

Procedural Digest

No. 23

47th Parliament

24 June – 4 July 2024

June/July 2024				
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Governor-General

23.01 Business rearranged for swearing in of Governor-General

On Tuesday, 25 June, the House resolved to amend the times and order of business for the House and Federation Chamber on Monday, 1 July, and Thursday, 4 June. The Leader of the House, in moving the suspension of standing and sessional orders, explained that the changes related to the swearing in of the new Governor-General scheduled to occur on Monday morning, when private member's business would usually take place. The motion suspended standing orders to allow for a later hour of meeting of the House at 11:30am and the Federation Chamber at 12 noon on the Monday, and to allow for private member's business to be considered in the Federation Chamber on the Thursday instead.

On Monday, 1 July, Ms Sam Mostyn AC was sworn in as the 28th Governor-General of the Commonwealth of Australia. Ms Mostyn was welcomed on the forecourt of Parliament House by the Federation Guard and the Royal Military College Band and participated in an Indigenous smoking ceremony before moving through to the Senate chamber where, as is tradition, the official swearing-in took place. The ceremony concluded with a 21-gun salute on the forecourt, and a Welcome to Country ceremony, the Australian National Anthem and speeches followed in the Members' Hall. Following the ceremonial events, the House then met at 11.30am in accordance with the resolution.

Hansard: 25 June 2024, P1
Votes and Proceedings: 2022-23-24/1647

SOs 34, 47, 192

23.02 Passage of Governor-General salary bill

On Monday, 24 June, the Assistant Minister to the Prime Minister, by leave, introduced the Governor-General Amendment (Salary) Bill 2024 and made a second reading speech. The bill amended the Governor-General Act to set the salary of the Governor-General, calculated by reference to the estimated average salary of the Chief Justice of the High Court of Australia over the notional five-year term of the appointment.

On Tuesday, 25 June, at the conclusion of debate on the second reading, the question that the bill be read a second time was put and a division called for and deferred in accordance with Standing Order 133. Later that day, following the matter of public importance discussion, the deferred division was held and question agreed to. The bill was then read a second time and, by leave, a third time. The bill was considered and passed by the Senate the next day, before receiving assent from the outgoing Governor-General, His Excellency General the Hon David Hurley AC CVO DSC (Retd) on Friday, 28 June.

Section 3 of the Constitution places an obligation on the Parliament to set the salary of the Governor-General and prevents the salary from being changed during his or her term in office.

It is therefore usual for the Parliament to pass a bill of this kind at the end of a Governor-General's term in advance of the swearing in of the next Governor-General.

Hansard: 24 June 2024, P35

25 June 2024, P11-3, 45-6

Votes and Proceedings: 2022-23-24/P1631, 1649-51

SOs 133, 141, 142, 155, 175

Bills

23.03 Third reading of bill rescinded to allow further consideration

On Thursday, 27 June, the Treasury Laws Amendment (Responsible Buy Now Pay Later and Other Measures) Bill 2024 was returned from the Federation Chamber for further consideration with an unresolved question on an amendment to a second reading amendment. The questions on both second reading amendments were negated on division, then the question on the second reading passed on the voices. Leave was granted for the third reading to be moved immediately and the bill was read a third time.

Following the next item of business, the Manager of Opposition Business rose and indicated that, due to a misunderstanding, the bill had moved to a third reading without giving the opposition the opportunity to move amendments in a consideration in detail stage. He sought and was granted leave to move that the third reading vote be rescinded, and the motion passed on the voices. The opposition amendments to the bill were then moved together, by leave, and the question on the amendments was negated on division. Leave was then again granted for the third reading to be moved immediately and the bill was read a third time.

Standing order 120 provides that a resolution or other vote of the House may be rescinded during the same session of Parliament. A rescission can be made immediately to correct irregularities or mistakes by seeking leave of the House, or with one day's notice. In other cases, a rescission may only be made on seven days' notice.

Hansard: 27 June 2024, P14-9

Votes and Proceedings: 2022-23-24/P1674-7

SOs 120, 145, 148, 153, 155

Committees

23.04 Bill proposing new statutory committee passes House

On Monday, 1 July, the second reading debate resumed on the Defence Amendment (Parliamentary Joint Committee on Defence) Bill 2024, introduced during the previous sittings (see Digest 22.04). During debate, members raised matters relating to the proposed non-government membership of the committee, which could include members from the opposition as well as independent and minor party members. In the consideration in detail stage, the Shadow Minister for Defence moved amendments proposing to limit the membership of the committee to government and opposition members only, which were negated on division. The bill was then agreed to and, by leave, read a third time.

Hansard: 1 July 2024, P30-42, 65-88

Votes and Proceedings: 2022-23-24/P1684-6

SOs 148, 150, 155

23.05 Amended resolution of appointment for joint committee

On Thursday, 4 July, the Minister for Climate Change and Energy, on behalf of the Leader of the House, moved, pursuant to notice, a motion to amend the resolution of appointment for the Parliamentary Joint Committee on Human Rights to increase the membership of the committee from 10 to 12 members. Following debate, the resolution was agreed to on division and a message sent to the Senate acquainting it of this resolution and requesting concurrence. Later that day, the Senate concurred with the resolution; it is expected that this message will be reported to the House on the first sitting day in August.

Hansard: 4 July 2024, P13-15

Votes and Proceedings: 2022-23-24/P1723-4

Journals of the Senate, No. 119, 4 July 2024, P3679

Motions

23.06 Government motions

On Wednesday, 3 July, the Minister for Defence Personnel moved, without notice, that so much of standing orders be suspended as would prevent a minister moving a motion relating to the defacing of war memorials by protesters, to provide for a debate of no longer than 30 minutes with 10 minutes for the mover and five minutes for all other members speaking, and not permitting amendment to the motion. The question was put and passed, with the concurrence of an absolute majority. The Minister then moved the motion and two government members, a shadow assistant minister and another opposition member also spoke to the motion before the question was put and passed on the voices.

Later that day, the Deputy Leader of the House moved, pursuant to notice, that so much of standing orders be suspended as would prevent a minister moving a motion and to provide for a debate of no longer than 1 hour with 10 minutes for the mover and five minutes for all other members speaking, and not permitting amendment to the motion. The question was agreed to, and the Assistant Minister for Foreign Affairs then moved a motion that the House endorse the government's position in relation to recognition of the State of Palestine as part of a two-state solution, and members from the government, opposition and crossbench spoke to the motion. During debate, opposition members noted that they were unable to move amendments to the motion and later moved a related suspension of standing orders (see Digest 23.07 below). The motion was agreed to on division.

If a suspension motion is moved without notice, it can only be carried by an absolute majority of Members, or by a majority of members present if agreed by the Leader of the House and the Manager of Opposition Business.

Hansard: 3 July 2024, P40-4, 88-98

Votes and Proceedings: 2022-23-24/1707-8, 1713-4

SO 47

23.07 Attempted suspensions of standing orders

During the sitting fortnight, several non-government members moved to suspend standing and sessional orders in order to move motions:

- relating to supermarket pricing and support for a related private member's bill (24 June, Member for Griffith, negatived on division)

- to call on consideration of a private member's bill related to a commission of inquiry (25 June and 3 July, Member for Berowra, debate adjourned)
- relating to approval of a gas project (26 June, Member for Ryan, negated on division)
- relating to defacing of war memorials (2 July, Shadow Minister for Defence, debate adjourned; 3 July, Shadow Assistant Minister for Defence, debate adjourned)
- relating to a motion which had been agreed to by the House (3 July, Manager of Opposition Business, debate adjourned; see Digest 23.06 above)
- to call on a private member's bill related to gambling advertisements (4 July, Member for Clark, negated on division)
- relating to Israel (4 July, Shadow Minister for Defence, debate adjourned).

Hansard: 24 June 2024, P36-40

25 June 2024, P2-5

26 June 2024, P17-21

2 July 2024, P44-8

3 July 2024, P17-20, 82-5, 98-101

4 July 2024, P3-7, 15-9

Votes and Proceedings: 2022-23-24/P1632-3, 1648, 1651-2, 1661, 1697-8, 1704-5, 1712-3, 1715-6, 1721-2, 1724-5

SO 47

Speaker

23.08 Statement on security incident at Parliament House

Prior to Question Time on Thursday, 4 July, the Speaker made a statement relating to a security incident which had occurred earlier in the day and informed the House that he had limited access to the public galleries as a result. The Speaker also outlined that he and the President of the Senate had requested an investigation into the day's events, and that those responsible for the incident had received penalties and been banned from the building.

Following the Speaker's statement, the Prime Minister and the Leader of the Opposition made statements on indulgence in relation to the incident, which had involved members of the public bypassing security fences and scaling the front of the building to raise banners. Both gave their support to the actions of the Presiding Officers, security staff and the Australian Federal Police in managing the incident and the protestors.

Hansard: 4 July 2024, P65-6

Votes and Proceedings: 2022-23-24/P1730

23.09 Deputy Speaker takes chair as Acting Speaker

On Wednesday, 26 June, and Monday, 1 July, the Deputy Speaker took the Chair and made the acknowledgement of country and read prayers in the Speaker's absence. On both days, the Speaker was in attendance later in the sitting.

Standing order 18(a) provides that, if the Speaker is absent, the Deputy Speaker shall be Acting Speaker.

Hansard: 26 June 2024, P1

1 July 2024, P1

Votes and Proceedings: 2022-23-24/P1659, 1683

SOs 18, 38

23.10 Deputy Speaker's statement on advisers in the galleries

On Thursday, 27 June, the Deputy Speaker made a statement regarding the proper conduct of members' advisers in the Federation Chamber. She noted that that the roped-off gallery areas may be accessed by advisers and that advisers may enter through the doors adjacent to the galleries only and not through the doors reserved for members. Advisers may not intrude onto the floor of the Federation Chamber or seek attention of a member, for example by calling out. The Deputy Speaker reminded members that the proper process is for advisers to pass any messages to members through attendants or for members to approach the galleries, and that members are responsible for the behaviour of their advisers.

*Hansard: 27 June 2024, P86
Votes and Proceedings: 2022-23-24/P1681*

Offensive words[#]

	Hansard	
	<i>Date</i>	<i>Page</i>
'...that is a deadset lie.'	25 June 2024	P75
'...antiunion, antiworker fuckers ... a lot of fucking money ... a fucking misery...'	26 June 2024	P127
'...will he continue to be weak?'	1 July 2024	P59
'Most people talking on this bill have not actually fired a rifle, let alone fired a rifle in anger. They've never actually fired a rifle, and yet they're going to stand in judgement—'	1 July 2024	P72
'...the Liberal favourite, sex toys...'	2 July 2024	P27
'...the minister is attempting to mislead the parliament.'	3 July 2024	P61
'Want to punch someone do you?'	3 July 2024	P71
'...this weak Prime Minister...'	3 July 2024	P90

SOs 89, 90, 92

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