

# Procedural Digest

## No. 56

13 –15 May 2008

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## Bills

### 56.01 *Bill returned from Main Committee summed up in House on 3<sup>rd</sup> reading*

After the Offshore Petroleum Amendment (Miscellaneous Measures) Bill 2008 was returned from the Main Committee without amendment, the bill was considered immediately and agreed to. The Minister for Resources and Energy then moved that the bill be read a third time and made a speech summing up debate on the bill. The bill was then read a third time

*Note:* Unless the circumstances require further proceedings to be conducted in the House, bills referred to the Main Committee are usually summed up by a Minister prior to the question on the second reading being resolved, before being returned to the House.

*Hansard:* 13 May 2008, 2591-3  
*Votes and Proceedings:* 2008/225

**SOs 152, 153, 183**

### 56.02 *Presentation of Budget and additional appropriation bills, including explanatory memoranda*

On 13 May, the Treasurer presented Appropriation Bill (No. 1) 2008-2009, moved the second reading and delivered the budget speech. After the Treasurer had presented associated documents and statements, the Minister for Finance and Deregulation presented Appropriation Bill (No. 2) 2008-2009 and Appropriation (Parliamentary Departments) Bill (No. 1) 2008-2009. An explanatory memorandum was presented with each of these bills.

The Minister for Finance and Deregulation also presented supplementary additional appropriation bills for 2007-2008 (Appropriation Bill (No. 5) 2007-2008 and Appropriation Bill (No. 6) 2007-2008).

The Speaker announced receipt of a message from the Governor-General recommending appropriation before each bill was presented.

*Note:* Explanatory memoranda are not usually presented for budget bills, and are not required under the standing orders.

*Hansard:* 13 May 2008, 2600-13  
*Votes and Proceedings:* 2008/227-9

**SOs 2, 141, 147, 178, 180**

### **56.03** *House divides on the third reading of a bill*

Following the second reading of the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008 and reporting of a message from the Governor-General recommending appropriation, the bill was considered in detail. Opposition amendments were disagreed to on division, and the question that the bill be agreed to was carried on a further division. A division was then called for on the third reading of the bill, which was also carried.

*Hansard:* 14 May 2008, 2765-9  
*Votes and Proceedings:* 2008/244-7

**SOs 126, 155**

## **Business**

### **56.04** *Statements on indulgence regarding Vietnam battles*

Following two condolence motions, the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding the 40<sup>th</sup> anniversary of the Battles of Fire Support Bases Coal and Balmoral, in the Vietnam War. The Leader of the House then referred further statements on the matter to the Main Committee, along with other matters.

*Hansard:* 13 May 2008, 2550-2  
*Votes and Proceedings:* 2008/223-4

**SOs 65, 183**

### **56.05** *Statement on indulgence following answer to question*

Following an answer to a question during Question Time by the Prime Minister relating to natural disasters in Burma and China, the Leader of the Opposition made a statement supporting the remarks of the Prime Minister in relation to the matter.

*Hansard:* 13 May 2008, 2553-5

**SOs 65, 98**

**56.06** *Suspension of standing order 31 for Budget reply speech*

The Minister for Defence Science and Personnel, for the Leader of the House, pursuant to notice, moved that standing order 31 (automatic adjournment of the House) be suspended for the sitting on Thursday, 15 May 2008, and that the House automatically adjourn following the budget reply speech by the Leader of the Opposition. The motion was agreed to on the voices.

*Hansard:* 14 May 2008, 2741  
*Votes and Proceedings:* 2008/243

**SOs 31, 47**

**56.07** *Motion condemning Government moved during Question Time*

During Question Time on 15 May, the Shadow Treasurer moved a suspension of standing orders to allow him to move a motion condemning the Government in relation to its recently delivered budget. The motion (for the suspension of standing orders) was debated and negatived on division. One further question from the Government side was then answered and Question Time concluded.

*Hansard:* 15 May 2008, 2968-76  
*Votes and Proceedings:* 2008/255-6

**SOs 47, 48**

**56.08** *Two Ministerial statements in succession*

Following Question Time and after debate on a motion by the Leader of the House, the Minister for Families, Housing, Community Services and Indigenous Affairs made a ministerial statement, by leave, relating to certainty and security for seniors and carers. The Minister then moved suspension of standing orders to enable the Shadow Minister to respond.

The Minister for Trade then also made a ministerial statement, by leave, relating to the nomination of a new Director-General of the World Intellectual Property Organisation. On a motion by the Minister, standing orders were suspended to allow the Shadow Minister to respond.

Following the statements, (at approximately 5.59 p.m.) the Matter of Public Importance was proposed and disposed of with a motion that the business of the day be called on. Business intervening before order of the day No. 8 (Appropriation Bill (No. 1) 2008-2009) was then postponed on a motion by a Minister and the sitting was suspended from 6.00 p.m. until 7.30 p.m. when the budget was due to be delivered.

*Hansard:* 15 May 2008, 2986-97  
*Votes and Proceedings:* 2008/258-9

**SOs 34, 46, 47, 63**

## Chamber

### *56.09 Display of props during question*

During Question Time on 15 May, a Shadow Minister displayed two small bottles of alcohol to illustrate questions he was asking of the Prime Minister regarding changes to taxation on alcohol outlined in the budget. The Speaker permitted the brief display of the objects while the questions were being asked, noting that the display of relevant props was tolerated but not encouraged.

*Hansard: 15 May 2008, 2955-7, 2962*

**SOs 60, 92**

## Committees

### *56.10 Supplementary Member appointed to committee; Further appointment attempted*

The Leader of the House, pursuant to notice, moved a motion to appoint a supplementary (Independent) Member to the Standing Committee on Infrastructure, Transport, Regional Development and Local Government for the committee's inquiry into the funding of regional programs. Debate ensued and an Opposition Member moved as an amendment to the motion that a further supplementary (Opposition) Member be appointed to the Committee for the purposes of the inquiry. The amendment was negated on division and the original motion was agreed to on the voices.

*Note:* Standing order 215 provides for a maximum of one extra Government Member and one extra non-Government Member to be appointed to a committee for a particular inquiry. As the Government was moving to appoint an Independent Member, the Opposition's amendment to appoint a further non-Government Member would not have been possible under the standing orders.

*Hansard: 15 May 2008, 2978-86*  
*Votes and Proceedings: 2008/257-8*

**SOs 121, 215, 229**

## Divisions

### *56.11 Recognition of Member seeking call during division*

During a division on the second reading of a bill, a Member placed a piece of paper over his head and queried the Chair about the process for considering the bill. The Chair responded to the questions and a Shadow Minister also commented on the matter.

*Note:* Because Members are required to be seated while the House is dividing special provision is made for them to speak while seated. As they cannot rise to seek the call, by convention Members should place a sheet of paper over their head to 'catch the Speaker's eye'.

*Hansard:* 15 May 2008, 2924

**SO 86**

## Documents

### 56.12 *List of unanswered questions tabled*

During Questions to the Speaker, by leave, a Member presented a list of questions in writing unanswered after 60 days on the *Notice Paper*. The Member explained that the list contained 53 questions, therefore it may suit the House if he tabled the list rather than following usual protocol and reciting each question number.

*Hansard:* 13 May 2008, 2574

*Votes and Proceedings:* 2008/224

**SOs 63, 103, 105**

## Main Committee

### 56.13 *Deputy Speaker's ruling regarding interventions*

During debate on a bill in the Main Committee, a Member declined to take an intervention. The Member who had sought to intervene stated that the Member was required to hear the question before accepting or declining the intervention, and the Deputy Speaker explained that the rules allowed a Member to accept or decline an intervention before the question was heard.

*Hansard:* 14 May 2008, 2797

**SO 66A**

## Members

### 56.14 *Resignation of Member*

Following prayers on 13 May, the Speaker informed the House that on 9 April 2008 he had received a letter from Mr Peter John McGauran, Member for Gippsland resigning his seat. The Speaker then announced details for a by-election (*see* entry 56.17).

*Note:* In accordance with section 37 of the Constitution a Member's resignation takes effect when the letter of resignation is received by the Speaker (or, in the Speaker's absence, the Governor-General).

*Hansard:* 13 May 2008, 2545  
*Votes and Proceedings:* 2008/223

### **56.15** *Two Members 'sin-binned' for raising frivolous points of order*

During Question Time on 15 May, two Opposition Members were directed by the Speaker to leave the Chamber for 1 hour for raising frivolous points of order (And see entry 54.33).

*Hansard:* 15 May 2008, 2953, 2968  
*Votes and Proceedings:* 2008/255

**SOs 86, 91, 92, 94**

## Questions

### **56.16** *Speaker's comments regarding answers to questions*

In response to points of order regarding relevance of answers during Question Time, the Speaker commented that he was not happy that answers to questions go into debate, and suggested that the Procedure Committee could examine the rules regarding answers to questions.

*Hansard:* 14 May 2008, 2713, 2719

**SOs 104, 221**

## Speaker

### **56.17** *Announcement of by-election*

Following the Speaker's announcement regarding the resignation of the Member for Gippsland (see entry 56.14), he informed the House that he would be issuing a writ on 19 May for a by-election to be held on 28 June.

*Note:* The Speaker issues a writ for a by-election in accordance with section 33 of the Constitution.

*Hansard:* 13 May 2008, 2545  
*Votes and Proceedings:* 2008/223

### **56.18** *Speaker's statement regarding behaviour on budget and budget reply nights*

Prior to Question Time, the Speaker made some general remarks concerning the chamber arrangements for budget night and budget reply night. He asked

Members to ensure that guests arrive in a timely way, and warned that while he understood the urge to applaud at the end of the speeches, he would be

upholding the principle that a Member with the call is entitled to speak without interruption, and security staff would be directed to remove from the galleries any individuals who persisted in intervening in proceedings.

*Hansard*: 13 May 2008, 2552-3

**SOs 91, 92**

### 56.19 *Speaker asked about rules regarding points of order*

Following Question Time, a Member asked the Speaker why he had not been given the call when he rose to take a point of order, and whether a Member could or could not raise a point of order at any time. The Speaker responded that in line with precedents in *House of Representatives Practice*, he was allowing the Leader of the House to complete a point of order before giving the Member the call to raise a further point of order.

*Hansard*: 14 May 2008, 2721-2

**SOs 86, 103**

## Withdrawals

### 56.20 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'I thank the Member ... for his encouragement in the direction of moral improvement.'	13 May 2008	2556
'...if the Member ... does not think it is a good idea to support children with type 1 diabetes...'	14 May 2008	2709
'...liar...'	14 May 2008	2731
'...you are a fraud...'	14 May 2008	2733
'...knave...'	14 May 2008	2774
'...those opposite oppose the appointment of the Member...'	15 May 2008	2984

**SOs 89, 90, 92**