

# Procedural Digest

## No. 73

16–26 November 2009

November 2009				
M	T	W	T	F
16	17	18	19	20
23	24	25	26	27

## Bills

### **73.01** *Appropriation message announced late, during consideration in detail*

The Governor-General's message recommending appropriation for the Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009 [No. 2] was announced between speakers during consideration in detail of the bill.

*Note:* Under the standing orders, the message is required to be announced immediately after the second reading.

*Hansard:* 16 November 2009, 11709  
*Votes and Proceedings:* 2008-09/1444

**SOs 147, 180, 182**

### **73.02** *Deferred bill read a third time*

On the motion of a Minister, the Health Insurance Amendment (Compliance) Bill 2009 was read a third time.

The bill had been returned to the House from the Main Committee during a previous sitting and had been agreed to on the voices, but the third reading had been made an order of the day for the next sitting (*see* entry **72.02**).

*Hansard:* 16 November 2009, 11742  
*Votes and Proceedings:* 2008-09/1449

**SO 152**

### **73.03** *Addendum to explanatory memorandum presented later, after passage of bill*

During the presentation of Government documents following Question Time, a Minister presented an addendum to the explanatory memorandum to the Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009.

The bill had passed both Houses without amendment and been assented to earlier in the year.

*Hansard*: 17 November 2009, 11891  
*Votes and Proceedings*: 2008-09/1459

**SO 141**

**73.04** *Additional appropriation bills introduced with explanatory memoranda*

The Appropriation (Water Entitlements and Home Insulation) Bill 2009-2010 and Appropriation (Water Entitlements) Bill 2009-2010 were introduced to appropriate money from the consolidated revenue fund for certain expenditure in relation to water entitlements and home insulation. A Governor-General's message was reported before each bill was presented, and an explanatory memorandum was presented with both bills. During his second reading speeches, the Minister advised that the appropriations were being sought to accelerate water buybacks within the Murray-Darling Basin system and to cover rebate payments made under the home insulation program.

*Note*: Explanatory memoranda are not required to be presented for appropriation bills under the standing orders.

*Hansard*: 18 November 2009, 11988-9  
*Votes and Proceedings*: 2008-09/1466

**SOs 141, 178, 179**

**73.05** *Constitutional issues raised by Senate amendments*

A message was reported from the Senate returning the Health Insurance Amendment (Compliance) Bill 2009 with ten amendments. The Chair made a statement to the House on behalf of the Speaker about matters of constitutional principle raised by two of the amendments (Nos. 1 and 10). These amendments would have the effect of increasing expenditure under the standing appropriation in the principal Act and therefore could be contrary to section 53 of the Constitution.

The amendments were considered immediately and, on a motion by the Minister for Health and Ageing, amendments Nos. 2 to 9 were agreed to, after debate. The Minister then moved that amendments Nos. 1 and 10 be disagreed to. The question was agreed to, after debate, and the Minister then presented reasons for disagreeing to the amendments, which were adopted.

*Hansard*: 24 November 2009, 12647-54  
*Votes and Proceedings*: 2008-09/1496-7

**SOs 158, 161**

**73.06** *Bill introduced and passed all stages*

Pursuant to notice, the Minister for Education introduced the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2]. After the Minister had moved the second reading and made her second reading speech, debate ensued by leave, during which the Shadow Minister moved a second reading amendment. Following debate, the amendment was negatived on division and the second reading was carried on division. The third reading was then carried on the voices.

*Hansard*: 25 November 2009, 12891-12916  
*Votes and Proceedings*: 2008-09/1508-10

**SOs 63, 138, 142, 145, 155**

**Business****73.07** *Apology motion moved and debated; Referred to Main Committee*

The Minister for Families, Housing, Community Services and Indigenous Affairs, by leave, moved that the House support the apology given (during an earlier ceremony in Parliament House) by the Prime Minister to the forgotten Australians and former child migrants. The Minister read the terms of the apology and spoke to the motion. The Shadow Minister and other Members also spoke to the motion, after which all Members rose in their places as a sign of respect. Debate was then adjourned, and the resumption of debate was referred to the Main Committee on a motion by the Leader of the House. Further debate on the motion occurred later in the Main Committee.

A similar motion of apology was moved and debated in the Senate.

*Hansard*: 16 November 2009, 11647-59  
*Votes and Proceedings*: 2008-09/1438-9, 1455-6  
*Senate Hansard*: 16 November 2009, 7761-75

**SOs 111, 183**

**73.08** *Resolutions regarding witnesses before Privileges Committee and matters of contempt*

Following the MPI, pursuant to notice, the Leader of the House moved two motions, each of which was agreed to on the voices, following debate.

The first motion proposed procedures for the protection of witnesses appearing before the Committee of Privileges and Members' Interests, and the second motion proposed procedures for the House in dealing with matters of contempt of the House.

*Hansard: 25 November 2009, 12888-91  
Votes and Proceedings: 2008-09/1506-8*

**SOs 111, 216**

**73.09** *Whip's statement by leave regarding journalists lost in the line of duty*

Between items of business on 26 November, the Chief Government Whip made a statement by leave regarding the human rights of parliamentarians and journalists lost in the line of duty.

*Hansard: 26 November 2009, 12997-8  
Votes and Proceedings: 2008-09/1529*

**SO 65**

**73.10** *Sitting extends over 4 days—Suspended over weekend and two nights*

The House met for the last sitting day of the year on Thursday 26 November. Standing orders 31 (automatic adjournment of the House) and 33 (limit on new business after 10 p.m.) were suspended in anticipation of an extended sitting, on a motion by the Leader of the House. The sitting was suspended at 6.22 p.m. and resumed at 10 a.m. on Monday, 30 November. The sitting was then suspended overnight at 6.12 p.m. and resumed on Tuesday at 12 noon, then again suspended overnight at 3.50 p.m. and resumed at 10 a.m. on Wednesday. Following the rejection of the Carbon Pollution Reduction Scheme package of bills (upon which the House was waiting) by the Senate at the third reading, the House adjourned at 12.17 p.m.

*Hansard: 26 November 2009, 12978-9, 13108-13274  
Votes and Proceedings: 2008-09/1516, 1539-41*

**SOs 29, 31, 33, 47**

**73.11** *Statements by indulgence on anniversary of Mumbai terrorist attacks*

The Minister for Trade and the Shadow Minister for Foreign Affairs both made statements on indulgence regarding the first anniversary of the terrorist attacks in Mumbai, India.

*Hansard: 26 November 2009, 13084-6*

**SO 65**

### **73.12** *Statements by indulgence regarding CHOGM meeting*

The Minister for Foreign Affairs and the Shadow Minister both made statements by indulgence regarding the Commonwealth Heads of Government Meeting (CHOGM) to be held in Australia in 2011.

*Hansard: 26 November 2009, 13110-1*

**SO 65**

### **73.13** *Statements regarding Opposition leadership*

On 1 December (a resumption of the sitting of 26 November), the new Leader of the Opposition (having been selected in a caucus meeting earlier in the day), on indulgence, announced the change in leadership of the Liberal Party. The Acting Prime Minister then also made a statement on indulgence extending the Government's congratulations and paying tribute to the former Leader of the Opposition.

*Hansard: 26 November 2009, 13217-8*

*Votes and Proceedings: 2008-09/1540*

**SO 65**

## **Committees**

### **73.14** *Petitions Committee report on electronic petitioning*

The Chair of the Petitions Committee presented a report entitled: Electronic petitioning to the House of Representatives.

The report recommends that a system for hosting and receiving electronic petitions be established by the House and managed by the Petitions Committee.

The Chair made a statement in connection the report, and moved that the House take note of the report. Debate was adjourned and the report was referred to the Main Committee for debate.

*Hansard: 16 November 2009, 11757-9*

*Votes and Proceedings: 2008-09/1450*

**SO 220**

## **Debate**

### **73.15** *Minister summing up granted extension of time by leave*

While the Minister Assisting the Minister for Climate Change was summing up debate on the second reading of a bill, the 20 minutes allotted expired. The

Minister was granted an extension of time by leave, and spoke for approximately a further 10 minutes.

*Note:* Usually another Member would 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:* 16 November 2009, 11692-9  
*Votes and Proceedings:* 2008-09/1441

**SO 1**

### **73.16** *Member speaks by indulgence between second and third reading stages of bill*

Following the second reading of a bill by division and the announcement of a Governor-General's message, an Opposition Member received the call on indulgence and made some comments against the passage of the bill. The bill was then read a third time on the voices.

*Hansard:* 26 November 2009, 13081-3  
*Votes and Proceedings:* 2008-09/1538

**SO 65**

## **Divisions**

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

During consideration in detail of the Carbon Pollution Reduction Scheme Bill 2009 [No. 2], an Independent Member moved amendments. A division was called when the question was put on the amendments. When the bells had finished ringing only two 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:* 16 November 2009, 11704  
*Votes and Proceedings:* 2008-09/1443-4

**SO 127**

## **Documents**

### **73.18** *Summing-up speech presented as document*

Following the adjournment of debate on a bill, the Attorney-General presented a document entitled: AusCheck Amendment Bill 2009 – Summing up speech, House of Representatives.

*Note:* Senate amendments to the AusCheck bill had earlier been considered by the House and agreed to on a motion by the Attorney-General.

*Hansard:* 23 November 2009, 12444  
*Votes and Proceedings:* 2008-09/1487

**SO 199**

## Parliamentary administration

### **73.19** *Speaker asked about inclusion of interjection in Hansard*

Following Question Time, the Manager of Opposition Business asked the Speaker if he would ensure that an interjection made by the Leader of the House would be recorded in *Hansard*. The Speaker responded that the inclusion of any interjections would be dealt with in accordance with the guidelines that had been used over several Parliaments, and that as the interjection in question had not been responded to it he did not expect that it would be included in *Hansard*.

*Hansard:* 17 November 2009, 11889-90

**SO 103**

## Private Members' business

### **73.20** *Chair presents private Member's bill – Statement in Main Committee*

Pursuant to revised standing order 41 (*see* entry **55.33**), the Deputy Speaker presented a copy of a private Member's bill. The Member sponsoring the bill later made a statement in relation to the bill in the Main Committee. The bill was then read a first time and the second reading was made an order of the day for the next sitting.

*Hansard:* 16 November 2009, 11635, 11815-6  
*Votes and Proceedings:* 2008-09/1437, 1456

**SOs 41, 192**

## Privilege

### **73.21** *Question to the Speaker regarding 'Twitter' and parliamentary privilege*

Following Question Time a Member asked the Speaker, in the context of references in the Chamber to messages sent out of the Chamber by Members electronically such as 'tweets' or emails, whether that communication would be covered by parliamentary privilege.

The Speaker responded that he very much doubted that the communications would attract coverage by privilege as they were not part of the proceedings of the parliament.

*Hansard:* 25 November 2009, 12863

**SO 103**

## Questions

### *73.22 First two questions from Leader of the Opposition – Apology to forgotten Australians*

To begin Question Time, the Leader of the Opposition asked the Prime Minister to explain the significance of the bipartisan apology given that day to the forgotten Australians and former child migrants. The Prime Minister responded, and the Leader of the Opposition then received the call again and asked the Prime Minister a question regarding the Government's dealings with asylum seekers. (*And see entry 70.19*)

*Hansard:* 16 November 2009, 11662-5

**SO 98**

### *73.23 Speaker asked about practice regarding points of order*

Following a Minister's answer during Question Time, the Manager of Opposition Business, on a point of order, asked the Speaker why he had not given the Shadow Treasurer the call immediately when he rose to take a point of order, instead allowing the Prime Minister a few moments to complete his answer. The Speaker responded that when a Member rises on a point of order as a Minister is concluding their answer he allowed the Minister to do so as he believed it suited the convenience of the House.

The Manager of Opposition then noted that the standing orders require a Member interrupted by a point of order to resume their seat, to which the Speaker responded that it was at the point where the Chair gives the person rising on a point of order the call that the Member speaking must resume their seat.

*Hansard:* 24 November 2009, 16619-20

**SO 86**



### 73.24 *Question without notice to Leader of the House*

During Question Time on 26 November, the Chief Government Whip asked the Leader of the House a question concerning the timely passage of legislation through the Parliament. The Leader of the House answered the question, referring to legislation awaiting passage by the Senate.

*Hansard*: 26 November 2009, 13068-9

**SO 98**

## Speaker

### 73.25 *Resolution of territory legislative assembly circulated*

After Question Time on 23 November, the Speaker advised the House that he had received from the Speaker of the Legislative Assembly of the Australian Capital Territory a resolution adopted by the Assembly welcoming the Prime Minister's apology to the Forgotten Australians and former child migrants. Copies were circulated to Members in the Chamber.

*Hansard*: 23 November 2009, 12408  
*Votes and Proceedings*: 2008-09/1486

## Withdrawals

### 73.26 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'How do you remember, with dementia!'	17 November 2009	11890
<i>unrecorded</i>	17 November 2009	11890
<i>unrecorded</i>	17 November 2009	11890
'...every four days a farmer in Australia was committing suicide – where was your heart?'	25 November 2009	12904-5
'...he is an idiot!'	26 November 2009	13061-2
'How much tobacco money did you get?'	26 November 2009	13069-70

**SOs 89, 90, 92**