

# Procedural Digest

**No. 71***7–17 September 2009*

| <i>September 2009</i> |          |          |          |          |
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## Bills

**71.01** *Two sets of Government amendments and two supplementary explanatory memoranda*

During consideration in detail in the Main Committee of the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009, the Minister for Resources and Energy moved two separate sets of Government amendments together and presented a supplementary explanatory memorandum and a further supplementary explanatory memorandum. The amendments were agreed to and the bill was agreed to, then the bill was returned to the House with amendments.

*Hansard: 9 September 2009, 9177-87*  
*Votes and Proceedings: 2008-09/1298*

**SOs 141, 150**

**71.02** *Debate adjourned on Senate bills then immediately resumed cognately*

The order of the day was read for the second reading of the Military Justice (Interim Measures) Bill (No. 1) 2009, a Senate bill. The Parliamentary Secretary for Defence Support presented an explanatory memorandum, moved that the bill be read a second time and made a second reading speech. Debate was then adjourned and made an order of the day for a later hour. The same process then occurred for the Military Justice (Interim Measures) Bill (No. 2) 2009, a companion Senate bill.

Debate was then immediately resumed on the two bills cognately, and at the completion of debate the two bills were separately read a second and third time.

*Hansard: 14 September 2009, 9446-67*  
*Votes and Proceedings: 2008-09/1309*

**SOs 141, 142, 155, 166**

**71.03** *Two bills introduced and pass all stages*

The Customs Amendment (ASEAN-Australia-New Zealand Free Trade Agreement Implementation) Bill 2009, and a companion bill, the Customs Tariff Amendment (ASEAN-Australia-New Zealand Free Trade Agreement Implementation) Bill 2009, were introduced on 16 September and in each case

debate on the second reading was, by leave, adjourned to a later hour. Debate resumed immediately after the bills' introduction, both bills being debated cognately. Each bill was then read a second time, and a third time by leave.

*Hansard:* 16 September 2009, 9721-43  
*Votes and Proceedings:* 2008-09/1330-1

**SOs 141, 142, 155**

## Business

### **71.04** *Statements on indulgence regarding retirement of Departmental Secretary*

Following Question Time on 9 September the Minister for Human Services made a statement on indulgence regarding the retirement of Ms Helen Williams, Secretary of his department. An Opposition Member and the Prime Minister also made statements on indulgence paying tribute to Ms Williams, after which the Speaker associated the House with the remarks regarding Ms Williams and wished her well for the future.

*Hansard:* 9 September 2009, 9080-2

**SO 65**

### **71.05** *Statements by indulgence on anniversary of Jakarta bombing*

Following Question Time on 9 September the Minister for Foreign Affairs and the Shadow Minister made statements by indulgence observing the 5<sup>th</sup> anniversary of the bombing of the Australian Embassy in Jakarta, Indonesia, in 2004.

*Hansard:* 9 September 2009, 9082-3

**SO 65**

### **71.06** *Member's retirement announced by indulgence*

Following Question Time on 10 September the Prime Minister, by indulgence, announced that the Member for Denison (Parliamentary Secretary for Pacific Island Affairs the Hon. Duncan Kerr) had advised that he would not be seeking re-election at the next election, and congratulated him on his achievements. The Leader of the Opposition, by indulgence, also wished the Member well on his retirement from Parliament.

*Hansard:* 10 September 2009, 9294-5

**SO 65**

**71.07** *Three Ministerial statements in succession*

Following Question Time on 15 September, three Ministerial statements were made in succession, and following each statement standing orders were suspended to enable a response by a Shadow Minister.

*Hansard:* 15 September 2009, 9607-25  
*Votes and Proceedings:* 2008-09/1320

**SOs 47, 63**

**71.08** *School students welcomed by indulgence*

Between items of business on 15 September, a Member sought indulgence and welcomed a school to the gallery.

*Hansard:* 15 September 2009, 9625

**SO 65**

**71.09** *Suspension motion to amend standing orders*

Following prayers, the Manager of Opposition Business sought leave to move a motion to amend the standing orders in relation to answers during Question Time. Leave was not granted and the Manager of Opposition Business then moved to suspend standing and sessional orders to allow a motion to be moved to amend standing order 104 to provide that answers must be directly relevant to questions asked, and that they do not exceed four minutes in length, excluding interruptions.

After the motion had been outlined to the House, a Minister moved that the Member be no longer heard, which was carried on division. As an Opposition Member seconded and began to speak to the motion, he was also closed on division. The motion for the suspension of standing orders was then negatived on a further division.

*Hansard:* 16 September 2009, 9691-4  
*Votes and Proceedings:* 2008-09/1325-8

**SOs 47, 63, 80, 104**

**71.10** *Attempted amendment to public works expediency motion*

A Minister moved that, by reason of the urgent nature of the works, it was expedient that particular work be carried out without having been referred to the Parliamentary Standing Committee on Public Works. An opposition Member moved an amendment to the motion to enable the work to be referred to the

Public Works Committee for consideration and report. Following debate, the amendment was negatived and the original motion agreed to on the voices.

*Hansard:* 17 September 2009, 9950-3  
*Votes and Proceedings:* 2008-09/1343

**SOs 111, 121**

### **71.11**     *Statements by indulgence regarding two deaths*

Following Question Time on 17 September the Leader of the House and an Opposition Member made statements by indulgence concerning the deaths of Mr Robert Wilson and Mr Kevin Marshall in a car accident.

*Hansard:* 17 September 2009, 9979-80

**SO 65**

### **71.12**     *MPI curtailed and adjournment negatived to deal with Government business*

Following the proposer's speech on the matter of public importance, a Parliamentary Secretary moved that the business of the day be called on, explaining that the House needed to deal with other business before adjourning.

The question was agreed to and various items of business were considered, during which the adjournment was proposed and negatived. The adjournment was then moved at 4.39 p.m., and the House adjourned at the scheduled time of 5 p.m., following debate.

*Hansard:* 17 September 2009, 9985-9  
*Votes and Proceedings:* 2008-09/1345-7

**SOs 29, 31, 32, 46**

## **Committees**

### **71.13**     *Correction to dissenting report*

The Chair of the Joint Standing Committee on Migration presented a correction to a dissenting report incorporated in a recent report by the Committee.

*Hansard:* 7 September 2009, 8621  
*Votes and Proceedings:* 2008-09/1275

**SOs 244, 247**

## Debate

### **71.14** *Member continues second reading speech by leave*

At a previous sitting a Member was interrupted during debate on a bill in the House and given leave to continue when the debate was resumed. The Member was not present when debate was resumed in the Main Committee, and two other Members made their second reading speeches. Having then arrived, the Member was given leave to complete his speech (being allotted the time remaining when he was interrupted).

*Note:* If a Member whose speech has been interrupted does not seek the call immediately upon the resumption of the debate he or she is taken to have concluded his or her speech.

*Hansard:* 7 September 2009, 8777-8  
*Votes and Proceedings:* 2008-09/1281

**SOs 63, 69**

## Documents

### **71.15** *Member seeks tabling of photograph produced during answer*

During Question Time, a Member requested that a Minister table a photograph she had produced during an answer to a question. The Speaker advised that there is no provision in the standing orders for displayed materials to be tabled on request, but that it may be something that needed to be investigated and addressed.

*Note:* There is provision in the standing order for documents quoted from by Ministers to be tabled, provided that they are not confidential.

*Hansard:* 10 September 2009, 9281

**SO 201**

## Main Committee

### **71.16** *Lengthy adjournment debate*

The adjournment debate in the Main Committee on 17 September extended from 11.37 a.m. until 12.49 p.m., during which 14 Members spoke.

*Hansard:* 17 September 2009, 10025-42  
*Votes and Proceedings:* 2008-09/1349

**SOs 191, 192**

## Members

### *71.17 Standing orders suspended for valedictory speech of departing Member; Further speeches by indulgence*

The House agreed to a motion to suspend standing order 76 for the duration of the speech by the Member for Bradfield on the second reading debate of a bill, and to allow the Member to speak without limitation of time. Later, unrestricted by the relevance rule and the usual 20 minute time limit, the departing Member (Dr Nelson, a former Minister and Leader of the Opposition) rose and made a 40 minute valedictory speech.

Following the Member's speech, the Prime Minister, Leader of the Opposition and another Opposition Member made speeches by indulgence congratulating the Member on his parliamentary career and wishing him well for the future.

*Hansard: 16 September 2009, 9790, 9803-17*  
*Votes and Proceedings: 2008-09/1334*

**SOs 47, 76**

## Petitions

### *71.18 Question to Speaker about petition correspondence; Matter referred to Petitions Committee*

Following Question Time, the Leader of the House asked the Speaker whether correspondence he had received from two citizens should be referred to the Standing Committee on Petitions. The correspondence referred to a letter received from a Member thanking the citizens for signing a petition, which they had not signed. The Speaker responded that in light of standing order 205, which says that a signature to a petition must be made in a person's own handwriting, he proposed to refer the correspondence to the Petitions Committee for investigation.

*Hansard: 9 September 2009, 9079*  
*Votes and Proceedings: 2008-09/1293*

**SOs 103, 205**

## Private Members' business

### *71.19 Member absent: presentation of bill postponed*

During the time allocated for private Members' business, an Independent Member, on behalf of another Independent Member who was absent, moved that the first order of the day relating to a private Members' bill be postponed until the

next sitting. The question was agreed to on the voices and private Members' business continued.

*Hansard: 7 September 2009, 8752*  
*Votes and Proceedings: 2008-09/1278*

**SOs 37, 113**

**71.20** *Private Members' motion not seconded; Motion lapses*

During the time allocated for private Members' business, an Independent Member moved his private Members' motion which had been selected by the Whips for debate, and spoke to the motion for 5 minutes as permitted. The Chair then asked if the motion was seconded, and no Member rose to second the motion. The motion therefore lapsed and was not recorded in the *Votes and Proceedings*.

*Hansard: 7 September 2009, 8752-4*

**SOs 41, 116**

**71.21** *Revised Whips' report on private Members' business*

On 17 September, the Chief Government Whip presented a revised report relating to the consideration of committee and delegation reports and private Members' business for the next sitting Monday, and moved that the report be adopted in lieu of the report presented the previous day. The question was agreed to on the voices.

*Hansard: 17 September 2009, 9947-9*  
*Votes and Proceedings: 2008-09/1343*

**SOs 39, 40, 41**

## Privilege

**71.22** *Privileges Committee report on procedures for consideration of privilege matters*

The Chair of the Privileges and Members' Interests Committee presented a report entitled: Procedures of the Committee and the House in relation to consideration of privilege matters and procedural fairness. The Chair of the Committee made a statement by leave in relation to the report.

The report recommends two set of procedures for adoption by the House, one relating to the protection of witnesses before the Committee, and the other relating to the consideration of privilege matters by the House.

*Hansard: 17 September 2009, 9943-4*  
*Votes and Proceedings: 2008-09/1342*

**SO 216**

## Questions

### 71.23 *Speaker's comments regarding relevance*

In response to a point of order regarding relevance of an answer during Question Time, the Speaker commented that, consistent with past rulings, the mention of a matter or program in a question was sufficient to allow an answer regarding that matter or program to be considered relevant. He noted that he had suggested that the Procedure Committee could be used to as an avenue to consider the matter of relevance if Members were unhappy with the current rules.

*Hansard*: 10 September 2009, 9274

**SOs 104, 221**

### 71.24 *Two closure motions moved on Ministers during answers to questions*

On two separate occasions while a question without notice was being answered by a Minister, the Manager of Opposition Business moved that the Minister be no longer heard. In each case the question was negatived on division and the Minister completed her answer.

*Hansard*: 15 September 2009, 9596-7, 9601-2

*Votes and Proceedings*: 2008-09/1317-9

**SO 80**

### 71.25 *Two questions in a row asked by Opposition Members*

During Question Time, the Speaker called two questions in a row from the Opposition benches. The Speaker explained that for several seconds the only person seeking the call was from the Opposition side, so the Member was given the call. The Speaker did not allocate an additional question to a Government Member to even up the call.

*Hansard*: 17 September 2009, 9964

**SO 98**

## Withdrawals

### 71.26 *Offensive words*

|  | <i>Hansard</i>   |             |
|--|------------------|-------------|
|  | <i>Date</i>      | <i>Page</i> |
| '...you fool!'                                 | 7 September 2009 | 8664        |
| <i>unrecorded</i>                              | 8 September 2009 | 8884        |
| 'Mr Deputy Speaker, are you awake over there?' | 8 September 2009 | 8913-4      |



|  |                   |        |
|--|-------------------|--------|
| '...Sloppy Joe...'   | 10 September 2009 | 9283   |
| 'We on this side of the House will not tell lies to the Australian people, like the Liberal and National parties did...' | 14 September 2009 | 9408   |
| '...Sloppy Joe!'   | 15 September 2009 | 9597   |
| '...you idiot.'  | 15 September 2009 | 9605   |
| 'You're the biggest fraud in this parliament...'   | 16 September 2009 | 9774   |
| '...does not have the integrity to ask the question himself...'  | 17 September 2009 | 9966-7 |

**SOs 89, 90, 92**