

Procedural Digest

No. 66

10–19 March 2009

March 2009				
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9	10	11	12	13
16	17	18	19	20

Bills

66.01 *Senate advice on consideration of possible further legislation*

A message was received from the Senate in relation to two bills [Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 and Excise Tariff Amendment (2009 Measures No. 1) Bill 2009], advising that if further legislation to validate collection of revenue so far under these measures were presented by noon on 19 March 2009, the Senate would be disposed to expedite its consideration.

Hansard: 19 March 2009, 3224
Votes and Proceedings: 2009/970

SO 261

66.02 *Senate requests immediate consideration of amendments*

A message was received from the Senate requesting that the House consider immediately the Senate amendments to the Reserve Bank Amendment (Enhanced Independence) Bill 2008. The message was reported but no action was taken.

Note: A message from the Senate returning the bill with amendments had been reported in the House on 24 June 2008, when it was ordered that the amendments be considered at the next sitting.

Hansard: 19 March 2009, 3280
Votes and Proceedings: 2009/976

SOs 158, 261

Business

66.03 *Statements on indulgence regarding death of Mrs Tsvangirai*

Following an answer during question time regarding Zimbabwe, the Prime Minister and the Deputy Leader of the Opposition both made statements on indulgence regarding the death of Mrs Tsvangirai, wife of the Prime Minister of Zimbabwe.

Hansard: 11 March 2009, 2290

SO 65

66.04 *Statements on indulgence on 110th birthday of Jack Ross*

Following Question Time on 11 March the Minister for Veterans' Affairs, the Shadow Minister, the Prime Minister and Leader of the Opposition all made statements on indulgence congratulating Mr Jack Ross, the last surviving Australian to have enlisted to serve in World War 1, on his 110th birthday.

Hansard: 11 March 2009, 2290-2

SO 65

66.05 *Statements on indulgence regarding retirement of Departmental Secretary*

Following Question Time on 12 March the Minister for Infrastructure, Transport, Regional Development and Local Government made a statement on indulgence regarding the retirement of Mr Mike Taylor AO, Secretary of his department. Three Opposition Members (including two former Ministers) also made statements on indulgence paying tribute to Mr Taylor.

Hansard: 12 March 2009, 2544-6

SO 65

66.06 *House meets at 12 p.m. on a Tuesday*

In accordance with a resolution of the House at the previous sitting, the House met at 12 p.m. on Tuesday 17 March and Government business was given precedence until Question Time.

Hansard: 17 March 2009, 2827
Votes and Proceedings: 2009/945

SOs 29, 30, 34, 35

66.07 *Statements on indulgence on death of Australian soldier*

Prior to Question Time on 17 March the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding the death of an Australia soldier in Afghanistan.

Hansard: 17 March 2009, 2854-5

SO 65

66.08 *Extended sitting*

At 8.30 p.m. on 17 March, the Chair proposed 'That the House do now adjourn'. A Minister required the question to be put immediately without debate. The question was negatived on the voices. Debate on legislation continued until 10.10 p.m. at which point the Leader of the House moved 'That the House do now adjourn'. The question was carried on the voices and the House adjourned.

Hansard: 17 March 2009, 2946-64
Votes and Proceedings: 2009/948-51

SOs 29, 31, 32

66.09 *Rugby League players recognised in gallery on indulgence*

While presenting a Government document following Question Time, the Leader of the House, on indulgence, recognised a number of prominent National Rugby League players in the gallery. The Speaker welcomed the NRL players on behalf of the House.

Hansard: 18 March 2009, 3112

SO 65

66.10 *Attempted suspension of standing orders to require Minister to introduce a bill*

Following prayers, an Opposition Member moved a suspension of standing and sessional orders to allow him to move that the Minister for Health and Ageing introduce particular legislation in relation to premixed alcoholic drinks and binge drinking measures.

The Member and a seconder were closed on division and when the Minister for Health and Ageing then rose to address the motion, the Manager of Opposition Business moved that the question be put. The motion was negated on division and the Minister continued to speak. The Manager of Opposition Business then moved closure of the Minister, which was also negated on division. Time for debate on the motion for the suspension of standing orders having then expired, the motion was put and negated on a further division.

Hansard: 19 March 2009, 3219-24
Votes and Proceedings: 2009/965-70

SOs 47, 80, 81

66.11 *Standing orders suspension — Private Members' motion moved during Government business time*

During Government business, the House agreed to a motion moved by a Minister, by leave, to suspend standing and sessional orders to allow a private Member's motion to be called on immediately.

The Chief Government Whip then moved a motion relating to the Association of Former Members of the Parliament of Australia. The motion was seconded and then passed on the voices. Government business then resumed.

Hansard: 19 March 2009, 3224-5
Votes and Proceedings: 2009/970

SOs 34, 35, 41, 47

66.12 *Statements on indulgence regarding retirement of Senior Public Servant*

Following Question Time on 19 March the Prime Minister and Leader of the Opposition made statements on indulgence regarding the retirement of Ms Barbara Belcher, a long serving senior public servant. The Speaker also made some brief remarks paying tribute to Ms Belcher.

Hansard: 19 March 2009, 3320-1

SO 65

66.13 *Statements on indulgence on death of Australian soldier – Members rise in their places*

Upon resumption of the sitting of 19 March 2009 following an overnight suspension (*see* entry **66.14**), the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding the death of an Australia soldier in Afghanistan (the second in a week). The Speaker invited all Members to rise in their places to show their support for the remarks.

Hansard: 19 March 2009, 3343-4

SO 65

66.14 *Passage of Fair Work Bill – Sitting extends over 2 days, suspended twice*

Standing orders 31 (automatic adjournment of the House) and 33 (limit on new business after 10 p.m.) having been suspended earlier, the sitting on 19 March continued until 5.56 p.m., when the sitting was suspended until the ringing of the bells.

The sitting resumed at 12.34 p.m. the following day and several items of business were dealt with, including a message from the Senate returning the Fair Work Bill 2008 with amendments. Following debate, most of the amendments were agreed to on the voices, and the remaining amendments were disagreed to on division. Reasons for disagreeing to the amendments were adopted and the sitting was again suspended, at 2.07 p.m.

The Senate having resolved not to insist on its amendments to the bill disagreed to by the House, the sitting resumed at 5.35 p.m. and the House adjourned.

Hansard: 19 March 2009, 3288-9, 3342-92

Votes and Proceedings: 2009/976, 981-3

SOs 29, 31, 33, 47, 63, 158, 161

Committees

66.15 *Amendment to resolution of appointment of joint committee*

The Leader of the House moved a motion to amend the resolution of appointment of the Joint Standing Committee on Foreign Affairs, Defence and Trade and to send a message to the Senate requesting its concurrence. The amendment allows, among other things, for an extra House Member to be nominated by the Government Whip, and an extra House Member to be nominated by the Opposition Whip, with Independent Members also able to nominate themselves for the Opposition positions without needing to be nominated by an Opposition Whip. The motion was agreed to on the voices.

Hansard: 10 March 2009, 2142-3
Votes and Proceedings: 2009/918

SO 224

66.16 *Independent Member nominates for appointment to joint committee*

The Chair informed the House that the Chief Government Whip had nominated a Member, and an Independent Member had nominated himself, to be members of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

The House agreed to a motion by the Leader of the House, by leave, appointing the Members to the committee.

Note: This follows an amendment to the resolution of appointment of the committee at an earlier sitting (*see entry 66.15*).

Hansard: 19 March 2009, 3325
Votes and Proceedings: 2009/980

SOs 224, 229

Documents

66.17 *Ministers table documents on request*

During Question Time on two days, Ministers tabled documents from which they were quoting, on request from Opposition Members.

Hansard: 11 March 2009, 2278; 19 March 2009, 3299
Votes and Proceedings: 2009/924, 976

SO 201

66.18 *Document presented by leave during introduction of bill*

After presenting a bill, the Minister for Finance and Deregulation presented an explanatory memorandum and, by leave, presented a draft shareholders' agreement between the Commonwealth of Australia, the Australia New Zealand Banking Group, the Commonwealth Bank, the National Australia Bank and the Westpac Bank.

Note: Ministers do not require leave to present documents which are connected to a bill before the House.

Hansard: 12 March 2009, 2500
Votes and Proceedings: 2009/930

SO 199

66.19 *Statements by leave on presentation of document*

Following Question Time, a Parliamentary Secretary presented a document titled: *Department of Immigration and Citizenship—Access and equity in government services—Report for 2006-08*. The Parliamentary Secretary and the Shadow Minister then, by leave, made statements in relation to the report.

Hansard: 18 March 2009, 3113-5
Votes and Proceedings: 2009/961

SOs 63, 199

Members

66.20 *Senator required to withdraw remarks concerning the Leader of the Opposition*

While answering a question without notice in the Senate on 18 March, a Minister was required to withdraw an imputation made about the Leader of the Opposition (and *see* entry **48.12**).

Senate Hansard: 18 March 2009, 1915-6

SO 89

Parliamentary administration

66.21 *Statement of appreciation on retirement of Hansard officer*

After Question Time on 12 March, the Speaker made a statement regarding the retirement of the Director of Hansard Operations, Mr Trevor Fowler, thanking him for his service and wishing him well in his retirement.

Hansard: 12 March 2009, 2543-4

Private Members' business

66.22 *Bills not presented when notices called on—future time set*

The Whips had recommended priority for notices to present two private Member's bills to be called on during the time allotted for private Members' business on 16 March. When they were called on, the Independent Member in charge of the notices was absent and at his request another Independent Member set the next sitting Monday as the day for presenting the bills. (*And see* entry 39.26.)

Hansard: 16 March 2009, 2739
Votes and Proceedings: 2009/939

SOs 41, 113

Questions

66.23 *Speaker instructs Minister to resume seat*

During Question Time, after several interruptions for points of order regarding relevance during an answer, the Speaker asked a Minister to respond to the question, then directed the Minister to resume his seat and called the next question.

Hansard: 12 March 2009, 2530

SOs 100, 104

Withdrawals

66.24 *Speaker's statement regarding political reflections*

While answering a question without notice, the Prime Minister referred to the Liberal Party as 'the party for binge drinking'. Points of order were raised seeking a withdrawal of the statement by the Prime Minister. The Speaker referred to rulings by former Speaker Snedden, recorded in *House of Representatives Practice*, and noted that often in a political environment, comment are made about Members in that context, and it may be the judgement of others that decides such matters. The Prime Minister then voluntarily withdrew the remark.

In response to a question following Question Time, the Speaker conceded that he had mistakenly referred to former Speaker Snedden in his earlier ruling, when it was actually a ruling by a former Deputy President of the Senate which he had meant to refer to. The Speaker again commented that whether political comments were considered offensive would be judged ultimately by the public.

Hansard: 18 March 2009, 3099-3100, 3111-2

SOs 89, 90

66.25 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
<i>unrecorded</i>	11 March 2009	2283
'Coward! Engage in the debate!'	17 March 2009	2869
'...continue to mislead the House...'	18 March 2009	3093
<i>unrecorded</i>	18 March 2009	3094
'...the party for binge drinking.'	18 March 2009	3099- 3100
'That is a lie and a fabrication!'	19 March 2009	3299

SOs 89, 90, 92