

Procedural Digest

No. 57*26 May–5 June 2008*

May–June 2008				
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Bills

57.01 *Adjournment negatived to allow introduction of bills*

16 bills were introduced following Question Time on the afternoon of 29 May. At 4.30 p.m., during the introduction of one of the bills, the Speaker proposed ‘That the House do now adjourn’. The Leader of the House required the question to be put forthwith without debate and the question was negatived on the voices.

The introduction of bills continued, and at approximately 5.55 p.m. a Minister moved ‘That the House do now adjourn’. The question was put and passed and the House adjourned.

Hansard: 29 May 2008, 3831-71
Votes and Proceedings: 2008/309-13

SOs 29, 31, 32

57.02 *Proceedings on Fuelwatch bills*

During debate on the National Fuelwatch (Empowering Consumers) Bill 2008 and an Opposition second reading amendment, the Speaker proposed ‘That the House do now adjourn’. A Minister required the question to be put forthwith without debate and the question was negatived on the voices. Following further debate, the amendment was negatived on division, the Bill was read a second time on division, and the House also divided on the third reading, which was carried.

A cognate bill, the National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008 then also passed the House, with divisions on the second and again the third reading. A Minister then moved, at approximately 5.53 p.m., ‘That the House do now adjourn’. The question was put and passed and the House adjourned.

Hansard: 5 June 2008, 4737-55
Votes and Proceedings: 2008/360-5

SOs 29, 31, 32, 145, 155

Business

57.03 *Two Ministerial statements in succession*

Following Question Time, the Minister for Housing made a ministerial statement, by leave, relating to the Government's green paper on homelessness entitled: *Which way home? A new approach to homelessness*. The Minister then moved suspension of standing orders to enable the Shadow Minister to respond.

The Minister for Trade then also made a ministerial statement, by leave, relating to the 110th birthday of Mrs Doreen Washington. The Minister suspended standing orders to allow the Shadow Minister to respond.

Hansard: 26 May 2008, 3100-8
Votes and Proceedings: 2008/265-6

SOs 47, 63

57.04 *Motion of censure amended and passed; Dissent negatived*

During Question Time on 27 May, the Leader of the Opposition obtained leave to move a motion censuring the Prime Minister in relation to fuel prices. The Prime Minister moved an amendment to the motion to omit certain words with a view to substituting other words. The question that the words proposed to be omitted stand part of the question was negatived on division, and the Speaker stated the question that the words proposed to be inserted, be so inserted.

As the Manager of Opposition Business was rising to move an amendment, the Leader of the House moved that the question be put. In response to a point of order by the Manager of Opposition Business, the Speaker ruled that under the standing orders the closure of a question could be moved while a Member was addressing the House. The Manager of Opposition Business moved that the Speaker's ruling be dissented from. Following debate, the motion of dissent was negatived on division. On further divisions, the question that the question be put, the question that the words proposed to be inserted be so inserted and the question that the motion as amended be agreed to were carried. Question Time then continued.

Hansard: 27 May 2008, 3297-3324
Votes and Proceedings: 2008/277-83

SOs 48, 63, 81, 87, 111, 121, 122

57.05 *Address in Reply returned to House for further consideration; considered immediately; agreed to*

Having been debated in the Main Committee, the proposed Address in Reply was returned to the House on 27 May (on a motion 'That further proceedings be

conducted in the House'). When the return of the order of the day was reported in the House, the House ordered that it be considered immediately, and the question that the Address be agreed to was carried on the voices.

Hansard: 27 May 2008, 3350, 3403
Votes and Proceedings: 2008/284, 6

SOs 6, 197

57.06 *Statements on indulgence regarding guests in the gallery*

After Question Time, a Minister and the Leader of the Opposition both made statements on indulgence recognising guests in the gallery from the Oasis Youth Support Network. The Speaker welcomed the visitors on behalf of the House.

Hansard: 28 May 2008, 3548-9

SO 65

57.07 *Motion of censure amended and passed, after long debate*

Following prayers on 29 May, the Leader of the Opposition obtained leave to move a motion censuring the Prime Minister for the second time in two days in relation to fuel prices. The Prime Minister moved an amendment to the motion to omit certain words with a view to substituting other words. Following a debate that continued for approximately 3 hours and 45 minutes, a motion by the Leader of the House that the question be put was agreed to on division. On further divisions the question that the words proposed to be omitted stand part of the question was negatived, and the question that the words proposed to be inserted be so inserted and the question that the motion as amended be agreed to were carried. The House then proceeded with Government business.

Hansard: 29 May 2008, 3747-95
Votes and Proceedings: 2008/301-5

SOs 48, 63, 81, 111, 121, 122

57.08 *Proposed MPI not supported*

When the proposed matter of public importance was called on for discussion, the proposer was not present and the matter lapsed.

Note: The House had debated a censure motion on a related topic earlier in the day, and the Leader of the House had indicated prior to Question Time that it was not intended that the MPI be proceeded with.

Hansard: 29 May 2008, 3811, 3831
Votes and Proceedings: 2008/309

SO 46

57.09 *Statement on indulgence following answer to question*

Following an answer to a question during Question Time by the Minister for Foreign Affairs relating to a treaty banning cluster munitions, the Leader of the Opposition, by indulgence, strongly associated the Opposition with the Minister's remarks.

Hansard: 29 May 2008, 3822

SOs 65, 98

57.10 *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 the cessation of Australian combat operations in Iraq. 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. (And *see* entry **55.06**)

Note: Ministerial statements are usually made after Question Time.

Hansard: 2 June 2008, 3942-53

Votes and Proceedings: 2008/321

SOs 34, 47, 63

57.11 *Death announced; Statements on indulgence later*

Prior to Question Time, the Speaker informed the House of the death of Mr Leonard Thomas Devine, a former Member. Members rose in their places as a mark of respect. Following Question Time, a Minister and the Leader of the Opposition made brief statements on indulgence regarding the Death of Mr Devine.

Hansard: 2 June 2008, 3942, 3969-70

Votes and Proceedings: 2008/321

SO 65

57.12 *House meets at 12 p.m. on a Tuesday*

In accordance with a resolution of the House on 2 June, the House met at 12 p.m. on Tuesday 3 June and Government business was given precedence until Question Time.

Hansard: 3 June 2008, 4135

Votes and Proceedings: 2008/329

SOs 29, 30, 34, 35

57.13 *Suspension of standing orders 31 and 33; Alteration of meeting time*

Following prayers on 3 May, the Leader of the House, pursuant to notice, moved that standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after 10 p.m.) be suspended for this sitting. The motion was agreed to on the voices.

This motion was moved in anticipation of the House sitting later than usual (*see entry 57.14*).

Hansard: 3 June 2008, 4135
Votes and Proceedings: 2008/329

SOs 31, 33, 47

57.14 *Extended sitting*

In accordance with the motion agreed to earlier in the sitting, adjournment of the House was not proposed at the usual 8.30 p.m. on Tuesday 3 June. Debate on legislation continued past midnight until 12.05 a.m. at which point the Leader of the House moved 'That the House do now adjourn'. The question was put and passed on the voices and the House adjourned.

Hansard: 3 June 2008, 4294
Votes and Proceedings: 2008/333

SOs 29, 31, 32

57.15 *Statement on indulgence while awaiting Member*

Following a series of divisions in connection with a suspension of standing orders moved by the Manager of Opposition Business, the Member expected to resume debate on a bill was not present in the Chamber. The Manager of Opposition Business, on indulgence, thanked Parliamentary staff and Comcar drivers for working beyond the scheduled hours of the Chamber. The Speaker supported the comments, and also reminded Members to be careful not to tap their microphones as it could cause discomfort to staff wearing headphones in the sound-recording booth. The expected Member having arrived, the bill was then called on and he was given the call.

Hansard: 5 June 2008, 4640

SOs 65

57.16 *Prime Minister's Ministerial statement at 1.20 p.m. by leave*

At 1.20 p.m. the Prime Minister, by leave, made a ministerial statement regarding World Environment Day. 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. (And *see* entry **57.10**)

Note: Ministerial statements are usually made after Question Time.

Hansard: 5 June 2008, 4692-4701
Votes and Proceedings: 2008/359

SOs 34, 47, 63

Chamber

57.17 *Absence of any Shadow Executive in Chamber*

When attempting to have the debate adjourned on a bill, the Speaker observed that the Opposition Member at the table was not a member of the Shadow Executive, and commented that a member of the Government and Shadow Executives were required at the table for the Chamber to proceed. (And *see* entry **34.17**.)

Hansard: 28 May 2008, 3462

SO 60

57.18 *Display of props during answer to question*

While answering a question during Question Time on 28 May, the Deputy Prime Minister displayed a number of items including a mug. In response to a point of order, the Speaker noted that the display of relevant props was tolerated but not encouraged. (And *see* entry **56.09**.)

Hansard: 28 May 2008, 3544

SOs 60, 92

57.19 *Chamber blackout*

The lights in the Chamber went out briefly during debate on the evening of 3 June. The Member speaking noted the ‘mood lighting’ and continued his speech.

Note: The loss of lighting was apparently the result of a power spike in the building, and also affected some areas outside the Chamber.

Hansard: 3 June 2008, 4259-60

Debate

57.20 *Attempt to incorporate remainder of speech in Hansard*

While introducing a bill on 29 May, a Minister suggested that it might assist the House if she were able to table the remainder of her speech. Following a point of

order, the Chair agreed that he would permit the incorporation of the material subject to the agreement of the Speaker. The Minister tabled the remainder of her speech and the next bill was called on for introduction, but the tabled material did not appear in *Hansard*, and the *Votes and Proceedings* did not record the material being tabled.

The Minister later, by leave, completed the remainder of her speech.

Hansard: 29 May 2008, 3849-50, 3853-5

Votes and Proceedings: 2008/311

SO 199

57.21 *Closure of question on second reading of bill*

During debate on the second reading of the Excise Tariff Amendment (Condensate) Bill 2008 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 and that the bill be read a second time were carried on the voices. The bill was then considered in detail, a Government amendment was made after debate, and the bill was read a third time.

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).

Further note: The closure of debate method has been used for the passage of bills on three other occasions this year: 19 March, 28 May and 29 May.

Hansard: 2 June 2008, 3925-9

Votes and Proceedings: 2008/319-20

SOs 66, 81, 82, 84, 117

57.22 *Parliamentary Secretary speaks a second time, by leave, to sum up debate*

A Parliamentary Secretary, who had already made a second reading speech on the bill before the House, was granted leave to speak again to the bill and summed up the debate. The Parliamentary Secretary had not moved the second reading of the bill.

Hansard: 4 June 2008, 4543-4

Votes and Proceedings: 2008/347

SOs 1, 63, 69

57.23 *Member speaks again in Main Committee to keep debate alive*

To keep the question from being put on the second reading of a bill in the Main Committee, an Opposition Member was granted leave to speak a second time while awaiting the Minister's arrival to sum up.

Hansard: 4 June 2008, 4591
Votes and Proceedings: 2008/351

SOs 1, 63, 69

Divisions

57.24 *Four or fewer Members on call of division*

During consideration in detail of the Tax Laws Amendment (Luxury Car Tax) Bill 2008, an independent Member moved an amendment. A division was called when the question was put on the amendment. 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 amendment was negatived and indicated that the names of those in the minority would be recorded in the *Votes and Proceedings*. (And see entry **34.30**.)

Hansard: 28 May 2008, 3571
Votes and Proceedings: 2008/295

SO 127

Documents

57.25 *Minister tables document on request*

During Question Time on 27 May, an Opposition Member requested that the Assistant Treasurer table the document from which he was quoting while answering a question without notice. The Assistant Treasurer tabled the document.

Later, during a question to the Speaker, an Opposition Member suggested that the Assistant Treasurer had switched documents and not presented the document from which he was reading.

Hansard: 27 May 2008, 3287, 3327
Votes and Proceedings: 2008/277

SO 201

57.26 *Two Ministers table documents on request*

During Question Time on 29 May, requests were made by Opposition Members for two Ministers to table documents from which they had been quoting while answering questions without notice. One Minister tabled the document immediately, while another tabled the document after a short delay once he had ensured that the privacy of an individual was protected.

Hansard: 29 May 2008, 3816-7, 3829, 3830
Votes and Proceedings: 2008/308-9

SO 201

Main Committee

57.27 *Further statements on indulgence made on referred matter*

Having been referred to the Main Committee during a previous sitting (*see entry 56.04*), further statements on indulgence were made on the 40th anniversary of the Battles of Fire Support Bases Coal and Balmoral, in the Vietnam War.

Hansard: 27 May 2008, 3439-3445
Votes and Proceedings: 2008/287

SO 183

Members

57.28 *Member 'sin-binned' then named and suspended*

During Question Time on 28 May, an Opposition Member was ordered to withdraw from the Chamber for one hour for continuing to interject after being warned. The Member was then named for defying the Chair. A motion by the Leader of the House that the Member be suspended from the service of the House was carried on division.

The Member made a comment in response to the Speaker's order that he withdraw from the Chamber for 24 hours, and the Speaker asked him to return to his place and apologise. The Member refused to do so and left the Chamber.

Hansard: 28 May 2008, 3529-31
Votes and Proceedings: 2008/292-3

SOs 60, 91, 92, 94

57.29 *'Sin-binning' reconsidered*

During Question Time on 5 June, an Opposition Member was ordered to withdraw from the Chamber for one hour after he approached the despatch box on a point of order and responded to a comment made about him by the Minister speaking. Following interjections from the Opposition, the Speaker stated that if the Member would acknowledge that it was not a point of order and apologise he would reconsider the sin-binning. The Member apologised and Question Time continued.

Hansard: 5 June 2008, 4717

SOs 60, 86, 91, 92, 94

Petitions

57.30 *Three Ministerial responses received*

At the conclusion of the announcement of petitions lodged for presentation on 26 May, the Clerk announced the receipt of three ministerial responses to petitions previously presented. The terms of the responses were recorded in *Hansard*. (And see entry 47.06.)

Note: Following recent changes to the standing orders, Ministers are expected to respond to referred petitions within 90 days. Previously the standing orders provided that 'A Minister may respond to a petition...', and did not specify a time frame for responses.

Hansard: 26 May 2008, 3116-8

Votes and Proceedings: 2008/267

SO 209

Questions

57.31 *Additional answer to question without notice tabled*

A minister presented an additional answer to a question without notice in writing. The text was incorporated in *Hansard* following the list of notices given that day.

Hansard: 27 May 2008, 3393-4

SO 104

57.32 *Question ruled out of order*

During Question Time, an Opposition Member was given the call to ask a question and asked the Prime Minister to highlight a section of an ACCC report

where it made a certain recommendation. The Speaker gave the Member the opportunity to rephrase his question. The Member made the same request of the Prime Minister and the Speaker ruled that it was not a question and called the next question.

Hansard: 28 May 2008, 3542

SOs 98, 100, 101

57.33 *Question without notice rephrased*

During Question Time, the Speaker noted that the wording of a Member's question as it stood was out of order, as it was seeking an opinion. The Member rephrased his question, which was then answered by the Minister for the Environment, Heritage and the Arts.

Hansard: 2 June 2008, 3955-6

SOs 98, 101

57.34 *Two questions in a row asked by Government Members*

During Question Time, the Speaker called two questions in a row from the government benches. The Speaker explained that there was a long pause before someone rose on his left, and indicated that he would give the Opposition two questions in a row to even up the call. He then allocated the next two questions to Opposition Members.

Hansard: 2 June 2008, 3960-4

SO 98

Speaker

57.35 *Speaker asked about non-tabling of document quoted from*

Following Question Time, a Member asked the Speaker how he had been advised that a document the Prime Minister was quoting from at the previous sitting (which the Member had requested be tabled at the time) was confidential. The Speaker responded that his letter to the Member stated that he had been advised that the document was confidential, and that he was satisfied that the matter was concluded.

Note: During the previous sitting when the matter was raised, the Prime Minister had been leaving the Chamber at the same time that the Member sought to have the document tabled.

Hansard: 26 May 2008, 3098-9

SOs 103, 201

57.36 *Speaker asked about use of Members' car park*

Following Question Time, a Member asked the Speaker if he could find out which Members, if any, were allowing their staff to park in the Members' car park and report back to the House. The Speaker responded that he would investigate the matter and report back to the Member.

Hansard: 26 May 2008, 3099

SO 103

57.37 *Speaker reconsiders further action against suspended Member*

Following Question Time, the Speaker made some comments concerning events from the previous sitting after a Member was suspended from the service of the House (*see* entry **57.28**). He noted that he had asked the Member to return to his place and apologise for comments made while leaving the House that he believed to be a reflection against the Chair. The Speaker explained that upon reflection, he understood that the comments were not a reflection on the Chair, and he did not intend to take any further action. He added that he did not see this as a precedent and hoped that others would not undertake to use it as a precedent.

Hansard: 29 May 2008, 3830-1

SOs 90, 91, 92, 94

57.38 *Presentation of Address in Reply*

Before Question Time on 5 June, the Speaker informed the House that the Governor-General would be pleased to receive the Address in Reply on 17 June 2008. The Speaker invited members of the committee appointed to bring up the address, and other Members, to accompany him to Government House for the presentation.

Hansard: 5 June 2008, 4701

Votes and Proceedings: 2008/359

SO 7

Withdrawals

57.39 *Comments withdrawn on following day*

After prayers, a Government Member sought the call on indulgence and withdrew 'some comments' made in the Main Committee the previous day. The Member noted that an Opposition Member had asked for the remarks to be

withdrawn the previous day but that she had not done so, and on reflection had decided to withdraw any remarks that may have caused offence to the Member.

Hansard: 29 May 2008, 3747

SOs 89, 90, 92

57.40 *Member sin-binned for refusing to withdraw remark*

During question Time, a Member interjected "That's a lie!" The Speaker ordered the Member to withdraw the remark, but the Member instead repeated the comment and was ordered to leave the Chamber for one hour under standing order 94(a).

Hansard: 4 June 2008, 4451

Votes and Proceedings: 2008/342

SOs 89, 90, 92, 94

57.41 *Offensive words*

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'...that is a complete untruth and some would call it a lie.'	26 May 2008	3090-1
'...you fraud!'	26 May 2008	3096
'...liar.'	27 May 2008	3335-6
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'The Member for the Planet of the Apes...'	29 May 2008	3767
<i>unrecorded</i>	29 May 2008	3827-8
'What did the previous Minister ... have to say about older Australians? He said he did not particularly like them.'	3 June 2008	4161-2
<i>unrecorded</i>	4 June 2008	4447-8
'...the Member...may have learnt something from his former profession.'	5 June 2008	4743
'...the Minister has her lackeys up here asking questions to fill up time...'	5 June 2008	4774

SOs 89, 90, 92