

# Procedural Digest

**No. 58**

16–26 June 2008

June 2008				
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16	17	18	19	20
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## Business

### 58.01 *Statements on indulgence regarding death of former footballer*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding the death of former rugby league footballer and administrator Dick Turner.

*Hansard*: 16 June 2008, 4832-3**SO 65**

### 58.02 *Motion to suspend standing orders to require an explanation by a backbencher*

Following Question Time, the Deputy Leader of the Opposition moved to suspend standing and sessional orders to allow a motion to be moved requiring a backbench Government Member to explain certain actions in relation to an incident at a bar.

After the motion had been outlined to the House, the Leader of the House moved that the Member be no longer heard, which was carried on division. As an Opposition Member seconded and began to speak to the motion, he was also closed on division. The motion for the suspension of standing orders was then negated on a further division.

*Note*: A number of questions had been asked of the Prime Minister regarding the matter during Question Time, two of which were ruled out of order (*see* entry 58.26).

*Hansard*: 16 June 2008, 4850-3*Votes and Proceedings*: 2008/369-72**SOs 47, 80, 100**

### 58.03 *Second motion to suspend standing orders to require an explanation by a backbencher — MPI later disposed of*

During Question Time, the Deputy Leader of the Opposition moved to suspend standing and sessional orders to allow a motion to be moved requiring a backbench Government Member to explain an incident at a bar in terms of its relevance to her position as a Member of Parliament. The mover and seconder

were closed on division, and the motion for the suspension of standing orders was negated on division.

Later, the Matter of Public Importance was disposed of with a motion by a Minister that the business of the day be called on.

*Note:* A question asked of the Prime Minister regarding the matter had earlier been ruled out of order, resulting in an unsuccessful motion of dissent in the Speaker's ruling (*see* entry 58.29).

*Hansard:* 17 June 2008, 5061-3, 5071  
*Votes and Proceedings:* 2008/384-6, 390

**SOs 47, 80, 100**

#### **58.04**     *Sitting suspended (late) for presentation of Address in Reply*

Following Question Time, which included a dissent motion, a motion to suspend standing orders and the raising of a matter of privilege, the Speaker, at 5.07 p.m., suspended the sitting until 7 p.m. to enable him, accompanied by Members, to attend Government House and present the Address in Reply to the Governor-General. When the sitting resumed, the Speaker reported the presentation to the House and the Governor-General's reply. Business of the House then proceeded.

*Note:* The Speaker had previously advised that he intended to suspend the sitting at 4.30 p.m. for the presentation of the Address in Reply.

*Hansard:* 17 June 2008, 5071  
*Votes and Proceedings:* 2008/389

**SO 7**

#### **58.05**     *Explanation by indulgence*

After prayers, a Government Member sought the call on indulgence and made some brief comments regarding an incident that occurred at Gosford on 6 June. The Member stated that she would continue to cooperate with the police investigation of the matter and would make a statement to the Parliament at the conclusion of the legal proceedings.

*Note:* Two Opposition motions to suspend standing orders had been moved at the previous two sittings with the purpose of requiring the Member to explain the incident (*see* entries 58.02 and 58.03). Both motions were negated.

*Hansard:* 18 June 2008, 5125

**SO 65**

**58.06**     *Statement on indulgence following answer to question*

Following an answer to a question during Question Time by the Prime Minister relating to a recent gas explosion on Varanus Island in Western Australia, the Leader of the Opposition, on indulgence, strongly associated the Opposition with the Governments actions in relation to the disaster.

*Hansard:* 18 June 2008, 5196

**SOs 65, 98**

**58.07**     *Indulgence to correct the record*

After prayers, the Deputy Leader of the Opposition sought the call on indulgence and made some remarks to correct the record in respect of an assumption she had made in asking a question of the Prime Minister during a previous sitting.

*Hansard:* 19 June 2008, 5379

**SO 65**

**58.08**     *Statements on indulgence regarding death of Jane McGrath, further statements referred to Main Committee*

After prayers, an Opposition Member followed by a Government Member made statements on indulgence regarding the death from cancer of Jane McGrath, wife of cricketer Glenn McGrath.

Prior to Question Time the Prime Minister and the Leader of the Opposition also both made statements on indulgence regarding the death of Jane McGrath, and after Question Time further statements by indulgence relating to Mrs McGrath's death were referred to the Main Committee.

*Hansard:* 23 June 2008, 5527-8, 5558-60, 5580

*Votes and Proceedings:* 2008/411

**SOs 65, 183**

**58.09**     *Statements on indulgence congratulating Pasha Bulker crew rescuers*

The Minister for Minister for Infrastructure, Transport, Regional Development and Local Government and the Shadow Minister both made statements on indulgence congratulating the rescuers of the crew of the ship *Pasha Bulker* on their receipt of certificates of bravery from the International Maritime Organisation.

*Hansard:* 23 June 2008, 5580

**SO 65**

**58.10** *Three Ministerial statements in succession, three days in a row*

Following Question Time on 23, 24 and 25 June, three ministerial statements were made in succession, and following each statement standing orders were suspended to enable a response by a Shadow Minister.

*Hansard*: 23 June 2008, 5581-90; 24 June 2008, 5741-64; 25 June 2008, 5912-27  
*Votes and Proceedings*: 2008/411-2, 419-20, 430

**SOs 47, 63**

**58.11** *Two MPIs proposed—Matter proposed by Independent Member discussed*

Two matters were proposed for discussion on 24 June, one by an Opposition Member and the other by an Independent Member. The Speaker gave priority to the matter proposed by the Independent Member (and *see* entries **51.08** and **52.11**).

*Hansard*: 24 June 2008, 5764  
*Votes and Proceedings*: 2008/420

**SO 46**

**58.12** *Standing orders suspension—Debate resumed on committee report*

During Government business, the House agreed to a motion moved by a Minister, by leave, to suspend standing and sessional orders to allow an order of the day, committee and delegation reports, to be called on immediately.

Accordingly, debate was resumed on the motion that the House take note of a report of the Standing Committee on Legal and Constitutional Affairs, which had been presented the previous day. Following contributions by several Members, the question that the House take note of the document was put and passed.

*Note*: It is rare for a committee report to be brought back on for debate in the House after its presentation, and for a motion to take note of a report to be agreed to.

*Hansard*: 24 June 2008, 5795-5804  
*Votes and Proceedings*: 2008/424

**SOs 39, 40**

**58.13** *Indulgence to correct the record*

In between the introduction of bills, the Minister for Finance and Deregulation sought the call on indulgence and made some remarks to correct the record in relation to his response to a question during consideration in detail of appropriations in the Main Committee.

*Hansard*: 26 June 2008, 6022

**SO 65**

### 58.14 *Statements on indulgence regarding retirement of Senators*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence recognising the retirement of 14 Senators, including the departure of the last four Senators from the Australian Democrats.

*Hansard*: 26 June 2008, 6092-4

**SO 65**

## Chamber

### 58.15 *Member apologises for mobile phone*

During Question Time, the Speaker asked a Member to apologise about his mobile phone ringing. The Member apologised to the Chamber.

*Hansard*: 16 June 2008, 4844

**SO 60**

### 58.16 *Advisers to pass messages via attendants*

During Question Time, the Leader of the House, on a point of order, asked the Speaker whether action might be taken against staff in advisers' boxes handing notes directly to Members. The Speaker responded that he hoped Members and advisers would review the way they interact in the Chamber, noting that the preferred process was for advisers to pass messages through the attendants.

*Hansard*: 26 June 2008, 6119-20

**SO 60**

## Committees

### 58.17 *Access to committee records approved*

On a motion by the Leader of the House, the House agreed to authorise access by the Honourable TRH Cole AO RFD QC, President of the HMAS Sydney II Commission of Inquiry to certain exhibits and confidential submissions received by the Joint Standing Committee on Foreign Affairs, Defence and Trade during its inquiry into the loss of HMAS Sydney. The motion contained a number of conditions upon the approval of access, and proposed that the Senate be sent a message informing it of the resolution and requesting concurrence.

*Hansard*: 24 June 2008, 5792-3

*Votes and Proceedings*: 2008/423-4

**SO 242**

### **58.18** *Statement on indulgence regarding outstanding Government responses to committee reports*

After the Speaker presented the periodic schedule of government responses outstanding to committee reports, the Leader of the House, on indulgence, made a statement explaining why there was no accompanying Government response to the previous schedule tabled by the Speaker. He stated that a response to the schedule tabled today would be presented by the Government at the end of the year.

*Note:* It is customary for the Government's response to the Speaker's preceding periodic schedule to be presented with ministerial documents shortly after the Speaker has presented his latest schedule.

*Hansard:* 26 June 2008, 6123-31  
*Votes and Proceedings:* 2008/442

## **Divisions**

### **58.19** *Pairing arrangements used for first time since 40<sup>th</sup> Parliament*

In the record of a division in the *Votes and Proceedings* of 23 June, three sets of pairs were listed. Pairing arrangements, whereby it is agreed that pairs of Members (one from each side) will not attend divisions, have not been used since 2003. The pairs were not recorded in *Hansard*.

*Votes and Proceedings:* 2008/410  
**SOs 126, 135**

## **Main Committee**

### **58.20** *No interventions permitted during examination of portfolios*

During consideration in detail of Appropriation Bill (No. 1) 2008-2009 in the Main Committee (during which each portfolio is examined separately according to an unofficial agreed timetable), a Member attempted to interrupt the Minister speaking. The Deputy Speaker ruled that she would not be allowing interventions during the debate, as there was not enough time.

*Hansard:* 17 June 2008, 5121  
**SO 66A**

### **58.21** *Unofficial timetable for examination of portfolios not enforced*

On several occasions during consideration in detail of Appropriation Bill (No. 1) 2008-2009, Members expressed concern to the Main Committee Chair that the agreed timetable for consideration of portfolios was not being adhered to. On

each occasion the Chair responded that the arrangements agreed to between the whips were in the hands of Members, and were not something that the Chair could enforce.

*Hansard:* 18 June 2008, 5297, 5300, 5343

**SOs 1, 148, 149**

### **58.22**     *Statement on indulgence regarding death of former Senator*

Following Members' constituency statements in the Main Committee, a Minister made a brief statement on indulgence regarding the death of a former Senator, Misha Lajovic.

*Hansard:* 25 June 2008, 5979-80

**SO 65**

## **Parliamentary administration**

### **58.23**     *Parliament House childcare facility approved*

On a motion moved pursuant to notice by the Minister for Infrastructure, Transport, Regional Development and Local Government, the House approved a proposal for the construction of a childcare facility within Parliament House. Several Members spoke to the motion.

*Hansard:* 24 June 2008, 5777-87

*Votes and Proceedings:* 2008/421

### **58.24**     *Secretary of DPS recognised as a distinguished visitor*

During Question Time on 26 June, the Speaker noted the presence in the gallery of Mr Alan Thompson, the new Secretary of the Department of Parliamentary Services.

*Hansard:* 26 June 2008, 6098

## **Privilege**

### **58.25**     *Matter of privilege raised by leave — Amended and referred to Privileges and Members' Interests Committee*

The Leader of the Opposition, by leave, moved a motion to refer a matter involving alleged contempt of the House by the Member for Robertson to the Committee of Privileges and Members' Interests. The Leader of the House 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.

The Manager of Opposition Business moved an amendment to insert additional words, but before the amendment was seconded 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 be inserted be so inserted and that the motion as amended be agreed to were then carried on the voices.

*Note:* The amended motion effectively referred the same matter to the Committee, but significantly changed the wording and shortened the motion.

*Hansard:* 17 June 2008, 5063-71  
*Votes and Proceedings:* 2008/386-9

**SOs 51, 111, 216**

## Questions

### **58.26**     *Questions ruled out of order*

During Question Time, Opposition Members asked a series of questions of the Prime Minister in relation to the behaviour of one of his backbenchers and associated actions by staff. Three of the questions were permitted and answered, and two of the questions were ruled out of order – one because it concerned the actions of the staff of a Member of Parliament, and the other because it reflected on the conduct of a Member.

*Hansard:* 16 June 2008, 4842, 4847-8

**SOs 100, 101**

### **58.27**     *Call for point of order not valid for suspension motion*

During Question Time, the Speaker called a Government Member to ask a question. The Manager of Opposition Business rose and was given the call by the Speaker on a point of order, but began to move a suspension of standing orders. Following a point of order, the Speaker ruled that as he had already called the Government Member to ask a question, she would be given the call. He noted that he had called the Manager of Opposition Business on the basis that he was raising a point of order, and added that he would have other opportunities to move his motion. The suspension motion was moved shortly afterwards by the Deputy Leader of the Opposition (*see entry 58.02*).

*Hansard:* 16 June 2008, 4848-9

**SOs 47, 66, 86**

### **58.28**     *Speaker instructs Minister to conclude answer then to resume seat*

During Question Time, after several interruptions for points of order during an answer, the Speaker asked a Minister to bring his answer to a close, then directed



the Minister to resume his seat, announced distinguished visitors and called the next question.

*Hansard*: 17 June 2008, 5036-7

**SOs 100, 104**

**58.29**     *Question ruled out of order — Dissent from ruling moved and negatived*

During Question Time the Deputy Leader of the Opposition asked the Prime Minister to explain a statement he had made concerning the behaviour of one of his backbenchers. Following points of order from both sides, the Speaker ruled the question out of order.

The Speaker offered the Deputy Leader of the Opposition the opportunity to rephrase the question, but the Manager of Opposition Business moved that the Speaker's ruling be dissented from. Following debate, the question was negatived on division and question time continued.

The Deputy Leader of the Opposition subsequently asked the Prime Minister a similar question in slightly different terms, which was ruled to be partly in order and was answered by the Prime Minister. Following the answer, the Deputy Leader of the Opposition moved a suspension of standing orders regarding the matter (*see entry 58.03*).

*Hansard*: 17 June 2008, 5051-61

*Votes and Proceedings*: 2008/383-4

**SOs 87, 100**

**58.30**     *Two answers to one question*

During Question Time, an Opposition Member asked the Prime Minister a question relating to pensions for spouses of veterans. The Prime Minister stated that he was unaware of the measure to which the Member was referring, and suggested that he could provide information at a later time, or the Member could address the question to the Minister for Veterans' Affairs. The Member indicated that she would be happy for the Minister for Veterans' Affairs to answer the question, and the Minister did so.

*Hansard*: 18 June 2008, 5207-8

**SOs 98, 100, 104**

## Speaker

### 58.31 *Speaker asked about Members' attendance*

Following Question Time, a Member asked the Speaker whether a Member who, on a sitting day, attends the Main Committee but not the Chamber is marked present or absent. The Speaker responded that Main Committee attendance does not enable a Member's name to be marked as being present for the day's sitting.

*Hansard: 19 June 2008, 5462*

**SO 103**

### 58.32 *Question regarding procedure not answered by Speaker*

Following Question Time the Manager of Opposition Business attempted to ask the Speaker a question about a ruling, in relation to a recent event in the Chamber. The Speaker ordered the Member to resume his seat and stated that he would accept points of order from Members at the time an issue arises but did not intend to answer questions about procedure.

*Hansard: 24 June 2008, 5740*

**SO 103**

### 58.33 *Speaker asked about breastfeeding friendly Parliament House*

In response to a Member's question following Question Time, the Speaker stated that the Presiding Officers had today signed the appropriate documents to seek accreditation for Parliament House as a breastfeeding friendly workplace.

*Hansard: 25 June 2008, 5909*

**SO 103**

### 58.34 *Speaker thanks outgoing catering contractors*

Following Question Time, a Member asked the Speaker whether he would convey thanks on behalf of Members and staff to catering staff who would no longer be working in the Parliament due to changes in contractors. In response, the Speaker thanked on behalf of the House those staff who would not be remaining after the new arrangements come into place.

*Hansard: 25 June 2008, 5909*

**SO 103**

## Standing orders

### 58.35 Sessional orders and amended standing orders agreed to

The House agreed to two motions moved pursuant to notice by the Leader of the House, which proposed sessional orders and amendments to the standing orders. The first motion made amendments to standing orders 34, 207 and 209 for the remainder of the 2008 sittings, changing the arrangements in relation to petitions by providing for 10 minutes for their presentation by the Chair of the Petitions Committee and related statements on Monday evenings.

The second motion amended standing orders 1, 192 and 193, changing the name of Members' three minute statements to Members' three minute *constituency* statements, removing the rule preventing Ministers from making such statements, and providing for a period of statements as the first item of business when the Main Committee meets on Tuesdays.

*Hansard*: 24 June 2008, 5787-92  
*Votes and Proceedings*: 2008/421-3  
**SOs 1, 34, 192, 193, 207, 209**

## Withdrawals

### 58.36 Offensive words

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'You've nobbled the Speaker!'	16 June 2008	4849
'That is ridiculous!'	16 June 2008	4854
'He is lying.'	16 June 2008	4988
<i>unrecorded</i>	17 June 2008	5058
'stupid idiot'	18 June 2008	5210
'You've been on the bottle all day!'	23 June 2008	5569
<i>unrecorded</i>	26 June 2008	6119
'...we would not engage in conduct of the type that we saw from the member for Menzies during the election campaign in relation to certain groups within this country. Any civilised country would not do that.'	26 June 2008	6121

**SOs 89, 90, 92**