

Procedural Digest

No. 59*26 August–4 September 2008*

<i>August–Sept 2008</i>				
M	T	W	T	F
25	26	27	28	29
1	2	3	4	5

Business

59.01 *Election petition dismissed by Court of Disputed Returns*

The Clerk presented a letter from the Registrar of the Federal Court, forwarding a copy of an order made by the Federal Court of Australia sitting as the Court of Disputed Returns dismissing the petition relating to Mitchell *v.* Bailey (*see* entry 55.08).

Hansard: 26 August 2008, 6233
Votes and Proceedings: 2008/452

59.02 *Early adjournment*

Following the passing of a bill at 6.04 p.m. on Tuesday 26 August, a Minister moved 'That the House do now adjourn'. The question was put and passed without debate, and the House adjourned.

Note: The House usually sits until 9.00 p.m. on Tuesdays, but was adjourned early to allow Members to attend a function for the outgoing Governor-General.

Hansard: 26 August 2008, 6242
Votes and Proceedings: 2008/453

SOs 29, 32

59.03 *Statements on indulgence regarding Sir Donald Bradman*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence recognising the 100th anniversary of the birth of Sir Donald Bradman.

Hansard: 27 August 2008, 6364-5

SO 65

59.04 *Two MPIs proposed—Matter proposed by Opposition Member discussed*

Two matters were proposed for discussion on 27 August, one by an Opposition Member and the other by an Independent Member. The Speaker gave priority to the matter proposed by the Opposition Member.

*Hansard: 27 August 2008, 6390
Votes and Proceedings: 2008/471*

SO 46

59.05 *Delegation report referred to Main Committee by private Member*

Following the presentation of a delegation report by the Speaker, another member of the delegation made a statement in connection with the report. The Member then moved, by leave, that the House take note of the report. Debate was adjourned, and the Member then moved a motion by leave to refer the report to the Main Committee. The motion was seconded and carried.

Note: The Leader of a Delegation would ordinarily move any motion in relation to the report but the Speaker couldn't do this from the Chair. Otherwise matters are usually referred to the Main Committee by the Chief Government Whip, who does not require a seconder under the standing orders.

*Hansard: 28 August 2008, 6492
Votes and Proceedings: 2008/477*

SOs 39, 63, 116, 202

59.06 *Statements on indulgence regarding Paralympics, US election and Hurricane Gustav*

Prior to Question Time the Prime Minister made statements on indulgence regarding Australia's Paralympics team and the United States Presidential election. The Leader of the Opposition also made statements on these matters and on Hurricane Gustav in the United States.

Hansard: 1 September 2008, 6675-7

SO 65

59.07 *Ministerial statement—Motion to take note and referral to Main Committee*

Following Question Time the Attorney-General made a ministerial statement relating to intercountry adoption. Standing and sessional orders were then suspended to allow the Shadow Minister to make a statement on the matter.

Following his statement, the Shadow Minister obtained leave and moved that the House take note of the ministerial statement, that debate be adjourned and resumption of debate made an order of the day for the next sitting, and that the order of the day be referred to the Main Committee. The motion was agreed to on the voices.

Hansard: 2 September 2008, 6872-8
Votes and Proceedings: 2008/495

SOs 47, 63, 111, 183, 202

59.08 *Statements on indulgence regarding Paralympic team*

Following Question Time the Minister for Sport and the Shadow Minister both made statements on indulgence wishing the Australian team well at the Paralympic Games.

Hansard: 3 September 2008, 7035-6

SO 65

59.09 *Adjournment negatived during response to Ministerial Statement*

At 4.30 p.m., during a Shadow Minister's reply to a Ministerial Statement, the Speaker proposed 'That the House do now adjourn'. A Parliamentary Secretary required the question to be put forthwith without debate and the question was negatived on the voices.

At the expiry of the Shadow Minister's time (at approximately 4.45 p.m.) the Parliamentary Secretary moved 'That the House do now adjourn' and the adjournment debate proceeded.

Hansard: 4 September 2008, 7249, 7252
Votes and Proceedings: 2008/509

SOs 29, 31, 32

Chamber

59.10 *Use of cameras in Chamber*

During a division, a Member raised a point of order regarding the use of a camera in the Chamber by another Member. The Chair responded that if any Member had a camera in the Chamber, they were not to use it.

Hansard: 28 August 2008, 6512

SO 60

59.11 *Display of advertisement in the Chamber*

Prior to Question Time on 26 August, the Speaker instructed an Independent Member to remove the advertisement he was displaying. The Speaker added that he did not intend to take action but that the Member's behaviour was not condoned by the Chair.

Note: According to reports the item was an advertisement for an independent candidate in an upcoming by-election.

Hansard: 26 August 2008, 6187

SOs 60, 91

Committees

59.12 *Question to Speaker regarding performance of a committee*

At the end of Question Time, a Member asked the Speaker to take action on the 'less than satisfactory' performance of the Standing Committee on Communications. The Member (as a member of the committee), stated that the Committee had not yet met to take evidence on its current inquiry, and that it was not fulfilling its obligations to the House. The Speaker replied that he would take advice from the Clerk and respond to the Member as appropriate.

Hansard: 28 August 2008, 6573

SOs 103, 215, 235

Divisions

59.13 *Deferred divisions on two orders of the day*

The second reading debate on the Trade Practices Legislation Amendment Bill 2008 concluded at about 6.40 p.m. on 1 September. A division called for on a second reading amendment was deferred until after 8 p.m. The second reading debate on the next order of the day, the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 concluded at about 7.45 p.m., and again a division called for on a second reading amendment was deferred until after 8 p.m. The House then resumed debate on another bill.

When the Member speaking at 8 p.m. had concluded his speech, debate on the bill before the House was adjourned and the House returned to the previous orders of the day for the deferred divisions. The second reading amendment for the first bill was negatived on division, and the remaining stages were agreed to on the voices. The second reading amendment for the second bill was also negatived on division, but debate was then interrupted (the time being past 8.30 p.m.) to call on

presentation of petitions. Resumption of debate was made an order of the day for the next sitting.

Hansard: 1 September 2008, 6741, 6754, 6760-62
Votes and Proceedings: 2008/486-8

SOs 34, 133

Main Committee

59.14 *Lengthy adjournment debate*

25 Members spoke (one twice) during the adjournment debate in the Main Committee on 4 September, the debate extending for about two hours. (And *see* entry 19.06.)

Hansard: 4 September 2008, 7277-7309
Votes and Proceedings: 2008/512

SOs 191, 192

Members

59.15 *New Member sworn*

Following prayers on 26 August, the Speaker announced the return of the writ issued on 19 May for the Gippsland by-election. The Serjeant-at-Arms announced the presence of a new Member and the Speaker directed that he be admitted. Two Members escorted Mr Chester to the Table where he made and subscribed the oath of allegiance.

Hansard: 26 August 2008, 6183
Votes and Proceedings: 2008/447

SO 4

59.16 *Resignation of Members*

Following the swearing-in of a new Member, the Speaker informed the House that on 14 July 2008 he had received a letter from Mr Alexander Downer, Member for Mayo resigning his seat, and on 30 July 2008 he had received a letter from Mr Mark Vaile, Member for Lyne resigning his seat. The Speaker then announced details for by-elections (*see* entry 59.21).

Note: In accordance with section 37 of the Constitution a Member's resignation takes effect when the letter of resignation is received by the Speaker (or, in the Speaker's absence, the Governor-General).

Hansard: 26 August 2008, 6183
Votes and Proceedings: 2008/447

59.17 *Standing orders suspended for new Member's first speech*

On 26 August, during second reading debate on a bill, the House agreed to a motion to suspend standing order 76 for the duration of the first speech by the new Member for Gippsland (*see* entry **59.15**). Unrestricted by rules of relevance, the Member was able to make a customarily wide-ranging first speech.

Hansard: 26 August 2008, 6234
Votes and Proceedings: 2008/452

SO 76

59.18 *Second personal explanation following Senator's comments*

After Question Time, a Member made a personal explanation claiming to have been misrepresented in articles published in a number of newspapers. The articles related to a Defence Force Parliamentary deployment.

Later in the sitting, the Member rose again on a personal explanation in response to a personal explanation made in the Senate on the same subject by a Senator who was also on the deployment. The Member explained that while the Senator's version of events differed in some respects from his own, his recollection of events as expressed to the House was honest and genuine.

Hansard: 1 September 2008, 6700-1, 6793-4
Senate Hansard: 1 September 2008, 4220-2

SO 68

Petitions

59.19 *Petitions presented by Chair of Petitions Committee*

At approximately 8.30 p.m. on 1 September, pursuant to sessional orders recently adopted by the House (*see* entry **58.35**) the Chair of the Standing Committee on Petitions presented petitions and Ministers' responses to petitions, and made a statement in connection with the petitions.

Hansard: 1 September 2008, 6762-83
Votes and Proceedings: 2008/488

SOs 34, 207, 209

Privilege

59.20 *Privileges Committee report, right of reply granted*

The Chair of the Privileges and Members' Interests Committee presented a report in connection with an application by a person for a right of reply in relation to references to him made by a Member in the House on 13 February 2006.

The report recommended to the House that a response in the terms included in the report be incorporated in *Hansard*. The Chair of the Committee moved that the report be agreed to, and the question was put and passed on the voices.

Hansard: 4 September 2008, 7160-1

Votes and Proceedings: 2008/507

SO 216

Speaker

59.21 *Announcement of by-election*

Following the Speaker's announcement regarding the resignation of the Members for Mayo and Lyne (*see* entry **59.16**), he informed the House that he had issued writs on 4 August for by-elections to be held on 6 September.

Note: The Speaker issues a writ for a by-election in accordance with section 33 of the Constitution.

Hansard: 26 August 2008, 6183

Votes and Proceedings: 2008/447

59.22 *Questions regarding quorum for prayers*

Following Question Time, the Chief Opposition Whip and Manager of Opposition Business asked the Speaker about the apparent lack of a quorum at the beginning of the sitting, querying whether the sitting should have been permitted to begin. The Speaker responded that in the absence of advice as to a quorum not being present he had proceeded to prayers, and reminded the House that it is the duty of all Members to ensure a quorum is present.

Hansard: 4 September 2008, 7242-4

SOs 54, 103

59.23 *Procedure Committee investigating matters raised in question to Speaker*

Following Question Time, the Leader of the House asked the Speaker a question regarding points of order and the length of answers during Question Time, and a proposal to extend deferred divisions and quorums. The Speaker responded that one of the matters raised had been referred to the Procedure Committee.

Hansard: 4 September 2008, 7244

SOs 55, 86, 103, 104, 133

Withdrawals

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

During question Time, a Member interjected “You’re a dud!” 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).

In response to points of order and questions to the Speaker querying the remark’s offensiveness and the Speaker’s actions, the Speaker stated that context need to be taken into account, and that the Member had been sin-binned for defying the Chair.

Hansard: 26 August 2008, 6195-6, 6207-8
Votes and Proceedings: 2008/448

SOs 89, 90, 92, 94

59.25 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
‘They are all hypocrites...’	26 August 2008	6200
‘You’re a hypocrite!’	28 August 2008	6572
<i>unrecorded</i>	2 September 2008	6861
‘...you idiot!’	2 September 2008	6863-4
‘If he chooses to not have the integrity...’	2 September 2008	6864-5
‘You really are a grub.’	2 September 2008	6872
‘He is a bit up himself...’	3 September 2008	6981
‘They will be lining up to suck up...’	3 September 2008	7024-5
‘If I were to guess what the member for O’Connor was reading, it would just stop with the words ‘The complete idiot’s guide.’	3 September 2008	7027-8
‘You’re a bloody bureaucrat!’	3 September 2008	7029
‘Can you get a brain donation?’	4 September 2008	7240

SOs 89, 90, 92