement, by leave, relating to Australia's international environment leadership and presented a copy of the statement. The Shadow Minister for Climate Change and Energy addressed the House in reply. A motion that the House take note of the document was then moved and referred to the Federation Chamber for debate.

When the House grants a minister leave to make a ministerial statement, it is deemed that leave is granted to the Leader of the Opposition, or member representing, to speak for an equal amount of time.

Hansard: 15 November 2023, 8175-80

Votes and Proceedings: 2022-23/1125

SOs 63, 63A

16.08 Statements by leave

Prior to Question Time on Tuesday, 14 November, the Prime Minister and the Leader of the Opposition made statements, by leave, expressing their condolences on the death of Mrs Helena Carr, wife of the Hon Bob Carr (Premier of New South Wales from 1995 to 2005; Senator for New South Wales and Minister for Foreign Affairs from 2012 to 2013).

At 4.30 pm on Thursday, 16 November, following an earlier suspension of standing orders to manage the passage of urgent legislation (see 16.04 above), six members who had planned to make contributions to the adjournment debate were instead granted leave to make five-minute statements before the House suspended.

Hansard: 14 November 2023, 8036
 16 November 2023, 8389-94
Votes and Proceedings: 2022-23/1150
SOs 31, 63

Offensive words[#]

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...that hopeless disgrace of a Minister for Home Affairs...'	15 November 2023	8227
'The current bloke, in my opinion he has the morals of an alley cat.'	15 November 2023	8309

SOs 88, 89, 90, 92

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