

Procedural Digest

No. 76*9–18 March 2010*

March 2010				
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8	9	10	11	12
15	16	17	18	19

Business

76.01 *Updated Ministry presented*

Before Question Time on 9 March, the Prime Minister presented a copy of the Rudd Ministry list as at 9 March 2009. The document was incorporated into *Hansard*.

Hansard: 9 March 2010, 1991-3
Votes and Proceedings: 2008-09-10/1665

76.02 *Statements by indulgence on floods, visit by Indonesian President and long serving Member*

Prior to Question Time on 9 March the Prime Minister and the Leader of the Opposition made statements by indulgence regarding the current flooding in Queensland, after which both also made statements by indulgence on the visit by the President of Indonesia. The Leader of the Opposition then made a statement by indulgence to acknowledge that the Member for Berowra had become the third longest serving Member of the House. The Prime Minister and the Member for Berowra also commented on the milestone by indulgence.

Hansard: 9 March 2010, 1994-5

SO 65

76.03 *Arrangements for address by Indonesian President*

On 9 March, the House agreed to a motion moved by the Leader of the House, by leave, concerning arrangements for an address to be made to the House of Representatives on 10 March by His Excellency, Dr Susilo Bambang Yudhoyono, President of the Republic of Indonesia. The motion included provision for a message to be sent to the Senate inviting Senators to attend the House as guests. A further provision extended the powers of the Speaker in respect of visiting Senators from those seated in the Senators' gallery to those in other galleries and on the floor of the House. (And *see* entries **21.17**, **36.03** and **52.10**.)

Hansard: 9 March 2010, 2020
Votes and Proceedings: 2008-09-10/1665-6

SO 257

76.04 *Address by Indonesian President*

On 10 March, in accordance with the resolution of the previous sitting (*see entry 76.03*), the House suspended at 11.44 a.m., and resumed upon the ringing of the bells at 2.30 p.m. After taking the Chair, the Speaker welcomed the President and Senators to the sitting of the House.

Following welcoming remarks from the Prime Minister and the Leader of the Opposition, the Indonesian President, His Excellency Dr Susilo Bambang Yudhoyono, addressed Members and Senators.

After President Yudhoyono had left the Chamber, the Speaker suspended the sitting until the ringing of the bells. The sitting resumed at 4.15 p.m. and business proceeded in accordance with the resolution of the previous sitting.

Note: This was a sitting of the House, not a joint meeting of the two Houses. Senators had been invited (by way of a message) to attend as guests.

Additional note: The Speaker entered the Chamber through the Members' Hall entrance.

Hansard: 10 March 2010, 2133-43
Votes and Proceedings: 2008-09-10/1674

SO 257

76.05 *Further statements by indulgence on floods*

Following the presentation of Government documents on 10 March an Opposition Member and the Minister for Human Services made statements by indulgence regarding the current flooding in Queensland (and *see entry 76.02*).

Hansard: 10 March 2010, 2143-9

SO 65

76.06 *Ministerial statement on Government response to committee report*

Shortly following prayers, the Minister for Ageing made a ministerial statement on the Government response to the report of the Standing Committee on Legal and Constitutional Affairs entitled: *Access all areas: Report of the inquiry into Draft Disability (Access to Premises – Buildings) Standards*. The Minister presented the Government response and related documents. Standing orders were suspended to

allow the Shadow Minister to speak for a period not exceeding that of the ministerial statement.

Hansard: 15 March 2010, 2375-7
Votes and Proceedings: 2008-09-10/1686

SOs 47, 63, 199

76.07 *Kookaburras congratulated by indulgence*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements by indulgence congratulating the Australian men's hockey team on winning the World Cup in New Delhi.

Hansard: 15 March 2010, 2400-1

SO 65

76.08 *Statements by indulgence on the discovery of Australian soldiers' remains*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding the discovery in Indonesia of the remains of two Australian Special Air Service soldiers, Lieutenant Kenneth Hudson and Private Robert Moncrieff. The two soldiers had gone missing in 1966.

Hansard: 16 March 2010, 2593

SO 65

76.09 *MPI terminated after 2 speakers*

Following the speech of the Minister for Home Affairs as the second speaker on the Matter of Public Importance, during which a quorum was called by an Opposition Member, the Leader of the House moved that the business of the day be called on. The motion was carried on division.

Hansard: 16 March 2010, 2625-33
Votes and Proceedings: 2008-09-10/1698-9

SOs 46, 55

76.10 *Statements by indulgence on the identification of soldiers' remains*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding the identification of the remains of Australian soldiers at Fromelles, France.

Hansard: 17 March 2010, 2780-1

SO 65

76.11 *Statements by indulgence on cyclone in Fiji*

Following Question Time the Minister for Foreign Affairs and the Shadow Minister made statements by indulgence regarding the recent cyclone in Fiji.

Hansard: 17 March 2010, 2802-3

SO 65

76.12 *Suspension of standing orders – Debate on health policy during Question Time*

During Question Time the Leader of the House moved a suspension of standing and sessional orders to allow the Leader of the Opposition to speak for 10 minutes on health policy and the Prime Minister to respond for an equal amount of time. The question was agreed to on the voices, with the concurrence of an absolute majority. The Leader of the Opposition spoke for ten minutes, and was then granted an extension of time on a motion by the Leader of the House. The Prime Minister then made his remarks, after which Question Time resumed.

Note: A suspension motion moved without notice must be relevant to any business under discussion and can only be carried by an absolute majority of Members.

Further note: Another Member may 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: 18 March 2010, 2989-94

Votes and Proceedings: 2008-09-10/1716

SOs 1, 47, 97, 111

76.13 *Debate at Press Club proposed by indulgence*

Following Question Time the Prime Minister advised that the next available date for a debate at the National Press Club between himself and the Leader of the Opposition was the following Tuesday, and that he looked forward to the opportunity for debate on the health and hospital system. The Leader of the Opposition responded by indulgence, welcoming the opportunity to debate the Prime Minister.

Hansard: 18 March 2010, 3010

SO 65

76.14 *Arrangements for address by President of the USA*

On 18 March, the House agreed to a motion moved by the Leader of the House, by leave, concerning arrangements for an address to be made to the House of Representatives on 26 March (a non-sitting day) by The Honourable Barack Obama, President of the United States of America. The motion included provision for a message to be sent to the Senate inviting Senators to attend the House as guests. A further provision extended the powers of the Speaker in respect of visiting Senators from those seated in the Senators' gallery to those in other galleries and on the floor of the House. (And *see* entries **21.17**, **36.03**, **52.10** and **76.03**.)

Hansard: 18 March 2010, 3014

Votes and Proceedings: 2008-09-10/1719-20

SO 257

76.15 *Extended sitting*

At 4.30 p.m. on 18 March, the Chair interrupted debate on a bill to propose 'That the House do now adjourn'. The Leader of the House required the question to be put immediately without debate. The question was negatived on the voices. Debate on the bill continued until it was read a second and a third time at approximately 4.50 p.m., after which leave of absence was granted to Members and a Minister moved 'That the House do now adjourn'. The question was carried on the voices and the House adjourned.

Hansard: 18 March 2010, 3019-24

Votes and Proceedings: 2008-09-10/1722-3

SOs 29, 31, 32

Committees

76.16 *Senate amendment to resolution on Joint Select Committee agreed to*

A message from the Senate was reported concurring with the House's resolution of appointment of the Joint Select Committee on Cyber-Safety (*see* entry **75.07**) with an amendment. The message was considered immediately and the amendment was agreed to on a motion by the Leader of the House. In a brief statement on the motion, the Leader of the House noted that the amendment provided opposition parties with additional representation on the proposed committee.

Hansard: 15 March 2010, 2422

Votes and Proceedings: 2008-09-10/1687

SO 223, 224

76.17 *Presiding Officers' response to committee report*

After Question Time, the Speaker presented a response by the Presiding Officers to the report of the Joint Standing Committee on Treaties entitled: *Report 106: Nuclear non-proliferation and disarmament*.

Hansard: 16 March 2010, 2616
Votes and Proceedings: 2008-09-10/1697

SO 199

Members

76.18 *Senators to be referred to by parliamentary titles*

In response to a point of order during Question Time, the Speaker observed that unparliamentary expressions should not be used towards Senators, and indicated that Senators should be referred to by their parliamentary titles.

Hansard: 9 March 2010, 2008

SOs 64, 89, 90

76.19 *Senator required to withdraw comment regarding Prime Minister*

During debate in the Senate, a Senator was required to withdraw an accusation that the Prime Minister had lied to the Australian people.

Senate Hansard: 17 March 2010, 2124

SOs 89, 90

Privilege

76.20 *Matter of privilege raised – Photograph taken in the Chamber*

Following prayers on 18 March, an Opposition Member raised as a matter of privilege a photograph taken of him in the Chamber and its subsequent publication, and presented three newspaper articles. He noted that it was clear from an examination of the photograph that it could only have been taken from very close to where he was sitting, and asked that a forensic examination of the photograph be conducted to ascertain the identity of the photographer. The Member stated that the taking and publication of the photograph seriously interfered with his ability to carry out his duties as a Member, and asked the Speaker to consider referring the matter to the Committee of Privileges and Members' Interests.

The Speaker advised that he would consider the matter and report back to the House, noting that the taking of such a photograph would be outside the guidelines for photography in the Chamber and that any Member found to have

used a mobile device to take a photograph during proceedings would be subject to disciplinary action by the House.

Later in the sitting, the Speaker made a statement regarding the matter of privilege. He noted that he could understand that the publication of the photograph was embarrassing to the Member and might influence the views of his constituents. The Speaker indicated, however, that in the absence of more specific evidence of the effect that this has had on the free performance of the Member's duties, he had not found that a *prima facie* case of privilege had been established. He further advised that as a preliminary examination of the Chamber footage to determine who had taken the photograph was inconclusive, he did not propose to agree to further forensic examination.

Following the Speaker's statement, the Leader of the House moved the referral of a matter to the Committee of Privileges and Members' Interests, namely: 'Having regard to the matter complained about by the honourable Member for Fisher, whether formal rules should be adopted by the House to ensure that the use of mobile devices during proceedings does not interfere with the free exercise by a House or a committee of its authority or functions or with the free performance by a member of his or her duties as a Member.' Following debate, during which a motion 'that the question be put' was moved by the Leader of the Opposition and negatived on division, the motion for referral to the Committee was agreed to on the voices.

Note: The photograph's publication had initially been raised by a Government Member a week earlier (*see entry 76.23*).

Hansard: 18 March 2010, 2917-8, 3011-4

Votes and Proceedings: 2008-09-10/1711, 1718-9

SOs 51, 81, 216

Questions

76.21 *Closure motion moved on Prime Minister during answer to question*

During Question Time while the Prime Minister was answering a question without notice, the Manager of Opposition Business moved that he be no longer heard. The question was negatived on division and the Prime Minister completed his answer.

Hansard: 17 March 2010, 2798-9

Votes and Proceedings: 2008-09-10/1704-5

SO 80

Speaker

76.22 *Member not recognised to raise point of order*

After a question without notice was asked by a Government Member, an Opposition Member attempted to raise a point of order. The Speaker called the Minister to answer the question and asked the Opposition Member to resume his seat. The Member continued to attempt to receive the call, and the Speaker interrupted the Minister to explain that he had not recognised the Member on this occasion, noting that the Member had a history of abusing the right to raise a point of order. The Speaker added that his decision was in line with the practice of previous Speakers.

In response to a question from the Member following Question Time, the Speaker advised that while he did not intend to take such action often, he would not be reviewing his decision.

Hansard: 11 March 2010, 2282, 2304-5

SOs 86, 103

76.23 *Question to the Speaker regarding photograph taken in Chamber*

Following Question Time, a Government Member asked the Speaker whether it was in order for an Opposition Member to photograph another Opposition Member in the Chamber. The Speaker responded that he would not be taking any action on the matter, and that any aggrieved Member could raise the issue with him (*and see entry 76.20*).

Note: A photograph published in a newspaper appeared to show a Member in the Chamber with his eyes closed, and the angle of the photograph suggests that it was taken from a nearby seat in the Chamber.

Hansard: 11 March 2010, 2305

SO 103

Withdrawals

76.24 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'...it was Mr Abbott who advised former Liberal MP Jackie Kelly to defend the leaflet as a Chaser-style stunt.'	9 March 2010	2061
'...the Prime Minister is a liar.'	11 March 2010	2280

'...the Prime Minister's statement is a lie.'	11 March 2010	2280
<i>unrecorded</i>	11 March 2010	2300
'...Members opposite should stop telling lies...'	15 March 2010	2420
'...your humbug and lies...'	15 March 2010	2550
'...the Minister to tell lies...'	16 March 2010	2599
<i>unrecorded</i>	16 March 2010	2600
'...I am happy to withdraw, but they are lies.'	16 March 2010	2600
'...he is nothing other than a complete policy fraud.'	16 March 2010	2601
'We discovered what was under the budgie smugglers...'	16 March 2010	2602
'...the Member...is finally really losing it altogether.'	16 March 2010	2614
'Soft on crooks.'	17 March 2010	2788
<i>unrecorded</i>	17 March 2010	2788
'It is full of lies...'	17 March 2010	2798
'I find these lies misleading and offensive...'	17 March 2010	2800
'Members opposite...should stop telling lies...'	18 March 2010	2989

SOs 89, 90, 92