

# Procedural Digest

**No. 68***25 May–4 June 2009*

<i>May–June 2009</i>				
<b>M</b>	<b>T</b>	<b>W</b>	<b>T</b>	<b>F</b>
25	26	27	28	29
1	2	3	4	5

## Bills

### **68.01** *Appropriation message for Senate requests reported in subsequent sitting*

The Speaker reported a message from the Governor-General recommending an appropriation for the purposes of amendments to the Employment and Workplace Relations Amendment Bill 2008. The amendments had been requested by the Senate and were made during the previous sitting.

The Speaker explained that the Governor-General's message should have been reported prior to consideration of the requested amendments, but had not been available at the time.

*Hansard: 25 May 2009, 4031*  
*Votes and Proceedings: 2008-09/1031*

**SOs 165, 180, 181**

## Business

### **68.02** *Statements by indulgence on floods*

Prior to Question Time on 25 May the Prime Minister and the Leader of the Opposition made statements by indulgence regarding the flooding in Queensland and New South Wales.

*Hansard: 25 May 2009, 4059-61*

**SO 65**

### **68.03** *Statement by indulgence following answer to question*

Following an answer to a question during Question Time by the Minister for Foreign Affairs relating to reports of a nuclear test by North Korea, the Shadow Minister, by indulgence, made a statement supporting the Minister's remarks.

*Hansard: 25 May 2009, 4084-6*

**SOs 65, 98**

**68.04** *Statements by indulgence on award for movie director and death of actor*

Following Question Time on 25 May the Minister for the Environment, Heritage and the Arts and the Shadow Minister both made statements by indulgence regarding the awarding of the Camera d'Or award at the Cannes Film Festival to director Warwick Thornton, and on the death of actor Charles (Bud) Tingwell.

*Hansard: 25 May 2009, 4086-7*

**SO 65**

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

At 2 p.m. the Prime Minister, by leave, made a ministerial statement regarding nuclear testing in North Korea. 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: 26 May 2009, 4257-60*

*Votes and Proceedings: 2008-09/1041*

**SOs 34, 47, 63**

**68.06** *Statements of appreciation for parliamentary liaison officer*

Following Question Time on 26 and 28 May, several Members including the Leader of the House, Deputy Manager of Opposition Business, the Speaker and Whips made statements by indulgence noting the imminent departure of Mr Tony Levy, Parliamentary Liaison Officer, and expressed their gratitude for his service to the House.

*Note:* Parliamentary liaison officers are seconded from the Department of the Prime Minister and Cabinet to assist the Leader of the House in managing government business.

*Hansard: 26 May 2009, 4281-2; 28 May 2009, 4778-9*

**SO 65**

**68.07** *Statements by indulgence on detention of Aung San Suu Kyi*

Following Question Time on 27 May the Minister for Foreign Affairs and the Shadow Minister both made statements by indulgence regarding the detention of Aung San Suu Kyi by Burma's military regime.

*Hansard: 27 May 2009, 4517-8*

**SO 65**

**68.08** *Two MPIs proposed—Matter proposed by Opposition Member discussed*

Two matters were proposed for discussion on 27 May, one by an Opposition Member and the other by an Independent Member. The Speaker gave priority to the matter proposed by the Opposition Member.

*Hansard: 27 May 2009, 4526*  
*Votes and Proceedings: 2008-09/1053*

**SO 46**

**68.09** *House meets at 10 a.m. on a Monday*

In accordance with a resolution of the House at the previous sitting, the sitting on Monday, 1 June commenced at 10 a.m. rather than 12 noon. On a motion by the Leader of the House, by leave, Government business was given precedence prior to 12 noon for the sitting.

*Hansard: 1 June 2009, 4851*  
*Votes and Proceedings: 2008-09/1071*

**SOs 29, 30, 34, 35**

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

At 2 p.m. the Prime Minister, by leave, made a ministerial statement regarding India and Australia. The Leader of the Opposition then also addressed the House by leave and Question Time began.

*Note:* Ministerial statements are usually made after Question Time, and standing orders are usually suspended to allow the Leader of the Opposition to speak for an equal period of time.

*Hansard: 1 June 2009, 4905-7*  
*Votes and Proceedings: 2008-09/1073*

**SOs 34, 63**

**68.11** *Election petition dismissed by Court of Disputed Returns*

The Clerk presented a letter from the Registrar of the Federal Court, forwarding a copy of an order made by the Federal Court of Australia sitting as the Court of Disputed Returns dismissing the petition relating to Scott-Irving *v.* Oakeshott (*see* entry **62.06**).

*Hansard: 1 June 2009, 4969*  
*Votes and Proceedings: 2008-09/1077*

**68.12** *Extended sitting hours; Priority to Government business and no divisions*

In accordance with a resolution of the House at the previous sitting, the sitting on Tuesday, 2 June commenced at 9 a.m. rather than 2 p.m. and Government business was given precedence prior to 2 p.m. The motion also provided for the suspension of standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after 10 p.m.) for the sitting, and for any divisions to be deferred until following the Matter of Public Importance. The House adjourned at 11.02 p.m.

*Hansard: 2 June 2009, 5099, 5309*  
*Votes and Proceedings: 2008-09/1085, 93*

**SOs 29, 30, 34, 35**

**68.13** *Explanation by indulgence regarding Members' interests*

During the evening on 2 June the Minister for Defence made a statement by indulgence advising that he had not declared a night's paid hotel accommodation to the Registrar of Members' Interests. The Minister explained the circumstances and apologised for the oversight.

*Note:* The Deputy Leader of the Opposition had asked the Prime Minister during Question Time the previous day whether he could confirm that the Minister was in compliance with his obligations regarding the Register of Members' Interests.

*Hansard: 2 June 2009, 5290-1*

**SO 65**

**68.14** *Suspension of standing orders 31 and 33; No divisions from 7.30 p.m.*

In accordance with a resolution of the House at the previous sitting, standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after 10 p.m.) were suspended for the sitting on Wednesday, 3 June. The motion also provided for any divisions after 7.30 p.m. to be deferred until the next sitting. The House adjourned at 10.11 p.m.

*Hansard: 3 June 2009, 5563*  
*Votes and Proceedings: 2008-09/1099*

**SOs 29, 30, 31, 33**

**68.15** *Statements by indulgence on death of Jack Ross – Members rise in their places*

Prior to Question Time on 3 June, the Prime Minister and the Leader of the Opposition both made statements by indulgence regarding the death of Mr John

(Jack) Ross, who was the last surviving Australian serviceman of the First World War (*And see* entry **66.04**). The Speaker invited all Members to rise in their places to show their support for the remarks.

*Hansard*: 3 June 2009, 5449-51  
*Votes and Proceedings*: 2008-09/1098

**SO 65**

### **68.16**     *Comments by indulgence regarding State of Origin football*

Following Question Time on 3 June the Prime Minister and the Leader of the House both made brief remarks by indulgence regarding the State of Origin rugby league game that evening.

*Hansard*: 3 June 2009, 5476

**SO 65**

### **68.17**     *Prime Minister announces resignation of Minister*

Immediately prior to Question Time on 4 June, the Prime Minister informed the House that the Minister for Defence had tendered his resignation as a Minister. The Prime Minister then made his usual announcement of Ministerial arrangements for Question Time.

*Hansard*: 4 June 2009, 5764  
*Votes and Proceedings*: 2008-09/1109

### **68.18**     *Statements by indulgence on anniversary of Tiananmen Square massacre*

Prior to Question Time on 4 June the Prime Minister and the Leader of the Opposition made statements by indulgence observing the 20<sup>th</sup> anniversary of the protests and tragic events in Tiananmen Square, China.

*Hansard*: 4 June 2009, 5764-7

**SO 65**

## **Chamber**

### **68.19**     *Speaker's remarks regarding display of props*

In response to a point of order during Question Time, the Speaker referred to a ruling of the Speaker on 15 June 2006, namely: "Whilst a Member with the call may make a passing reference to a displayed object or article, Members without the call may not do so and will be dealt with accordingly."

*Hansard*: 27 May 2009, 4504-5

**SOs 60, 92**

## Debate

### 68.20 *Cognate debate on eleven bills*

On 3 June, the House allowed concurrent debate on the second readings of the Carbon Pollution Reduction Scheme Bill 2009 and ten related bills. The eleven bills had been presented as a package at a previous sitting.

*Hansard*: 2 June 2009, 5291  
*Votes and Proceedings*: 2008-09/1092-3

**SO 142**

## Divisions

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

During consideration in detail of the Carbon Pollution Reduction Scheme Bill 2009, an independent Member moved amendments. A division was called when the question was put on the amendments. When the bells had finished ringing only the two independent Members and one Opposition Member 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*. (And see entry 57.24.)

*Hansard*: 4 June 2009, 5681  
*Votes and Proceedings*: 2008-09/1104

**SO 127**

## Documents

### 68.22 *Additional documents presented during introduction of bill*

After presenting a bill and explanatory memorandum, the Minister for Health and Ageing presented draft copies of the Health Insurance (Extended Medicare Safety Net) Determination 2009 and explanatory statement during her second reading speech.

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

*Hansard*: 28 May 2009, 4699  
*Votes and Proceedings*: 2008-09/1063

**SO 141, 199**

## Main Committee

### 68.23 *Meeting of Main Committee delayed due to division*

The Main Committee had been scheduled to meet at 4 p.m. on 1 June, but did not meet until 4.22 p.m. because of a late conclusion to Question Time and a subsequent division in the House.

*Hansard:* 1 June 2009, 5018  
*Votes and Proceedings:* 2008-09/1081

**SOs 186, 190**

### 68.24 *Member apologises for using mobile phone in Main Committee*

During debate in the Main Committee, the Chair reminded a Member that it was not accepted practice to take a mobile phone call in the room. The Member apologised to the Main Committee. (And *see* entries **5.06**, **12.15**, **20.06** and **28.22**.)

*Hansard:* 3 June 2009, 5596

**SO 60**

## Petitions

### 68.25 *Extra petition presented by Member of Petitions Committee*

During the allocated time for presentation of petitions, following the presentation and statement by the Chair of the Petitions Committee, a member of the Committee, by leave, presented a further petition and made a statement in relation to the petition.

*Hansard:* 1 June 2009, 4995-7  
*Votes and Proceedings:* 2008-09/1077

**SOs 34, 63, 207**

## Privilege

### 68.26 *Alleged interference with ability to perform duties*

On 27 May, the Manager of Opposition Business raised as a matter of privilege Government criticisms of Opposition Members' support for projects in their electorates. The Member stated that criticisms interfered with Opposition Members' ability to perform their duties as Members of Parliament.

The Chair stated that he would bring the matter to the attention of the Speaker.

*Hansard:* 27 May 2009, 4541-2  
*Votes and Proceedings:* 2008-09/1054

**SO 51**

**68.27** *Speaker's statement on matter concerning alleged interference*

Following Question Time on 28 May, the Speaker made a statement about a matter of privilege raised at the previous sitting (*see* entry **68.26**) regarding Government criticisms of Opposition Members' support for projects in their electorates.

The Speaker drew comparisons with similar matters raised in 2006 and earlier in 2009, and stated that he did not see evidence of improper interference with Members performing their duties and he was therefore of the opinion that precedence should not be given to a motion (for referral to the Committee of Privileges and Members' Interests) on this occasion.

*Hansard: 28 May 2009, 4779-80*  
*Votes and Proceedings: 2008-09/1067*

**SO 51**

## Questions

**68.28** *Question regarding actions of backbencher ruled out of order*

During Question Time, an Opposition Member asked the Treasurer a question relating to comments made that morning by a backbench Government Member. The Speaker ruled the question out of order and called on the next question.

*Hansard: 25 May 2009, 4079-80*

**SOs 98, 100, 101**

**68.29** *Question involving large prop ruled out of order*

During Question Time, while an Opposition Member was asking the Treasurer a question he referred to a series of graphs joined together which required the assistance of other Members to display. The Speaker ruled the question out of order and called on the next question. Following several points of order the Speaker permitted the Member to cut the prop into single frames to be shown one at a time and ask his question.

*Hansard: 28 May 2009, 4761-2*

**SOs 98, 100, 101**

**68.30** *Question outside Minister's portfolio ruled out of order*

During Question Time, an Opposition Member asked the Deputy Prime Minister a question relating to Medicare funding. The Speaker ruled the question out of



order as it did not relate to the Minister's responsibilities and called on the next question.

*Hansard*: 28 May 2009, 4775

**SOs 98, 100, 101**

### 68.31 *Question Time delayed; Consideration in detail interrupted*

A division on detailed amendments to a bill was completed after 2 p.m., causing a delay to Question Time. Debate on the bill was interrupted following the division, and resumed following Question Time, when consideration of the bill in detail continued.

*Hansard*: 1 June 2009, 4905, 4932

*Votes and Proceedings*: 2008-09/1073, 4

**SO 97**

## Speaker

### 68.32 *Speaker asked about parliamentary tour guides*

Following Question Time, a Member asked the Speaker whether there had been staff cuts affecting tour guides in Parliament House, noting that she had been unable to organise a tour for a group of her constituents with over two weeks of notice. The Speaker responded that he would investigate the matter and report back to the Member.

*Hansard*: 3 June 2008, 5477

**SO 103**

## Withdrawals

### 68.33 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...an absolute lie...'	25 May 2009	4071
'...the second untruth...'	25 May 2009	4071
'...Sloppy Joe...'	26 May 2009	4271, 4275
'...a rather spoilt brat running the show.'	27 May 2009	4465
<i>unrecorded</i>	27 May 2009	4501
'...Mr Squiggle!'	27 May 2009	4509-10
'Toughen up, Princess!'	1 June 2009	4919

<i>unrecorded</i>	2 June 2009	5167
'You idiot!'	2 June 2009	5171
'...been in the pockets of the distillers.'	2 June 2009	5187
'...the statement...contains a certain amount of racial arrogance.'	3 June 2009	5599
<i>unrecorded</i>	4 June 2009	5778

SOs 89, 90, 92