

# Procedural Digest

## No. 75

22–25 February 2010

February 2010				
M	T	W	T	F
15	16	17	18	19
22	23	24	25	26

## Bills

**75.01** *Senate insists on purported amendments; House insists on disagreeing; Suspension of standing orders to move unrelated amendment; Further amendment agreed to*

A message from the Senate insisting on two of its amendments to the Health Insurance Amendment (Compliance) Bill 2009 was considered by the House. The message had been reported at a previous sitting. The Chair made a statement reminding the House of constitutional questions which were raised regarding the amendments when they were initially considered by the House (*see entry 73.05*).

A Minister, by leave, moved a suspension of standing orders to allow him to move an amendment to the bill during consideration of the Senate's message. The motion was agreed to on the voices, and the Minister suggested that the House may wish to first consider the Senate amendments then the Minister's unrelated amendment. The Minister moved that the House insist on disagreeing to the two amendments insisted on by the Senate. Following debate, the motion was agreed to on division. The Minister then moved the unrelated amendment, and presented a supplementary explanatory memorandum and a correction to the explanatory memorandum to the bill. The amendment was agreed to on the voices.

*Hansard:* 24 February 2010, 1757-63  
*Votes and Proceedings:* 2008-09-10/1651-2

**SOs 158, 160, 162**

## Business

**75.02** *Statements by indulgence on canonisation of Mary MacKillop*

At 2 p.m. the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding the canonisation of Mary MacKillop as Australia's first saint. Another Member also made brief remarks by indulgence.

*Hansard:* 22 February 2010, 1303-4

**SO 65**

**75.03** *Motion of censure – Leave for four speakers; amended and passed; motion for extension of time ruled out of order*

During Question Time, the Leader of the Opposition sought leave to move a motion censuring the Minister for the Environment, Heritage and the Arts. The Leader of the House advised that leave would be granted on the understanding that there would be two speakers per side. The Leader of the Opposition moved and spoke to his motion. Following speeches by the Minister and the seconder from the Opposition, the Leader of the House spoke and moved an amendment to the motion to omit certain words with a view to substituting other words.

After the Leader of the House's time had expired, an Opposition Member moved that he be granted an extension of time. The Speaker ruled that the motion needed to be moved before the Member's time had expired.

The question that the amendment be agreed to was then carried on division, and the motion as amended was then agreed to on division. Question Time then concluded.

*Note:* There is no provision in the Standing orders for the conditional granting of leave.

*Hansard:* 22 February 2010, 1316-31  
*Votes and Proceedings:* 2008-09-10/1626-8  
**SOs 1, 48, 63, 111, 121, 122**

**75.04** *Debate on bill interrupted for Ministerial statement*

During a Member's speech, second reading debate on a bill was adjourned to enable the Minister for Foreign Affairs to make a Ministerial statement, by leave, regarding falsified Australian passports. Debate on the bill was then resumed, and the interrupted Member continued his speech.

*Note:* Ministerial statements are usually made after Question Time, and standing orders are usually suspended to allow a Shadow Minister equal time to speak.

*Hansard:* 25 February 2010, 1857-8  
*Votes and Proceedings:* 2008-09-10/1659  
**SOs 34, 63, 142**

### **75.05**     *Statements by indulgence prior to MPI congratulating Olympian*

Prior to the Matter of Public Importance discussion, the Prime Minister and the Shadow Minister for Sport both made statements on indulgence congratulating Lydia Lassila on winning a gold medal at the Vancouver Winter Olympic Games.

*Hansard:* 25 February 2010, 1926

**SO 65**

## **Chamber**

### **75.06**     *Display of advertisement in the Chamber*

During Question Time, the Speaker instructed an Opposition backbench Member to remove the advertisement he was displaying.

*Note:* The item appeared to be a cap (hat), and was placed on the Member's desk facing forwards. The cap was in full view on the television camera while the Leader of the Opposition was asking a question at the despatch box.

*Hansard:* 23 February 2010, 1497

**SOs 60, 91**

## **Committees**

### **75.07**     *Appointment of select committee on cyber safety*

On a motion by the Leader of the House on 26 March, the House resolved to appoint a Joint Select Committee on Cyber-Safety. The resolution requires the committee to comprise 12 Members—7 Members of the House and 5 Senators—and to present its final report by 11 February 2011. A message is to be sent to the Senate requesting concurrence and action to be taken accordingly.

*Note:* The last select committee appointed by the House was the House of Representatives Select Committee on the Recent Australian Bushfires (appointed 26 March 2003).

*Hansard:* 25 February 2010, 1839-41

*Votes and Proceedings:* 2008-09-10/1657-8

**SOs 223, 224**

## Main Committee

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

The Main Committee had been scheduled to meet at 4 p.m. on 22 February, but did not meet until 4.13 p.m. because of a division in the House.

*Hansard:* 22 February 2010, 1411  
*Votes and Proceedings:* 2008-09-10/1634

**SOs 186, 190, 192**

### 75.09 *Lack of visible clock during 90 second statements queried*

During Members' constituency statements in the Main Committee, a Member noted that the clocks did not operate during 90 second statements, and asked the Deputy Speaker whether it might be possible for the clocks to operate during this period in the future, to assist Members.

The Deputy Speaker noted that the clocks had never operated during the period of 90 second statements, as they did not have the capacity to be set for that amount of time. She added that Members could pursue the matter with the Standing Committee on Procedure.

*Note:* The Chair monitors a countdown timer on the Deputy Clerk's laptop screen during 90 second statements, which is reset for each statement.

*Hansard:* 23 February 2010, 1599

**SO 192A**

## Members

### 75.10 *Senator required to withdraw reference to Prime Minister*

During debate in the Senate, a Senator was required to withdraw a reference to the Prime Minister as "Mr Blah Blah".

*Senate Hansard:* 23 February 2010, 804

**SO 89**

## Parliamentary administration

### 75.11 *Appointment of Registrar of Members' Interests*

Following Question Time, the Speaker informed the House that Mr David Elder had been appointed as Deputy Clerk of the House of Representatives, and that in accordance with resolution (3) of the House of Representatives he had appointed Mr Elder as Registrar of Members' Interests.

*Hansard: 22 February 2010, 1331*  
*Votes and Proceedings: 2008-09-10/1628*

## Private Members' business

### 75.12 *Second reading debate on private Member's bill*

A private Member moved the second reading of a bill he had presented at a previous sitting. The mover and another Member each spoke, 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 the bill.

*Hansard: 22 February 2010, 1401-3*  
*Votes and Proceedings: 2008-09-10/1630-1*

**SOs 1, 41**

### 75.13 *Private Member's motion proposing House appropriations and administrative committee*

During private Members' business an Opposition Member's motion was debated which proposed a new standing order to appoint a House Appropriations and Administrative Committee. Among other roles, the proposed committee would consider and recommend the funding required for the operation of the House of Representatives each year, and consider proposals for changes to the administration of and services provided by the Department of the House of Representatives.

*Note:* The Whips had allocated 5 minutes each for two Members to debate the motion.

*Hansard: 22 February 2010, 1471-6*  
*Votes and Proceedings: 2008-09-10/1636*

**SOs 1, 41**

## Privilege

### 75.14 *Privilege advice regarding subpoena of Senators on sitting day*

The Acting Deputy President tabled advice from the Senate Clerk and other correspondence regarding the issuing of subpoenas for Senators to give evidence on a sitting day in a Northern Territory criminal case. He advised the Senate that under the Parliamentary Privileges Act, Senators are immune from compulsory attendance at a court or tribunal on or near parliamentary sitting days, although Senators may choose to give evidence voluntarily.

*Note:* The same immunity applies to Members of the House of Representatives under the Act.

*Senate Hansard:* 22 February 2010, 692

## Senate

### 75.15 *Senate transmits resolution censuring Government*

A message was received from the Senate informing the House that the Senate had agreed to a resolution censuring the Government in respect of its climate change programs. The message requested the concurrence of the House. A Minister moved that consideration of the message be made an order of the day for the next sitting, and the motion was carried on division.

*Hansard:* 24 February 2010, 1655-6  
*Votes and Proceedings:* 2008-09-10/1646-7

**SOs 48, 261**

## Withdrawals

### 75.16 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'Sloppy Joe...'	23 February 2010	1506
'...the Government of Mr Rudd really has lied.'	23 February 2010	1583
'You just grab hold of Tony's balls.'	24 February 2010	1715
<i>unrecorded</i>	25 February 2010	1908

**SOs 89, 90, 92**