

# Procedural Digest

**No. 61***13 –23 October 2008*

October 2008				
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## Bills

### **61.01**     *Introduction and passage of urgent financial bills*

The Financial System Legislation Amendment (Financial Claims Scheme and Other Measures) Bill 2008, Financial Claims Scheme (General Insurers) Levy Bill 2008 and Financial Claims Scheme (ADIS) Levy Bill 2008 were introduced to amend banking and insurance legislation and impose levies on general insurers and deposit-taking institutions. During his second reading speech, the Treasurer advised that the bills put into legislation the Government's guarantee of deposits in Australian banking institutions in response to the global financial crisis.

In each case the bill was read a first time and the second reading moved. Debate was adjourned and the resumption of debate, by leave, made an order of the day for a later hour. The three bills were debated cognately when debate resumed later in the sitting. The bills were read a second time and, by leave, proceeded to the third reading immediately. The bills were then read a third time.

*Hansard:* 15 October 2008, 9117-21, 9222-61

*Votes and Proceedings:* 2008/607, 611

**SOs 63, 142**

## Business

### **61.02**     *Statements on indulgence on the sixth anniversary of the 2002 Bali bombings*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence observing the sixth anniversary of the 2002 Bali bombings. The Leader of the House then referred further statements on the matter to the Main Committee.

*Hansard:* 13 October 2008, 8784-5

*Votes and Proceedings:* 2008/592-3

**SO 65**

**61.03**     *Statements on indulgence on the return of the remains of Vietnam War soldier*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding the return to Australia of the remains of Private David Fisher, a member of the Special Air Service during the Vietnam War. The Leader of the House then referred further statements on the matter to the Main Committee.

*Hansard: 13 October 2008, 8785-6*  
*Votes and Proceedings: 2008/593*

**SO 65**

**61.04**     *MPI interrupted then resumed*

During discussion on the matter of public importance, the Leader of the House moved that the business of the day be called on, explaining that it had been agreed that a message from the Senate be dealt with and that the discussion then be resumed by way of a suspension of standing orders.

The question was agreed to, and following the tabling of a petition (*see entry 61.18*) and consideration of a Senate message returning a bill with amendments, the adjournment was negatived and the Leader of the House moved a suspension of standing and sessional orders to allow discussion on the MPI to be called on immediately. The Question was agreed to and discussion on the MPI then resumed. The House adjourned without debate at the scheduled time.

*Hansard: 16 October 2008, 9419-29*  
*Votes and Proceedings: 2008/620-2*

**SOs 31, 46, 47**

**61.05**     *Senate amendments considered constitutional*

During consideration of a message from the Senate returning the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill (No. 2) 2008 with amendments, the Deputy Speaker made a statement informing the House that the Speaker had been briefed in relation to the amendments. She advised that while the effect of some of the amendments was to increase the number of people subject to surcharge tax as compared with the bill as passed by the House, it was understood that the 'burden' would fall on a smaller number of people than under existing law and therefore it was not considered that objection should be taken on constitutional grounds. The amendments were agreed to on division.

*Hansard: 16 October 2008, 9422-3*  
*Votes and Proceedings: 2008/620-1*

**SO 179**

**61.06**     *Suspension of standing orders regarding Leader of the Opposition carried by absolute majority*

Second reading debate on a bill was interrupted and the Leader of the House moved a suspension of standing and sessional orders for the purpose of him moving a motion to allow the Leader of the Opposition to apologise for and retract remarks regarding the Secretary of the Treasury.

An Opposition Member began to speak to the motion and the Leader of the House moved that the question be put. The question was agreed to on division and the suspension motion was then agreed to on further division by an absolute majority. Following several brief comments by the Leader of the House and the Opposition Member, debate then resumed on the interrupted bill.

Later, prior to Question Time, the Leader of the House and another Government Member commented on the motion, suggesting that the Leader of the Opposition comply with the resolution of the House. The Speaker noted that the motion did not mandate an action, and did not refer to a particular time at which action should be taken.

*Hansard: 22 October 2008, 9860-2, 9909-10  
Votes and Proceedings: 2008/647-9*

**SO 47**

**61.07**     *Proposed sitting pattern agreed to*

Following prayers, the Leader of the House presented the proposed program of sittings for 2009, and moved that it be agreed to. Following debate, the motion was agreed to on the voices.

*Hansard: 23 October 2008, 10093-6  
Votes and Proceedings: 2008/657*

**SO 29**

**61.08**     *Second suspension of standing orders regarding Leader of the Opposition; Dissent motion; Further suspension motion*

Between items of business, the Leader of the House moved a suspension of standing and sessional orders for the purpose of him moving a motion to require the Leader of the Opposition to condemn comments made by members of his party and apologise for and retract remarks he had made.

An Opposition Member moved that the Member be no longer heard and the question was negatived on division. The Leader of the House then moved that the question be put, which was carried on division, and the suspension motion was also carried on division. Accordingly, the Leader of the House then moved a

motion requiring the Leader of the Opposition to take certain actions. On a point of order, an Opposition Member asked the Chair make a ruling as to whether the motion was in order. The Chair ruled that the motion was in order and the Opposition Member moved dissent from the Chair's ruling. Following debate, the dissent motion was negated on division.

The question that the motion moved by the Leader of the House be agreed to was then stated, and the Leader of the House moved that the question be put. The question was carried on division, and the motion (regarding the Leader of the Opposition) moved by the Leader of the House was then carried on further division.

The Opposition Member who had moved the dissent motion then moved a suspension of standing and sessional orders for the purpose of him moving a motion to allow the Prime Minister to make a statement to the House. The Member and a seconder were closed on division. The Leader of the House rose to speak and a motion that he be not further heard was negated on division. The suspension motion was then negated on further division.

*Hansard: 23 October 2008, 10134-53*

*Votes and Proceedings: 2008/662-73*

**SOs 47, 80, 81, 86, 87**

## Committees

### **61.09**     *Procedure Committee report on the opening of Parliament*

On 23 October, the Chair of the Procedure Committee presented a report entitled: Re-opening the debate: Inquiry into the arrangements for the opening day of Parliament.

The report recommends a number of changes to the procedures for the opening day of a new Parliament, including providing for an Indigenous ceremony in the standing orders, and changes to the swearing in arrangements and other proceedings on the day.

The Chair moved that the report be made a Parliamentary Paper, made a statement by leave, and moved that the House take note of the report.

*Hansard: 23 October 2008, 10102-4*

*Votes and Proceedings: 2008/658*

**SOs 4, 10, 11, 12, 221**

## Debate

### **61.10**     *Member continues second reading speech by leave*

At a previous meeting a Member was interrupted during debate on a bill in the Main Committee and given leave to continue when the debate was resumed. The Member was not present when debate was resumed, and two other Members made their second reading speeches. Having arrived following commitments in the House, the Member was then given leave to complete his speech (being allotted the time remaining when he was interrupted).

*Note:* If a Member whose speech has been interrupted does not seek the call immediately upon the resumption of the debate he or she is taken to have concluded his or her speech.

*Hansard:* 21 October 2008, 9791-9803

**SOs 63, 69**

## Divisions

### **61.11**     *Division not proceeded with*

During a Minister's speech on the consideration of Senate amendment to a bill, the Manager of Opposition Business moved that the question be put. A division was called for and the bells rung, then the division was called off on the advice of the Manager of Opposition Business and debate continued.

*Note:* The MPI had earlier been interrupted so that the House could consider the Senate amendments (*see* entry **61.04**).

*Hansard:* 16 October 2008, 9422  
*Votes and Proceedings:* 2008/620

**SOs 125, 126**

### **61.12**     *Proxy vote recorded for nursing mother*

For two consecutive divisions during consideration of Senate amendments to a bill, an Opposition Member was listed in the *Votes and Proceedings* as having voted by proxy.

*Note:* A resolution was passed by the House earlier in the year permitting any Member nursing an infant at the time of a division to give her vote by proxy, through the Member's Chief Whip. (*see* entry **54.14**).

*Hansard:* 20 October 2008, 9505  
*Votes and Proceedings:* 2008/628-9

**SOs 129, 130, 131**

## Documents

### **61.13**     *Annual report tabled during answer to question*

While answering a question without notice, the Minister for Finance and Deregulation presented the annual report of the Future Fund for 2007-08.

*Note:* Annual reports are usually presented with other documents by the Leader of the House following Question Time.

*Hansard:* 20 October 2008, 9523  
*Votes and Proceedings:* 2008/631

**SOs 34, 199**

## Main Committee

### **61.14**     *Main Committee suspended due to lack of quorum*

During Members' Constituency Statements (at approximately 9.56 a.m.), the Deputy Speaker noted that a quorum was not present, and announced that the Chair would be resumed at 10.00 a.m. When the Chair was resumed at that time, a quorum was present and proceedings continued.

*Hansard:* 22 October 2008, 10002  
*Votes and Proceedings:* 2008/653

**SOs 184, 190**

## Members

### **61.15**     *Standing orders suspended for first speeches of two new Members*

On 15 and 22 October, the House agreed to motions to suspend standing order 76 for the duration of the first speeches by the new Members for Mayo and Lyne respectively (*see* entries **60.21** and **60.20**). Unrestricted by rules of relevance, the Members were able to make customarily wide-ranging first speeches.

*Hansard:* 15 October 2008, 9235-40; 22 October 2008, 9948-55  
*Votes and Proceedings:* 2008/611, 651

**SO 76**

## Parliamentary administration

### **61.16**     *Parliament House accredited as breastfeeding friendly workplace*

Following prayers, the Speaker made a statement concerning the recent accreditation of the parliamentary departments as breastfeeding-friendly workplaces. He noted that this follows a recommendation by the House Standing

Committee on Health and Ageing that the Presiding Officers take measures to enable accreditation by the Australian Breastfeeding Association, which included making two rooms in the building available for use by nursing mothers.

*Hansard:* 16 October 2008, 9321  
*Votes and Proceedings:* 2008/615

## Petitions

### **61.17**     *Petitions presented by Deputy Chair of Petitions Committee*

At the allocated time for presentation of petitions, a member of the Petitions Committee made a statement regarding the new petitioning process, after which the Deputy Chair of the Committee presented petitions and Ministers' responses to petitions, and also made a statement (the Chair of the Committee was absent from the sitting).

*Hansard:* 13 October 2008, 8869-77  
*Votes and Proceedings:* 2008/595

**SOs 34, 207, 209**

### **61.18**     *Petition presented by leave during Government business*

Following the interruption of the MPI by the passing of a motion to call on the business of the day (*see entry 60.04*), a Member was granted leave and presented a petition which had been approved by the Standing Committee on Petitions and made some brief remarks. Consideration then began on a Senate message returning a bill with amendments.

*Hansard:* 16 October 2008, 9419  
*Votes and Proceedings:* 2008/620

**SOs 34, 63, 207**

## Privilege

### **61.19**     *Alleged interference with ability to perform duties*

On 22 October, a Member raised as a matter of privilege comments by the NSW National Party leader reported in a newspaper article. The Member stated that the comments represented a threat against him and therefore an attempt to interfere with his ability to perform his duties as a Member of Parliament.

The Speaker stated that he would investigate the matter and report back to the House on whether any precedence should be given to the matter being referred to the Committee of Privileges and Members' Interests.

*Hansard:* 22 October 2008, 9930  
*Votes and Proceedings:* 2008/649-50

## SO 51

**61.20** *Alleged leaking of Privileges Committee report*

On 23 October, the Chief Government Whip raised as a matter of privilege the apparent premature publication of parts of a report of the Standing Committee on Privileges and Members' Interests.

The Speaker stated that the Committee of Privileges and Members' Interests should in the first instance investigate whether the matter has caused or is likely to cause substantial interference with its work, with the committee system or with the functioning of the House.

*Hansard: 23 October 2008, 10153  
Votes and Proceedings: 2008/673-4*

**SOs 51, 216**

**61.21** *Speaker's statement on matter concerning alleged interference*

Following Question Time on 23 October, the Speaker made a statement about a matter of privilege raised at the previous sitting (*see entry 61.19*) regarding comments by the NSW National Party leader reported in a newspaper article.

The Speaker stated that any improper interference with a Member was a serious matter, but indicated that while the comments in question were undesirable, they were made in a political context and he was therefore of the opinion that precedence should not be given to a motion (for referral to the Committee of Privileges and Members' Interests) on this occasion.

*Hansard: 23 October 2008, 10169-70  
Votes and Proceedings: 2008/675-6*

**SO 51**

**61.22** *Privileges Committee report—Exchange between two Members*

The Chair of the Privileges and Members' Interests Committee presented a report entitled: Report on the issue of the exchange between the Member for Robertson and the Member for Indi on 28 May 2008 and the subsequent withdrawal and apology by the Member for Robertson on 29 May 2008. The matter had been referred to the Committee on 17 June 2008 (*see entry 58.25*).

The Committee found that member for Robertson did not deliberately mislead the Main Committee and the House such that it would give rise to a possible contempt, but observed that exchanges between the two Members fall well below the standards expected of Members, and advised that it proposed to review the question of a code of conduct for members and report back to the House.

*Hansard: 23 October 2008, 10181-4*



Votes and Proceedings: 2008/679

**SO 216**

## Questions

### 61.23 *Question Time delayed*

Question Time commenced at 2.12 p.m. on 23 October having been delayed by several divisions on a suspension motion (*see* entry **61.08**) and the raising of a matter of privilege (*see* entry **61.20**).

Hansard: 23 October 2008, 10153

**SO 97**

## Withdrawals

### 61.24 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
<i>unrecorded</i>	21 October 2008	9693
<i>unrecorded</i>	21 October 2008	9704
'...they are hypocrites.'	21 October 2008	9727
'What a fool!'	22 October 2008	9910
'...whether or not he has lied to the Australian people.'	23 October 2008	10160
<i>unrecorded</i>	23 October 2008	10169

**SOs 89, 90, 92**