

# Procedural Digest

No. 24

47<sup>th</sup> Parliament

12 – 22 August 2024

August 2024				
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## Bills

### 24.01 Presentation of first bill to new Governor-General

On the first day of the sitting fortnight, the Speaker informed the House that he had personally presented to Her Excellency the Governor-General at Government House the COAG Legislation Amendment Bill 2023 for assent on 5 July. This bill was the first ready for presentation following the swearing-in of Her Excellency on 1 July.

*It is customary for the Speaker, the Clerk of the House of Representatives and the Attorney-General to attend a small ceremony at Government House during which the first bill is presented for assent to a new Governor-General.*

Hansard: 12 August 2024, 5154

Votes and Proceedings: 2022-23-24/1741

**SO 175**

### 24.02 Bill introduced to establish an Independent Parliamentary Standards Commission

On Wednesday, 21 August, the Assistant Minister for the Public Service, pursuant to notice, introduced the Parliamentary Workplace Support Service Amendment (Independent Parliamentary Standards Commission) Bill 2024 and made a second reading speech.

The bill provides for the establishment of an Independent Parliamentary Standards Commission (IPSC) as a workplace investigation framework for the Commonwealth parliamentary workplace, giving effect to recommendation 22 of the Australian Human Rights Commission's *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*. Since October 2023, the Parliamentary Workplace Support Service has performed this investigatory role as an interim function.

It is intended that the behaviour codes endorsed by both the House of Representatives and the Senate in February 2023, following a recommendation of the Joint Select Committee on Parliamentary Standards (see [Digest 7.03](#)), would be adopted into the standing orders of each house to coincide with the commencement of the IPSC. The bill also establishes a statutory Parliamentary Joint Committee on Parliamentary Standards, with a responsibility for regular review and monitoring of the operation of these codes and the IPSC.

Following the second reading speech, debate was adjourned and the resumption of debate made an order of the day for the next sitting.

Hansard: 21 August 2024, 5950-2

Votes and Proceedings: 2022-23-24/1805-6

**SOs 139, 140, 141, 142**

### 24.03 Suspension of standing orders to consider NDIS bill

Following the Matter of Public Importance discussion on the last day of sittings, the Leader of the House, pursuant to notice, moved that standing order 31 relating to the automatic adjournment of the House and standing order 33 relating to limit on business after the normal time of adjournment be suspended. In moving the motion, the Leader of the House explained that this was to allow for consideration of a message from the Senate returning a bill with amendments before the House adjourned and that the intention was to consider these amendments in two groups based on the different views of members about the amendments proposed. He also informed members that the normal adjournment debate would not occur. The motion was agreed to on the voices.

The message was then reported, returning the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 to the House with amendments. The Minister for the National Disability Insurance Scheme moved the first group of amendments, which was agreed to on the voices following a short debate. He then moved the second group of amendments, which was also agreed to on the voices. The House then adjourned at 4:44 pm on motion of the Leader of the House.

*Hansard:* 22 August 2024, 6089; 6158-77  
*Votes and Proceedings:* 2022-23-24/1824-5  
**SOs 31, 32, 33, 47, 158**

## Members

### 24.04 Revised ministry list; former ministers make statements

Prior to question time on 12 August, the Prime Minister presented a revised ministry list reflecting changes made on 29 July following the retirement of two ministers from the frontbench.

During the next week, the two former ministers made statements by indulgence reflecting on their parliamentary careers and thanking colleagues, staff, family and friends for their support: the Hon Brendan O'Connor MP (Member for Gordon) on 20 August and the Hon Linda Burney MP (Member for Barton) on 21 August.

At the end of the Member for Barton's speech, she invited Ms Girra Riley-Mundine to sing her out of the House in Wiradjuri language from the public gallery; Ms Riley-Mundine is the daughter of Ms Lynette Riley, who sung the member into the House during her first speech in 2016 (See [Digest 1.11, 45<sup>th</sup> Parliament](#)). The Member for Barton then concluded her speech with a brief statement in Wiradjuri, which she translated into English.

*It is usual for outgoing ministers to be granted indulgence by the Speaker to make speeches reflecting on their parliamentary careers. The maximum speaking time for a member speaking on indulgence is at the Speaker's discretion.*

*Hansard:* 12 August 2024, 5176-8  
20 August 2024, 5875-80  
21 August 2024, 6013-7  
*Votes and Proceedings:* 2022-23-24/1743  
**SOs 1, 199**

## Motions

### 24.05 Attempted suspensions of standing orders

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

- relating to visitor visas for individuals from the Gaza war zone (Leader of the Opposition, 15 August, debate adjourned)
- relating to statements made by the Prime Minister quoting the Director-General of ASIO (Leader of the Opposition, 15 August, deferred under standing order 47(e) and lapsed when House adjourned)
- relating to statements made by the Prime Minister quoting the Director-General of ASIO and requiring the Prime Minister to attend the chamber to provide an explanation (Leader of the Opposition, 19 August, debate adjourned)
- relating to actions by the State of Israel during the conflict in Gaza (Member for Griffith, 21 August, debate adjourned), and
- to refer a matter to the Committee of Privileges and Members' Interests (Manager of Opposition Business, 21 August, negated on division; see Digest 24.08 below).

*Hansard*: 15 August 2024, 5539-44; 5594

19 August 2024, 5690-5

21 August 2024, 5954-8; 6017-21

*Votes and Proceedings*: 2022-23-24/1775-6; 1778; 1784-5; 1806-7; 1810-11

**SO 47**

## Private members' business

### 24.06 Leader of the Opposition presents two bills

On 19 August, during the time for private members' business, the Leader of the Opposition presented two bills: the Building and Construction Industry (Restoring Integrity and Reducing Building Costs) Bill 2024 and the Fair Work (Registered Organisations) Amendment (Removing Criminals from Worksites) Bill 2024. In accordance with standing order 41, ten minutes was allocated by the Selection Committee for each bill to allow for second reading speeches. After moving that the Building and Construction Industry bill be read a second time, the Leader of the Opposition spoke for only seven minutes, allowing the seconder (Member for Fisher) to also speak during the remaining three minutes of time allocated.

*Any private member may give notice of intention to present a bill, although leaders of the opposition do not do so frequently. This is the first time during the 47<sup>th</sup> Parliament that the Leader of the Opposition has presented private member's bills.*

*Hansard*: 19 August 2024, 5763-76

*Votes and Proceedings*: 2022-23-24/1781-2

**SOs 1, 41, 141, 142**

## Privilege

### 24.07 Privilege matter referred to committee for investigation

On Monday, 12 August, the Member for Bruce raised a matter of privilege arising from his former role as Chair of the Joint Standing Committee of Public Accounts and Audit. The member outlined that he had been issued a concerns notice, pursuant to the *Queensland Defamation Act 2005*, by lawyers on behalf of Mr John Margerison. The concerns notice related to several publications, including social media posts and an official media release published pursuant to a resolution of the committee, published during the course of an inquiry into procurement in Services Australia and the National Disability Insurance Agency. The notice requested that the member retract these publications and publicly apologise to Mr Margerison, threatening that failure to do so would result in court proceedings. The member tabled copies of the publications and requested that the Speaker consider granting precedence to a motion to refer the matter to the Standing Committee of Privileges and Members' Interests for urgent investigation:

*Threatening costly legal action against members acting in accordance with the resolutions of committees and the practice of the House could clearly amount to an improper interference in the free exercise of the duties, and may, therefore, constitute a contempt of the House. It is obviously important that this House protect itself against all acts or omissions which obstruct or impede the House and the committees in the performance of their functions, which is why I ask you to consider giving precedence to a motion referring these matters to the Standing Committee of Privileges and Members' Interests.*

The Speaker stated that he would consider the matter and report back to the House.

On Wednesday, 14 August, the Speaker informed the House that he had considered the matter, was satisfied that a prima facie case had been made out regarding the threat of legal action in the concerns notice in relation to committee's media release and was willing to give precedence to a motion to refer the matter to the Committee of Privileges and Members' Interests. In his statement, the Speaker referenced section 16 of the Parliamentary Privileges Act, which provides protections for proceedings in parliament, and noted that:

*The question of whether the publication of material is likely to attract parliamentary privilege is clearer in some cases than in others. Whether publications such as social media posts referring to parliamentary proceedings would attract any level of protection has not been determined. However, a properly authorised media release by a parliamentary committee could reasonably be considered to be part of the committee's business, and therefore be considered proceedings in parliament.*

Following the statement, the Member for Bruce moved a motion to refer the matter to the Committee of Privileges and Members' Interests and this was agreed to on the voices.

*An opinion by the Speaker that a prima facie case has been made out does not imply a conclusion that a breach of privilege or a contempt has occurred.*

Hansard: 12 August 2024, 5152-4

14 August 2024, 5412-4

Votes and Proceedings: 2022-23-24/1740; 1767-8

**SOs 51, 199**

## 24.08 Complaint of breach – answer given by Prime Minister

On Monday, 19 August, the Manager of Opposition Business raised a matter of privilege in relation to an answer given by the Prime Minister during questions without notice on the previous Thursday. The Manager of Opposition Business claimed that the Prime Minister had deliberately mislead the House by omitting words when he purported to directly quote the Director-General of ASIO in an answer to a question about visa handling. The Speaker stated that he would consider the matter and report back to the House.

On Wednesday, 21 August, the Speaker informed the House that he had reviewed the Hansard from 15 August. He stated that, in order to give precedence to a motion to refer the matter to the Committee of Privileges and Members' Interests, he would need to see evidence that a member had misled the House intentionally. He concluded that it was not clear on the evidence available that a prima facie case had been made to support precedence being given to a motion. The Manager of Opposition Business then unsuccessfully sought to suspend standing and sessional orders to allow him to move such a motion (see Digest 27.05 above).

*Hansard: 19 August 2024, 5989*

*21 August 2024, 6017-21*

*Votes and Proceedings: 2022-23-24/1783; 1810-11*

**SO 51**

## Questions

### 24.09 Speaker's statement on imputations in questions

Throughout the sitting fortnight, members were reminded on several occasions not to make imputations of improper motives about other members during debate or in questions without notice. During Question Time on the final sitting day, the Speaker directed the Opposition Leader to withdraw an imputation in a question to the Prime Minister and made a statement reminding members of the requirements under standing order 100(d)(iv) that questions must not contain imputations.

In his statement, the Speaker directed members to a ruling of Speaker Andrew from 7 December 2000 (referenced on page 556 of *House of Representatives Practice, 7<sup>th</sup> Edition*) for a comprehensive description of how the inclusion of imputations of improper motives may cause questions to be ruled out of order. He also drew upon rulings from Speaker Smith, as well as his some of his own rulings during this parliament, to demonstrate consistency in practice on this matter.

*Hansard: 22 August 2024, 6142*

**SOs 90, 100**

## Speaker

### 24.10 Statement on response to security incident

On Monday, 12 August, the Speaker made a statement to update the House, following his statement on 4 July about a serious security breach in the building. The Speaker advised that the Australian Federal Police's (AFP) investigation into the incident on 4 July is ongoing. At the request of the presiding officers, short-term physical and procedural measures have

been implemented to assist in deterring a repeat of the incidents, with longer term options being explored. The Speaker noted the importance of balancing security and safety while keeping democracy open to the people and thanked the AFP and parliamentary departments for their work to keep the parliament and staff safe.

*Hansard: 12 August 2024, 5152*  
*Votes and Proceedings: 2022-23-24/1740*

## Offensive words<sup>#</sup>

	<b>Hansard</b>	
	<i>Date</i>	<i>Page</i>
'You're a sook!'	14 August 2024	5459
'sook'	14 August 2024	5469
'Stop being racist.'	15 August 2024	5541
'... the Prime Minister of our country has come into the parliament and has deliberately misled this parliament ... this Prime Minister went on, question after question in his responses to those questions, perpetrating his misleading of this house.'	15 August 2024	5603
'He misled the parliament.'	15 August 2024	5605
'Obviously, he hates Christianity and that's probably why he is backing the Olympics.'	19 August 2024	5823
'... this opposition leader wants to punch down.'	22 August 2024	6147
'As I said the other day, when the Leader of the Opposition plays his little dog whistle, the shadow Treasurer rolls over. We saw once again today that the Shadow Treasurer is in the doghouse. The Prime Minister has Toto and the Leader for the Opposition has the member for Hume, but Toto has more to offer the economic debate in this country than the Shadow Treasurer does.'	22 August 2024	6151

**SOs 89, 90, 92**

<sup>#</sup> List of unparliamentary expressions recorded in *Hansard*.