

Procedural Digest

No. 81

18–28 October 2010

October 2010				
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18	19	20	21	22
25	26	27	28	29

Bills

81.01 *Bill returned to House with unresolved question*

A report was received from the Main Committee returning the Therapeutic Goods Amendment (2010 Measures No. 1) Bill 2010 with an unresolved question on 15 Government detailed amendments. The unresolved question (that the amendments be agreed to) was proposed and agreed to on the voices. The bill, as amended, was then agreed to on the voices and on a motion by a Minister was then read a third time.

Note: The Shadow Minister had advised in the Main Committee that the Opposition supported the bill but had not sighted the Government amendments, and therefore were not in a position to consider them immediately.

Hansard: 27 October 2010, 1852-8, 1919-20

Votes and Proceedings: 2010/145, 149

SOs 152, 188, 195, 197, 198

Business

81.02 *Selection Committee report presented by Speaker*

In accordance with the revised standing orders, and the resolution of the House at the previous sitting (*see* entry **80.08**) the Speaker presented the Selection Committee's report relating to the consideration of committee and delegation business and private Members' business for that day.

Note: The Selection Committee is required to reports its determinations to the House in time to be published on the *Notice Paper* of the sitting Thursday before the Monday to which the determinations relate, but the Committee had not been appointed in time for this to occur during the previous sitting week.

Hansard: 18 October 2010, 377-83

Votes and Proceedings: 2010/71

SOs 1, 39, 40, 41, 222

81.03 *Statements by indulgence on the canonisation of Mary MacKillop and the death of Dame Joan Sutherland*

Prior to Question Time, the Prime Minister made two statements by indulgence, the first regarding the canonisation of Saint Mary MacKillop and the second regarding the death of Dame Joan Sutherland. The Leader of the Opposition, by indulgence, supported each of the Prime Minister's statements.

Hansard: 18 October 2010, 437-40
Votes and Proceedings: 2010/74

SO 65

81.04 *Extended debate on Ministerial statement*

The Prime Minister made a Ministerial statement on Australia's commitment to Afghanistan, and presented a copy of her statement. The Minister for Defence suspended standing orders to allow the Leader of the Opposition to speak for an equal amount of time. Following the Leader of the Opposition's speech, the Minister moved that the House take note of the document. He then moved a second suspension of standing orders to allow several Members on both sides to speak on the motion for 20 minutes, and all other Members to speak on the motion for 15 minutes. The question was carried on the voices, and debate was adjourned. By indulgence, the Minister advised that debate was expected to commence at the next sitting.

Hansard: 19 October 2010, 700-6
Votes and Proceedings: 2010/89-90

SOs 34, 47, 63

81.05 *Selection Committee sets general principles and seeks standing order amendments*

The Speaker presented the Selection Committee's report relating to the consideration of bills introduced between 28 September and 21 October 2010. The report also amended the Committee's report (presented the previous day) relating to committee and delegation business and private Members' business for the next sitting Monday, and recommended items of private Members' business to be voted on.

In addition, the report presented the Committee's endorsed general principles relating to the selection of private Members' business.

The Speaker drew the House's attention to two paragraphs of the report where difficult constraints were outlined in respect of the Committee's ability to allocate times for Members debating private Members' bills. The Committee suggested that the Procedure Committee consider recommending changes to the standing

orders to enable the Selection Committee to set lesser times (than 30 minutes) for the mover of the second reading and lead speaker in response for private Members' bills.

Hansard: 21 October 2010, 1156-9
Votes and Proceedings: 2010/111

SOs 1, 41, 222

81.06 *Statements by indulgence on Pink Ribbon Day*

Prior to question time the Minister for Health and Ageing and the Shadow Minister made statements by indulgence recognising Pink Ribbon Day.

Hansard: 25 October 2010, 1286

SO 65

81.07 *Attempted suspension of standing orders to allow private Member's motion to be moved*

Following prayers, an Opposition Member moved a suspension of standing and sessional orders to enable another Opposition Member to move a private Member's motion standing in his name. Debate ensued on the suspension motion, after which the question was negatived on division.

Hansard: 27 October 2010, 1743-50
Votes and Proceedings: 2010/137-8

SOs 35, 41, 47

81.08 *Statements by indulgence on natural disasters in Indonesia*

Prior to question time the Prime Minister and Leader of the Opposition made statements by indulgence regarding the recent earthquake off the coast of Sumatra and the eruption of Mount Merapi.

Hansard: 27 October 2010, 1807-8

SO 65

Chamber

81.09 *Headwear removed to conform to dress standards*

During question time the Speaker observed that several Members were recognising National Bandanna Day and other causes in various ways. He asked that three Members, having made their support and solidarity known, remove their bandannas in order to better conform to the standards of dress in the Chamber.

Hansard: 28 October 2010, 2056-7

SO 60

Debate

81.10 Member granted extension of time for speech

During debate in the Main Committee on a Ministerial statement by the Prime Minister regarding Australia's commitment to Afghanistan (*see* entry **81.04**), on a motion by an Opposition Member, another Opposition Member was granted an extension of time after the 15 minutes he had been allotted expired.

Note: Another Member may move that a Member whose speech is interrupted (because the allotted time has expired) be granted an extension of time. If the motion is carried then the speech can continue for up to 10 minutes or half the original period allotted, whichever is shorter.

Hansard: 26 October 2010, 1740
Votes and Proceedings: 2010/136

SO 1

Documents

81.11 Motions for approval of determinations by House

The Minister for Health and Ageing moved in separate motions that the House approve two determinations: the Health Insurance (Extended Medicare Safety Net) Amendment Determination 2010, which had been made on 12 October 2010, and the Health Insurance (Extended Medicare Safety Net – Midwives) Amendment Determination 2010, which had been made on 13 October 2010. Both determinations had been presented to the House (as deemed papers) on 25 October 2010. Both motions were agreed to on the voices.

Note: The motions were moved in accordance with section 10B of the *Health Insurance Act 1973*, which was amended in 2009 to provide that Extended Medicare Safety Net Determinations must be approved by resolution of both Houses of Parliament. Determinations do not usually require approval, but rather are usually presented as deemed papers, and are subject to disallowance.

Hansard: 27 October 2010, 1754
Votes and Proceedings: 2010/140

SO 199

Parliamentary administration

81.12 Appointment of Registrar of Members' Interests

The Speaker informed the House that in accordance with resolution (3) of the House of Representatives he had appointed Mr David Elder, Deputy Clerk of the

House of Representatives, as Registrar of Members' Interests in the 43rd Parliament.

Hansard: 18 October 2010, 384
Votes and Proceedings: 2010/72

Private Members' business

81.13 *Member absent: presentation of bill postponed*

During the time allocated for private Members' business, an Opposition Member, on behalf of the Leader of the Opposition who was not present in the Chamber, moved that notice No. 3 relating to a private Members' bill be postponed until the next sitting. The question was agreed to on the voices and private Members' business continued.

Hansard: 18 October 2010, 391
Votes and Proceedings: 2010/72

SOs 41, 113

81.14 *Motion amended by leave before being debated*

The Main Committee debated a motion on Afghan asylum seekers during the time allotted for private Members' business. The motion had been presented by the Speaker (in accordance with standing order 41) in the House earlier in the day and had been referred to the Main Committee as an order of the day. When the order of the day was called on, the sponsoring Member obtained leave to amend the terms of his motion before he spoke to it. Following his speech the motion was seconded, and the amended motion was then debated.

Notice Paper: 18 October 2010, 7
Hansard: 18 October 2010, 568-78
Votes and Proceedings: 2010/83-4

SOs 41, 63, 110

81.15 *Private Members' bills returned to House for consideration*

On a motion by a Government Member in the Main Committee, two private Members' bills were returned to the House for further consideration.

Note: The Selection Committee had set times for second reading debate on the two bills in the House on the next sitting Monday (*see* entry **81.05**).

Hansard: 21 October 2010, 1222
Votes and Proceedings: 2010/114

SOs 41, 197, 222

81.16 *Second reading debate on two private Members' bills; Member speaks twice by leave*

Two private Members moved the second reading of bills they had presented at previous sittings, and debate proceeded on each occasion, in accordance with Selection Committee determinations (*see* entry **81.05**). Both bills had been returned to the House from the Main Committee at the previous sitting (*see* entry **81.15**).

During debate on one of the bills, the Member who had moved the second reading and already spoken to the bill spoke again briefly, by leave, without closing the debate.

Hansard: 25 October 2010, 1235-43, 1368-82

Votes and Proceedings: 2010/115, 122

SOs 1, 41, 63, 69, 71, 222

81.17 *Member absent: private Member's motion postponed*

During the time allocated for private Members' business, a Government Member, on behalf of another Government Member who was not present in the Main Committee, moved that order of the day No. 1 relating to a private Member's motion be postponed until a later hour. The question was agreed to on the voices. Debate proceeded on the next item of private Members' business, after which the postponed motion was called on and debated.

Hansard: 25 October 2010, 3-9, 1417, 1431

Votes and Proceedings: 2010/125, 126

SOs 41, 113

81.18 *Five private Members' business items voted on: two agreed to*

During Government business time, on a motion (by leave) by the Leader of the House, standing orders were suspended to allow five private Members' business orders of the day (two bills and three motions) to be called on in order. For each item, the required questions were put without debate. Of the two bills, one passed the second and third reading stages on the voices, while the second reading of the other was negatived on the voices. Of the three motions, the first (requiring the Government to take action including introducing legislation in respect of youth allowance) was agreed to on division while the second and third were negatived on division. Government business then resumed.

Note: The Selection Committee had recommended that the items be voted on in its report to the House during the previous week (*see* entry **81.05**).

Hansard: 28 October 2010, 1990-4

Votes and Proceedings: 2010/154-8

SOs 41, 47, 63, 222

Questions

81.19 *Extension of time granted for question*

An Independent Member's allotted time expired while he was asking a question of the Minister for Sustainability, Environment, Water, Population and Communities. On a motion by the Leader of the House, the Member was granted an extension of time (of half the 45 second originally allotted) to complete his question.

Note: Under the standing orders another Member may move that a Member whose speech is interrupted (because the allotted time has expired) be granted an extension of time. If the motion is carried then the speech can continue for up to 10 minutes or half the original period allotted, whichever is shorter. Under the amended standing orders (*see* entry **80.25**), time limits apply of 45 seconds per question and 4 minutes per answer.

Hansard: 19 October 2010, 668
Votes and Proceedings: 2010/89

SOs 1, 100, 104

81.20 *Supplementary question ruled out of order; further supplementary disallowed*

After an Opposition Member's question had been answered during Question Time, the Leader of the Opposition asked a supplementary question. The Speaker ruled the question out of order as it contained argument. Later, another Opposition Member attempted to ask a supplementary question, the original question having been asked by a Government Member. The Speaker disallowed the supplementary question, noting that the earlier attempt by the Leader of the Opposition had exhausted the limit of one supplementary question per question time (*see* entry **80.20**), and advising also that at this point in time he would not allow supplementary questions following from questions that had been asked by the other side.

Hansard: 20 October 2010, 938-40

SOs 100, 101

81.21 *Closure motion moved on Minister during answer to question*

During Question Time while a question without notice was being answered by a Minister, the Manager of Opposition Business moved that the Minister be no

longer heard. The question was negatived on division and the Minister completed his answer.

*Hansard: 21 October 2010, 1148-9
Votes and Proceedings: 2010/110-11*

SO 80

81.22 *Closure motion moved on Prime Minister during answer to question*

During Question Time while a question without notice was being answered by the Prime Minister, the Manager of Opposition Business moved that the Prime Minister be no longer heard. The question was negatived on division and the Prime Minister completed her answer.

*Hansard: 28 October 2010, 2066-7
Votes and Proceedings: 2010/161-2*

SO 80

Speaker

81.23 *Speaker's statements regarding supplementary questions and chairing arrangements during divisions*

Following prayers, the Speaker made two statements to the House. The first statement related to the asking of supplementary questions during question time, and the Speaker advised that he would be applying several criteria: supplementary questions need not be asked by the original questioner, may be asked by either the Leader of the Opposition or a Member who appears to have been delegated by the Leader, should not contain any preamble and must arise out of, and refer to, the answer given to the original question.

The Speaker's second statement related to chairing arrangements during divisions. The Speaker noted that he understood that members of the Speaker's panel (including the Deputy Speaker and Second Deputy Speaker) may not wish to be in the Chair for divisions. He advised that if a member wished to vacate the Chair for a division they should send a message to the Speaker's office to this effect and, if the bells had started ringing, should inform the House that it is expected that the Speaker, Deputy Speaker or Second Deputy Speaker will take the Chair while the bells are ringing.

*Hansard: 20 October 2010, 859
Votes and Proceedings: 2010/99*

SOs 101, 129

81.24 *Appointment of Speaker's panel*

The Speaker tabled a warrant appointing Ms D'Ath (Petrie), Mr Murphy (Reid), Ms Livermore (Capricornia), Mr Thomson (Wills) and Ms Vamvakinou (Calwell) to the Speaker's panel.

*Hansard: 20 October 2010, 956
Votes and Proceedings: 2010/103*

SO 17

81.25 *Speaker's statement regarding use of mobile phones*

Following question time, the Speaker made a statement regarding the use of mobile phones in the Chamber. He referred to a reference to the Standing Committee of Privileges and Members' Interests in the previous Parliament (*see* entry **76.20**), noting that the reference had lapsed as the Committee had not reported by the time the House dissolved.

The Speaker stated that the taking of a photograph by a Member during proceedings would be outside the guidelines for photography in the Chamber, and noted that he felt Members should be able to use mobile devices in the Chamber, provided that their use did not infringe on the rights of others and the operation of the House.

*Hansard: 27 October 2010, 1828-9
Votes and Proceedings: 2010/143*

SO 216

Standing orders

81.26 *Standing orders amended to alter order of business*

The Leader of the House, by leave, moved amendments to standing orders 1, 29, 34, 55 and 133. The amendments proposed adjustments to the House order of business on Mondays and Wednesdays, and an alteration to the provisions for deferred divisions and quorums. The motion was agreed to on the voices.

*Hansard: 19 October 2010, 735-7
Votes and Proceedings: 2010/91-3*

SOs 1, 29, 34, 55, 133

81.27 *Arrangements for petitions made permanent*

The Leader of the House, by leave, moved amendments to standing orders 207 and 209. The proposed amendments put in place permanently changes to the arrangements for the presentation of petitions and Ministerial responses to

petitions, which were made by way of sessional orders in the 42nd Parliament (*see* entries **58.35** and **63.40**). Following debate, the motion was agreed to on the voices.

Hansard: 20 October 2010, 867-9
Votes and Proceedings: 2010/100-1

SOs 207, 209

Withdrawals

81.28 *Offensive words*

	Hansard	
	<i>Date</i>	<i>Page</i>
'The Member for ... stands condemned for his dishonesty...'	18 October 2010	623
'He's concluded telling lies!'	19 October 2010	669
<i>unrecorded</i>	20 October 2010	942
<i>unrecorded</i>	20 October 2010	949-50
'You're a liar; a bald-faced liar!'	21 October 2010	1141
<i>unrecorded</i>	25 October 2010	1291
'...windbag.'	27 October 2010	1813-4
'That is a complete lie.'	27 October 2010	1814-5

SOs 89, 90, 92