

# Procedural Digest

**No. 74***2–11 February 2010*

<i>February 2010</i>				
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## Bills

### **74.01** *Appropriation messages for Senate requests reported in subsequent sitting*

The Speaker reported messages from the Governor-General recommending appropriations for the purposes of amendments to two bills. The amendments had been requested by the Senate and were made during the previous sitting.

The Chair advised that the Governor-General's messages should have been reported prior to consideration of the requested amendments, but had inadvertently not been reported at the time.

*Hansard: 2 February 2010, 100*  
*Votes and Proceedings: 2008-09-10/1554*

**SOs 165, 180, 181**

### **74.02** *Minister corrects second reading speech by indulgence*

Following the introduction of a bill, the Minister for Finance and Deregulation, on indulgence, advised the House that an amount of money specified in his second reading speech (at a previous sitting) on the Appropriation Bill (No. 4) 2009-2010 was incorrect. The Minister informed the House of the correct figure.

*Hansard: 4 February 2010, 408*

**SOs 65, 142**

### **74.03** *Statement presented by Speaker – Constitutionality of Senate amendment already agreed to*

Following Question Time on 10 February, the Speaker presented a statement regarding the consideration by the House at a previous sitting of a Senate amendment to a bill.

The statement noted that Senate amendment No. 3 to the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009 had the effect of changing the source of payments to particular persons under the legislation, which could be regarded as offending against section 53 of the Constitution. However, as the payments could have been validly made without the Senate

amendment, action as to whether the amendment should have been submitted as a request was not recommended at this stage.

*Hansard:* 10 February 2010, 1015  
*Votes and Proceedings:* 2008-09-10/1604

**SOs 158, 165**

## Business

### **74.04**     *Statements by indulgence on earthquake in Haiti*

Prior to Question Time on 2 February the Prime Minister and the Leader of the Opposition made statements by indulgence regarding the recent catastrophic earthquake in Haiti.

*Hansard:* 2 February 2010, 1-2

**SO 65**

### **74.05**     *Motion by Leader of Opposition amended and passed, after long debate*

During Question Time on 2 February, the Leader of the Opposition obtained leave to move a motion relating to the Government's climate change policy. The Prime Minister moved an amendment to the motion to omit certain words with a view to substituting other words. Following a debate that continued for more than 5 hours, a motion by the Leader of the House that the question be put was agreed to on division. On further divisions the question that the amendment be agreed to and the question that the motion as amended be agreed to were carried. The Prime Minister then concluded Question Time and the House proceeded with Government business. (And *see* entry **57.07**)

*Hansard:* 2 February 2010, 12-83  
*Votes and Proceedings:* 2008-09-10/1547-50

**SOs 63, 81, 111, 121, 122**

### **74.06**     *Extended sitting*

At 8.30 p.m. on 2 February, the Chair interrupted a Ministerial Statement to propose 'That the House do now adjourn'. The Leader of the House required the question to be put immediately without debate. The question was negatived on the voices. The House continued with Ministerial Statements, after which a proposed Matter of Public Importance was disposed of, and Government and House business was conducted until 10.39 p.m., at which point a Minister moved 'That the House do now adjourn'. The question was carried on the voices and the House adjourned.

*Note:* A motion by the Leader of the Opposition had been debated at length earlier in the sitting, pushing back the scheduled program of business (*see* entry **74.05**).

*Hansard:* 2 February 2010, 85-118  
*Votes and Proceedings:* 2008-09-10/1553-7

**SOs 29, 31, 32**

#### **74.07**     *Offer of briefing by indulgence following Ministerial Statement*

Following the response to his Ministerial Statement, the Minister for Foreign Affairs, by indulgence, offered the Shadow Minister a briefing regarding certain matters. The Shadow Minister, by indulgence, thanked the Minister and accepted his offer.

*Hansard:* 2 February 2010, 93-9

**SO 65**

#### **74.08**     *Indulgence refused following answers to questions*

Following an answer to a question during Question Time by the Prime Minister, the Leader of the Opposition attempted to comment on the matter by indulgence. The Speaker refused indulgence, stating that he did not wish the granting of indulgence to become controversial. Later another Opposition Member sought indulgence following the Prime Minister's answer to his question and the Speaker again refused, citing his earlier comments.

*Hansard:* 3 February 2010, 233, 251

**SOs 65, 98**

#### **74.09**     *Suspension of standing orders – Statements on anniversary of Victorian bushfires*

At 2 p.m. the Leader of the House moved a suspension of standing and sessional orders to allow the Prime Minister to make a statement on the first anniversary of the Victorian Black Saturday bushfires, and to allow the Leader of the Opposition and other Members to make a contribution.

The question was carried on the voices and the Prime Minister made a statement, followed by the Leader of the Opposition, eight other Members and the Speaker. Question time then began at approximately 2.30 p.m.

*Hansard:* 4 February 2010, 470-7  
*Votes and Proceedings:* 2008-09-10/1584

**SOs 34, 47, 63**

### **74.10** *Changes to Ministry and Shadow Ministry*

Before Question Time on 8 February, the Prime Minister presented a copy of the Rudd Ministry list as at 14 December 2009. The Leader of the Opposition then presented a copy of the Coalition Shadow Ministry list as at 2 February 2010. Both documents were incorporated into *Hansard*.

*Hansard*: 8 February 2010, 594-9  
*Votes and Proceedings*: 2008-09-10/1590

### **74.11** *Motion to suspend standing orders in relation to a Minister's actions; Minister makes statement; Second suspension motion*

Following prayers, an Opposition Member moved to suspend standing and sessional orders to allow a motion to be moved requiring an explanation by the Minister for the Environment, Heritage and the Arts in relation to the Government's home insulation program. After the motion had been outlined to the House, the Leader of the House 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, she was also closed on division. The motion for the suspension of standing orders was then negated on a further division.

Later in the sitting, the Minister referred to in the motion interrupted debate on a bill and made a statement by indulgence regarding events associated with the home insulation program.

Later, during Question Time, the Leader of the Opposition sought leave to move a motion censuring the Prime Minister. Leave was not granted and the Leader of the Opposition then moved to suspend standing and sessional orders to allow a motion to be moved censuring the Prime Minister for failing to remove the Minister in relation to his administration of the home insulation program. The motion was debated and negated on division and Question Time concluded.

*Hansard*: 11 February 2010, 1131-3, 1188-92, 1210-6  
*Votes and Proceedings*: 2008-09-10/1609-12, 1619-21

**SOs 47, 63, 80**

### **74.12** *Prime Minister's Ministerial statement at 12 p.m.; Referred to Main Committee*

At approximately 12 p.m. the Prime Minister, by leave, made a ministerial statement on closing the gap between indigenous and non-indigenous Australians, and presented a document. The Leader of the House moved that standing orders be suspended to allow the Leader of the Opposition to speak for an equal period of time. The question was passed on the voices and the Leader of the Opposition addressed the House. A Minister moved that the House take note

of the document, and debate was adjourned. The order of the day was then referred to the Main Committee on a motion by the Minister.

*Note:* Ministerial statements are usually made after Question Time.

*Hansard:* 11 February 2010, 1168-81  
*Votes and Proceedings:* 2008-09-10/1618-9

**SOs 34, 47, 63**

### **74.13** *Winter Olympics team wished well by indulgence*

Following Question Time the Prime Minister and the Leader of the Opposition both made statements by indulgence wishing the Australian Winter Olympics team well at the Games starting the following day in Vancouver.

*Hansard:* 11 February 2010, 1216-7

**SO 65**

## **Committees**

### **74.14** *Government response to Procedure Committee report*

During the presentation of Government documents following Question Time, the Leader of the House presented a Government response to a report by the House of Representatives Standing Committee on Procedure entitled *Re-opening the debate: Inquiry into the arrangements for the opening day of Parliament*.

*Hansard:* 3 February 2010, 256  
*Votes and Proceedings:* 2008-09-10/1572

**SOs 199, 221**

## **Debate**

### **74.15** *Minister extends adjournment debate*

At the conclusion of the adjournment debate a Minister required the debate to be extended and made a brief statement associating Government Members with the remarks made by two Opposition Members during the debate. The House then adjourned.

*Hansard:* 3 February 2010, 313-4

**SO 31**

### **74.16** *Member granted extension of time for speech*

During second reading debate on 8 February, on a motion by a Government Member, an Opposition Member was granted an extension of time after the 20 minutes he had been allotted expired.

*Note:* Another Member may move that a Member whose speech is interrupted (because the allotted time has expired) be granted an extension of time. If the motion is carried then the speech can continue for up to 10 minutes or half the original period allotted, whichever is shorter.

*Hansard:* 8 February 2010, 578-84  
*Votes and Proceedings:* 2008-09-10/1590

**SO 1**

#### **74.17** *Independent's second reading amendment not seconded*

During second reading debate on the Carbon Pollution Reduction Scheme package of bills, an Independent Member moved a second reading amendment. The amendment was not seconded and the Chair indicated that the amendment would therefore lapse. Accordingly, the amendment was not recorded in the *Votes and Proceedings*.

*Hansard:* 9 February 2010, 882-7

**SOs 116, 121, 145**

#### **74.18** *Closure of question on second reading of bill; Unsuccessful attempt to incorporate speeches*

During debate on the second reading of the Carbon Pollution Reduction Scheme Bill 2010 and 10 related bills, the Leader of the House moved that the question be put. The question was agreed to on division, and the second reading was carried on division. The bill was then considered in detail, during which amendments moved by an Independent Member were debated and negatived, and the third reading was carried on the voices. The other bills in the package were then progressed through their second and third reading stages on the voices.

Following the closure of question, an Opposition Member asked the Chair whether Members who had been unable to speak due to the closure would be permitted to have their speeches incorporated in *Hansard*. The Chair responded that he would raise the matter with the Speaker. Later, the Speaker made a statement regarding the incorporation of speeches, advising that, consistent with the longstanding practice of the House, his position was that *Hansard* should only contain speeches that were actually made.

*Note:* Closure of debate is an unusual means of expediting the passage of a bill. More common methods are to declare a bill urgent and set an allotment of time (guillotine) or to suspend standing orders to set a schedule for the passage of a bill ('de facto' guillotine).

*Hansard:* 11 February 2010, 1156-62, 1218-9  
*Votes and Proceedings:* 2008-09-10/1614-8, 1621

**SOs 66, 81, 82, 84, 117**

## Divisions

### **74.19** *Four or fewer Members on call of division*

During consideration in detail of the Carbon Pollution Reduction Scheme Bill 2010 (see entry 74.18), an Independent Member moved amendments. A division was called when the question was put on the amendments. When the bells had finished ringing only three independent Members were on the side of the 'Ayes'. The Chair declared that the amendments were negatived and indicated that the names of those in the minority would be recorded in the *Votes and Proceedings*.

*Hansard*: 11 February 2010, 1162  
*Votes and Proceedings*: 2008-09-10/1616

**SO 127**

## Members

### **74.20** *Return to writs – Two new Members sworn*

Following prayers on 2 February, the Speaker announced returns to the writs issued on 30 October 2009 for the Higgins and Bradfield by-elections, and that by the endorsement on the writs Kelly Megan O'Dwyer had been elected for the division of Higgins and Paul William Fletcher had been elected for the division of Bradfield. The Serjeant-at-Arms announced the presence of two new Members and the Speaker directed that they be admitted. Two Members escorted each new Member to the Table where they made and subscribed the oath of allegiance.

*Hansard*: 2 February 2010, 1  
*Votes and Proceedings*: 2008-09-10/1547

**SO 4**

### **74.21** *Standing orders suspended for first speeches of two new Members*

On 8 and 9 February, the House agreed to motions to suspend standing order 76 for the duration of the first speeches by the new Members for Higgins and Bradfield respectively (see entry 74.20). Unrestricted by rules of relevance, the Members were able to make customarily wide-ranging first speeches.

*Hansard*: 8 February 2010, 570, 584-8; 9 February 2010, 856, 860-4  
*Votes and Proceedings*: 2008-09-10/1590, 1598

**SOs 47, 76**

## Parliamentary administration

### *74.22 Responses to requests for detailed information regarding Parliament House water harvesting and internet content filtering*

The Speaker provided written responses to two requests for detailed information from Opposition Members, the first regarding water harvesting at Parliament House and the other relating to internet content filtering at Parliament House.

In response to the first request the Speaker gave details of a rainwater tank which had been installed below the building forecourt to store harvested rainwater and help operate the forecourt water feature. He added that the Department of Parliamentary Services was currently investigating the recommissioning of three additional water features, possibly involving the capture and use of rainwater.

In response to the second request the Speaker detailed the eligibility and application of internet content filtering to occupants of Parliament House, including Members, Senators, their staff and the staff of Parliamentary Departments.

*Hansard: 2 February 2010, 119-21*

**SOs 98, 103, 105**

### *74.23 Speaker's response to question regarding parliamentary computing network; Member provides additional advice by indulgence*

At the end of Question Time, the Speaker made a statement in response to a question asked of him during the previous sitting, concerning the versions of certain applications used by the computer network in Parliament House. The Speaker confirmed that the system uses Internet Explorer version 6 and Adobe PDF Reader version 7, and explained that the operating system was being progressively upgraded with some users already on newer versions. He advised that at the request of the Presiding Officers Information Technology Advisory Group (POITAG) it had been previously decided that the upgrade of Members' and Senators' offices would be postponed until after the federal election, but the timetable had since been pushed forward.

The Speaker then granted indulgence to an Opposition Member who, as a member of POITAG, provided further information on the background to the decision.

*Hansard: 4 February 2010, 496*

**SO 103**



### **74.24** *Response to request for detailed information regarding energy and water saving measures in Parliament House*

The Speaker provided a written response to a request for detailed information from an Opposition Member regarding the measures taken to save energy and water use in Parliament House. The Speaker gave details of the measures that had been taken since the opening of the building, including the savings that had been achieved, and outlined further initiatives currently in progress.

*Hansard*: 9 February 2010, 910

**SOs 98, 103, 105**

## **Privilege**

### **74.25** *Alleged unauthorised disclosure of confidential committee evidence*

Following prayers on 8 February, the Chief Government Whip (a member of the Parliamentary Standing Committee on Public Works) raised as a matter of privilege a confidential briefing given to the committee and subsequent printing of details of the briefing in a Townsville newspaper. He noted that the journalist had identified his source as a member of the committee, and advised that the committee would conduct its own investigation of the incident and report back to both chambers. The Speaker indicated that it was appropriate for the committee to conduct an initial investigation and that the House would await the committee's report.

The following day, the Chief Government Whip presented the committee's report on the matter to the House, and made a statement by leave. He advised that the committee had concluded that the unauthorised release of information may substantially interfere with the future work of the committee, and that the committee sought the Speaker's consideration of the report. The Speaker stated that he would consider the committee's findings and report back to the House.

On 11 February the Speaker made a statement regarding the matter of privilege and the committee's report. He noted the committee's findings and views, and noted that the case was an example of where a Members' code of conduct may have assisted. The Speaker concluded that little would be achieved by further inquiry and thanked the committee for expeditiously and thoroughly dealing with the matter.

*Hansard*: 8 February 2010, 569; 9 February 2010, 855-6; 11 February 2010, 1134-5  
*Votes and Proceedings*: 2008-09-10/1589, 1598, 1612

**SO 51**

## Questions

### 74.26 *Question to committee chair ruled out of order*

During Question Time on 3 February, an Opposition Member asked the Chair of the Joint Standing Committee on Migration a question seeking his views on Government policy regarding the Christmas Island Detention Centre.

Following points of order, the Speaker ruled the question out of order, noting that committee chairs can only be asked about administrative matters relating to their committee.

*Hansard:* 3 February 2010, 241-2

**SOs 99, 100, 101**

### 74.27 *Member corrects question by indulgence*

Prior to the adjournment debate, a Shadow Minister, on indulgence, advised the House that he had referred to the wrong table within a Treasury modelling document in a question to the Minister for Sport. The Shadow Minister informed the House of the correct table.

*Hansard:* 9 February 2010, 900

**SOs 65, 100**

## Speaker

### 74.28 *'Heywire' participants recognised as distinguished visitors*

During Question Time on 3 February, the Speaker noted the presence in the public gallery of participants in the Heywire competition, an ABC Radio award scheme for regional and rural youth.

*Hansard:* 3 February 2010, 231

### 74.29 *Distinguished visitor recognised during division*

During a division on a suspension of standing orders which had been moved during Question Time, the Speaker recognised a distinguished visitor in the gallery.

*Hansard:* 11 February 2010, 1216

### 74.30 *Question to the Speaker regarding 'Twitter' and reflections on rulings*

Following Question Time, the Chief Government Whip asked the Speaker whether the commenting on a ruling in the House by a Member on a website such

as Twitter could constitute a reflection on the ruling. The Speaker responded that at this stage he would accept what had happened in the Chamber as being the conclusion to the matter.

*Hansard*: 11 February 2010, 1217

**SO 103**

## Withdrawals

### 74.31 *Offensive words*

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'...he should not tell lies.'	8 February 2010	622
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'The contribution from the Member...confirms that the coalition freak show is back in town...'	10 February 2010	978
'The face of modern liberalism: it is so attractive and so intelligent.'	10 February 2010	1001
'...this buffoon of a Minister...'	10 February 2010	1009
'...Sir Barnaby Bjelke-Peterson...'	10 February 2010	1009
'...Barnaby Joyce is doing to economic responsibility what Ivan Milat did to backpacker	10 February 2010	1039

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holidays.'		
'On your broomstick, Nicola!'	11 February 2010	1208

**SOs 89, 90, 92**