



Federal Member for Lalor

Shadow Minister for Health

Ms Joanne Towner
Acting Secretary
House of Representatives Standing Committee on Procedure
Parliament House
CANBERRA ACT 2600

Dear Ms Towner

Thank you for the opportunity to contribute to the Standing Committee on Procedure's consideration of the motion moved by the Member for Menzies on 10 October 2006, namely:

That so much of the standing and sessional orders be suspended as would prevent the House from condemning forthwith the Member for Perth.

On 11 October 2006, I raised a number of concerns with the Speaker regarding the events of the previous day. I would now like to raise these concerns with the Committee with a view to ensuring that process in the House of Representatives is duly respected and the rights of Members are protected.

My first concern is that a non-substantive motion was used to condemn a Member. Currently, standing orders only allow a Member to be censured or condemned by a substantive motion. This protection exists so that in the instance of any such substantive motion moved against a Member, there is opportunity for an extended, full and unrestrained debate.

On the day I raised this in the Chamber, the Speaker dismissed these concerns on the basis that other Members had used similar, combined motions. Whilst there are precedents for amendments expressing censure of private Members, they may also be considered bad precedents and undesirable. To this end the House of Representatives Practice at page 322 states:

Whilst there are precedents for amendments expressing censure of private Members, they may also be considered bad precedents and undesirable, as they do not constitute good practice in terms of the principle that charges of a personal character should be raised by way of substantive and direct motions.

In addition to the issue of adequate protection of members, there is also the issue of the time and form of debate required for a suspension. Because the form of debate was a suspension, only 25 minutes was allowed for a debate condemning a Member. With

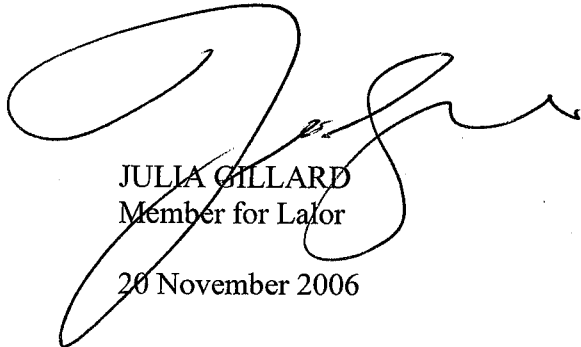
respect to the opportunity afforded to a Member to make a case or debate particular points, p.333 of the House of Representatives Practice states:

A Member debating a motion to suspend standing orders may not dwell on the subject matter which is the object of the suspension. The Chair has consistently ruled that Members may not use debate on a motion to suspend standing orders as a means of putting before the House, or canvassing, matter outside the question as to whether or not standing orders should be suspended.

Practice also states that “*this rule is, however, not always strictly enforced*”. However, Chamber Research has confirmed that they are unable to identify any time in the history of the Parliament that a suspension of standing orders motion condemning a Member has been moved and carried without the motion of condemnation proceeding by way of substantive motion.

The events of 10 October 2006 are at odds with prior precedent and established practice. I urge the Committee to examine the precedent established by this motion and its impact on the rights and obligations of Members.

Yours sincerely



JULIA GILLARD
Member for Lalor
20 November 2006