

Procedural Digest

No. 55

11 –20 March 2008

March 2008				
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Bills

55.01 *Prime Minister speaks on second reading of bill*

During debate on the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008, the Prime Minister made a second reading speech. Following the Prime Minister's speech, the Minister for Employment and Workplace Relations summed up the debate. The bill was then considered in detail and passed on the voices.

Hansard: 17 March 2008, 1844-52
Votes and Proceedings: 2008/167

SOs 142, 148

55.02 *Attempted suspension of standing orders to allow private Member to move second reading of bill*

Following prayers, a private Member moved a suspension of standing and sessional orders to allow the private Members' business order of the day relating to the Member's bill titled: Independent Review of Terrorism Laws Bill 2008 to be called on and proceeded with immediately.

The Member and a seconder were closed on division and the motion for the suspension of standing orders was negated on a further division.

Hansard: 19 March 2008, 2199-2202
Votes and Proceedings: 2008/183-6

SOs 35, 41, 47

55.03 *House divides on the third reading of a bill*

Upon the resumption of debate on the second reading of the Telecommunications Legislation Amendment (Communications Fund) Bill 2008, the Leader of the House moved that the question be put. The question was agreed to on division, and the question on the second reading was carried on a successive division.

Following the reporting of a message from the Governor-General recommending appropriation, a division was also called for on the third reading of the Bill. This question was also carried.

Hansard: 19 March 2008, 2331-3
Votes and Proceedings: 2008/200-3

SOs 126, 155

Business

55.04 *Early start to sitting to deal with deferred divisions*

The sitting on Tuesday, 11 March commenced at 1.00 p.m. rather than 2.00 p.m. following advice circulated by the Speaker prior to the sitting, to allow questions to be put on which divisions had been called for and deferred during the previous sitting (*see entry 54.26*).

Following the completion of the divisions (*see entry 55.05*), the Leader of the House, by leave, moved that Government business orders of the day have priority prior to 2 p.m. for the sitting.

Hansard: 11 March 2008, 1287, 1292
Votes and Proceedings: 2008/125, 130

SOs 29, 30, 34

55.05 *Proceedings on several deferred divisions*

The sitting on 11 March having commenced early (*see entry 55.04*), immediately after prayers the Speaker made a statement advising that he would not be proceeding with the first two divisions deferred at the previous sitting (*see entry 54.26*) on questions that Members be no longer heard as they were redundant.

The Speaker then proceeded to put the remaining questions on which divisions had been deferred. The first two were closures of Members which were agreed to on division, the third was dissent from the Speaker's ruling which was negated on division, and the fourth and fifth were suspensions of Members from the service of the House, which were agreed to on division.

Hansard: 11 March 2008, 1287-92
Votes and Proceedings: 2008/125-130

SOs 34, 80, 87, 94, 133

55.06 *Prime Minister's Ministerial statement at 2 p.m. by leave*

At 2 p.m. the Prime Minister, by leave, made a ministerial statement on Australia's ratification of the Kyoto Protocol, and presented a document. A motion by the Leader of the House that standing orders be suspended to allow the Leader of the Opposition to speak for an equal period of time was passed on the voices. The Leader of the Opposition addressed the House and Question Time began.

Note: Ministerial statements are usually made after Question Time.

Hansard: 11 March 2008, 1298-1302
Votes and Proceedings: 2008/130-1

SOs 34, 47, 63, 199, 202

55.07 *Censure motion by leave during Question Time—Questions continue and MPI not lost*

During Question Time on 11 March, the Leader of the Opposition obtained leave to move a motion censuring the Prime Minister and the Government in relation to benefits received by carers and seniors. The motion was debated and negatived on division, and Question Time continued.

Later, when the discussion of a matter of public importance was called on, there was no motion that the business of the day be called on and the MPI proceeded to conclusion.

Note: Often when an Opposition initiated debate has occurred during Question Time, Question Time is concluded immediately afterwards, and subsequently the MPI is terminated with a motion to call on the business of the day.

Hansard: 11 March 2008, 1312-27, 1331
Votes and Proceedings: 2008/131-3

SOs 46, 48, 63, 111

55.08 *Election petition remitted to Federal Court of Australia*

Following the presentation of documents by the Leader of the House, the Clerk presented a copy of an order of the High Court of Australia remitting the election petition *Mitchell v. Bailey and Anor* (concerning the election of a Member for the Division of McEwen) to the Federal Court of Australia.

Hansard: 11 March 2008, 1331
Votes and Proceedings: 2008/133

55.09 *Apology to Australia's Indigenous peoples passed*

The Speaker reported the return from the Main Committee of the order of the day relating to the Prime Minister's motion of apology (*see* entry 54.16) to Australia's Indigenous peoples. The question that the motion be agreed to was passed on the voices, with all Members again rising in their places

Hansard: 11 March 2008, 1346
Votes and Proceedings: 2008/134

SO 197

55.10 *Extended sitting*

At 8.30 p.m. on 11 March, the Speaker 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 10.19 p.m. at which point the Deputy Prime Minister moved 'That the House do now adjourn'. Debate continued for 30 minutes and the question was carried on the voices.

Hansard: 11 March 2008, 1390, 1413, 1421
Votes and Proceedings: 2008/136

SOs 29, 31, 32

55.11 *Sitting pattern amended to remove sitting Fridays*

Following the moving of a motion to amend the standing orders which removed Friday sittings (*see* entry 55.33), and pursuant to standing order 29(a), the Leader of the House presented a revised program of sittings for 2008, and moved that it be adopted. Following debate, the Manager of Opposition Business was refused leave to continue his speech at a later hour, and an Opposition Member's motion that the debate be adjourned was negatived on division. The motion to adopt the revised program of sittings was then agreed to on the voices.

Hansard: 12 March 2008, 1442-5
Votes and Proceedings: 2008/148-50

SO 29

55.12 *Motion of disallowance moved by a Minister*

On 12 March the Deputy Prime Minister moved, pursuant to notice, that Workplace Relations Amendment Regulations 2007 (No. 4) and Workplace Relations (Registration and Accountability of Organisations) Amendment Regulations 2007 (No. 1) be disallowed. Following debate, the motion was agreed to on division.

Note: Disallowance motions are usually private Members' motions which are brought on for debate (usually to be disposed of) prior to the expiry of the disallowance period by way of a suspension of standing orders. The regulations subject to the disallowance motion on this occasion had been made by the previous Government.

Hansard: 12 March 2008, 1445-53
Votes and Proceedings: 2008/150-1

55.13 *Statement by Prime Minister regarding 60th anniversary of State of Israel*

On 12 March at approximately 12.00 p.m., the Prime Minister interrupted debate to move and speak on a motion, by leave, recognising the 60th anniversary of the State of Israel. The Leader of the Opposition also addressed the House in support of the motion.

Hansard: 12 March 2008, 1473-7
Votes and Proceedings: 2008/151-2

SO 63

55.14 *Adjournment negatived during response to Ministerial Statement*

At 4.30 p.m., during a Shadow Minister's reply to a Ministerial Statement, the Speaker proposed 'That the House do now adjourn'. The Leader of the House required the question to be put forthwith without debate and the question was negatived on the voices.

At the expiry of the Shadow Minister's time (at approximately 4.39 p.m.) a Minister moved 'That the House do now adjourn' and the adjournment debate proceeded.

Hansard: 13 March 2008, 1778-80
Votes and Proceedings: 2008/163

SOs 29, 31, 32

55.15 *Statement on indulgence following answer to question*

Following an answer to a question during Question Time by the Prime Minister relating to the discovery of the HMAS *Sydney*, the Leader of the Opposition made a statement supporting the remarks of the Prime Minister in relation to the matter.

Hansard: 17 March 2008, 1868-9

SOs 65, 98

55.16 *Petitions presented by Speaker and announced by Clerk*

Following the presentation of private Members' motions by the Speaker (*see* entry 55.25), pursuant to revised standing order 207 (*see* entry 55.33) the Speaker presented petitions, which were then announced by the Clerk.

Hansard: 17 March 2008, 1893-6
Votes and Proceedings: 2008/168

SOs 34, 207

55.17 *Suspension of standing orders — Closure negatived — 2nd closure motion disallowed — Dissent negatived — Division on motion not proceeded with — Further motion to suspend standing orders*

Following agreement on the voices to Senate amendments to the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008, the Minister for Employment and Workplace Relations sought leave to move a motion in relation to workplace relations. Leave was not granted. The Minister then moved a suspension of standing orders to enable her to move the motion. The motion for the suspension of standing orders was seconded by the Leader of the House and the question was put and agreed to on division by an absolute majority.

The Minister then moved her motion in relation to workplace relations and after reading out the terms of the motion, was interrupted by the Manager of Opposition Business who moved that the Member be no longer heard. The question was negatived on division and after the Minister had resumed speaking the Manager of Opposition Business attempted to again move that the Member be no longer heard. The Chair ruled that he would not allow a further motion of closure of Member as the same question had been negatived and a further motion would be an abuse of the orders of the House.

The Manager of Opposition Business then moved dissent from the Chair's ruling which was negatived on division after debate. The Minister's time having expired, the Leader of the House obtained the call and moved that the question on the Minister's motion be put. Opposition Members raised points of order regarding the Chair's decision to call the Leader of the House rather than an Opposition Member to respond to the Minister, and one Member attempted to move dissent from the Chair's ruling, but the Chair stated that it was not a ruling from which the House was competent to dissent. A division was called for on the question that the question on the Minister's motion be put. All Opposition Members vacated the Chamber during the ringing of the bells, and Government Members raised points of order noting that the Members who had called for the division had left the Chamber, in contravention of standing order 128. The Chair ruled that

the division be not further proceeded with and that the question had been determined in the affirmative. The Leader of the House asked the Chair whether he would take action against the offending Members, and the Chair responded that he would refer the matter to the Speaker.

The question that the Minister's motion be agreed to was put, and agreed to on division. The Deputy Leader of the Opposition then moved a suspension of standing orders to enable her to move a motion in relation to the Howard Government. The mover and seconder were closed on division, and the motion for the suspension of standing orders was negated on a further division. Government business then resumed.

Later, in response to a question from the Leader of the House regarding action that might be taken against the Members in breach of standing order 128, the Speaker stated that he would not be revisiting the events of earlier in the sitting, and added that he thought it had been dealt with efficiently.

Hansard: 19 March 2008, 2226-2256, 2281

Votes and Proceedings: 2008/190-7

SOs 47, 78, 80, 81, 86, 87, 111, 114, 128

55.18 *Statements on indulgence regarding HMAS Sydney II*

The Minister for Defence Science and Personnel and a Shadow Minister both made statements on indulgence regarding arrangements following the discovery of HMAS *Sydney II*.

Hansard: 20 March 2008, 2471

SO 65

Documents

55.19 *Two petitions presented and forwarded to Petitions Committee*

During the Adjournment debate in the House and Members' statements in the Main Committee, two Members presented petitions, one of which was out of order. On each occasion the Deputy Speaker announced that the petition would be forwarded to the Standing Committee on Petitions for consideration. This is a new procedure for dealing with petitions and follows recent amendments to the standing orders (*see* entry **54.50**).

Hansard: 13 March 2008, 1780-1, 1787-8, 1794

Votes and Proceedings: 2008/163, 165

SOs 193, 206, 207, 208

55.20 *Two petitions presented — One recorded as ‘approved’ by the Petitions Committee*

During the Adjournment debate in the House a Member presented a petition, which was recorded in the *Votes and Proceedings* as a document subject to its approval by the Standing Committee on Petitions as a petition. A petition was also presented during Members’ statements in the Main Committee, and was recorded as a ‘petition approved by the Standing Committee on Petitions’.

Hansard: 19 March 2008, 2336-8, 2352-3
Votes and Proceedings: 2008/204, 207

SOs 193, 206, 207, 208

Main Committee

55.21 *New Main Committee proceedings on Monday evenings*

In accordance with amendments to the standing orders agreed to on 12 March (*see* entry **55.33**), debate in the Main Committee was interrupted at 6.40 p.m. on Monday 17 March and 90 second statements were called on, followed by debate on private Members’ motions (which had been presented to the House earlier by the Speaker [*see* entry **55.25**]) and grievance debate, after which the Main Committee adjourned.

Note: In the 41st Parliament, Members’ 90 second statements and grievance debate took place in the House on Mondays. Presentation of committee and delegation reports, discussion of private Members’ business, Members’ statements, announcement of petitions and grievance debate took precedence before Government business.

Further Note: Had there been any committee or delegation reports listed on the Notice Paper (or presented by the Speaker in the House earlier in the day) and recommended for debate by the Whips, these could also have been debated during this period.

Hansard: 17 March 2008, 2009-50
Votes and Proceedings: 2008/174-5

SOs 39, 40, 41, 192

55.22 *Members' statements at Tuesday meeting*

In accordance with the resolution agreed to at the previous sitting, the meeting of the Main Committee at 4.30 p.m. on Tuesday, 18 March began with a 30-minute period of Members' 3-minute statements.

Hansard: 18 March 2008, 2148-56
Votes and Proceedings: 2008/180

SOs 186, 192, 193

55.23 *Lack of quorum at resumption of Main Committee meeting*

The Deputy Speaker resumed the chair in the Main Committee after proceedings had been suspended while divisions were conducted in the House. Noting that a quorum was not present, the Deputy Speaker adjourned the Main Committee until the following day at 9.30 a.m.

Hansard: 19 March 2008, 2378
Votes and Proceedings: 2008/208

SOs 184, 190

Parliamentary administration

55.24 *Selection of Secretary of Department of Parliamentary Services*

On 19 March, the Speaker informed the House that Mr Alan Thompson had been selected to be appointed as the Secretary of the Department of Parliamentary Services, following the departure of Ms Hilary Penfold QC who had recently been appointed as a judge of the ACT Supreme Court.

The President of the Senate made a similar statement.

Hansard: 19 March 2008, 2281-2
Senate Hansard: 19 March 2008, 1287

Private Members' business

55.25 *Chair presents private Members' business motions*

Following a Ministerial Statement on 17 March, pursuant to revised standing order 41 (*see entry 55.33*) the Deputy Speaker presented copies of the terms of three private Members' motions. The motions were later debated in the Main Committee (*see entry 55.21*).

Hansard: 17 March 2008, 1893
Votes and Proceedings: 2008/168

SOs 39, 40, 41, 192

55.26 *Private Members' business on Monday evening*

In accordance with amendments to the standing orders agreed to on 12 March (*see* entry 55.33), debate was interrupted at 8.30 p.m. on Monday 17 March and private Members' business was considered until the adjournment debate.

Note: In the 41st Parliament, the order of business for Mondays sittings provided for presentation of committee and delegation reports, discussion of private Members' business, Members' statements, announcement of petitions and grievance debate (in addition to Question Time) before Government business.

Further Note: Had there been any committee or delegation reports listed on the Notice Paper and recommended for debate by the Whips, these could also have been presented and debated during this period.

Hansard: 17 March 2008, 1951-65
Votes and Proceedings: 2008/174-5

SOs 35, 39, 40, 41

Questions

55.27 *Speaker instructs Minister to conclude answer*

During Question Time on 12 March, after several interruptions for points of order during an answer, the Speaker asked the Minister to bring his answer to a close.

Hansard: 12 March 2008, 58

SO 104

55.28 *Two Ministers asked twice to draw answers to a close*

During Question Time, the Speaker interrupted two Ministers giving lengthy answers to questions twice and asked them to draw the answers to a close.

Hansard: 17 March 2008, 1879, 1883

SO 104

55.29 *Part of question ruled out of order*

During Question Time, an Opposition Member asked the Prime Minister a question which partly related to the Labor Party National Secretary. Following a point of order, the Speaker ruled that the Prime Minister was not required to answer the middle part of the question which related to actions of the Labor Party National Secretary. With that qualification, and following further points of order, the Prime Minister was called and answered the question.

Hansard: 17 March 2008, 1880

SOs 98, 100, 101

55.30 *Question without notice rephrased*

During Question Time, in response to a point of order that the question being asked was seeking an opinion, the Speaker noted that the wording of the Member's question as it stood was out of order. The Member rephrased his question, which was then answered by the Prime Minister.

Hansard: 19 March 2008, 2272

SOs 86, 98, 101

Speaker

55.31 *Speaker asked about Ministerial arrangements*

Following Question Time, an Opposition Member asked the Speaker a question regarding the division of responsibility of Ministers in the House of Representatives for Ministers in the Senate with respect to answering questions. The Speaker indicated that it was appropriate for the executive to decide who is the appropriate minister to answer questions.

Hansard: 17 March 2008, 1887

SOs 98, 103

55.32 *Speaker asked about length of answers*

Following Question Time, a Member asked the Speaker whether he could look into the length of answers by Ministers and whether it could be ensured that answers were shorter and more relevant to questions being asked. The Speaker responded that in line with other occupants of the Chair, he had tried to direct Ministers to curtail the length of their answers but that the Chair had no power to require that the direction be followed. He added that any case should be able to be explained in five minutes, but that the issue was something that the House had to deal with as it was not within the power of the Chair to do so.

Hansard: 17 March 2008, 1888

SOs 103, 104

Standing orders

55.33 *Amendments to standing orders to remove provision for sitting Fridays*

Following prayers, the Leader of the House, pursuant to notice, moved a motion to make amendments to the standing orders. The amendments proposed numerous alterations, including: removing the recently inserted provision for the House to sit on Fridays (*see* entry 54.50); moving committee and delegation

reports and private Members' business to Monday evenings; allowing the Speaker to present reports of committees or delegations and private Members' bills and motions to the House, following which the items would stand referred to the Main Committee; and moving Members' 90 second statements and Grievance debate to Monday evenings in the Main Committee.

Following debate, the debate was adjourned and made an order of the day for a later hour, with the Manager of Opposition Business being granted leave to continue his remarks when the debate was resumed. Debate resumed later in the sitting and the Manager of Opposition Business made further remarks, after which the motion moved by the Leader of the House was agreed to.

Hansard: 12 March 2008, 1431-42, 1577-8

Votes and Proceedings: 2008/141-8, 155

SOs 1, 29, 30, 31, 33, 34, 35, 39, 40, 41, 42, 43, 44, 55, 97, 106, 133, 138, 139, 140, 141, 192, 207, 208

Withdrawals

55.34 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'This is just sanctimonious, pompous, hypocritical...'	12 March 2008	1442
'...tell a lie...'	18 March 2008	2060
'...lie...'	19 March 2008	2222
'...probably took money directly from the TWU.'	19 March 2008	2290
<i>unrecorded</i>	20 March 2008	2452
<i>unrecorded</i>	20 March 2008	2468

SOs 89, 90, 92