

Procedural Digest

No. 17

47th Parliament

27 November – 7 December 2023

November/ December 2023				
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Sittings

17.01 Special sitting following death of Member for Dunkley

On Wednesday, 5 December, following the death the previous day of the Member for Dunkley, Ms Peta Murphy, the Speaker notified members, in accordance with standing order 30(c), that the House would meet a day earlier than previously set.

The House met at 10 am on 6 December and, following acknowledgement of country and prayers, the Leader of the House moved a motion to suspend standing orders to set the order of business for the day. The motion, which was agreed on the voices, provided for:

- the moving and debate of a condolence motion, with the sitting of the House to be suspended for 30 minutes when no further members rose to speak;
- upon resumption, the House considering any messages from the Senate, before immediately adjourning until 9 am the next day, and the carriage of the condolence motion occurring at 2 pm the next day;
- suspension of standing orders relating to adjournment for the sitting; and
- variation to these arrangements being made only by a minister.

The Speaker then announced the death of Ms Murphy and the Prime Minister moved the motion of condolence, which was supported by the Leader of the Opposition. A further 81 members made contributions. At the conclusion of debate, as a mark of respect for the memory of Ms Murphy, members rose in their places before debate was adjourned. As a further mark of respect, the sitting was then suspended for 30 minutes.

At 2 pm on Thursday, 7 December, in accordance with the resolution of the previous day, the Speaker put the question that the motion be agreed to and asked, as a mark of respect, that all present signify their approval by rising in their places. Members rose and the motion was agreed to.

Although the House ordinarily meets in accordance with the program of sittings agreed each year and at the times set out in standing order 29(b), standing order 30 provides that the Speaker or a Minister may initiate a change to the meeting time of the House. A Minister may either move a motion without notice to set the next meeting of the House or a motion with notice to set a future meeting or meetings and, if the House is not sitting, the Speaker may set an alternative day or hour for meeting and notify all members of the change.

Hansard: 6 December 2023, 9043-134

7 December 2023, 9267

Votes and Proceedings: 2022-23/1233-4,1248

SOs 30, 49

Bills

17.02 Contingent motions to facilitate passage of urgent bills

The House agreed to contingent motions to facilitate the passage of two urgent bills through all stages in a single day:

- on Monday, 27 November, the Migration Amendment (Bridging Visa Conditions and Other Measures) Bill 2023; and
- on Wednesday, 29 November, the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023.

On both days, the relevant Minister introduced the bill and made their second reading speech before debate was adjourned as required under standing order 142. Later, the Leader of the House moved a contingent motion to suspend standing orders to allow the second reading debate to resume immediately, with the 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. In both instances, the Manager of Opposition Business moved an amendment to provide the first opposition member speaking with a time limit of 10 minutes, which was agreed to on division. Both suspension motions, as amended, were agreed to on division and the second reading debates resumed.

On Monday, after the Migration Amendment (Bridging Visa Conditions and Other Measures) Bill 2023 was read a second time, the Minister moved that the bill be read a third time, which was agreed on the voices. The bill was then transmitted to the Senate for concurrence. It was returned to the House with amendments, including a change of title, on 6 December (see 17.04). It finally passed both houses as the Migration and Other Legislation Amendment (Bridging Visas, Serious Offenders and Other Measures) Bill 2023.

On Wednesday, during the second reading debate on the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023, an opposition member moved an amendment. After the amendment was seconded, the Leader of the House moved a motion to suspend standing orders so that divisions in relation to the bill could occur after 6.30 pm. Two further second reading amendments were moved by crossbench members. When the time for debate expired, the question on each amendment was put and negatived in succession. The question that the bill be read a second time was then put and passed on division. The Minister for Home Affairs, by leave, moved that the bill be read a third time, which was put and carried on the voices. The bill was then transmitted to the Senate for concurrence, where it also finally passed both houses on 6 December.

Hansard: 27 November 2023, 8509-10, 8541-51
29 November 2023, 8838-51

Votes and Proceedings: 2022-23/1163-8, 1203, 1206-12

SOs 47, 63, 133, 142, 145, 148

17.03 Bill passes House and is split in two by Senate

On Tuesday, 28 November, consideration in detail resumed on the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023. In accordance with a debate management motion agreed to on 14 November 2023 (see Digest 16.02), detail amendments were to be moved together, with one question to be put on all government amendments, one on all opposition amendments, and separate questions on any sets of amendments moved by crossbench members. The House agreed to a set of 83 government amendments and a set of eight amendments moved by the Leader of the Australian Greens.

Consideration in detail continued on Wednesday, 29 November. Seven crossbench members (the Members for Fowler, Mackellar, Goldstein, Curtin, Wentworth, Warringah and North Sydney) moved sets of amendments, all of which were negatived. On motion of the Minister for Employment and Workplace Relations, the House divided and agreed to suspend standing orders to vary the 14 November resolution to enable the Member for Wentworth to move another set of amendments. The Member for Wentworth then moved a set of three amendments together, which was agreed to on division, and consideration in detail concluded with the bill, as amended, being agreed to. The Minister for Employment and Workplace Relations, by leave, moved the third reading, which was put and passed on division. The bill was then transmitted to the Senate for concurrence.

On Thursday, 7 December, a message was received from the Senate returning the bill, which informed the House that the Senate had agreed to amendments, including amendments which divided the bill into two. The House agreed that the message be considered immediately.

The House has previously taken the position that the division of a bill by the house in which it did not originate is highly undesirable. The Minister for Employment and Workplace Relations moved a motion proposing that the House:

- acknowledge the position previously taken by the House that division of a bill in the place it did not originate is undesirable;
- without departing from that position, distinguish this occasion as it involved division of a government bill in the Senate at the initiation of the government;
- concur with the action of the Senate on this occasion; and
- agree to the Senate amendments.

During debate on the motion, an opposition member sought leave to move a set of four amendments to the Senate amendments, and a crossbench member sought leave to move a set of three amendments. In both instances, leave was granted, and the member moved the amendments. At 4.30 pm, the Minister for Employment and Workplace Relations moved closure of question, which was agreed to on division. The sets of amendments were each negatived on division before the question on the original motion was put and agreed to on division.

The provisions which were separated from the bill form the Fair Work Legislation Amendment (Closing Loopholes No. 2) Bill 2023, which remains before the Senate.

Hansard: 28 November 2023, 8642-658, 8703-711

29 November 2023, 8765-71, 8775-89, 8791-5

7 December 2023, 9286-303

Votes and Proceedings: 2022-23/1181, 1188-9, 1196-203, 1250-4

SOs 47, 63, 81, 150, 155, 158

17.04 Opposition seeks to amend bill after Senate amendments

On Wednesday, 6 December, upon the resumption of the sitting at 9.27 pm in accordance with the resolution made earlier that day (see 17.01), the House considered messages from the Senate.

One of the messages received returned the Migration Amendment (Bridging Visa Conditions and Other Measures) Bill 2023 with amendments (see 17.02). The Minister for Immigration, Citizenship and Multicultural Affairs moved that the amendments be considered immediately, and the question was put and carried on the voices. The Minister then moved that the amendments be agreed to. Following the minister's speech, the Leader of the House moved a closure of question, which was carried on division. The question that the Senate amendments be agreed to was accordingly put and carried on the voices.

The Shadow Minister for Immigration and Citizenship then rose to move further amendments, relevant to Senate amendments, circulated in his name. Following points of order, the Speaker ruled that, although the matter of the Senate message had been resolved, standing orders permitted further amendments and the shadow minister would be allowed to speak and the House consider the amendments. Before the shadow minister could continue, the Leader of the House moved that the House do now adjourn; the question was put and agreed to on division. The House then adjourned at 10.05 pm.

*Hansard: 6 December 2023, 9185-90
Votes and Proceedings: 2022-23/1235-6*

SOs 32, 81, 158, 160

Business

17.05 Arrangement of business on final sitting day

On the morning of Thursday, 7 December, the Leader of the House, pursuant to notice, moved a suspension of standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) for the sitting, to allow the House to sit past the normal time of adjournment to consider any messages from the Senate before rising for the final time that year. The Manager of Opposition Business also spoke to the motion before it was passed on the voices.

Later that day, following consideration of a Senate message returning a workplace relations bill to the House (see 17.03), the House adjourned at 4.56 pm.

*Hansard: 7 December 2023, 9197-8, 9303
Votes and Proceedings: 2022-23/1241, 1254*

SOs 31, 33

Messages from the Senate

17.06 Request for conference to discuss four bills

On Tuesday, 28 November, the House received a message from the Senate requesting a conference with the House in relation to four private Senators' bills which had been transmitted to the House for concurrence on 13 November. The Senate informed the House that, in the event of a conference being agreed to, it would be represented by 12 senators. The Manager of Opposition Business moved that the message be considered immediately.

Following debate, the Leader of the House moved the closure of question, which was agreed to on division. The question that the message be considered immediately was then put, which was negated on division. No further action was taken.

Under the standing orders of both the House and the Senate, either house may request a conference to resolve a disagreement between the two houses. Only two conferences have ever been held, in 1930 and 1931, both at the request of the House. Prior to this occasion, the only request by the Senate for a conference was in 1950, which was refused.

The standing orders of both houses provide that a conference may not be requested in relation to a bill in possession of the other place. On 28 November, the Senate suspended the operation of the standing orders which would have prevented it from making such a request.

*Hansard: 28 November 2023, 8695-703
Votes and Proceedings: 2022-23/1186-8*

SOs 261, 264

Motions

17.07 Motion to suspend standing orders during Question Time

During Question Time on Thursday, 30 November, the Leader of the Opposition sought to suspend standing and sessional orders to move a motion relating to the Government's handling of a recent High Court decision. In accordance with standing order 47(e), the Leader of the House required that further proceedings in relation to the motion take place after the discussion of a matter of public importance. Following the conclusion of the discussion of the matter of public importance and a statement on indulgence from the Leader of the Opposition, as it was 4.30 pm, the Deputy Speaker proposed the adjournment of the House, and no further action was taken on the suspension motion.

*Hansard: 30 November 2023, 8980, 9005
Votes and Proceedings: 2022-23/1227-8*

SOs 31, 47

Petitions

17.08 Change in procedure for seeking responses

On Monday, 27 November, the Deputy Chair of the Standing Committee on Petitions presented 47 petitions and 65 ministerial responses. He then made a brief statement to inform the House that, from the beginning of 2024, the committee would be introducing a modest threshold of 50 signatures before a petition is referred to a minister for response. This threshold will apply to both written and electronic petitions. Until now, the practice of the committee had been to send almost all petitions to a minister for response, with an expectation that a response be received within 90 days.

The Deputy Chair explained this change is intended to ensure that the referral process remains sustainable, given the increase in the number of petitions received, particularly following the introduction of the electronic petitions system in 2016. The change was strongly supported by feedback to the committee, and the committee will be monitoring the impact throughout 2024 to ensure that the threshold is an appropriate baseline.

Standing order 209 sets out provisions for the referral of petitions to the relevant minister but does not set a threshold for referral; this is at the discretion of the committee.

*Hansard: 27 November 2023, 8475
Votes and Proceedings: 2022-23/1155*

SO 209

Statements

17.09 Statements by leave in lieu of adjournment debate

At 7:30 pm on Wednesday, 29 November, in order to facilitate continued debate on a counter-terrorism bill, the question that the House do now adjourn was put immediately and negated. Six members who had planned to make contributions to the adjournment debate were instead granted leave to make five-minute statements. Following these statements, second reading speeches on the bill resumed.

*Hansard: 29 November 2023, 8856-62
Votes and Proceedings: 2022-23/1213*

SO 31, 63

17.10 Statements on significant matters

During the period for statements on significant matters on Wednesdays and Thursdays, statements were made relating to:

- the International Day for the Elimination of Violence against Women (30 November)
- a report on the consular state of play 2022-23 (30 November)
- the 20th anniversary of the national ban on asbestos (7 December)
- charitable organisations (7 December)

In each case, the shadow minister spoke in reply and the House agreed to allow further statements in the Federation Chamber.

*Hansard: 30 November 2023, 8915-20
7 December 2023, 9191-7
Votes and Proceedings: 2023-23/1219, 1241*

SOs 45, 50A

17.11 Ministerial statement

On Thursday, 30 November, the Minister for Climate Change and Energy, by leave, made a ministerial statement relating to the annual climate change statement, and presented a copy of the statement and related documents. The Shadow Minister for Climate Change and Energy then addressed the House in reply. A motion that the House take note of the statement was then moved and referred to the Federation Chamber for debate.

*Hansard: 30 November 2023, 8946-55
Votes and Proceedings: 2022-23/1224*

SOs 45, 63, 63A, 199, 202

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'... Ponzi scheme ...'	27 November 2023	8529
'Fucking disgraceful!'	28 November 2023	8701
'—old touchy Tudge—'	29 November 2023	8827
'... who's got a history of punching down and attacking migrants ...'	29 November 2023	8841
'Settle down, silk!'	30 November 2023	8965
'... support paedophiles over children ...'	30 November 2023	8982

SOs 89, 90, 92

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