

# Procedural Digest

## No. 62

10 –13 November 2008

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## Bills

### **62.01** *House insists on disagreeing to amendments insisted upon by Senate*

The House considered a Senate message insisting on amendments to the Safe Work Australia Bill 2008 to which the House had disagreed. Following debate the House agreed to a motion insisting on disagreeing to the amendments insisted on by the Senate.

*Hansard:* 11 November 2008, 10525-9  
*Votes and Proceedings:* 2008/700

**SOs 158, 162**

### **62.02** *Additional appropriation bills introduced with explanatory memoranda*

The Appropriation (Economic Security Strategy) Bill (No.1) 2008-2009 and Appropriation (Economic Security Strategy) Bill (No.2) 2008-2009 were introduced as part of a package of three bills to appropriate money from the consolidated revenue fund for certain expenditure in relation to the global financial crisis. An explanatory memorandum was presented with both bills. During his second reading speech, the Minister advised that the appropriations were being sought to implement the Government's Economic Security Strategy aimed at reducing the possibility of a severe slowdown in the Australian economy, and shielding Australians from the impact of the global financial crisis.

*Note:* Explanatory memoranda are not usually presented for appropriation bills, and are not required under the standing orders.

*Hansard:* 11 November 2008, 10530-3  
*Votes and Proceedings:* 2008/700-1

**SOs 141, 178, 179**

## Business

### 62.03 *Changes to Shadow Ministry*

Prior to Question Time on 10 November, the Leader of the Opposition presented a revised Shadow Ministry list.

*Hansard:* 10 November 2008, 10261-3  
*Votes and Proceedings:* 2008/685

### 62.04 *Statements on indulgence on the United States Presidential election*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence congratulating Barack Obama on his election as the 44<sup>th</sup> President of the United States of America.

*Hansard:* 10 November 2008, 10263-4

**SO 65**

### 62.05 *Statements on indulgence on the New Zealand election*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence congratulating John Key on his election as the next Prime Minister of New Zealand.

*Hansard:* 10 November 2008, 10264-6

**SO 65**

### 62.06 *Election petition*

On 10 November, the Clerk presented a copy of an election petition (Scott-Irving *v.* Oakeshott and the Australian Broadcasting Corporation) concerning the election of a Member for the Division of Lyne.

*Hansard:* 10 November 2008, 10288  
*Votes and Proceedings:* 2008/687

### 62.07 *Statements on indulgence on Remembrance Day*

Prior to Question Time the Prime Minister and the Leader of the Opposition both made statements on indulgence regarding Remembrance Day, being the 90<sup>th</sup> anniversary of the Armistice.

*Hansard:* 11 November 2008, 10465-6

**SO 65**

**62.08** *Suspension of standing orders to extend MPI*

Following 1 hour of discussion on the Matter of Public Importance (the maximum length of time under the standing orders) the Leader of the House moved a suspension of standing orders to permit the three Independent Members to speak for 5 minutes each on the MPI and for the time limit for the total debate to be extended accordingly. The question was agreed to on the voices and the three Independent Members made contributions to the discussion.

*Hansard:* 11 November 2008, 10502-6  
*Votes and Proceedings:* 2008/699

**SOs 1, 46**

## Divisions

**62.09** *Vote recommitted due to premature locking of doors*

After the bells had been rung for a division and the Chamber doors locked, the Chair advised that there had been a problem with the hourglass and that the bells had not rung for four minutes. He reconvened the division and ordered the bells to be rung for one minute. The division then proceeded.

Following Question Time, in response to a question regarding the incident, the Speaker stated that he had faith in the occupant of the Chair at the time and that a very satisfactory resolution had been reached.

*Hansard:* 13 November 2008, 10880-1, 10929  
*Votes and Proceedings:* 2008/714-5

**SOs 129, 132**

## Main Committee

**62.10** *No Members rise to speak on Committee report*

When the order of the day for the resumption of debate on a Procedure Committee report was called on in the Main Committee, no Member rose to speak. A Member moved that debate be adjourned and the question was carried on the voices. The next item of business was the called on.

*Hansard:* 10 November 2008, 10391  
*Votes and Proceedings:* 2008/694

## Members

### 62.11 *Member named and suspended on second occasion in same year*

During Question Time, an Opposition Member failed to withdraw a remark unconditionally and was named for defying the Chair.

The Member was suspended from the service of the House on motion moved by the Leader of the House and carried on division.

*Note:* The Member was suspended for the remainder of the day and for the next 3 consecutive sittings because this was the second occasion on which he had been suspended during the current calendar year.

*Hansard:* 12 November 2008, 10736-7  
*Votes and Proceedings:* 2008/703-4

**SOs 89, 90, 91, 92, 94**

## Questions

### 62.12 *Part of question ruled out of order*

During Question Time, the Leader of the Opposition asked the Prime Minister a question which in part inferred that the Prime Minister had personally leaked the details of a conversation with the President of the United States. Following a point of order, the Speaker ruled that the last part of the question was out of order as it contained an inference and accusation. With that qualification, the Prime Minister was called and answered the question.

*Hansard:* 11 November 2008, 10477

**SOs 98, 100, 101**

### 62.13 *Closure moved on Minister during answer to question*

During Question Time, following the naming and suspension of an Opposition Member (*see* entry 62.11), the Minister for Finance and Deregulation resumed his response to a question he had been answering. The Manager of Opposition Business moved that he be no longer heard. The question was negatived on division and the Minister completed his answer.

*Hansard:* 12 November 2008, 10737-8  
*Votes and Proceedings:* 2008/705

**SO 80**

### 62.14 *Question regarding NSW Government ruled out of order*

During Question Time, an Opposition Member asked the Minister for Infrastructure, Transport, Regional Development and Local Government whether

the New South Wales Government should sack itself and call an election immediately. The Speaker ruled the question out of order and called on the next question.

*Hansard:* 13 November 2008, 10919

**SOs 98, 100, 101**

### **62.15** *Part of question ruled out of order*

During Question Time, the Manager of Opposition Business asked the Acting Prime Minister a question regarding the travel expenses of a union secretary, which in part queried the involvement of a Government Member in the distribution of such union funds. The Speaker ruled that the part of the question relating to the Member was out of order. With that qualification, the Acting Prime Minister was called and answered the question.

*Hansard:* 13 November 2008, 10921

**SOs 98, 100, 101**

## **Quorums**

### **62.16** *Point of order during quorum call regarding quorum practice*

For the third time during a Government Member's second reading speech, the Chair's attention was drawn to the state of the House and the bells were rung to achieve a quorum. While the bells were ringing, the Chief Opposition Whip raised a point of order noting that a previous Deputy Speaker had ruled that there could only be two quorum calls on any one Member, and asked whether the Chair was setting a new precedent.

The Chair responded that he did not believe he was setting a new precedent, but would check the record. Later, the Chair added that the taking of a point of order during a quorum call had not been the general practice in the past, but he had accepted it as a point of order given the circumstances. He further advised that he was obliged to count the House when a lack of quorum was drawn to his attention, and the previous rulings referred to by the Chief Opposition Whip were in conflict with that principle.

*Hansard:* 12 November 2008, 10775, 10780

**SOs 55, 56, 86**

## Senate

### 62.17 *Senate Procedure Committee report regarding Question Time procedures*

A Senate Procedure Committee report regarding Question Time procedures was considered and adopted in the Senate. It was agreed that procedures outlined in the report, which restrict primary questions to one minute and their answers to two minutes, permit the questioner to ask two supplementary questions (with each question and answer limited to one minute) and require answers to be directly relevant to questions, operate for the next two sitting weeks.

*Note:* Previously answers to primary questions were limited to four minutes, in practice only one supplementary question was asked and there was no requirement in the standing orders of the Senate that answers be relevant to questions.

*Senate Hansard:* 13 November 2008, 6846-56

**SOs 100, 101, 104**

## Speaker

### 62.18 *Question regarding opportunities for Independents*

Following Question Time, an Independent Member referred to the MPI discussion at the previous sitting, during which standing orders had been suspended to allow the three Independent Members to speak, and asked the Speaker to consider the matter of opportunities for contributions by Independents. The Speaker responded that the Chair had some difficulties because many things that happen in the Chamber are done by informal agreement. He advised that the Member could propose any suggested solution to the issue to the Procedure Committee for their study.

*Hansard:* 12 November 2008, 10738-9

**SO 103**

## Withdrawals

### 62.19 *Offensive words*

	<i>Hansard</i>	
	<i>Date</i>	<i>Page</i>
'What would you know about children?'	10 November 2008	10280-1
'He is a weak leader and he is a front for spivs and shonks and sharks.'	12 November 2008	10724

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'...let him suspend standing orders and we will get into the shonks.'	12 November 2008	10736
'He bought his preselection; he wriggled out of responsibility for HIH. He has all the ethics of Arthur Daley.'	12 November 2008	10738
'Are you telling the truth?'	12 November 2008	10781-2

**SOs 89, 90, 92**