

Procedural Digest

No. 72*19–29 October 2009*

October 2009				
M	T	W	T	F
19	20	21	22	23
26	27	28	29	30

Bills

72.01 *Second reading debate on private Members' bills*

Two private Members moved the second reading of bills they had presented at previous sittings, one in the House and one in the Main Committee. On each occasion the mover and another Member each spoke for 5 minutes, and debate was adjourned and made an order of the day for the next sitting.

Note: The Whips had allocated 5 minutes each for two Members to debate each bill.

Hansard: 19 October 2009, 10181-3, 10244-6
Votes and Proceedings: 2008-09/1355, 1364

SOs 1, 41

72.02 *Bill returned from Main Committee—Third reading made an order of the day for the next sitting*

Following the second reading of the Health Insurance Amendment (Compliance) Bill 2009, the Main Committee resolved that the bill be reported to the House without amendment.

When the bill was reported in the House during the following sitting, it was agreed to on the voices, then the House resolved that the third reading be made an order of the day for the next sitting.

Hansard: 27 October 2009, 11109
Votes and Proceedings: 2008-09/1407

SOs 152, 197

72.03 *Attempted suspension of standing orders to bring on private Senators' bill*

An Opposition Member moved a suspension of standing and sessional orders to allow the Government business order of the day relating to the bill received from the Senate titled: Health Insurance Amendment (Revival of Table Items) Bill 2009 to be called on and proceeded with immediately.

The Member and a seconder were closed on division, closure motions on two Ministers were negatived on division and the motion for the suspension of standing orders was negatived on a further division.

Hansard: 29 October 2009, 11473-9
Votes and Proceedings: 2008-09/1420-4

SO 47

72.04 *Attempted Opposition closure of question on second reading of bill*

During debate on the second reading of the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and on the amendment moved by the Leader of the Opposition, the Manager of Opposition Business moved that the question be put. The question was negatived on division, and debate continued briefly before it was interrupted for Question Time.

Note: Closure of debate is a procedure more commonly used by Ministers as a means of expediting the passage of a bill.

Hansard: 29 October 2009, 11527-8
Votes and Proceedings: 2008-09/1426-7

SO 81

Business

72.05 *Statements by indulgence regarding natural events*

Prior to Question Time on 19 October, the Prime Minister and the Leader of the Opposition both made statements by indulgence regarding recent natural disasters in the Asia Pacific region.

On a motion by the Leader of the House, further statements on indulgence were referred to the Main Committee.

Hansard: 19 October 2009, 10079-81
Votes and Proceedings: 2008-09/1353

SO 65

72.06 *Birth of Member's child announced by indulgence*

Following Question Time, the Manager of Opposition business, by indulgence, informed the House of the birth of the Shadow Treasurer's child. The Speaker passed on the House's best wishes to the Member, and the Leader of the House also passed on the Government's congratulations.

Hansard: 19 October 2009, 10106

72.07 *Statements by indulgence regarding Queensland bushfires*

Following Question Time on 20 October the Acting Prime Minister made a statement by indulgence regarding the bushfires in Queensland and Commonwealth assistance being provided. The Leader of the Opposition and another Member (representing a Queensland electorate) also made statements on indulgence regarding the matter.

On 21 October, again by indulgence following Question Time, the Prime Minister updated the House on the bushfires, and the Leader of the Opposition supported the Prime Minister's remarks.

Hansard: 20 October 2009, 10344-5; 21 October 2009, 10552-3

SO 65

72.08 *Statements by indulgence regarding death of Don Lane*

Following Question Time on 22 October the Minister for the Environment, Heritage and the Arts and the Shadow Minister made statements by indulgence regarding the death of entertainer Mr Don Lane.

Hansard: 22 October 2009, 10760-1

SO 65

72.09 *Proposed sitting pattern agreed to on division*

Following Question Time, the Leader of the House presented the proposed program of sittings for 2010 and, by leave, moved that it be agreed to. The question was put and the motion was agreed to on division.

Hansard: 22 October 2009, 10761-2
Votes and Proceedings: 2008-09/1387-8

SOs 29, 63

72.10 *Advice on possible extended meeting hours*

Following Question Time on 26 October 2009 the Leader of the House, by leave, advised that the House may extend its sitting hours beyond the usual adjournment times on Wednesday and Thursday this week. He explained that any extension to the hours would be made by agreement, and would maximise the contribution that Members could make to the Carbon Pollution Reduction Scheme legislation.

Hansard: 26 October 2009, 10882-3

SOs 29, 63

72.11 *Backbencher speaks on indulgence following answer to question*

Following an answer to a question during Question Time by the Minister for Families, Housing, Community Services and Indigenous Affairs relating to the past suffering of children in institutional care, an Opposition backbencher, on indulgence, made some remarks supporting the Minister's answer.

Hansard: 27 October 2009, 11084-5

SOs 65, 98

72.12 *Amended routine of business for two days — Extended sitting times*

Following Question Time on 27 October, the Leader of the House moved, by leave, a suspension of standing and sessional orders to set the order of business for the sittings on Wednesday 28 and Thursday 29 October.

The motion suspended standing orders 31 (automatic adjournment of the House) and 33 (limit on new business after 10 p.m.) for both sittings, and provided for the extension of sitting until 11 p.m. on Wednesday and 8 p.m. on Thursday, with Government business having priority from 7.30 p.m. on Wednesday and 4.30 p.m. on Thursday. During both periods of time, the motion provided for divisions and quorum calls to be deferred until the start of the next sitting. The question was agreed to on the voices.

Note: The extended hours were foreshadowed by the Leader of the House during the previous sitting (*see entry 72.10*).

Hansard: 27 October 2009, 11094

Votes and Proceedings: 2008-09/1406

SOs 29, 31, 33, 47, 63

72.13 *Statement by indulgence regarding rehabilitation following Victorian bushfires*

Following Question Time on 28 October an Opposition Member made a statement by indulgence regarding the generous contributions towards rehabilitation projects in Victorian communities following the bushfires earlier this year.

Hansard: 28 October 2009, 11262

SO 65

72.14 *Statement by indulgence regarding birth of deceased soldier's child*

Following his speech on the second reading of a bill, an Opposition Member made a statement by indulgence informing the House that the wife of Serjeant Brett Till

(killed in Afghanistan in March this year) had given birth to their son, and wishing the family well.

Hansard: 28 October 2009, 11358

SO 65

Committees

72.15 *Procedure Committee report on display of articles in the House*

The Chair of the Procedure Committee presented a report entitled: The display of articles: an examination of the practices of the House of Representatives.

The report does not recommend any changes to the standing orders, but supports the continued use of the Chair's judgement in relation to the appropriate display of articles in the Chamber.

The Chair moved that the report be made a Parliamentary Paper and made a statement in connection the report.

Hansard: 19 October 2009, 10180

Votes and Proceedings: 2008-09/1355

SO 221

Debate

72.16 *Closure of question on second reading of bill; Division on 3rd reading*

During debate on the second reading of the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009 and on the amendment moved by an Opposition Member, the Leader of the House moved that the question be put. The question was agreed to on division, and the questions that the words proposed to omitted stand part of the question was passed on the voices. The question on the second reading was carried on division, and the third reading was carried on division, following debate.

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: 21 October 2009, 10735-9
Votes and Proceedings: 2008-09/1382-5

SOs 66, 81, 82, 84, 117

72.17 *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 in the Speaker's Chair when debate was resumed, and two other Members made their second reading speeches. Having then been relieved of Chair's duties, 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: 27 October 2009, 11110

SOs 63, 69

Documents

72.18 *Motion for approval of determination by House*

The Minister for Health moved that the House approve the Health Insurance (Extended Medicare Safety Net) Determination 2009, which had been made on 9 October 2009 and presented to the House (as a deemed paper) on 19 October 2009. Following debate, the motion was agreed to.

Note: The motion was moved in accordance with section 10B of the *Health Insurance Act 1973*, which had been amended to provide that Extended Medicare Safety Net Determinations must be approved by resolution of both Houses of Parliament. Determinations do not usually require approval, but rather are usually presented as deemed papers, and are subject to disallowance.

Hansard: 21 October 2009, 10568-70
Votes and Proceedings: 2008-09/1374

SO 199

72.19 *Additional document presented during introduction of bill*

After presenting a bill, the Minister Assisting the Minister for Climate Change presented an explanatory memorandum and a regulation impact statement.

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

Hansard: 22 October 2009, 10671
Votes and Proceedings: 2008-09/1379

SOs 141, 199

Matters of Public Importance

72.20 *MPI on parliamentary reform*

The Manager of Opposition Business proposed a Matter of Public Importance entitled: The Government's failure to embrace a parliamentary reform agenda. The MPI was supported and discussion ensued on matters of parliamentary procedure, including questions without notice and Ministerial statements.

Hansard: 22 October 2009, 10763-70
Votes and Proceedings: 2008-09/1388

SO 46

Members

72.21 *Resignation of Members*

Prior to Question Time on 19 October, the Speaker informed the House that he had that day received letters from Dr Brendan Nelson, Member for Bradfield, and Mr Peter Costello, Member for Higgins resigning their seats. The Speaker advised that he would inform the House in due course of details for by-elections.

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: 19 October 2009, 10079
Votes and Proceedings: 2008-09/1353

Parliamentary administration

72.22 *Appointment of Clerk of the House*

After Question Time on 28 October, the Speaker made a statement announcing the appointment of Mr Bernard Wright as the Clerk of the House from 5 December 2009, following the conclusion of the term of the current Clerk, Mr Ian Harris AO. The Prime Minister, Leader of the Opposition and several other Members made remarks on indulgence congratulating Mr Wright on his appointment and thanking Mr Harris for his service.

Hansard: 28 October 2009, 11259-62
Votes and Proceedings: 2008-09/1414

Petitions

72.23 *Non-member of Petitions Committee speaks during presentation time*

During the allocated time for presentation of petitions, following the presentation and statement by the Chair of the Petitions Committee, a Member, not a member of the Committee, by leave, made a statement in relation to one of the petitions which had been presented.

Note: Under the standing orders only the Chair and one other Member of the Committee are permitted to make statements during the time allocated for the presentation of petitions.

Hansard: 26 October 2009, 10960
Votes and Proceedings: 2008-09/1396

SOs 34, 63, 207

Private Members' business

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

On 21 October, the Acting 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 earlier in the sitting. The question was agreed to on the voices.

Hansard: 21 October 2009, 10570-3
Votes and Proceedings: 2008-09/1374

SOs 39, 40, 41

72.25 *Standing orders suspended to bring on private Member's motion of disallowance*

On 26 October a Minister moved, by leave, that the standing and sessional orders be suspended to enable a private Member's notice of motion of disallowance to be called on.

The motion to suspend standing orders was agreed to and the notice called on. The private Member moved the disallowance motion which was seconded, debated and negatived on division.

Hansard: 26 October 2009, 10883-7
Votes and Proceedings: 2008-09/1395-6

SOs 35, 47

72.26 *Motion amended by leave before being debated*

The Main Committee debated a motion on child abuse during the time allotted for private Members' business on 26 October. The motion had been presented by the Speaker (in accordance with standing order 41) in the House earlier in the day and had been referred to the Main Committee as an order of the day. When the order of the day was called on, the sponsoring Member obtained leave to amend the terms of her motion before she spoke to it. Following her speech the amendment was seconded and agreed to, and the amended motion was then debated.

Notice Paper: 26 October 2009, 28
Hansard: 26 October 2009, 10831, 11030-1
Votes and Proceedings: 2008-09/1393, 1402

SOs 41, 63, 110

Questions

72.27 *Closure motion moved on Minister during answer to question*

During Question Time while a question without notice was being answered by a Minister, the Manager of Opposition Business moved that the Minister be no longer heard. The question was negatived on division and the Minister completed her answer.

Hansard: 20 October 2009, 10340-1
Votes and Proceedings: 2008-09/1367-8

SO 80

Speaker

72.28 *Announcement of by-elections*

Following the Speaker's announcement at a previous sitting regarding the resignation of the Members for Bradfield and Higgins (*see entry 72.21*), he informed the House that he intended to issue writs on 30 October for by-elections to be held on 5 December.

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

Hansard: 26 October 2009, 10883
Votes and Proceedings: 2008-09/1395

72.29 *Marysville residents recognised in the gallery*

During Question Time on 28 October, the Speaker noted the presence in the gallery of members of the community from Marysville, an area devastated by the Victorian bushfires earlier in the year.

Hansard: 28 October 2009, 11244

72.30 *Speaker presents report on access to committee documents*

After Question Time on 29 October, the Speaker presented a document entitled: House of Representatives and joint committees – Access to Committee documents – Report by the Speaker.

Note: Under a resolution of the House adopted in 1984, the Speaker is authorised to permit any person access to particular historic records of committees, and is required to report to the House the details of any such disclosures.

Hansard: 29 October 2009, 11587

Votes and Proceedings: 2008-09/1427

SO 199

Withdrawals

72.31 *Withdrawal and apology by indulgence regarding reference to another Member*

Prior to the adjournment of the House, a Minister, by indulgence, withdrew and apologised for remarks he had made about an Opposition Member during Question Time. The Opposition Member, on indulgence, accepted the Minister's apology, and the Speaker thanked both Members for their approach to the matter.

Hansard: 29 October 2009, 11587

SOs 63, 89, 90

72.32 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...this clown...'	20 October 2009	10322
<i>unrecorded</i>	22 October 2009	10740
'...he strayed a long way indeed from any decency in immigration policy when he occupied that portfolio.'	22 October 2009	10740-1
'Not true!'	27 October 2009	11075

'...the culture of noncooperation led by the member for Menzies and the member for Berowra...'	27 October 2009	11075-6
<i>unrecorded</i>	29 October 2009	11534
'Sit down, Motormouth!'	29 October 2009	11536
<i>unrecorded</i>	29 October 2009	11539
'So the deal was, "I'll pretend I'm sober but I'll get drunk on four occasions, or at least have a few drinks."'	29 October 2009	11549, 11587

SOs 89, 90, 92