
The Parliament of the Commonwealth of Australia

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

House of Representatives
Standing Committee of Privileges and Members' Interests

October 2008
Canberra

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Membership of the Committee

Chair Mr Brett Raguse MP

Deputy Chair Hon Wilson Tuckey MP

Members Mrs Joanna Gash MP

Mr Steve Georganas MP

Ms Jennie George MP (Representative of Leader of the House

Mr Petro Georgiou MP (Representative of the Deputy Leader of the
Opposition

Mr Daryl Melham MP

Hon Roger Price MP

Mr Don Randall MP

Hon Alex Somlyay MP

Mr Craig Thomson MP

Committee Secretariat

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Terms of reference

On 17 June 2008 the House referred to the Committee the following matter for inquiry and report:

“the issue of the exchange between the Member for Robertson and the Member for Indi on the 28th of May and the subsequent withdrawal and apology by the Member for Robertson at 9am on the 29th May to the Privileges and Members’ Interests Committee”.

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 Reference

- 1.1 On 17 June 2008, the House referred the following matter to the Committee:

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 circumstances of the exchange and subsequent withdrawal

- 1.2 In the Main Committee on 28 May 2008, the Member for Indi raised a point of order and asked that the Member for Robertson withdraw a comment she was alleged to have made earlier in proceedings, the comment being 'Evil thoughts will turn your child into a demon'. The Chair (Deputy Speaker Ms A Burke MP) stated she had not heard the comment and asked the Member for Robertson to withdraw. The Member

for Robertson claimed the comment was not made and so she did not withdraw. The Member for Indi asked again for the comment to be withdrawn and the Chair raised the matter again with the Member for Robertson. The Member for Robertson stated she had not made the statement and that the Member for Indi had not heard it correctly.

- 1.3 First thing the following morning in the House, the Member for Robertson was given the call and stated:

Yesterday in the Main Committee there was a robust debate and very many robust interjections with both the Member for Indi and me The member much later in the debate interrupted another speaker and asked for some comments I had made to be withdrawn and I did not do so. I have had time to reflect on the incident and, though the comments were not completely accurate, I do unreservedly withdraw any remarks that may have caused offence to the Member.

The inquiry

- 1.4 The Committee resolved to invite the Member for Robertson (Ms Neal MP), the Member for Indi (Mrs Mirabella MP), Ms A Ellis MP and Mr Scott MP, all of whom were present during the exchanges in the Main Committee on 28 May 2008 referred to in the reference, to make submissions to the Committee. Submissions were received from Mrs Mirabella and Ms Ellis. These are attached at Appendices 1 and 2. There was also correspondence from Ms Neil which is attached at Appendix 3.
- 1.5 The Committee requested from Hansard its records of the proceedings in the Main Committee on 28 May 2008 during the period of the exchanges. The Director (Operations) in Hansard provided the following records:
1. An initial draft turn¹ which included an exchange involving the Members for Canberra, Robertson and Indi;
 2. The subsequent Green of the same turn with a number of recorded interjections removed in accordance with Hansard editing policy;

1 A turn is a segment of the proceedings in the House or the Main Committee as transcribed by Hansard.

3. The final proof Hansard of the same turn with further interjections removed, also in accord with Hansard's policy for the recording of interjections; and
 4. An extract from later turns in which the Member for Indi requested the Member for Robertson to withdraw certain remarks alleged to have been made earlier.
- 1.6 A copy of the letter from the Director (Operations), Hansard and the attached records referred to above are at Appendix 4.
- 1.7 The Committee also obtained a DVD recording of the relevant proceedings in the Main Committee and the Member for Robertson's withdrawal on 29 May 2008.
- 1.8 The Committee was briefed by Hansard on its policy for the recording of interjections in the Hansard record. A copy of the relevant extract from the policy is at Appendix 5. In summary the policy is that for an interjection or a related descriptive line (such as *Honourable members interjecting*) to be incorporated in the Hansard transcript, it must be:
- 1) responded to by the member speaking;
 - 2) the subject of a substantial rebuke by the Chair (more than 'Order, the member for (electorate)'); or
 - 3) the cause of any discussion unrelated to the debate - for example a request for a withdrawal.
- 1.9 Subsequent to the briefing the Committee was provided by Hansard with:
- the Hansard log of the Main Committee on 28 May 2008; and
 - a retranscription by Hansard of the relevant period in the Main Committee including the relevant comments from the Hansard log and any audible interjections.

These documents are at Appendixes 6 and 7 respectively.

- 1.10 The Committee provided copies of the submissions received from Ms Ellis and Mrs Mirabella and the Hansard log and retranscription to the Member for Robertson and the Member for Indi and invited them to make any comments on the material. Mrs Mirabella and Ms Neal submitted responses. Copies of these are at Appendices 8 and 9 respectively. Ms Neal sought further information and reserved her right to make a full submission when the Committee revealed further information.
- 1.11 After the Committee had concluded its draft report on the inquiry, in accordance with its procedures it provided a copy to the Member for Robertson and the Member for Indi and invited them to make a submission before it presented the report. The Member for Robertson made a submission which the Committee considered before concluding the final report. A copy of the submission is at Appendix 10. In the lead up to the provision of the submission there was also some email correspondence between the Member for Robertson and the Secretary. This is attached at Appendix 11.
- 1.12 In her submission, the Member for Robertson raised two substantive issues as well as a number of more minor matters. The two substantive issues raised by the Member for Robertson were that of the jurisdiction/mandate of the Committee under standing order 216 to assess and comment on a Member's conduct in proceedings in the House beyond as to whether there was a breach of privilege or contempt and the failure of the Committee to provide procedural fairness.
- 1.13 The Committee does not accept either of these substantive issues. In relation to the issue of jurisdiction, the Committee notes that the reference was made to the Committee by the House and it was broad in scope and that Committees of Privileges have in the past reported on matters arising during, or as a consequence, of their inquiries. In relation to the issue of procedural fairness, the Committee has outlined in some detail in the report the process by which it has proceeded in this inquiry, in accordance with its own published procedures. It considers this has given all those involved with the inquiry the opportunity to make submissions and representations to the Committee throughout the inquiry. The Committee sought advice from the Clerk of the House on these substantive issues and the Clerk's advice supported the Committee's views. A copy of the advice from the Clerk is attached at Appendix 12.

The exchanges in the Main Committee

- 1.14 The Committee's review of Hansard's retranscription of the proceedings in the Main Committee of 28 May 2008, the Hansard log of 28 May in the Main Committee and the DVD of proceedings of 28 May, indicate that there were exchanges outside the formal proceedings between Members who were present, and principally between the Members for Robertson and Indi. Both Mrs Mirabella and Ms Ellis also referred to the exchanges.
- 1.15 During these exchanges the Member for Indi acknowledged in her submission that she had twice asked the question of the Member for Robertson 'Are you a man hater?'. The Hansard log shows her saying 'You pathetic man hater' and this was Ms Ellis' recollection. However, the audio of the exchange only reveals the question 'Are you a man hater?'. The Member for Robertson, in a reference clearly made to the Member for Indi who was heavily pregnant, said, as recorded by Hansard and noted by the Member for Indi:

"Your child will turn into a demon if you have such evil thoughts"

"You'll make your child a demon. You'll make your child a demon"

"Evil thoughts make a child a demon".

The Member for Robertson stated in her submission that her comments had been made in response to the remarks of the Member for Indi.

- 1.16 The Member for Indi also noted that as part of the exchange she said to the Member for Robertson 'How can you say that?' While this was not recorded by Hansard, the Committee accepts that Mrs Mirabella responded at the time to the comments made by the Member for Robertson. It was a number of minutes later that Mrs Mirabella sought the withdrawal.
- 1.17 There were further, inaudible, exchanges between the Members.

The Committee's task

- 1.18 As the Committee of Privileges and Members' Interests, the Committee is essentially concerned with matters which may constitute a breach of privilege or a contempt. Unusually, this reference did not come to the

Committee as an alleged breach of privilege or contempt. Rather it was referred as a series of events for the Committee's review. The Committee has considered that, in being asked by the House to review this series of events, its role was to assess whether there was a breach of privilege or contempt that arose from the events and whether it has any other relevant comments to make about the events.

Possible matters of privilege

1.19 The only potential matter of privilege arising from the events referred by the House is a question of possible deliberate misleading of the House by the Member for Robertson in denying that she made certain statements in the Main Committee. The Member for Indi acknowledges this point in her submission.

1.20 House of Representatives Practice, citing *May* states:

The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member (Mr Profumo) had been guilty of a grave contempt.²

1.21 House of Representatives Practice proceeds to outline the particular circumstances of the Profumo case which are important in cases of alleged misleading:

Mr Profumo had sought the opportunity of making a personal statement to the House of Commons to deny the truth of allegations currently being made against him. Later he was forced to admit that in making his personal statement of denial to the House, he had deliberately misled the House. As a consequence of his actions, he resigned from the House which subsequently agreed to a resolution declaring him guilty of a grave contempt.³

1.22 As with the House of Commons, deliberate misleading of the House of Representatives can also be regarded as a contempt. House of Representatives Practice notes that, while matters of deliberate misleading by Members in the House of Representatives have been raised, there have not been any findings of contempt. In the only specific case referred to in House of Representatives Practice, a Member who had made remarks

² House of Representatives Practice, 5th Edition, p. 729.

³ House of Representatives Practice, 5th Edition, p. 729.

about the then Speaker outside the House and then made a statement in the House about the remarks, had a motion moved in relation to him to the effect that the Member had misled the House and had committed a contempt. The Member subsequently withdrew the remarks and apologised and the motion was withdrawn.⁴

- 1.23 In the events which the Committee has reviewed, the Member for Robertson clearly made comments, outside the formal proceedings of the Main Committee, to the Member for Indi in the terms recorded in paragraph 1.13. The Member for Robertson was asked by the Member for Indi to withdraw the comments because she found them offensive. Although the comments had not been expressed by the Member for Indi in identical terms (but very similar) to those the Member for Robertson had used, the Member for Robertson denied the specific comments were made and refused to withdraw. When asked again by the Chair to withdraw, the Member for Robertson denied again having made the specific statement and said that the Member for Indi had not heard it correctly and refused to withdraw. In her submission, the Member for Robertson said that the words the Member for Indi claimed she had stated were not accurate and all the words had not been recorded as the Member for Robertson was not speaking into a microphone.
- 1.24 In denying that she had made comments in the precise terms alleged by the Member for Indi, the Member for Robertson had not been deliberately misleading such that it would give rise to a contempt. However, the Committee notes that comments of a very similar nature to those raised by the Member for Indi had been made by the Member for Robertson even though the comments were made outside the formal proceedings and would not be recorded by Hansard. The Member for Robertson's withdrawal in the House on the following day was an acknowledgement by the Member that she had made comments of that general nature. The Member for Robertson's remark during the withdrawal that 'the comments were not completely accurate' is, strictly speaking, also correct, and hence not deliberately misleading such that it would give rise to a contempt.

4 House of Representatives Practice, 5th Edition, p. 729.

Conclusion

- 1.25 In drawing its conclusion on the matter of privilege, the Committee is constrained by the very tight interpretation that surrounds a finding of deliberate misleading. On the basis of the material it has before it, the Committee concludes that the Member for Robertson did not deliberately mislead the Main Committee and the House such that it would give rise to a possible contempt. Hence no breach of privilege arises from the exchange between the Member for Robertson and the Member for Indi. However, the Committee observes that the Member for Robertson's responses in the Main Committee fall below the standards expected of a member and do not reflect well upon her.

Comments on the exchange in the Main Committee and subsequent withdrawal

- 1.26 The Committee has noted earlier the specific comments made as interjections by both the Member for Indi and the Member for Robertson in the Main Committee on 28 May 2008. The Committee also notes that there were other exchanges between the two Members, although these were not audible on the tape, nor were they picked up by Hansard staff logging the proceedings. In this case, both Members involved were on duty as whips in the Main Committee imposing a particular responsibility on them to behave appropriately. While the exchanges do not give rise to any issues of privilege, the Committee considers the terms used by the Members and the tenor of the exchange fall below the standards expected of members and do not reflect well upon them.
- 1.27 The Committee notes the provisions of Standing Order 92 (a) (i) that the Speaker can intervene 'to prevent any quarrel between Members during proceedings'. The Committee also notes that it is usual where the Chair asks for a withdrawal because another Member has found words offensive, as happened in the Main Committee, the Chair insists on a withdrawal regardless of the circumstances. Members are expected to cooperate with the requests of the Chair in such situations. The Member for Robertson should have cooperated with the request of the Chair and withdrawn at the time. Had she done so, this matter would most likely have gone no further.

Code of conduct for members

- 1.28 The actions of the members involved in this case raise issues that are more to do with appropriate standards of behaviour and conduct of members, than to do with matters of privilege. While the standing orders cover most aspects of the behaviour of members when they are in the Chamber and Main Committee and can be used to enforce appropriate standards of behaviour, there is no broader code of conduct to cover the conduct of members generally.
- 1.29 In the early 1990s a working group of parliamentarians was established to develop a code on the standards of conduct expected of Members and Senators, including Ministers as there was, at that stage, no code for Ministers.
- 1.30 The group spent many hours in discussing the issues involved. The principal issue was the fundamental question of whether a code should consist of a very detailed set of rules and procedures governing all aspects of the behaviour of a member of Parliament, or whether it should be an aspirational set of principles or values, within which each member must make appropriate decisions concerning his or her own behaviour. A clear majority of the group felt that it should be the latter.
- 1.31 The group decided that there was a need for two documents, which were subsequently presented in draft form for consideration by both Houses in June 1995.
- 1.32 The first of these documents provided a framework of reference for all Members and Senators in the discharge of their responsibilities. This proposed code, entitled 'A Framework of Ethical Principles for Members and Senators':
- set out the fundamental principles and the minimum standards of behaviour the Australian people had a right to expect of their elected representatives. It covered such things as loyalty to the nation, diligence and economy, respect for the dignity and privacy of others, integrity, primacy of the public interest, the proper exercise of influence and personal conduct;
 - was not a detailed and prescriptive document and did not seek to anticipate circumstances or to prescribe behaviour in hypothetical cases; and

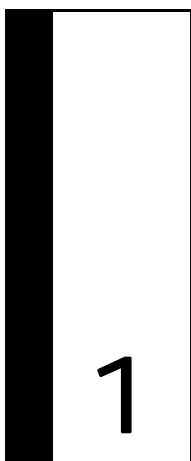
saw that each House would develop a body of interpretation and clarification which has regard to individual cases and contemporary values. The group envisaged that each House would consider matters raised under the code and that a majority of two thirds of Members of a House would be necessary to resolve a matter.

- 1.33 The group saw a need for a second Framework document, to cover the circumstances of Ministers (including Parliamentary Secretaries) and the Presiding Officers, in whom there is greater trust placed and by whom substantial power and discretion are exercised. This additional Framework included principles such as impartiality, honesty, the appropriate use of influence, public property and services and official information.
- 1.34 No action to pursue the matters raised by the group was taken by the time the 37th Parliament was prorogued and the House dissolved in January 1996. The House did not return formally to the issues raised in the draft codes of conduct presented to the 37th Parliament.
- 1.35 In April 1996, the incoming Howard Government adopted a guide to key elements of ministerial responsibilities which bore some similarity in parts to the earlier draft Framework of Ethical Principles for Ministers and Presiding Officers. It was an executive document and, as such, had no parliamentary standing. However, it was the catalyst for several extended debates on ministerial conduct and it was subsequently revised. The Rudd Government has issued a document on the 'Standards of Ministerial Ethics'.
- 1.36 The Committee considers the issue of a code of conduct for members should be revisited. There are strong reasons for a code being established, not least of which are community expectations about appropriate standards of behaviour for members of Parliament. The Committee proposes to review the question of a code of conduct for members and report back to the House.

Mr B Raguse MP

Chair

October 2008



Appendix 1 – Submission from
Mrs Mirabella dated 29 July 2008



**COPY FOR YOUR
INFORMATION**

29 July 2008

Mr Brett Raguse MP
Chair – Standing Committee of Privileges and Members' Interests
Attn: Mr David Elder
Suite RG-39
Parliament House
CANBERRA ACT 2600

**Committee of Privileges and
Members' Interests**

Rec. 31/7/08

Dear Mr Raguse,

I refer to your letter of 19 June 2008 regarding the matter referred to the Committee on 17 June 2008 and the Committee's request that I make a submission.

Thank you for the opportunity to make a submission to the inquiry.

The issue which gives rise to this inquiry is the allegation that the Member for Robertson misled Parliament by denying in the Parliament that she had made certain comments to me on 28 May 2008 and then subsequently withdrawing these comments the following morning, whilst still claiming she had not made them.

The central issue was not the Member for Robertson's tasteless and unprecedented attacks on an unborn child, but rather – as is the case with investigations into other incidents involving the Member for Robertson – it is the denial and cover-up of her behaviour that was the catalyst for this Inquiry currently before the Committee.

In summary:

1. The transcripts provided by the Committee do not accurately reflect the exchange as recorded by the official recording of proceedings of 28 May 2008. Accordingly, I attach a transcript of this audio as the most comprehensive record of this exchange and a critically important resource for the committee.
2. As per the transcript of audio (of which relevant extracts were broadcast across the nation), the Member for Robertson did make the following comments to me: "*Your child will turn into a demon if you have such evil thoughts. You'll make your child a demon. You'll make your child a demon. Evil thoughts will make a child a demon.*" My response to the Member for Robertson was to twice ask "Are you a man-hater?" in response to the Member for Robertson's interjectory questioning as to whether the Member for Maranoa ever did the family shopping.

3. As the audio and the Hansard records, I asked the Member for Robertson to withdraw her comments. She denied three times making such comments. As the Member for Robertson's comments about the 'demon baby' are clearly recorded in the DVD recording, the Member for Robertson's repeated denial can only mean a short-term memory failure or that she misled the Parliament. The Member for Robertson's withdrawal the following morning of comments she claimed not to have made is another denial of her comments and a further instance of misleading the Parliament.

In detail, my recollection of the incident is as follows:

I was present in the Main Committee as the Opposition representative for duty between 5.55pm and 7.00pm on Wednesday 28 May 2008. My Coalition colleague, the Member for Maranoa, was speaking to *Appropriation Bill No. 1 2008* and his speech turned to the cost of living increases that have occurred under the Rudd Government.

When the Member for Maranoa spoke of the cost of living increases of food and grocery items, the Member for Robertson made disparaging and patronising comments toward the Member for Maranoa as to whether he had ever done the shopping in his household.

I defended and will continue to defend my Coalition colleagues when under attack, which is why I asked the Member for Robertson if she was a man-hater for her absurd interjections and accusations directed towards the Member for Maranoa about whether he did the family shopping.

Following these interjections and the response to a question by the Member for Robertson to the Member for Maranoa, the Member for Robertson continued to interject across the Main Committee room.

The Member for Robertson said to me: "*Your child will turn into a demon if you have such evil thoughts. You'll make your child a demon. You'll make your child a demon. Evil thoughts will make a child a demon*". The audio records my response to the Member for Robertson's interjection: "*How can you say that?*" (which, I note, is neither recorded in the Greens, Whites or the official Hansard).

I was shocked by her attacks on my unborn child. It took me some twenty minutes to recover from my disbelief which is when I reluctantly interrupted another speaker (the Member for Canberra) to ask the Member for Robertson (who remained in the Main Committee) to withdraw her remarks. At first she declined to do so – three times denying that she made the statement – claiming I had 'imagined' hearing such a statement.

Curiously, the Member for Robertson returned to the House of Representatives chamber the following morning (29 May 2008) and unreservedly withdrew the offensive comments she previously claimed she had not made.

I note the official Hansard policy on handling interjections and question the tabling of Turn 70 as part of this referral to the committee. The interjection attributed to me is incorrect and not reflective of the interjections between myself and the Member for Robertson. The DVD recording – kindly sent to me as part of this inquiry process – records the words ‘are you a man-hater?’ and not the words ‘you pathetic man-hater’ as in the tabled Green. Yet, the far more audible interjection of the Member for Robertson ‘*Your child will turn into a demon if you have such evil thoughts*’ is neither recorded in Greens format or in the final proof but is clearly audible on the recording.

Therefore, it is clear that the Green tabled by the Leader of the House in the House of Representatives on 17 June 2008 does not adequately reflect what the audio records. In fact neither the Whites nor the Greens refer once to the ‘demon child’ comments of the Member for Robertson.

Surely this highlights the sensitivity of recording certain instances of interjections in light of Hansard policy for the Main Committee which dictates that ‘...we should be sure there has been a response before inserting the interjection or line...we should bear in mind the possible political consequences of fixing his or her mishearing’.

To clarify matters, as part of my submission I attach three documents:

1. A copy of the Hansard White (which does not include details of interjections)
2. A copy of the Hansard Green which was tabled by the Leader of the House, Mr Albanese (which inaccurately records some interjections and omits others)
3. A transcript of events based on the Main Committee chamber audio (which includes any audible interjections) – the only comprehensive primary source and therefore the critically important resource for the Committee in determining who said what to whom.

In closing, I refer to a statement made by the former Manager of Opposition Business, the Member for Grayndler, who – in debate on Dissent From Ruling on 19 September 2007 – said the following (my emphasis added):

Mr Albanese: ...The foreign minister was asked to withdraw that remark, and he withdrew, as he should of—

(A government member—Should have.

Continue)

Mr Albanese: As he should have. ***Every person on this side of the chamber who is asked by you to withdraw does so out of deference to you and out of respect for this parliament.***

It is a curious fact that the Member for Robertson refused to withdraw her offensive comments regarding my unborn child – even after being requested to withdraw by Madam Deputy Speaker Burke.

Aside from failing to withdraw these remarks, the Member for Robertson claimed to have not made such a statement, bizarrely stating: ‘I did not make the statement that was said to you. You did not hear it correctly’.

Thankfully, the audio and DVD recording of this particular exchange in the Main Committee chamber did 'hear it correctly' and the Member for Robertson's remarks were clearly captured on tape.

I believe the Member for Robertson misled the Parliament.

Had the Member for Robertson done the honourable thing and withdrawn her comments – as requested by me and the Deputy Speaker in the Chair – there may not have been the need for this referral to the Standing Committee of Privileges and Members' Interests.

I, like many Members, have been requested to withdraw comments I have made in the Chamber in the past and have always withdrawn, as requested. The same cannot be said for the Member for Robertson.

Thank you for the opportunity to contribute to this Inquiry.

Yours sincerely,

A handwritten signature in black ink, reading 'Sophie Mirabella'. The signature is written in a cursive, flowing style.

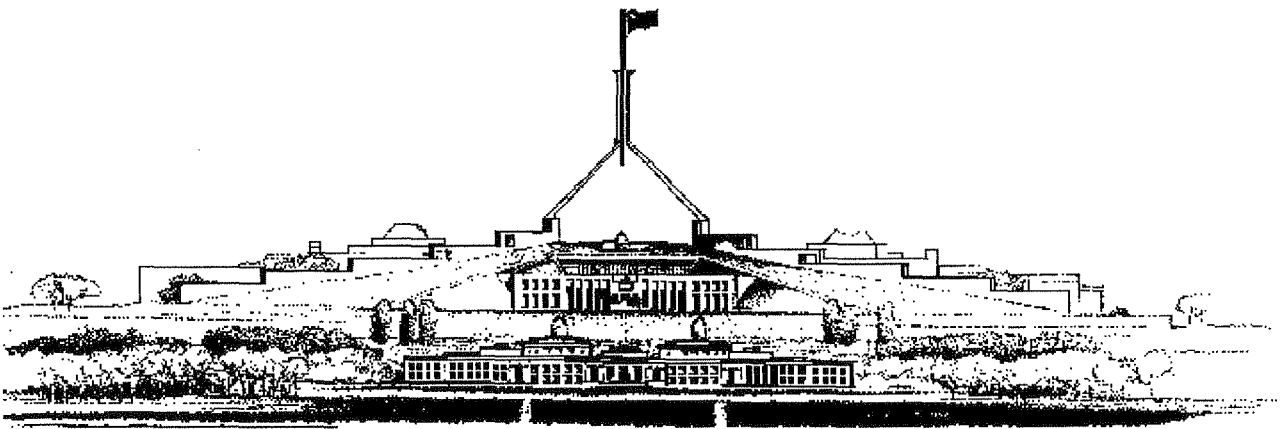
SOPHIE MIRABELLA MP
FEDERAL MEMBER FOR INDI

Encl.



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 6, 2008

Wednesday, 28 May 2008

FORTY-SECOND PARLIAMENT
FIRST SESSION—SECOND PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

projected by the previous government in their forward estimates. The measures to help pensioners are only the first step and the government recognises that there is still more to do to make sure that age pensioners can enjoy a comfortable retirement. I look forward to the report from the Henry review into Australia's tax and welfare system, which will include recommendations to help improve the living standards of pensioners.

Carers play one of the most important roles in our community. They sacrifice their own personal gain to look after someone they love. The government has recognised their contribution to our community with an extra \$822 million package to make their lives easier. This includes a \$1,000 one-off bonus to recipients of the carers payment and DVA carers service pension and, to recipients of the carers allowance, a \$600 bonus for each eligible care receiver. The budget also includes \$100 million for extra capital funding to increase the supply of supported accommodation for people with a disability whose ageing parents can no longer look after them at home.

In summary, the budget delivers on the government's election commitments. It is a natural expression of this government's character. It has made one matter entirely clear: under the Rudd government, there is no such thing as 'core' and 'non-core' promises. When this government makes a commitment to the Australian people, it means it. The government is proud that this budget reflects not only its sound economic management but its honesty and integrity with the electorate and its compassion to those in need. I commend this legislation to the House.

Mr BRUCE SCOTT (Maranoa) (5.59 pm)—I rise this evening to make my contribution on the budget brought down by the Treasurer, the first budget from the Labor Party in more than 13 years. I have to say that I found it to be just an old-fashioned Labor budget, full of the envy of politics and not governing for all Australians. One of the worst aspects of the budget relates to the Prime Minister, who went to the people of Australia at the end of last year and convinced so many of them that he would do something about grocery prices, petrol prices and housing affordability. It has not taken long—six months—for the Prime Minister to declare that he has done as much as he can. Just last week he said there is nothing more that he can physically do.

Of course, the Treasurer, happy Wayne, says Australians are happy. I have news for the Treasurer, for the Prime Minister and for this Labor government. Let us just have a look at what has happened following this high-taxing, high-spending and, as the budget papers confirm, higher unemployment budget.

Since this government was elected, and notwithstanding the commitments of the Prime Minister as he masqueraded around Australia, what has happened in relation to petrol prices? Petrol prices have risen almost 20 per cent. But it is always someone else's problem. The Prime Minister said, 'Oh, it's something to do with the global oil price,' or, 'It's the subprime market in America.' When we were in government we faced the ramifications of the SARS crisis, the Asian meltdown and 9-11. They rattled around the world and we got on with governing the country and managing the economy. We did not go around looking for scapegoats or blaming other issues concerning the global economy. But we are talking about domestic issues here at home.

What has happened to milk prices since this government was elected? Milk is fundamental to every household budget. The now Prime Minister said was going to do something about grocery prices. It was a concern for working families. Milk prices are up almost 12 per cent. Cheese is up 15 per cent. That very basic staple, the daily bread, is now up nine per cent. What is the Prime Minister doing about it? He said he has done everything physically possible that he can.

Honourable members interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—Order! The member for Robertson will allow the member to be heard in silence.

Mr BRUCE SCOTT—I thank Madam Deputy Speaker for her protection. But we also know the very engine of this economy is small business. You look to small business—

Ms Neal—Madam Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER—Is the member for Maranoa willing to give way?

Mr BRUCE SCOTT—I will take her question.

Ms Neal—Who does the grocery shopping in your household?

Mr BRUCE SCOTT—That is a very frivolous point. I often do the shopping in my household. I also am the one who usually buys the meat and fruit and vegetables, but I do not take anything away from my wife, who is a very, very frugal keeper of the family budget for those household items. But I was talking about the great engine room of this economy—small business. What has happened to the confidence of small businesses for their future since this Labor government was elected? Business confidence is at its lowest level since these statistics have been recorded. But let me move to some of the actual programs that are certain to affect my electorate. Something that will always ring in the ears of many voters at the next federal election was that great statement from the now

The Rudd Labor government budget announced many benefits for older Australians. These included the one-off bonus of \$500, the increase in the utility allowance to \$500 and also an increase in the telephone allowance for those with internet connection. While I do not have time to go through all the details, I am pleased to see the Henry inquiry instituted, which will have a proper, serious, long-term look at pension levels and other tax questions that impact on that part of our community.

In regard to education in Canberra, we were very pleased here in the ACT with a \$24 million payment to the Australian National University and more than \$5 billion to the University of Canberra. Nationally, \$533-plus million will be spent over four years to provide universal access to preschool—that is, 15 hours per week, 40 weeks a year, for all four-year-olds by 2013. This is a fantastic policy for early childhood education.

Rudd Labor will also ease the cost burden on families by providing the education tax rebate. This will allow parents to claim back \$350 of school costs per primary school student and \$700 of school costs per secondary school student. This government understands how important it is for families to have access to high-quality child care. From 1 July this year the childcare tax rebate will increase from 30 per cent to 50 per cent of out-of-pocket expenses for approved childcare costs. This will deliver \$1.6 billion back to families over the next four years, with benefits ranging from \$500 to \$2,500 per year for the average family. Furthermore, the government will lift the cap from \$4,254 to \$7,500, indexed, per child per year, for approved child care. From 1 July, payments will be made quarterly instead of annually. These measures, without any doubt, will help parents to get back into the workforce and to undertake training and will definitely ease the burden of cost that they have been enduring in attempting to provide good child care for their children.

A couple of terms ago, I had the privilege of being a shadow minister in the area relating to carers. I am very well aware, from the work I was able to do then and from the work within the community, of the enormous personal sacrifices that carers make through their dedication and hard work and also, of course, of the impact that caring can have on their lives, their families and their lifestyles generally.

Mrs Mirabella—Madam Deputy Speaker, I am not wanting to interrupt the member for Canberra, but I have become increasingly offended and would ask the member for Robertson to withdraw a comment she made earlier, the comment being: ‘Evil thoughts will turn your child into a demon.’ I ask her to withdraw unreservedly.

The DEPUTY SPEAKER (Ms AE Burke)—Member for Indi, I will ask the member concerned. I did not hear the comment at the time and you should have raised the issue at the time. I can understand that you have been thinking about it and, on that basis, I will ask the member for Robertson to withdraw it.

Ms Neal—That statement was not made, so I will not withdraw what the member imagines she heard.

Mrs Mirabella—No, it was recorded in *Hansard*. You made that comment; it was heard by another member as well. You made that comment. I ask you to withdraw.

The DEPUTY SPEAKER—Member for Robertson, could I ask you to rise and just place on the record that that is not what you said, because I do actually need it recorded in *Hansard*.

I did not hear the comment, so I cannot comment on it at the moment. Could I ask the member for Robertson to put on the record that she did not make that comment.

Ms Neal—I did not make the statement that was said to you. You did not hear it correctly.

The DEPUTY SPEAKER—Member for Indi, I am in an untenable situation; I did not hear the comment. I think the Hansard officer present has put it on the record because you asked her to place on the record what you heard. I am not in a position to ask the Hansard officer to tell me what she did or did not hear, but I do recall you asking the Hansard officer to take something down. The only thing I can do at this juncture is seek some advice from the clerks at a later date, and I will come back to it. But, as I did not hear it, I cannot ask the member to withdraw.

Mrs Mirabella—I appreciate the chair is in a difficult position but the member for Robertson, I know, has misled the House on this.

Ms Neal—I could say I would like to have something put on the record that I imagined I had heard. I think it is highly improper, unless it is actually on the record, that it is recorded at all.

The DEPUTY SPEAKER—That is why I have said I will go and check this later, because if it is recorded in the *Hansard* we will have to check it. I will take it up with the Speaker and the Clerk at a later stage on that basis. If it is in the *Hansard* and you are disputing it then we will need to look into the matter.

Ms ANNETTE ELLIS—I was referring to the issue of carers. The Rudd Labor government recognises them and has taken an important first step to meet their needs.

Honourable members interjecting—

The DEPUTY SPEAKER—I ask the two of you to desist.

Ms ANNETTE ELLIS—Among the budget allocations for carers was \$293.6 million for 19,000 carers of children with profound disability, and the extension of the \$500 utility allowance to 130,000 carers for the first time. The 19,000 people I have just referred to are an increase from the 3,000 people who currently qualify for that payment. I am particularly pleased to see that carers of children with profound disability will now have more access to that particular payment when it comes on stream.

Honourable members interjecting—

Ms ANNETTE ELLIS—Madam Deputy Speaker, I do not know whether it is appropriate for the person on their feet to raise a point of order, but my point of order would be that I implore the member opposite to be quiet so I can deliver my speech.

The DEPUTY SPEAKER—The member for Canberra has the call and should be heard in silence, as the other members were.

Ms ANNETTE ELLIS—Help for carers will also be a key plank in the inquiry into Australia's future tax system and the welfare system. Another important action being taken by this government is the 'Better care for our carers' inquiry, which I would like to make mention of during this speech. It is being conducted by the House of Representatives Standing Committee on Family, Community, Housing and Youth—a committee of which I am extremely proud to be the chair. The aim of the inquiry is to determine how better we can understand and meet

HANSARD MAIN COMMITTEE GREEN

House of Representatives Record 42nd PARLIAMENT - 1st SESSION P 28 17 JUN 08 Clerk

Memo for Mr BRUCE SCOTT

This proof report is issued by direction of the Speaker.

In line with *House of Representatives Practice* 5th edition (P. 604), you may suggest corrections, but you cannot introduce new matter or alter the sense of the report. Necessary changes to the proof will be made by Hansard editorial staff.

If you have corrections please annotate this proof and return it to the Hansard Office
not later than 22:08 on 28/05/2008.

If the proof is not returned by then we will assume that you have approved the report and no variation will be made to the Proof Hansard.

Please fax your corrections to **extension 2944**, and direct any inquiries to DPS Support on **extension 2020**.

All today's pinks and greens are now also available electronically on the Senators and Members Services Portal.

Note: House of Representatives Practice states that privilege attaches only to the publication of the whole of a debate; if members publish their own speeches they may not be covered by privilege. Greens fall into this category.

Therese Lynch
Assistant Secretary
Content Management Branch

Extracts from Hansard Reports

Your speech will be available, as part of the full Hansard report, on ParlInfo tomorrow morning. You may print on the laser printer in your office any extract from Hansard and photocopy additional copies, if required.

Memo for Mr BRUCE SCOTT sent at 28/05/2008 21:08

Mr BRUCE SCOTT (Maranoa) (5.59 pm)—I rise this evening to make my contribution on the budget brought down by the Treasurer, the first budget from the Labor Party in more than 13 years. I have to say that I found it to be just an old-fashioned Labor budget, full of the envy of politics and not governing for all Australians. One of the worst aspects of the budget relates to the Prime Minister, who went to the people of Australia at the end of last year and convinced so many of them that he would do something about grocery prices, petrol prices and housing affordability. It has not taken long—six months—for the Prime Minister to declare that he has done as much as he can. Just last week he said there is nothing more that he can physically do.

Of course, the Treasurer, happy Wayne, says Australians are happy. I have news for the Treasurer, for the Prime Minister and for this Labor government. Let us just have a look at what has happened following this high-taxing, high-spending and, as the budget papers confirm, higher unemployment budget.

Since this government was elected, and notwithstanding the commitments of the Prime Minister as he masqueraded around Australia, what has happened in relation to petrol prices? Petrol prices have risen almost 20 per cent. But it is always someone else's problem. The Prime Minister said, 'Oh, it's something to do with the global oil price,' or, 'It's the subprime market in America.' When we were in government we faced the ramifications of the SARS crisis, the Asian meltdown and 9-11. They rattled around the world and we got on with governing the country and managing the economy. We did not go around looking for scapegoats or blaming other issues concerning the global economy. But we are talking about domestic issues here at home.

What has happened to milk prices since this government was elected? Milk is fundamental to every household budget. The now Prime Minister said was going to do something about grocery prices. It was a concern for working families. Milk prices are up almost 12 per cent. Cheese is

up 15 per cent. That very basic staple, the daily bread, is now up nine per cent. What is the Prime Minister doing about it? He said he has done everything physically possible that he can.

Ms Annette Ellis—Have you ever been shopping in your life?

Mrs Mirabella—You pathetic man hater!

Ms Neal interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—Order! The member for Robertson will allow the member to be heard in silence.

Mr BRUCE SCOTT—I thank Madam Deputy Speaker for her protection. But we also know the very engine of this economy is small business. You look to small business—

Ms Neal—Madam Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER—Is the member for Maranoa willing to give way?

Mr BRUCE SCOTT—I will take her question.

Ms Neal—Who does the grocery shopping in your household?

Mr BRUCE SCOTT—That is a very frivolous point. I often do the shopping in my household. I also am the one who usually buys the meat and fruit and vegetables, but I do not take anything away from my wife, who is a very, very frugal keeper of the family budget for those household items. But I was talking about the great engine room of this economy—small business. What has happened to the confidence of small businesses for their future since this Labor government was elected? Business confidence is at its lowest level since these statistics have been recorded. But let me move to some of the actual programs that are certain to affect my electorate. Something that will always ring in the ears of many voters at the next federal election was that great statement from the now environment minister, Peter Garrett. He said, 'Oh, don't worry about what we are saying now; when we get in, we'll just change everything.' That is exactly what we are seeing from this government.

HANSARD (Main Committee)

28 May 2008

(Additional marked sections sourced from Chamber audio)

Mr Bruce Scott ...What has happened to milk prices since this government was elected? Milk is fundamental to every household budget. The now Prime Minister said was going to do something about grocery prices. It was a concern for working families. Milk prices are up almost 12 per cent...
(Various inaudible interjections from the Member for Indi and the Member for Robertson)

Ms Neal Have you ever done the shopping in your life?

Mr Bruce Scott ...Cheese is up 15 per cent. That very basic staple, the daily bread, is now up nine per cent. What is the Prime Minister doing about it?...

Mrs Mirabella Are you a man hater? Are you a man hater?

Mr Bruce Scott ...He said he has done everything physically possible that he can.

Honourable members interjecting—

The DEPUTY SPEAKER (Ms AE Burke) Order! The member for Robertson will allow the member to be heard in silence.

Mr Bruce Scott I thank Madam Deputy Speaker for her protection. But we also know the very engine of this economy is small business. You look to small business—

Ms Neal Madam Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER Is the member for Maranoa willing to give way?

Mr Bruce Scott I will take her question.

Ms Neal Who does the grocery shopping in your household?

Mr Bruce Scott That is a very frivolous point. I often do the shopping in my household. I also am the one who usually buys the meat and fruit and vegetables, but I do not take anything away from my wife, who is a very, very frugal keeper of the family budget for those household items. But I was talking about the great engine room of this economy—small business. What has happened to the confidence of small businesses for their future since this Labor government was elected? Business confidence...

Ms Neal Your child will turn into a demon if you have such evil thoughts

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Mrs Mirabella

How can you say that?

Mr Bruce Scott

...since these statistics...

Ms Neal

You'll make your child a demon. You'll make your child a demon

Mr Bruce Scott

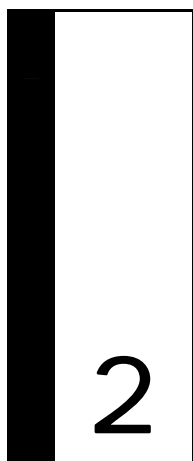
...have been recorded. But let me move to some of the actual programs that are certain...

Ms Neal

Evil thoughts will make a child a demon.

Mr Bruce Scott

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Appendix 2 – Submission from Ms Ellis
dated 27 June 2008



Annette Ellis MP

Federal Member for Canberra



PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

27 June 2008: ST

Committee of Privileges and
Members' Interests

Rec 31/7/08

Mr Brett Raguse MP
Committee Chair
Standing Committee of Privileges and
Members' Interests
Parliament House
CANBERRA ACT 2600

Dear Mr Raguse

Thank you for inviting me to make a submission to the Standing Committee of Privileges and Members Interests regarding the exchange between the Member for Robertson and the Member for Indi on 28 May 2008.

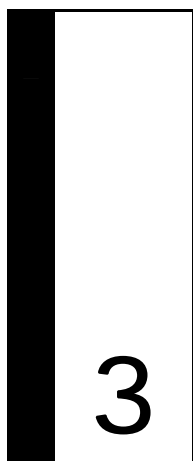
I have viewed the DPS Broadcast of Proceedings DVD in the Main Committee that evening and have read the corresponding Hansard report, as provided by the committee. I concur with the accuracy of the Hansard record.

However, I feel the need to draw to your attention further injections that were made by the Member for Indi during this period. I refer to the phrases, "Feminist Nazis", "You're all Feminist Nazis", and "You pathetic man hater" that were not clearly audible on the broadcast, and were therefore not included in Hansard. There is no question they were very clear and directed to the Government side of the chamber.

Please let me know if I can be of any further assistance to the committee in its deliberations.

Kind Regards,

Annette Ellis MP
Member for Canberra



Appendix 3 – Correspondence with Ms Neal

STANDING COMMITTEE OF PRIVILEGES AND MEMBERS' INTERESTS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 4444 | Fax: (02) 6277 2006 | Email: david.elder.reps@aph.gov.au | www.aph.gov.au/pmi

28 August 2008

Ms Belinda Neal MP
Member for Robertson
Suite RG.20
Parliament House
CANBERRA ACT 2600

Dear Ms Neal

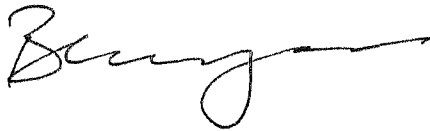
Thank you for your letter of 27 August 2008 regarding the Committee's inquiry into an exchange in the Main Committee between yourself and the Member for Indi on 28 May 2008.

I repeat what I said in my letter of 4 July 2008 that the Committee at this stage has not sought to draw any conclusion from the evidence it has received and, before doing so, wishes to give those involved the opportunity to state their view of the events.

The Committee is following its procedures as referred to by you. The Committee currently is looking at the circumstances surrounding the exchange on 28 May 2008 and is not investigating specific allegations.

I again invite you to make a submission to the inquiry.

Yours sincerely



BRETT RAGUSE MP
Chair



Belinda Neal MP

FEDERAL MEMBER FOR ROBERTSON



Mr Brett Raguse
Chairman
Standing Committee of Privileges & Members Interests
RG39
Parliament House ACT 2600

27 August 2008

Dear Mr Raguse

Re: Inquiry on the exchange between the Member for Robertson and the Member for Robertson on the 29th May 2008

I refer to your letter seeking a submission on the above matter dated 19 June, 2008 and my response dated 25 June 2008. Your letter replying dated 4 July 2008 did not respond to the major element of my enquiry made pursuant to Clause 1 of the Committee procedure being,

A person shall, as soon as practicable, be informed, in writing of the nature of any allegations.

I understand there are no allegations have been made against me in relation to this matter. Can you please confirm this.

If you have any questions I can be contacted on 62774304.

Yours faithfully

Belinda Neal
Member for Robertson



STANDING COMMITTEE OF PRIVILEGES AND MEMBERS' INTERESTS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 4444 | Fax: (02) 6277 2006 | Email:
david.elder.reps@aph.gov.au | www.aph.gov.au/pmi

4 July 2008

Ms Belinda Neal MP
Member for Robertson
PO Box 577
GOSFORD NSW 2250

Dear Ms Neal

Thank you for your undated letter received on 26 June 2008 regarding the Committee's inquiry into an exchange in the Main Committee between yourself and the Member for Indi on 28 May 2008.

In response to the points you raise in your letter the Committee has provided you with the evidence it has gathered to date on the inquiry in the form of transcripts of the Main Committee proceedings on 28 May 2008 and proceedings in the House on 29 May 2008 and a DVD recording of these same proceedings.

The Committee at this stage has not sought to draw any conclusion from this evidence and before doing so wishes to give those involved in the exchange the opportunity to state their view of the events.

I again invite you to make a submission to the inquiry. In your submission you could provide your account of the circumstances surrounding the exchange referred to in the terms of reference and your subsequent withdrawal.

Yours sincerely

BRETT RAGUSE MP
Chair



Belinda Neal MP

FEDERAL MEMBER FOR ROBERTSON



Committee of Privileges and
Members' Interests

26/6/8

Mr Brett Raguse
Chairman
Standing Committee of Privileges & Members Interests
RG39
Parliament House ACT 2600

Dear Mr Raguse

Re: Inquiry on the exchange between the Member for Robertson and the Member for Robertson on the 29th May 2008

Thank you for your letter seeking a submission on the above matter.

I refer to your letter dated 19 June last in relation to the abovementioned matter. With this letter, you have also kindly forwarded, as an attachment (Appendix A) *Procedures for the conduct of proceedings of the House Committee of Privileges*.

Clause (1) of the Committee Procedures provides:-

"(1) A person shall, as soon as practicable, be informed, in writing of the nature of any allegations, known to the committee and relevant to the committee's inquiry, against the person, or evidence which reflects adversely on the person, and of the particulars of any evidence which has been given in respect of the person."

In accordance with Clause (1), I respectfully request that the Committee inform me:-

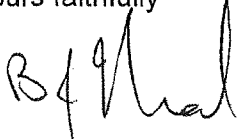
- (i) As to any allegations against me known to the Committee and relevant to the Committee's inquiry;
- (ii) Any evidence before the Committee which reflects adversely on me;
- (iii) The particulars of any evidence before the Committee which has been received in respect of myself.

After I have received and considered the information requested above, I shall approach you about arrangements for a reasonable opportunity to make relevant written submissions to the Committee or to arrange to give evidence

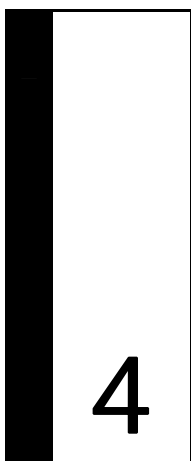
before the Committee or to place other relevant evidence before the Committee.

If you have any questions I can be contacted on 62774304 or 43221922.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Belinda Neal'. The signature is written in a cursive style with a large initial 'B' and 'N'.

Belinda Neal
Member for Robertson



Appendix 4 - Letter from the Director
(Operations), Hansard



18 June 2008

Mr David Elder
Serjeant-at-Arms
Parliament House
CANBERRA ACT 2600

Dear ^{David}~~Mr Elder~~

Hansard Main Committee report 28 May 2008

1 Further to your request for the Hansard record of the proceedings in the Main Committee on 28 May shortly after 6pm, I provide the following documents:

- (a) The initial draft (Turn 70), showing my notes of the changes eventually made on the night and which included the comments of the member for Robertson to the member for Indi and also the earlier interjections, or a procedural line in lieu thereof, of the member for Canberra, the member for Indi and the member for Robertson;
- (b) The second draft of Turn 70, in Greens format and as tabled by the Leader of the House on 17 June, showing the earlier interjections of the member for Canberra, the member for Indi and the member for Robertson but not the subsequent comments made to the member for Indi by the member for Robertson;
- (c) The final Proof Hansard Parlinfo HTML version of Turn 70, without the comments by the member for Robertson to the member for Indi and with the earlier interjections by the members for Canberra, Indi and Robertson having been replaced by the line "*Honourable members interjecting-*"; and
- (d) An extract from turns 75 and 76 at approximately 6.25 pm on 28 May when the member for Indi requested that the member for Robertson withdraw her comments.

2 Hansard's policy on handling interjections can be found at page 26 of the Main Committee Form Guide, available from the Client Support, Broadcasting and Hansard box on the Senators' and Members' Services Portal.

3 I will of course be happy to provide further advice on this matter if you wish.

Yours sincerely

Trevor Fowler
Director (Operations), Hansard

Turn Information Header

Job Number	Turn Number	Turn Start Time	Current Status
10908	70	18:00, 28-May-08	F

Job Type	Hearing Date	End Date	
MC	Wednesday, 28 May 2008	Wednesday, 28 May 2008	Sitting

Editor	Start time	New Status	Next Tray Status
ROGERS, DEBORAH	18:19, 28-May-08	E	Available for Editor
OAKES, ASHLEY	19:31, 28-May-08	F	None

Mr BRUCE SCOTT (Maranoa) (5.59 pm)—I rise this evening to make my contribution on the budget brought down by the Treasurer, the first budget from the Labor Party in more than 13 years. I have to say that I found it to be just an old-fashioned Labor budget, full of the envy of politics and not governing for all Australians. One of the worst aspects of the budget relates to the Prime Minister, who went to the people of Australia at the end of last year and convinced so many of them that he would do something about grocery prices, petrol prices and housing affordability. It has not taken long—six months—for the Prime Minister to declare that he has done as much as he can. Just last week he said there is nothing more that he can physically do.

Of course, the Treasurer, happy Wayne, says Australians are happy. I have news for the Treasurer, for the Prime Minister and for this Labor government. Let us just have a look at what has happened following this high-taxing, high-spending and, as the budget papers confirm, higher unemployment budget.

Since this government was elected, and notwithstanding the commitments of the Prime Minister as he masqueraded around Australia, what has happened in relation to petrol prices? Petrol prices have risen almost 20 per cent. But it is always someone else's problem. The Prime Minister said, 'Oh, it's something to do with the global oil price,' or, 'It's the subprime market in America.' When we were in government we faced the ramifications of the SARS crisis, the Asian meltdown and 9-11. They rattled around the world and we got on with governing the country and managing the economy. We did not go around looking for scapegoats or blaming other issues concerning the global economy. But we are talking about domestic issues here at home.

What has happened to milk prices since this government was elected? Milk is fundamental to every household budget. The now Prime Minister said was going to do something about grocery prices. It was a concern for working families. Milk prices are up almost 12 per cent. Cheese is up 15 per cent. That very basic staple, the daily bread, is now up nine per cent. What is the Prime Minister doing about it? He said he has done everything physically possible that he can.

Ms Annette Ellis—Have you ever been shopping in your life?

Mrs Mirabella—You pathetic man hater!

Ms Neal interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—Order! The member for Robertson will allow the member to be heard in silence.

Mr BRUCE SCOTT—I thank Madam Deputy Speaker for her protection. But we also know the very engine of this economy is small business. You look to small business—

Ms Neal—Madam Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER—Is the member for Maranoa willing to give way?

Mr BRUCE SCOTT—I will take her question.

Ms Neal—Who does the grocery shopping in your household?

Mr BRUCE SCOTT—That is a very frivolous point. I often do the shopping in my household. I also am the one who usually buys the meat and fruit and vegetables, but I do not take anything away from my wife, who is a very, very frugal keeper of the family budget for those household items. But I was talking about the great engine room of this economy—small business. What has happened to the confidence of small businesses for their future since this Labor government was elected?

Ms Neal—Your child will turn into a demon if you have such evil thoughts.

Mr BRUCE SCOTT—Business confidence is at its lowest level since these statistics have been recorded.

Ms Neal—You'll make your child a demon. You'll make your child a demon.

Mr BRUCE SCOTT—But let me move to some of the actual programs that are certain to affect my electorate.

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Mr BRUCE SCOTT—Something that will always ring in the ears of many voters at the next federal election was that great statement from the now environment minister, Peter Garrett. He said, 'Oh, don't worry about what we are saying now; when we get in, we'll just change everything.' That is exactly what we are seeing from this government.

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3(C)

APPROPRIATION BILL (NO. 1) 2008-2009
APPROPRIATION BILL (NO. 2) 2008-2009
APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2008-2009
APPROPRIATION BILL (NO. 5) 2007-2008
APPROPRIATION BILL (NO. 6) 2007-2008
Second Reading

Mr BRUCE SCOTT (Maranoa) (5.59 p.m.)—I rise this evening to make my contribution on the budget brought down by the Treasurer, the first budget from the Labor Party in more than 13 years. I have to say that I found it to be just an old-fashioned Labor budget, full of the envy of politics and not governing for all Australians. One of the worst aspects of the budget relates to the Prime Minister, who went to the people of Australia at the end of last year and convinced so many of them that he would do something about grocery prices, petrol prices and housing affordability. It has not taken long—six months—for the Prime Minister to declare that he has done as much as he can. Just last week he said there is nothing more that he can physically do.

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Mr BRUCE SCOTT—I will take her question.

Ms Neal—Who does the grocery shopping in your household?

Mr BRUCE SCOTT—That is a very frivolous point. I often do the shopping in my household. I also am the one who usually buys the meat and fruit and vegetables, but I do not take anything away from my wife, who is a very, very frugal keeper of the family budget for those household items. But

I was talking about the great engine room of this economy—small business. What has happened to the confidence of small businesses for their future since this Labor government was elected? Business confidence is at its lowest level since these statistics have been recorded. But let me move to some of the actual programs that are certain to affect my electorate. Something that will always ring in the ears of many voters at the next federal election was that great statement from the now environment minister, Peter Garrett. He said, 'Oh, don't worry about what we are saying now; when we get in, we'll just change everything.' That is exactly what we are seeing from this government.

Let us have a look at what was committed for road funding in rural Australia. I know that in my state of Queensland, where a great influx of people from the southern states are coming and where there is great hope for the future, the two great drivers of our economy—on the value of exports, by the value of dollars—are the coal industry and the beef industry. What do we see is going to be spent on roads? The coalition was committed to funding the second range crossing between Brisbane and Toowoomba, out to the Darling Downs, which is the gateway that links the port of Brisbane to the Surat coal basin, the largest coal reserve in Australia, which is soon to be opened up. It is bigger than the Hunter Valley. We are seeing the exploration of coal seam methane gas, a clean source for the generation of electricity. In Dalby, a town where I have one of my offices, we now have a minicity of 1,000 people. They are building a coal seam methane gas fired power station. All the equipment for the development of that new power station is going to come from the port of Brisbane, in the south-east corner of Queensland, across the Great Dividing Range to the Braemar power station. What did we hear from this government in relation to funding for the second range crossing of the Warrego Highway between Brisbane and the Darling Downs? Not one dollar was mentioned.

I am pleased that the government has committed something like \$55 million to the upgrade of the Warrego Highway west of Toowoomba, but our commitment of \$127 million was to be rolled out from 1 July 2008. We looked through the budget papers to see where the money for the Warrego Highway might be—as we always say, the devil is in the detail. But we are still looking for this devil. We are at least comforted by the fact that some \$55 million is to be rolled out, but it stands in stark contrast to what the coalition was offering, which was some \$127 million for this section of the Warrego Highway.

I will touch on the Regional Partnerships program. We have heard the Minister for Infrastructure, Transport, Regional Development and Local Government brand the Regional Partnerships program a fraud and a rort. I watched the minister on Channel 7 this week, and he might have been to Damascus; he might have seen the light. I say to him: this is a program, run successfully by the coalition government, that delivered to regional communities benefits that were often unable to be funded through their local government area. I know the Labor government is going to rebrand it, call it something else, but I call on the minister to commit to those projects that have been approved by the federal coalition and have been announced. Those communities out there are desperate to know that they will get that funding—albeit they had not signed the contracts.

One of them, in my electorate of Dalby, has been used as an example by the minister in the House. He was saying that it is a rort when it is, in fact, a great community benefit. They spent a great deal of their ratepayers' money in preparing the case for the Commonwealth to sign off on the contract. No community can commit \$1 million or \$2 million to a project, and they cannot go to tender for a project that they have identified, until they know they have the money. When the money is approved through the due process—the area consultative committee, the department and the ministers, under a coalition government—they can then go to the architects and start to spend some of their money. They can go to tender to get quotes for the construction of, in this case, the Dalby indoor-outdoor arena. That takes time. Trying to get builders, as we all know anywhere in Australia, to commit to firm prices is a challenge. Many of my communities have found that not only frustrating but difficult. They have worked through the issues, but, because they were not able to work through those issues before the election was called, the minister has said: 'We are going to can all those projects. We will not fund them; they are a rort.'

Many of these projects are done through hardworking volunteer organisations that have the support and confidence of their local council. Sometimes, charitable organisations are involved. Jupiters Casino in Queensland provides funds to some of these communities every year. Some state

Mrs Mirabella—Madam Deputy Speaker, I am not wanting to interrupt the member for Canberra, but I have become increasingly offended and would ask the member for Robertson to withdraw a comment she made earlier, the comment being: 'Evil thoughts will turn your child into a demon.' I ask her to withdraw unreservedly.

The DEPUTY SPEAKER (Ms AE Burke)—Member for Indi, I will ask the member concerned. I did not hear the comment at the time and you should have raised the issue at the time. I can understand that you have been thinking about it and, on that basis, I will ask the member for Robertson to withdraw it.

Ms Neal—That statement was not made, so I will not withdraw what the member imagines she heard.

Mrs Mirabella—No, it was recorded in *Hansard*. You made that comment; it was heard by another member as well. You made that comment. I ask you to withdraw.

The DEPUTY SPEAKER—Member for Robertson, could I ask you to rise and just place on the record that that is not what you said, because I do actually need it recorded in *Hansard*. I did not hear the comment, so I cannot comment on it at the moment. Could I ask the member for Robertson to put on the record that she did not make that comment.

Ms Neal—I did not make the statement that was said to you. You did not hear it correctly.

The DEPUTY SPEAKER—Member for Indi, I am in an untenable situation; I did not hear the comment. I think the Hansard officer present has put it on the record because you asked her to place on the record what you heard. I am not in a position to ask the Hansard officer to tell me what she did or did not hear, but I do recall you asking the Hansard officer to take something down. The only thing I can do at this juncture is seek some advice from the Clerks at a later date, and I will come back to it. But, as I did not hear it, I actually cannot ask the member to withdraw.

Mrs Mirabella—I appreciate the chair is in a difficult position but the member for Robertson, I know, has misled the House on this.

Ms Neal—I could say I would like to have something put on the record that I imagined I had heard. I think it is highly improper, unless it is actually on the record, that it is recorded at all.

The DEPUTY SPEAKER—That is why I have said I will go and check this later, because if it is recorded in the *Hansard* we will have to check it. I will take it up with the Speaker and the Clerk at a later stage on that basis. If it is in the *Hansard* and you are disputing it then we will need to look into the matter.

Ms ANNETTE ELLIS—I was referring to the issue of carers. The Rudd Labor government recognises them and has taken an important first step to meet their needs.

Honourable members interjecting—

The DEPUTY SPEAKER—I ask the two of you to desist.

Ms ANNETTE ELLIS—Among the budget allocations for carers was \$293.6 million for 19,000 carers of children with profound disability, and the extension of the \$500 utility allowance to 130,000 carers for the first time. The 19,000 people I have just referred to are an increase from the 3,000 people who currently qualify for that payment. I am particularly pleased to see that carers of children with profound disability will now have more access to that particular payment when it comes onstream.

Honourable members interjecting—

Ms ANNETTE ELLIS—Madam Deputy Speaker, I do not know whether it is appropriate for the person on their feet to raise a point of order, but my point of order would be that I implore the member opposite to be quiet so I can deliver my speech.

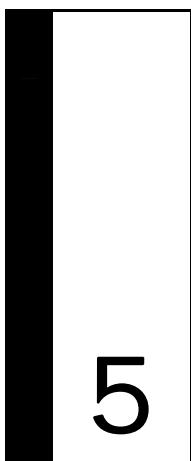
The DEPUTY SPEAKER—The member for Canberra has the call and should be heard in silence, as the other members were.

MAIN COMMITTEE PROCEEDINGS

Ms NEAL (Robertson) (9.01 a.m.)—Mr Speaker, I seek your indulgence to make a statement. Yesterday in the Main Committee there was a robust debate and very many robust interjections with both the member for Indi and me.

Honourable members interjecting—

Ms NEAL—Thank you for your assistance. The member much later in the debate interrupted another speaker and asked for some comments I had made to be withdrawn and I did not do so. I have had time to reflect on the incident and, though the comments were not completely accurate, I do unreservedly withdraw any remarks that may have caused offence to the member.



Appendix 5 - Relevant extract from
Hansard Policy on interjections

14 INTERJECTIONS

The following guidelines should be read in conjunction with the relevant sections of the form guide.

To be incorporated in the Hansard transcript, an interjection or related descriptive line (eg *Honourable members interjecting*—) must be:

- (1) responded to by the member speaking;
- (2) the subject of a substantial rebuke by the Chair (more than ‘Order, the member for (electorate)!’);
- (3) the cause of any discussion unrelated to the debate—for example, a request for a withdrawal.

Interjections should not be edited; they should be left as is, including contractions. Editors should listen and watch carefully for interjections while logging the Main Committee, and record them accurately on the log. However, unless editors are certain of comments, or they are audible on digital audio, the text of interjections should not be included in *Hansard*. In these cases a descriptive line will be used. Members sometimes hand us notes of the text of their interjections. These notes are not to be used unless they can be verified either by the logging editor or through digital audio. If the text of the interjection is not used because it cannot be verified through digital audio or the editor did not hear it, please alert an AD or the Director (Chambers). Similarly, we need to let the Director (Chambers) or an AD know if the interjection did not go in at all because it was not responded to.

If there is a later reference to an interjection—that is, a reference to an interjection made earlier in a speech or debate—there is no need to include the text of the interjection or a descriptive line. For example, if at the end of a speech the chair rebukes members for interjecting, there is generally no need to go back through the turn and previous turns to insert interjections or descriptive lines. However, if an interjection is responded to near the beginning of their turn, the editor should check with the previous editor to see whether it was made at the end of the previous turn and, therefore, should be included in that turn.

If during a speech an editor has to make a fifty-fifty decision on whether an interjection has been responded to, they should assume that it has not been. Many members make a conscious effort not to reply to interjections and can be most put out if we erroneously think an interjection has been responded to and insert it. So we should be sure there has been a response before inserting the interjection or line. In fact, interjections are contrary to standing orders and officially disorderly; it is only in practice that the inclusion of interjections when responded to is tolerated.

Every effort should be made to identify an interjector when the interjection is responded to. However, ‘An honourable member’ may be used as a side name if the interjection needs to go in but the editor is unable to identify the speaker.

There is no need to have the member speaking repeat an interjection—that is usually done for the benefit of those listening, either in the chamber or via radio/TV. For example, if we insert the text of an interjection we do not need to transcribe the member speaking saying ‘The member for ... says that ...’ However, we might choose to leave that text in if we have been unable to hear the interjection or if the member speaking repeats the interjection incorrectly. In the case of the member mishearing and then repeating an interjection, we should bear in mind the possible political consequences of fixing his or her mishearing.

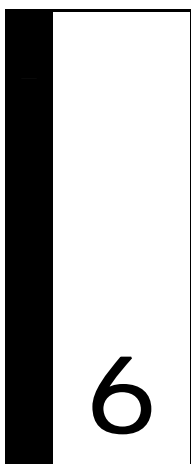
Interjections should be placed as close as possible to where they were said; however, if they are heard in the middle of the sentence, consideration should be given to moving them to the end to minimise interruption to the speech being made.

All editors need to follow the above guidelines at all stages of the transcription process. It may happen that an interjection is transcribed and distributed via pinks and greens only for us to find that it is an offensive or politically damaging interjection that nonetheless has caused neither a rebuke nor a response and that therefore, under our guidelines, should not have been included in the transcript. In such a case everyone who sees the draft wonders why it appears, and everyone who then reads the Proof or Official wonders where (and why) it has gone.

If there is any doubt about the inclusion or rendition of interjections, editors should seek assistance before sending to pinks and greens and not decide that the best thing to do is put an interjection in, or leave it out, and leave it to be fixed up later.

See standing orders 91 and 94 relating to disorder.

14.1 Member(s) interjecting	i	Interjection	Mr Name —You don't know what you are talking about.
	omi [alt+.]	DontPublish .Italics	Opposition member(s) interjecting. <i>Opposition member(s) interjecting—</i>
[Contractions such as 'don't' and 'can't' may be used in short, pithy interjections and in replies, if appropriate]	i	Interjection	The SPEAKER —Order! Opposition members will cease interjecting.
	ii	.Italics	<i>Mr Name interjecting—</i>
[If you are sure of what was said and by which side but not the name of the member who interjected]	i	Interjection	The SPEAKER —Order! The honourable member for (electorate) for the third time!
	hms [ctl+.]	DontPublish .	Honourable members. Honourable members—
	gmi [alt+.]	DontPublish .Italics	Government members interjecting. <i>Government members interjecting—</i>
	hmi [alt+.]	DontPublish .Italics	Honourable members interjecting. <i>Honourable members interjecting—</i>
	hmhe [ctl+.]	DontPublish .	Honourable members-Hear, hear Honourable members—Hear, hear!
	om [ctl+.]	DontPublish .	An opposition member An opposition member—Ask the minister!
	oms [ctl+.]	DontPublish .	Opposition members Opposition members—Ask the minister!
	gm [ctl+.]	DontPublish .	A government member A government member—Ask the minister!
	gms [ctl+.]	DontPublish .	Government members Government members—Ask the minister!



Appendix 6 - Hansard log of the Main
Committee on 28 May 2008

Suspended till 4 pm

Vince logging (computer won't allow me to access log document — says it doesn't exist)

Main committee resumed at 4 pm

DS Speaker Sharon Bird in the chair

Still on Appropriation Bill (No. 1) 2008-09 and cognate bills:

APPROPRIATION BILL (No. 2) 2008-2009

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2008-2009

APPROPRIATION BILL (No. 5) 2007-2008

APPROPRIATION BILL (No. 6) 2007-2008

Second Reading

4.00 pm Hayes (Werriwa) (speech)

4.09 pm Hayes continuing

4.15 pm Hayes ends

**NOTES — scratchy

Present at the table: Hall and May

4.15 pm May (McPherson) (speech)

4.18 pm Hall is interjecting (May not responding)

4.22 pm The summit! — Laming

4.22 pm May continuing — the CSIRO ...

4.24 pm At the table: J. Hall, Combet and Laming

4.27 pm Tragic! — Laming

4.27 pm May continuing — secondary schools ...

May ends

**NOTES — scannable (member spoke without notes for last two or three minutes)

4.35 pm Combet (Charlton) (speech)

4.39 pm At the table: J. Hall and Laming and Mirabella

**NOTES — scannable

4.46 pm Mirabella (Indi) (speech)

4.46 pm At the table: J. Hall and Laming

4.51 pm At the table: J. Hall and Laming and Symon

4.59 pm

Laming interjects — Mirabella does not respond

5.00 pm **Now DS Slipper in the chair**

5.03 pm

Laming interjects — Mirabella does not respond

Time expired

****NOTES** — scannable (but member spent a lot of time talking off the cuff)

5.06 pm Symon (Deakin) (speech)

5.09 pm

Division — Main Committee session suspended

5.17 pm

Symon ic

Hunt seeks leave to ask a question

Leave not granted.

5.19 pm

Hunt: confident enough to answer one question?

****NOTES OUT** — scratchy in parts

5.27 pm

Slipper draws attention to standing order 62 re respect to the Chair

5.28 pm

Mr **HAWKE** (Mitchell) (9.05 pm)—Hawke

DS Slipper still in the chair

5.36 pm

Champion: That must really drive you nuts!

5.45 pm

Hunt: He's your constituent!

Ellis: He's from Queanbeyan

****NOTES OUT** — scannable

5.48 pm

slipper reminds members of Standing Order 64

5.48 pm

Ms **RISHWORTH** (Kingston) (5.48 pm)—

5.56 pm

Hunt: It was your on budget night, too! not responded to

5.56 pm

Scott ij—not responded to

5.57 pm

DS (Burke) in the chair

Scott: what are you doing about it?

5.59 pm

Mirabella ij

****NOTES OUT—scannable**

6.00 pm

Mr BRUCE SCOTT (Maranoa) (6.00 pm)

6.02 pm

DS (Burke) in the chair

Ellis: Have you ever been shopping in your life?

Mirabella: You pathetic man hater!

Exchanges between Mirabella and Neal

6.03 pm

question from Neal accepted by Scott

6.05 pm

Mirabella asked me to record on the log that Neal said to her, 'Evil thoughts will make your child a demon.'

6.16 pm

Barcoo Shire Council—i

Regional Partnerships program—s

6.18 pm

Neal: What did you do? Scott responds

Time Expired

**** A FEW HANDWRITTEN NOTES OUT —NOT VERY USEFUL AND NOT SCANNABLE**

6.20 pm

DS (Burke) in the chair

Ms ANNETTE ELLIS (Canberra) (6.20 pm)—

6.23 pm

Scott: 'We're not getting the money for the bilbys'—not responded to

6.24 pm

Katter ij—not responded to

6.28 pm

DS (Burke) in the chair

Mirabella raises poi with Burke re Neal's comment

6.29 pm

Neal denies

6.30 pm

Ellis resumes

6.31 pm

Ellis poi

6.35 pm

DS Burke speaks with Mirabella

6.35 pm

Ellis resumes

****NOTES OUT— excellent and scannable**

6.37 pm

Mr KATTER (Kennedy) (6.37 pm)—

6.57 pm (*Time expired*)

NO NOTES

Daniel logging

Mr SNOWDON (Lingiari—Minister for Defence Science and Personnel) (6.57 pm)—

****NOTES — scannable**

6.58 pm Windsor: Hear, hear—and very strong views

6.58 pm Katter: Mount Isa railway line to Tennant Creek.

6.58 pm Windsor: Your time's almost up.

6.59 pm Katter: Potentially nation-building—I'll give you that.

7.00 pm DS Scott replaces DS Burke

Cognate debate with Appropriation Bill (No. 2) 2008-2009, Appropriation (Parliamentary Departments) Bill (No. 1) 2008-2009, Appropriation Bill (No. 5) 2007-2008 and Appropriation Bill (No. 6) 2007-2008.

7.05 pm quorum in the House (DS Scott interjected to that effect)

7.08 pm in the chamber: DS Scott, Dreyfus, Snowdon, Katter (on his way out), Marino, Windsor, Thomson

7.11 pm Snowdon refers to Windsor 'my colleague'

7.11 pm Windsor: You won't miss out.

7.12 pm DS Scott calls Snowdon to order

Mr WINDSOR (New England) (7.13 pm)—

NO NOTES

7.15 pm in the chamber: DS Scott, C. Thomson, Dreyfus, Windsor (speaking), Marino

7.33 pm Windsor (*Time expired*)

Mr CRAIG THOMSON (Dobell) (7.33 pm)—

****NOTES — scannable**

7.37 pm in the chamber: DS Scott, C. Thomson (speaking), Dreyfus, Marino, Morrison

7.46 pm Marino: It's a Labor electorate ... We've known that for years.

7.46 pm Morrison: We know. Where did that come from?

7.47 pm Morrison: You stole our idea ... To steal our idea ... It's a stock Howard idea.

7.49 pm Morrison: That's a lie.

7.50 pm Morrison: We didn't spend any more than you.

7.51 pm Morrison: They must be happy—the happiest of all.

7.52 pm Morrison: What about petrol? You said you would bring it down.

7.53 pm Morrison: Because you didn't live up to your promises in it.

Mr MORRISON (Cook) (7.53 pm)—

****NOTES — scannable with some handwriting**

7.55 pm in the chamber: DS Scott, Dreyfus, Collins, Marino, Morrison (speaking)

7.56 pm Dreyfus: That was Costello (hence DS Scott: The member for Higgins.)

7.57 pm DS Vale took the chair

8.03 pm in the chamber: DS Vale, Collins, Hayes, Hull, Morrison (speaking)

Cognate debate with Appropriation Bill (No. 2) 2008-2009, Appropriation (Parliamentary Departments) Bill (No. 1) 2008-2009, Appropriation Bill (No. 5) 2007-2008 and Appropriation Bill (No. 6) 2007-2008.

Ms COLLINS (Franklin) (8.13 pm)—

****NOTES — scannable**

Mr JOHNSON (Ryan) (8.21 pm)—

****NOTES — mostly scannable**

8.33 pm in the chamber: DS Vale, L. Ferguson, Hayes, Hull, Johnson (speaking)

8.38 pm Hull: Only the rich can afford it.

8.41 pm Johnson (*Time expired*)

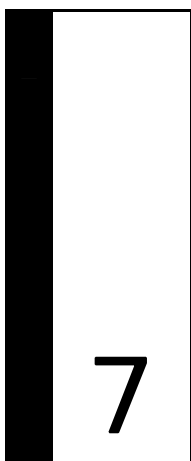
Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (8.41 pm)—

****NOTES — scratchy**

8.50 pm in the chamber: DS Vale, L. Ferguson (speaking), Hayes, Hull

8.52 pm Hull—debate adjourned

8.52 pm Hayes—Main Committee adjourn



Appendix 7 - a retranscription by Hansard of the relevant period in the Main Committee including the relevant comments from the Hansard log and any audible interjections

Notes made by Hansard officer logging Main Committee proceedings are shown thus:

LOG 6.35 pm

LOG Ellis resumes

To maintain some readability, log entries included in the Hansard report OR that are insignificant/unrelated are not shown.

Notes of any audio that can be heard on the digital recording, but is not shown on the log, is displayed as follows:

[We're not getting the money for the bilbys.]

[... common ...]

[Inaudible]

Mr BRUCE SCOTT (Maranoa) (5.59 pm)—I rise this evening to make my contribution on the budget brought down by the Treasurer, the first budget from the Labor Party in more than 13 years. I have to say that I found it to be just an old-fashioned Labor budget, full of the envy of politics and not governing for all Australians. One of the worst aspects of the budget relates to the Prime Minister, who went to the people of Australia at the end of last year and convinced so many of them that he would do something about grocery prices, petrol prices and housing affordability. It has not taken long—six months—for the Prime Minister to declare that he has done as much as he can. Just last week he said there is nothing more that he can physically do.

Of course, the Treasurer, happy Wayne, says Australians are happy. I have news for the Treasurer, for the Prime Minister and for this Labor government. Let us just have a look at what has happened following this high-taxing, high-spending and, as the budget papers confirm, higher unemployment budget.

Since this government was elected, and notwithstanding the commitments of the Prime Minister as he masqueraded around Australia, what has happened in relation to petrol prices? Petrol prices have risen almost 20 per cent. But it is always someone else's problem. The Prime Minister said, 'Oh, it's something to do with the global oil price,' or, 'It's the subprime market in America.' When we were in government we faced the ramifications of the SARS crisis, the Asian meltdown and 9-11. They rattled around the world and we got on with governing the country and managing the economy. We did not go around looking for scapegoats or blaming other issues concerning the global economy. But we are talking about domestic issues here at home.

What has happened to milk prices since this government was elected? Milk is fundamental to every household budget. The now Prime Minister said he was going to do something about grocery prices.

LOG 6.02 pm

LOG Ellis: Have you ever been shopping in your life?

LOG Mirabella: You pathetic man hater!

LOG Exchanges between Mirabella and Neal

It was a concern for working families. Milk prices are up almost 12 per cent. Cheese is up 15 per cent. That very basic staple, the daily bread, is now up nine per cent.

[Inaudible]

[Are you a man hater?]

What is the Prime Minister doing about it? He said he has done everything physically possible that he can.

Honourable members interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—The member for Indi and the member for Robertson will allow the member to be heard in silence.

Mr BRUCE SCOTT—I thank Madam Deputy Speaker for her protection.

[The Deputy Speaker: I am not protecting you; I am saving us all!]

But we also know the very engine of this economy is small business. You look to small business—

[... you take a question?]

[The Deputy Speaker: Is the honourable member seeking to ask a question?]

[I am.]

Ms Neal—Madam Deputy Speaker, I seek to intervene.

[The Deputy Speaker: Will the member accept a question?]

The DEPUTY SPEAKER—Is the member for Maranoa willing to give way?

Mr BRUCE SCOTT—I will take her question.

Ms Neal—Who does the grocery shopping in your household?

Mr BRUCE SCOTT—That is a very frivolous point. I often do the shopping in my household. I also am the one who usually buys the meat and fruit and vegetables, but I do not take anything away from my wife, who is a very, very frugal keeper of the family budget for those household items. But I was talking about the great engine room of this economy—small business.

[Inaudible]

[Inaudible]

What has happened to the confidence of small businesses for their future since this Labor government was elected?

[Your child will turn into a demon if you have such evil thoughts.]

[Inaudible]

Business confidence is at its lowest level since these statistics have been recorded.

[You'll make your child a demon. You'll make your child a demon.]

[Inaudible]

But let me move to some of the actual programs that are going to affect—

[Evil thoughts make a child a demon.]

certainly my electorate.

[Inaudible]

Something that will always ring in the ears of many voters at the next federal election was that great statement from the now environment minister, Peter Garrett. He said, 'Oh, don't worry about what we are saying now; when we get in, we'll just change everything.' That is exactly what we are seeing from this government.

Let us have a look at what was committed for road funding in rural Australia. I know that in my state of Queensland, where a great influx of people from the southern states are coming and where there is great hope for the future, the two great drivers of our economy—on the value of exports, by the value of dollars—are the coal industry and the beef industry.

LOG 6.05 pm

LOG Mirabella asked me to record on the log that Neal said to her, ‘Evil thoughts will make your child a demon.’

What do we see is going to be spent on roads? The coalition was committed to funding the second range crossing between Brisbane and Toowoomba, out to the Darling Downs,

[Inaudible]

[Inaudible]

which is the gateway that links the port of Brisbane to the Surat coal basin, the largest coal reserve in Australia, which is soon to be opened up. It is bigger than the Hunter Valley. We are seeing the exploration of coal seam methane gas, a clean source for the generation of electricity. In Dalby, a town where I have one of my offices, we now have a minicity of 1,000 people. They are building a coal seam methane gas fired power station. All the equipment for the development of that new power station is going to come from the port of Brisbane, in the south-east corner of Queensland, across the Great Dividing Range to the Braemar power station. What did we hear from this government in relation to funding for the second range crossing of the Warrego Highway between Brisbane and the Darling Downs? Not one dollar was mentioned.

I am pleased that the government has committed something like \$55 million to the upgrade of the Warrego Highway west of Toowoomba, but our commitment of \$127 million was to be rolled out from 1 July 2008. We looked through the budget papers to see where the money for the Warrego Highway might be—as we always say, the devil is in the detail. But we are still looking for this devil. We are at least comforted by the fact that some \$55 million is to be rolled out, but it stands in stark contrast to what the coalition was offering, which was some \$127 million for this section of the Warrego Highway.

I will touch on the Regional Partnerships program. We have heard the Minister for Infrastructure, Transport, Regional Development and Local Government brand the Regional Partnerships program a fraud and a rort. I watched the minister on Channel 7 this week, and he might have been to Damascus; he might have seen the light. I say to him: this is a program, run successfully by the coalition government, that delivered to regional communities benefits that were often unable to be funded through their local government area. I know the Labor government is going to rebrand it, call it something else, but I call on the minister to commit to those projects that have been approved by the federal coalition and have been announced. Those communities out there are desperate to know that they will get that funding—albeit they had not signed the contracts.

One of them, in my electorate of Dalby, has been used as an example by the minister in the House. He was saying that it is a rort when it is, in fact, a great community benefit. They spent a great deal of their ratepayers’ money in preparing the case for the Commonwealth to sign off on the contract. No community can commit \$1 million or \$2 million to a project, and they cannot go to tender for a project that they have identified, until they know they have the money. When the money is approved through the due process—the area consultative committee, the department and the ministers, under a coalition government—they can then go to the architects and start to spend some of their money. They can go to tender to get quotes for the construction of, in this case, the Dalby indoor-outdoor arena. That takes time. Trying to get builders, as we all know anywhere in Australia, to commit to firm prices is a challenge. Many of my communities have found that not only frustrating but difficult. They have worked through the issues, but, because they were not able to work through those issues before the election was called, the minister has said: ‘We are going to can all those projects. We will not fund them; they are a rort.’

Many of these projects are done through hardworking volunteer organisations that have the support and confidence of their local council. Sometimes, charitable organisations are involved. Jupiters Casino in Queensland provides funds to some of these communities every year. Some state governments provide funds for these projects, as the member for Indi knows. It takes time to bring all those funding sources together, but you cannot start that process until you have the support of the Commonwealth to progress that commitment and the funding arrangements before getting the Commonwealth to sign off on those Regional Partnerships projects.

There is one program in western Queensland that I specifically want to mention tonight—the Darling Matilda Way sustainable region. Its committee included Indigenous people, local mayors and people of great integrity and commitment to the outback of western Queensland. They went through the process of looking at projects that would make a real difference to those communities to ensure that they could be sustainable and create jobs. That was against a backdrop of the extreme drought that is making it very hard for many of these communities. They

identified two projects for western Queensland. One of them was the Longreach airport upgrade. As we all know, Longreach is the home of the Qantas Founders Museum—an icon in Australia, I would have thought. Under the Sustainable Regions Program the former coalition government committed \$6.6 million to that project.

After due process had been gone through, we also said we would provide \$5.6 million to establish a bilby centre in Charleville. The proponents of the project were the Murweh Shire Council. The bilby is an endangered species—and it is Australia's Easter bunny. Through their great initiative, ideas and enthusiasm the people of the Murweh Shire Council put forward that project in good faith. It was approved by the former coalition government but it now appears that the Rudd government have decided they will not fund it. I call on the minister to look at the Sustainable Regions Program. Following an electoral redistribution the Longreach airport will be funded under the Sustainable Regions Program. Why has the minister approved that? Because it is in the seat of Flynn. But the minister has not approved the bilby centre in Charleville because it is in the seat of Maranoa. That is grossly unfair. To use the minister's own words, it verges on a rort. I call on him to look at the Sustainable Regions Program and the socioeconomic circumstances of the community out there. He will see that this is a project he must support. If he puts the politics aside he will find that the hard work that has gone on over the last three years should be supported by the government. The bilby is an endangered species in this country. If this minister does not think the bilby is worthy of being celebrated and worthy of being a species to have for many years into the future so that we can tell its story to the children and the people who visit western Queensland then he is out of touch with reality and is becoming blatantly political.

I want to touch on the issue of the so-called luxury tax on four-wheel drives. In western Queensland the roads are not like the Hume Highway—they do not have four lanes divided down the middle. They are often a narrow stretch of bitumen but more often they are a gravel road that has been graded—and you might see a grader once every couple of years. On these long, lonely country roads you find tourists and you also find local people visiting their local communities—women taking their children to the school bus or going to town for the local shopping—and they use four-wheel drives not as a luxury but as a necessity.

Certainly there are some four-wheel drives that are made in Australia but, when you put them to the test on some of the outback roads in my electorate, I can assure you that they do not stand up to some of the 'real four-wheel drives', which I know are made overseas. If you go to any mining community you will find that the mining companies and the people who live out there are into real four-wheel drives which are built on a chassis, wide wheel based and quite often diesel powered or petrol powered. They are vehicles that suit the environment. We do need these vehicles and they are not a luxury.

When we were in government we funded some four-wheel drive troop carriers under the Regional Partnerships program for the little kids out at Windorah, Birdsville, Bedourie and Yaraka. They do not have a subsidised urban transport system that is funded by taxpayers. They do not have buses and trains and a half-hourly air service between the major capital cities. They often have to go 300 or 400 kilometres just to interact with other kids or go to a swimming lesson if there happens to be a swimming pool in another community. These troop carriers were funded under the Regional Partnerships program. They did have a little community bus that had been provided by, I think, the Barcoo Shire Council.

But I can assure you that, on those 300- or 400-kilometre open dirt roads, those little minibuses just do not see the year out—and the member for Kennedy would know this very well because he shares the sort of electorate that I represent. That was not a rort. That was looking after little children. Those communities often used those buses to take the women of those towns to the larger regional centres so they could attend a mobile breast cancer screening unit on a yearly basis. Those women would have been denied the opportunity to travel to those regional towns had we as a government not funded those troop carriers through the Regional Partnerships program. They were not a luxury. They were an absolute necessity for the benefit of children, women, families and communities.

I want to touch on one other issue before I conclude, and that is the issue of what was or was not in the budget for our senior citizens and our pensioners. We are a lucky country. We are resource rich. We have a strong economy. Our very birthright makes us some of the luckiest people on this earth. So I find it appalling, when we can put \$40 billion aside into a fund for some time in the future—possibly to be used as a slush fund—that we cannot find one or two billion dollars to increase the basic pension rate of our senior citizens. The government had the opportunity through a Senate inquiry to respond to that. The work had been done

[Inaudible]

and it could have been in this year's budget.

Ms Neal—What did you do?

LOG 6.18 pm

LOG Neal: What did you do? Scott responds

Mr BRUCE SCOTT—The member for Robertson interjects. When we were in government we did what you did not do for the 13 years that you were in government, notwithstanding what you said you would do every other

year. You said not only that you would index pension increases to the CPI but also that you would increase the pension to 25 per cent of male total average weekly earnings. We were the government that did that, not the Labor government. Now we are seeing the old Labor Party policies coming forward.

[Inaudible]

There was a report to the Senate, which this Labor government could have responded to, on the needs of that wonderful and very special generation of Australians that built this country. They laid down the foundation stones for the legacy that we have all inherited and the way of life we have today, and we owe it to those people to increase the base rate of their pension. It is to the absolute shame of this Treasurer and Prime Minister that they have done absolutely nothing to improve the lot of our senior citizens. The Treasurer said this week that Australians are happy, and the Prime Minister said that there is nothing more that he can physically do. I say there is a lot more that the Prime Minister can physically do. He ought to get out of the Lodge and into the real world. He should forget about tripping around the world on VIP jets and talk to the real people. He will find that he is not the popular boy any more. *(Time expired)*

Ms ANNETTE ELLIS (Canberra) (6.20 pm)—Oh dear! How quickly things change in politics. I have sat here for the last hour or so and listened with great interest to a range of speeches from the opposite side. I have to say that I am just a teeny bit confused—though I am sure that if I settle down and think about it I might work it out—because such differing views have been put forward.

It is my privilege to speak this evening on the Appropriation Bill (No. 1) 2008-2009 and the related bills—in other words, the budget for this year—and I rise to support the appropriation bill and those related bills. This is a historic first budget for the Rudd Labor government. This budget—unlike those of the last 11 years, in my view—is designed to meet the challenges of the future and to strengthen Australia's economic foundations. Broadly speaking, one of the most important elements of this budget is that it has been carefully designed to fight inflation. I am well aware of the hardship that rising costs and interest rates are bringing to all people, in my electorate and around the country.

When the government first came to office in November last year—that is just six months or 21 weeks ago—Australia was facing the highest levels of domestic inflation in over 16 years. That affects everyone. Just to give an indication of that, the price of bread has risen 18 per cent in the past two years alone. I believe that one of the best things that any government can do in these circumstances is to put all the effort they can into fighting that demon called inflation. But, if there is one thing that is going to help the household budgets in my electorate and in other electorates, it is to fight that inflation and ensure that we are doing all in our power to keep that pressure down on inflation and down on interest rates. I know that the interest rates that my community and other communities have endured in past times have really put those household budgets under severe pressure. So the best thing for me and one of the most important things for my community is to know that they have a government that is determined to fight that inflation demon and to do what it can to keep control of the economy at that level.

Therefore I am particularly pleased that the first Labor government budget in over 11 years has started a new era of responsible, long-term economic management. The Rudd Labor government has gone beyond its commitment and has delivered a budget surplus of 1.8 per cent of GDP. It is applying an additional two per cent efficiency dividend to most Australian government agencies, producing savings of \$1.8 billion over five years, and every single dollar of new spending is more than offset by savings. This is responsible, and it is something that we have not seen at that level for quite a while.

For people living in my electorate of Canberra, there was good news over and above the issue I have just talked about, which I think is the most essential one. Local initiatives in the budget for the ACT and the immediate region have included \$19.6 million for infrastructure investment in roads across the ACT, and I think that includes the Black Spot Program, which is continuing; and the continuation of \$19 million in federal government funding for the duplication of the Barton Highway. There is also \$500,000 to the ACT government for the renovation of the Albert Hall—something very dear to the Canberra community. It is our town hall; it is a very historic building.

[We're not getting the money for the bilbys.]

LOG 6.23 pm

LOG Scott: 'We're not getting the money for the bilbys'—not responded to

In fact, the first ever citizenship ceremony held in Australia was held there in 1929. The Albert Hall is held in great affection in this town, and it is part of the national capital and the role we play here as the national capital. So I am very pleased with that initiative. There is also \$8.2 million—an election promise delivered—to upgrade the Kings Highway through to near Bungendore.

The Rudd Labor government has delivered on its promise of tax cuts for low- and middle-income earners, with \$46.7 billion in tax cuts over the next four years. This includes raising the cut-off for the 30 per cent tax rate from

\$30,001 to \$34,001. Medicare will become fairer under our government. We are lifting the threshold for the Medicare levy surcharge from \$50,000 to \$100,000 for singles, and from \$100,000 to \$150,000 for couples.

I am aware that there is a bit of a debate being urged along by some on the impact this policy may have on the public health system. To those who argue that it will cause a mass exodus from private health insurance and that it will cause immense pressure on the public hospital system, I say this: those who use the private system and are possibly in this category are more likely to be younger people, who are not high users of the health system in the first place, anyway. People who are high users of the health system and who believe that private health insurance is of value to them will in fact stay in the system. I believe it is only fair to change that threshold to reflect the current economic climate in which we find ourselves.

The Rudd Labor government budget announced many benefits for older Australians and these included the one-off bonus of \$500, the increase in the utility allowance to \$500 and also an increase in the telephone allowance for those with internet connection. While I do not have time to go through all of the details, I am pleased to see the Henry inquiry instituted, which will have a proper, serious, long-term look at pension levels and other tax questions that impact on that part of our community.

In regard to education in Canberra, we were very pleased here in the ACT with a \$24 million payment to the Australian National University and more than \$5 million to the University of Canberra. Nationally, of course, \$533-plus million will be spent over four years to provide universal access to preschool for preschool-aged children—that is, 15 hours per week, 40 weeks a year, for all four-year-olds by 2013. This is a fantastic policy for early childhood education.

Rudd Labor will also ease the cost burden on families by providing the education tax rebate. This will allow parents to claim back \$350 of school costs per primary school student and \$700 of school costs per secondary school student. This government understands how important it is for families to have access to high-quality child care, and from 1 July this year the childcare tax rebate will increase from 30 per cent to 50 per cent of out-of-pocket expenses for approved childcare costs. This will deliver \$1.6 billion back to families over the next four years, with benefits ranging from \$500 to \$2,500 per year for the average family. Furthermore, the government will lift the cap from \$4,254 to \$7,500, indexed per child per year for approved child care. From 1 July, payments will be made quarterly instead of annually. These measures, without any doubt, will help parents to get back into the workforce and to undertake training and will definitely ease the burden of cost that they have been enduring in attempting to provide good child care for their children.

A couple of terms ago, I had the privilege of being a shadow minister in the area relating to carers. I am very well aware, from the work I was able to do then and from the work within the community, of the enormous personal sacrifices that carers make through their dedication and hard work and also, of course, of the impact that caring can have on their lives, their families and their lifestyles generally.

[The Deputy Speaker: Would the member for Canberra resume her seat. The member for Indi.]

Mrs Mirabella—Madam Deputy Speaker, I am not wanting to interrupt the member for Canberra,

LOG 6.28 pm

LOG DS (Burke) in the chair

LOG Mirabella raises poi (nt of order) with Burke re Neal's comment

[Which you are.]

but I have become increasingly offended and would ask the member for Robertson to withdraw a comment she made earlier, the comment being:

[Inaudible]

'Evil thoughts will turn your child into a demon.' I ask her to withdraw unreservedly.

The **DEPUTY SPEAKER (Ms AE Burke)**—Member for Indi, I will ask the member. I did not hear the comment at the time and you should have raised the issue at the time. I can understand that you have been thinking about it and, on that basis, I will ask the member for Robertson to withdraw it.

[Ms Neal: That statement wasn't made.]

[The Deputy Speaker: The member for Robertson.]

Ms Neal—That statement was not made, so I will not withdraw what the member imagines she heard.

Mrs Mirabella—No, it was recorded in *Hansard*. You made that comment; it was heard by another member as well. You made that comment. I ask you to withdraw.

[The Deputy Speaker: The member for Indi.]

[That's not what I said.]

[The Deputy Speaker: The member for Robertson.]

LOG 6.29 pm

LOG Neal denies

The DEPUTY SPEAKER—Member for Robertson, could I ask you to rise and just place on the record that that is not what you said, because I do actually need it recorded on *Hansard*. I did not hear the comment, so I cannot comment on it at the moment. Could I ask the member for Robertson to put on the record that she did not make that comment please.

[And I ... am going ... mislead because it's recorded.]

Ms Neal—I did not make the statement that was said to you. You did not hear it correctly.

The DEPUTY SPEAKER—Member for Indi, I am in an untenable situation. I did not hear the comment. I think the Hansard officer present has put it on the record because you asked her to place on the record

[Inaudible]

what you heard. I am not in a position to ask the Hansard officer to tell me what she did or did not hear, but I do recall you asking the Hansard officer to take something down. The only thing I can do at this juncture is seek some advice from the Clerks at a later date, and I will come back to it. But, as I did not hear it, I actually cannot ask the member to withdraw.

Mrs Mirabella—I appreciate the chair is in a difficult position but the member for Robertson, I know, has misled the House on this.

[Inaudible]

[Ellis: I'd like to make my speech.]

[The Deputy Speaker: The member for Robertson.]

Ms Neal—I could say I would like to have something put on the record that I imagined I had heard. I think it is highly improper, unless it is actually on the record, that it is recorded at all.

The DEPUTY SPEAKER—That is why I have said I will go and check this later, because if it is recorded in the *Hansard* we will have to check it. I will take it up with the Speaker and the Clerk at a later stage on that basis. If it is in the *Hansard* and you are disputing it then we will need to look into the matter.

[The Deputy Speaker: The member for Canberra.]

[Ellis: Thank you very much, Madam Deputy Speaker.]

[Neal: You just made that up.]

[Inaudible]

Ms ANNETTE ELLIS—I was referring to the issue of carers. The Rudd Labor government recognises them and has taken an important first step to meet their needs.

LOG 6.30 pm

LOG Ellis resumes

[Inaudible]

Honourable members interjecting—

The **DEPUTY SPEAKER**—I ask the two of you to desist.

Ms ANNETTE ELLIS—Among the budget allocations for carers was \$293.6 million for 19,000 carers of children with profound disability, and the extension of the \$500 utility allowance to 130,000 carers for the first time. The 19,000 people I have just referred to are an increase from the 3,000 people who currently qualify for that payment. I am particularly pleased to see that carers of children with profound disability will now have more access to that particular payment when it comes onstream.

[Inaudible]

Honourable members interjecting—

[... nasty ...]

[... common ...]

[You must ...]

[You've made it up.]

Ms ANNETTE ELLIS—Madam Deputy Speaker, I do not know whether it is appropriate for the person on their feet to raise a point of order, but my point of order would be that I implore the member opposite to be quiet so I can deliver my speech.

DEPUTY CHAIR—The member for Canberra has the call and should be heard in silence, as the other members were.

Ms ANNETTE ELLIS—Help for carers will also be a key plank in the inquiry into Australia's future tax system and the welfare system. Another important action being taken by this government is the 'Better care for our carers' inquiry, which I would like to make mention of during this speech. It is being conducted by the House of Representatives Standing Committee on Family, Community, Housing and Youth—a committee of which I am extremely proud to be the chair. The aim of the inquiry is to determine how better we can understand and meet the needs of carers who look after those with chronic illness, disability or frailty. I am very pleased that the committee, through the postbudget period, has received that reference.

I am extremely pleased that this budget also addressed an important issue which I believe was ignored by the previous government—that is, dental health care. The government will provide \$290 million over three years to state and territory governments to help fund up to one million additional consultations and treatments for Australians needing dental treatments. A further \$490.7 million will be provided over five years to help more than one million teenagers with dental health care. These are two very good initiatives that we welcome.

I do not have much time left, obviously, so I will be brief about two other important budget initiatives. One is that the baby bonus will be extended to adoptive families with children aged between two and 16 years from 1 January 2009. I have always had a heavy concern about the fact that, prior to this budget, people who adopted children over the age of two years were not eligible for the baby bonus. We have had debates on this matter in which I have participated in the House in the past. I am particularly pleased that this government has been able to introduce this policy, particularly where it is going to impact on the majority of overseas adoptions. The time lag impacting upon the age of the child has sometimes got nothing to do with anything other than the process that they are going through. It is a very welcome initiative.

Another great initiative is annual funding of \$300,000 to Special Olympics Australia, which will give more young people with an intellectual disability the chance to participate in sports. As patron of Special Olympics ACT and having recently seen the Special Olympics national games, held in Canberra just recently, I know that they welcome that payment. It is a very good initiative, particularly for the intellectual disability community.

Having highlighted some of the many great initiatives in this budget, I have to say—and I am willing to say—that there are sometimes concerns. Budgets do not always give everything to everybody as they would wish. Obviously, as the member for Canberra, I note that many people in my electorate had some concerns prior to the budget coming down as to what may happen in relation to public sector jobs. While I do not want to see anybody lose a job, we have been very up-front and honest with our local community—since last year, in fact, before the election—about what we predicted would happen should we gain government. One of those things was that there would be a change in some areas of the public sector—that there would be government programs of the previous government we would close down.

Mrs Mirabella interjecting—

The **DEPUTY SPEAKER**—Member for Indi, unless you are taking a point of order on the member for Canberra's speech, I will wait until the member for Canberra has finished her speech to listen to you.

LOG 6.35 pm

LOG DS Burke speaks with Mirabella

Mrs Mirabella—Madam Chair, there is no-one sitting—

Ms ANNETTE ELLIS—I am here.

The **DEPUTY SPEAKER**—She is here. The House is quorate.

Mrs Mirabella—The member for Robertson—

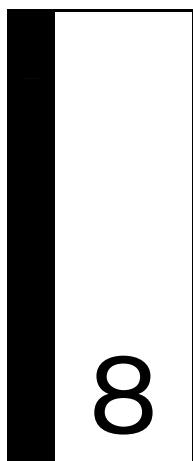
The **DEPUTY SPEAKER**—The member for Indi will resume her seat. The member for Canberra will be heard in silence.

Ms ANNETTE ELLIS—As I was saying, we were concerned but we were also very honest with our local community that there would be changes within the public sector. I was particularly pleased that our government was able to create the Career Transition and Support Centre through the auspices of the Australian Public Service Commission. The job of that transition and support centre will be to manage and coordinate as centrally as possible opportunities for any excess staff. If there are staff who find that a program they have been working in is no longer operative but for whom there are other opportunities in other parts of the public sector, we can assist them by moving them through that centre.

Another point to keep in mind is that we have an unemployment rate in Canberra of under three per cent—it is the lowest in the country. The ACT Public Service is very, very keen to recruit and is finding it very difficult, in that tight employment market, to do so. So, with no forced redundancies as part of our policy, I am now confident that any impact on the public sector that may be seen as negative will be kept to a minimum, and for those who are affected we will be doing what we can to ensure that they have as secure a future as we can possibly offer.

The last, very quick issue that I want to talk about is the indexation of Commonwealth superannuation pensions. I know this is a very important issue for many people in my electorate, let alone around the country. I understand the disappointment that they may be feeling at the moment with the rate of progress on this important policy issue, but I want to take this opportunity to assure everyone concerned in that sector of my continuing efforts and those of my ACT colleagues to further this matter through government, and we will be doing that. In summary, I think this budget is a step in the right direction for Canberra, and I want to congratulate the Rudd Labor government on the initiatives, the ideas and the long-term vision that they have displayed in producing this budget. I thank members of the House for their courtesy during my speech.

DEPUTY CHAIR—I thank the member for Canberra for her participation under difficult circumstances.



Appendix 8 – Response from Ms Neal
dated 1 September 2008



Belinda Neal MP

FEDERAL MEMBER FOR ROBERTSON



Committee of Privileges and
Members' Interests

01.09.08

Mr Brett Raguse
Chairman
Standing Committee of Privileges & Members Interests
RG39
Parliament House ACT 2600

1 September 2008

Dear Mr Raguse

Re: Inquiry on the exchange between the Member for Robertson and the Member for Indi on the 29th May 2008

Thank you for your letters of the 28 August 2008 and the enclosed material.

I make the following submission in relation to the exchange of the 20 May and other related matters.

The Member for Indi has a long history of abusive remarks in the parliament particularly towards Labor woman and this incident is another example of it.

On the 29 May 2008, after the federal Member for Canberra and I had received a tirade of abuse from the Member for Indi, I responded with comments that I subsequently withdrew.

The words Ms Mirrabella claimed I said was not completely accurate and all my words were not recorded as I was not speaking into a microphone. The words I said were conditional on the Member Indi did not stoping her evil thoughts.

Despite this, I did form the view that what I said was inappropriate and I subsequently withdrew them in the chamber.

On the same day being 29 May during question time the member for Indi was also abusive to the Deputy Prime Minister by interjecting and yelling out "at least we don't have to worry about childcare for you".

Previously, as shown on page 65 of Hansard on the 17 August she made two abusive remarks to the member for Gellibrand being 'feminist hypocrite' and 'token female'. She was asked to withdraw by the chair and refused.

The Member for Indi who has not withdrawn any of her remarks which have caused offence to a range of members which contrasts with my own actions. She has also continued to pursue in the house, by interjection, and in the media the events of that day contrary to the spirit and accepted custom and practice of the house that a matter is finalised it is withdrawn.

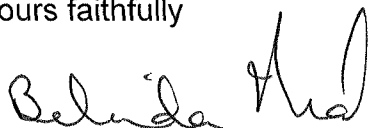
I note that on the same day this matter was referred to the Privileges Committee that the Opposition Deputy Leader misled the house and then later withdrew her remarks in relation to matters pertinent to myself.

It is my submission that this matter in relation to a breach of privilege should be discharged and that the failure of the Member for Indi to withdraw her offensive remarks should be dealt with by the committee.

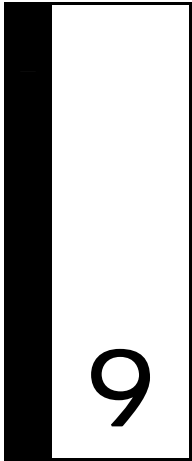
I reserve the right to make further submissions to the committee if necessary.

If you have any questions I can be contacted on 62774304.

Yours faithfully

A handwritten signature in black ink that reads "Belinda Neal". The signature is written in a cursive style with a large, looped initial 'B'.

Belinda Neal
Member for Robertson



Appendix 9 – Response from
Mrs Mirabella dated 1 September 2008

117 rphy Street
Wangaratta Victoria 3677



HOUSE OF REPRESENTATIVES
PARLIAMENT OF AUSTRALIA

Sophie Mirabella MP

Federal Member for Indi

Committee of Privileges and
Members' Interests

2.9.8

1 September 2008

Mr Brett Raguse MP
Chair
Standing Committee of Privileges and
Members' Interests
Parliament House
CANBERRA ACT 2600

Dear Mr Raguse,

Thank you for your letter of 28 August 2008 inviting further comment from me in relation to the matter currently before the Committee.

In response to the statements made by the Member for Canberra in her letter of 27 June 2008, the only interjections I made were directed towards the Member for Robertson who – at the time – was making patronising comments towards the Member for Maranoa as to whether he did the shopping in his household.

I do not recall the Member for Canberra making any interjections and I certainly did not direct any interjections towards her. What I do remember is feeling sorry for the Member for Canberra – and indeed the Deputy Speaker in the Chair at the time, the Member for Chisholm – as they looked embarrassed and uncomfortable during the Member for Robertson's now infamous comments directed at my unborn child.

As is recorded by the official audio of proceedings what I said was 'are you a man hater?' – a question directed to the Member for Robertson after her comments about the Member for Maranoa.

In response to the Member for Canberra's assertions, it should be noted that neither the Hansard log nor the retranscription of the proceedings in the Main Committee supports the claims made in her letter to you of 27 June 2008.

Further undermining the Member for Canberra's assertions in her letter is the fact that if the alleged interjections were offensive to other female Government members present, they certainly did not display any outrage at the time, nor did they request that I withdraw any of the alleged interjections.

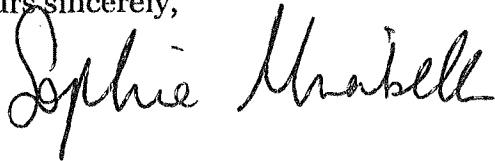
In closing, I wish to clarify the statement made in the email of 26 June 2008 from Mr Trevor Fowler (attached as part of your previous correspondence). I did approach the Hansard recorder to ascertain whether the Member for Robertson's 'demon child' comments were in fact officially recorded and if not for them to be recorded as would be evidenced by the audio recording.

This was to ascertain whether the Member for Robertson's offensive comments regarding my unborn child were recorded on the official Hansard in advance of me requesting that they be withdrawn.

It is interesting to note that well after I approached the Hansard logger, the Member for Robertson followed me in approaching the Hansard logger, presumably to also ascertain whether the Hansard logger heard her 'demon child' comments. (see DPS Broadcast of Proceedings DVD previously distributed: go to 31 minutes 08 seconds of that particular recording). This occurred just moments after the Member for Robertson said to me across the Chamber: 'You just made that up!' following my request that she withdraw her 'demon child' comments that she claimed she did not make.

Thank you once again for the opportunity to provide this additional information and clarification of matters currently before the Committee.

Yours sincerely,



SOPHIE MIRABELLA MP
FEDERAL MEMBER FOR INDI



Appendix 10 – Submission from Ms Neal
dated 20 October 2008



Belinda Neal MP

FEDERAL MEMBER FOR ROBERTSON



Mr Brett Raguse MP
Chairman
Standing Committee of Privileges and Members Interests
RG39
Parliament House ACT 2600

20 October 2008

Received
Serjeant-at-Arms
20/10/08

Dear Mr Raguse,

RE: House Reference 17 June 2008 – Draft Report

Thank you for providing me with a copy of the draft Report of the Standing Committee of Privileges and Member's Interests (the Committee) in relation to the reference of the House of Representatives to the Committee on 17 June 2008. This letter and the attachments constitute my formal response to the Committee's proposed findings.

Jurisdiction

I have several concerns with the Committee's draft Report. As I have previously advised the Committee, I have sought legal advice. I attach a memorandum of advice from John McCarthy QC and Jeffrey Kildea of the NSW Bar.

In their advice, Counsel address, in particular, the jurisdiction/mandate of the Committee under Standing Order 216. Counsel also consider whether the Committee's processes in dealing with this reference demonstrated procedural fairness.

I am advised by Counsel that the Report of the Committee, as presently drafted, especially paragraphs 1.22 and 1.23, are both in excess of the Committee's mandate and fail to provide procedural fairness. I believe that Counsel' conclusions, in their memorandum of advice, are correct. I submit that the Committee take Counsel's advices into account and

amend or delete the last sentences from paragraph 1.22 and the second sentence of paragraph 1.23 of the Draft Report.

Counsel's advice that certain sections of the draft Report are outside the mandate of the Committee is entirely consistent with the status before a privileges committee of a statement or interjection in parliament where that statement or interjection has been withdrawn. An examination of the records of the Australian Parliament and State Parliaments has not disclosed any censure or criticism of a member for any such statement or interjection after the member had withdrawn it. In fact, this reference is unprecedented in requesting a privileges committee to consider such a matter.

In making such a reference, the House was, in effect, requesting the Committee to determine whether anything in the reference constituted a contempt or misleading of parliament. Having determined that no such breach had occurred in relation to my interjections on 28 May, and given my complete withdrawal and apology on 29 May, the Committee, in effect has no material before it on which to comment.

The House reference itself draws the Committee's attention to the fact of my withdrawal and apology to the Member for Indi on 29 May. My apology and withdrawal also distinguishes my present position from the then Member for Bruce (Mr Ken Aldred MP) in the Privileges Committee case referred to in the attached memorandum of advice from Counsel ("Attachment A"). In that matter, the Committee directed Mr Aldred to withdraw and apologise. He did not do so. This Committee through the House's reference is aware that I have already withdrawn and apologised to the Member for Indi for any offence I may have caused.

I attach as "Attachment B" a list of occasions over the last three years where a member has declined to withdraw after having been requested to do so by the chair. The most serious consequence for such a refusal was a 24 hour suspension from the chamber. On several occasions, there have been no penalties at all, where members have been requested to withdraw and have refused.

In my submission, it is unprecedented and disproportionate that any member, who has withdrawn a statement or interjection and apologised

and has not mislead the House, or been in contempt should be the subject of censure by the Committee. It is a further injustice when the Committee seeks to take such action by reference to undefined standards of behaviour by members, and fails to provide procedural fairness or otherwise deal appropriately with a member who has withdrawn and apologised for a statement or interjection in the House.

Consideration of Referral to the Committee

The circumstances of the referral of the matter itself can only be described as extraordinary. The situation that gave rise to the referral took place on the 28 May 2008, late in the afternoon, in the main chamber. There was a delay of some 20 minutes before the member for Indi raised any objection to comments made by myself. That delay was made comment on by the Deputy Chair.

The Deputy Chair, Ms Anna Bourke initially made a request for comments made by myself to be withdrawn but then subsequently indicated that she would examine the matter further and deal with the matter the next day. At no time did the Deputy Chair indicate that the words complained of were considered by her to be a breach of standing orders.

The next day being in the house within 5 minutes of commencement of the days proceeding I rose in my place and withdrew and apologised for the comments made. This was prior to the Deputy Chair making any final determination as to whether she required me to withdraw.

No further comment was made in the house and no complaint was made regarding this matter until the 17 June when the motion giving rise to this inquiry was moved. This is an extensive delay in raising the matter, being 19 days.

Standing orders provide for two methods under Standing Orders 52 and 52 for matters to be referred to the privileges committee. The first is by raising the matter with the speaker. In such a case the speaker must find that there is a prime facie case of breach of privilege before referring it on to the Privileges Committee. In the circumstances of this case the speaker found no such prime facie case and therefore the Leader of the opposition relied on the second method of referral being a substantive motion of the house.

Other Amendments to the Draft Report

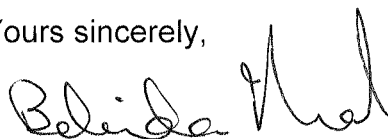
There are several other amendments, which I respectfully submit, should be incorporated into the Committee's final Report. These are set out in "Attachment C" where various paragraphs in the draft Report are referenced.

I thank the Committee for the opportunity to present submissions on the Committee's proposed response (draft Report) to the House's reference of 17 June 2008.

Finally I request the opportunity to give evidence before the Committee should any proposed report of the Committee contain statements that are in excess of the Committee's jurisdiction or deny procedural fairness. In these circumstances I would specifically request a response to the issues raised by this letter and the documentation attached. I also request that any revised draft Report be forwarded to me for comment prior to any official publication.

Should there be any question or query which your Committee may wish to raise about this letter and the attachments please feel at liberty to contact me on 62774304 or 43221922.

Yours sincerely,



Belinda Neal MP

Member for Robertson

Annexure A

Memorandum of Advice

Belinda Neal MP re Draft Report of the Committee of Privileges and Members' Interests

Introduction

1. We have been provided with a copy of a draft report of the House of Representatives Committee of Privileges and Members' Interests ("the Committee") in respect of a reference to it by resolution of the House on 17 June 2008 and have been requested to advise whether the proposed findings in the draft Report are outside the Committee's jurisdiction and mandate under the Standing Orders of the House of Representatives.
2. The resolution of the House was as follows:

That the House refer the issue of the exchange between the Member for Robertson and the Member for Indi on the 28th of May and the subsequent withdrawal and apology by the Member for Robertson at 9 a.m. on the 29th of May to the Privileges and Members' Interests Committee.

Consideration

3. Pursuant to the Standing Orders of the House of Representatives ("SO"), the Committee is a standing committee of the House concerned with:
 - 3.1. breach of privilege or contempt; and
 - 3.2. Members' interests.¹
4. In relation to the subject matter in 3.1, SO 216 provides that the Committee is appointed to inquire into and report on:

¹ SO 216.

- 4.1. complaints of breach of privilege or contempt referred to it by the House² or, when the House is not sitting, the Speaker³; or
- 4.2. any other related matter referred to it by or in accordance with a resolution of the House.
5. As the Standing Orders are rules agreed to by the House of Representatives, which govern the way it conducts its business, they must be applied purposively in order to achieve the objectives of the House. Accordingly, “related matter” in SO 216, purposively read, must refer to a matter related to a breach of privilege or contempt. In this case the resolution of the House referring the matter to the Committee was not a complaint within SO 51. However, it is clear from the words of the Leader of the House (the Hon. Anthony Albanese MP) in the debate on the amendment to the original motion moved by Dr Nelson that this referral was within the ordinary mandate of the Committee.

“Our amendment, and not the thing that he moved, represents a true reference. This is how you refer things to the privileges committee.” (Hansard, 17 June 2008, p. 5065.)

In other words, this was a deliberate and express activation of the Committee’s existing mandate under SO 216 in relation to breach of privilege and contempt. The House had not authorised the committee to review any aspect of the exchange between the specified members which was not within the Committee’s usual mandate.

6. It is in this context that the Committee’s understanding of its task as set out in paragraph 1.15 of the draft report must be considered. It is not clear from the draft Report, however, whether the Committee considered its mandate under SO 216 as there is no discussion in

² SO 51.

³ SO 52.

the draft Report of what the Committee meant by “relevant” in the clause “and whether it has any other relevant comments to make about the events” appearing at the end of paragraph 1.15.

7. In order to give effect to its mandate, SO 216(c) provides that the Committee may call for witnesses and documents. In the course of an inquiry the Committee will necessarily come across a wide range of information, both relevant and irrelevant to its mandated tasks. It is manifest that SO 216 empowers the Committee to make assessments and form opinions about breach of privilege or contempt. However, SO 216 does not empower the Committee to assess and comment on a Member’s conduct in proceedings in the House beyond making assessments as to whether there was a breach of privilege or contempt.
8. The privilege of freedom of speech of Members of Parliament derived from the 9th article of the *Bill of Rights 1688* has always been regarded as most valuable and most essential and is by far the most important privilege of Members.⁴ That article “not only protects freedom of speech in Parliament from outside interference, but indicates the method by which it may be controlled, namely by each House for its own Members.”⁵
9. The House itself, by its standing orders (eg. SO Chapter 8), rules of debate and disciplinary powers, has specified the manner in which it will deal with the misconduct of Members. Outside of conduct involving a breach of privilege or contempt the Committee does not have a role in that regard. Therefore, it exceeds the mandate of the Committee to make assessments and form opinions about the conduct of Members that otherwise do not involve breach of privilege or contempt.

⁴ I.C. Harris (ed.), *House of Representatives Practice*, 5th edition, p. 711.

⁵ C.J. Boulton (ed.), *Erskine May’s Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 21st edition, p. 84.

10. Therefore, in our opinion, the last sentence of paragraph 1.22 and the last sentence of paragraph 1.23 apart from the words “the exchanges do not give rise to any issues of privilege” are beyond the scope of the Committee’s mandate. This must be so given that the Committee concluded earlier in 1.22 that the conduct of the Member for Robertson did not amount to a contempt and that “no matter of privilege arises from the exchange between the Member for Robertson and the Member for Indi”, the very subject matter of the referral.
11. In this particular case, the draft Report not only exceeds the Committee’s mandate, it does so in a way that reflects adversely on the conduct of the Member for Robertson and the Member for Indi without specifying:
 - 11.1. the standards which it asserts were not met; or
 - 11.2. the manner in which the conduct of the Members fell below the unspecified standards.
12. Furthermore, in circumstances where:
 - 12.1. pursuant to SO 216 the mandate of the Committee is limited;
 - 12.2. the resolution of the House referring the issue to the Committee was intended to invoke the established mandate of the Committee under SO 216;
 - 12.3. the Committee did not give to the specified Members notice of the Committee’s intention to inquire into and report on conduct not amounting to a breach of privilege or contempt; and
 - 12.4. the Committee did not give them an opportunity to make submissions in that context there has also been a denial of procedural fairness. The Members were entitled to have the allegations against them of falling below the standards expected of a member put to them

so that they could answer them if they wished. In that way the Committee would have had to specify what the standards were, by whom they were expected and the manner in which their conduct fell short of those standards. As it was, so far as the specified Members would have been aware, the inquiry was conducted solely on the basis that it was an inquiry concerning breach of privilege and contempt.

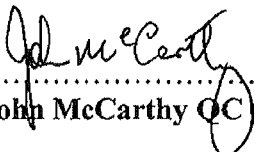
13. We have been provided with a copy of the report of the House of Representatives Committee of Privileges on the matter referred to it on 23 November 1989 relating to allegations made by the Member for Bruce (Mr Ken Aldred MP) against another Member (the Member for Hotham, Mr Kent MP). In that case there was no finding of breach of privilege or contempt against the Member. Nevertheless, the Committee found that the Member had offended against the rules of the House and recommended that he be required to apologise to the House and withdraw the allegations he had made.
14. We note that the Committee report does not make any finding, nor indeed discuss, the question of jurisdiction other than to define in the terms set out in paragraph 2 of the report what the Committee perceived its task to be. We note that Mr Peter Reith MP and Mr NA Brown MP in dissenting reports did raise the question of jurisdiction and found that the Committee lacked jurisdiction.⁶
15. Furthermore, after the Committee in the Aldred case formulated what it perceived to be its task it then resolved that Mr Aldred be invited to address the Committee at the earliest opportunity. The report notes at paragraph 3 that Mr Aldred was advised of the terms of the resolutions adopted by it. In other words, Mr Aldred was given notice of precisely what

⁶ At paragraph 4, Mr Reith wrote, "The Committee of Privileges is not charged with the responsibility of adjudicating on questions relating to the conduct of the House. It therefore acts ultra vires in making its recommendations to the House". In paragraph 12, Mr Brown wrote, "... not only has the Committee not reached any conclusions on the matter of privilege, but it has chosen to proceed to deal with the complaint on the basis of a breach of the rules of the House. There must be a serious question of whether the Committee has any jurisdiction to deal with such a matter".


it was that the Committee was inquiring into. For the reasons set out above in paragraph 12, this is a point of distinction with the present case, as no such notice was given to the affected Members.

Conclusion

16. In our opinion, the draft Report in so far as it makes assessments and form opinions about the conduct of the Member for Robertson and the Member for Indi that do not involve breach of privilege or contempt exceeds the scope of the mandate of the Committee.
17. Furthermore, the findings in the last sentence of paragraph 1.22 and the last sentence of paragraph 1.23 fail to specify the standards by which the Committee has judged their conduct and the manner in which that conduct fell short of those standards.
18. In making those assessments and forming those opinions about the conduct of the specified Members the Committee has failed to afford those Members procedural fairness by failing to inform them that the Committee proposed to inquire into conduct not amounting to a breach of privilege or contempt and giving them an opportunity to be make submissions in that regard.
19. For the reasons set out above, we do not consider that the Aldred case is a precedent for the Committee to find that it has jurisdiction to deal with the conduct of Members outside the context of breach of privilege and contempt.



John McCarthy QC



Jeff Kildea
 5 Wentworth Chambers
 Sydney NSW 2000
 17 October 2008

Annexure B

Consequences for Members of the House of Representatives who refused to withdraw or were not insisted upon to withdraw a comment by the Speaker or Deputy Speaker

2006 to 10 October 2008

Date	Member Suspended	Reason for Suspension	Period of Suspension
9 Feb 2006	Kelvin Thomson (ALP)		No suspension
<p>During a speech on a Bill Thomson said: 'Just to make sure the government does not get caught by the Cole commission, the Prime Minister has rorted the terms of reference of the commission to expressly exclude it from making findings—.' The Deputy Speaker Ian Causley (Nats) ordered him to withdraw the word 'rort'. Thomson continued: 'Mr Deputy Speaker, the Prime Minister has produced terms of reference for the commission to expressly exclude it from making findings about the government's own conduct.' No further action was taken.</p>			
15 Feb 2006	Julia Irwin (ALP)	Disorderly conduct	1 hour
<p>As Deputy Prime Minister Mark Vaile (NP) was answering a QWN on the oil for food program. Irwin interjected: 'Tell the truth!' The Speaker (David Hawker) ordered her to withdraw the remark but she responded: 'Mr Speaker, is telling the truth unparliamentary? This minister should resign.' She was warned but said: 'This is the people's parliament and he should be telling the people's parliament the truth.' She was then ordered from the chamber for one hour. Opposition Whip Roger Price (ALP) questioned that the comment 'tell the truth' is unparliamentary but the Speaker said Irwin was displaying disorderly conduct in defying the chair and that is why she was asked to withdraw.</p>			
16 Feb 2006	Kevin Rudd (ALP)		No suspension
<p>During a speech on the Oil for Food Program Rudd said: 'The decent thing to do would have been to have provided decent terms of reference to Mr Cole for his inquiry and the decent thing to do would not have been to gag public servants from telling the truth to the Senate estimates committee because you fear what the truth might contain.' Deputy Speaker Ian Causley (Nats) said: 'The member for Griffith is stepping a little too far with the word 'truth'.' Rudd kept talking and was chastised for ignoring the Deputy Speaker. The Deputy Speaker then said: 'The member for Griffith will withdraw the word 'truth', which is implying in some way that there was a lie.' Rudd responded: 'With respect, Mr Deputy Speaker, I did not at any stage accuse the Prime Minister of lying, so on what grounds are you asking me to withdraw my statement concerning the government not telling the parliament the truth?' However, the Deputy Speaker replied: 'I ask you to rephrase it because of the obvious inference. The opposite of truth is obviously the opposite, isn't it?' Rudd continued: 'With respect, again, Mr Deputy Speaker, on multiple occasions during question time today we stated that the government had misled the parliament. That means to not tell the parliament the truth. The Speaker on each of those occasions did not seek to cause either the Leader of the Opposition or me to in any way withdraw in relation to any of those observations.' Finally the Deputy Speaker said: 'I will allow it to stand, but can I tell the member for Griffith that I will not tolerate it again.' No further action was taken.</p>			
24 May 2006	Mal Brough (LP)		No suspension
<p>During an answer to a QWN by Brough on indigenous communities Julia Gillard (ALP) raised a point of order saying: 'On the question of disorder and unparliamentary conduct, the minister just gestured at the opposition and said, 'You say that,' referring to his statement that there are people unnamed who somehow believe that overcrowded housing justifies the rape of a child. No member of the opposition has ever or would ever say something like that. That implication ought to be</p>			

<p>withdrawn. It is a disgrace.’ Amidst interjections the Speaker David Hawker (LP) said: ‘Order! There have been far too many interjections coming from both sides of the House. I did not hear the particular point that you have made. There have been interjections from both sides of the House, quite a few of which members would, on reflection, probably think it better not to have been said. I will listen carefully, but I ask all members to show more restraint.’ Gillard responded: ‘Mr Speaker, I accept you might not have heard it, but I heard it and members of the opposition heard it and it was accompanied by a hand gesture. It must be withdrawn. Mr Speaker, you cannot set this as the standard in this place. You cannot do that.’ The Speaker said that if the minister had made an offensive remark then he will withdraw, but that he himself had not heard the remarks. Bronwyn Bishop (LP) then asked that Duncan Kerr (ALP) withdraw an unparliamentary remark she claimed he had made. The Speaker then said: ‘I have ruled on that point that the member for Mackellar has made. There have been a number of interjections and a lot of disorder. It would assist all members if members on both sides would show more restraint.’ No further action was taken on either call for a withdrawal.</p>			
31 May 2006	Julia Gillard (ALP)	Refusing to withdraw unconditionally	24 hours
<p>During debate on a bill, Gillard interrupted Tony Abbott (LP) to move: ‘That that snivelling grub over there be not further heard.’ The Speaker (David Hawker) ordered her to withdraw but she replied: ‘If I have offended grubs, I withdraw unconditionally.’ She used the same form of words which the Leader of the House had used initially in withdrawing the same expression at a previous sitting [see Procedural Digest 39.13]. The Speaker ordered her to withdraw ‘without reservation’ but she said she was abiding by his ruling from the day before. He again ordered her to withdraw without reservation but again she refused saying: ‘Mr Speaker, in accordance with your ruling yesterday, I have withdrawn effectively.’ Again the Speaker ordered her to withdraw without reservation, ignored an attempt by Roger Price (ALP) to raise a point of order, then named her. She was then suspended for 24 hours. The Speaker later made a statement on this issue and there was further discussion.</p>			
31 May 2006	Greg Hunt (LP)		No suspension
<p>Bob Katter (IND) in a speech on a Bill had said: ‘I put on record again that the parliamentary secretary at the table thinks that it is funny when 2,000 Australian families lose their livelihoods—’ to which Hunt interjected: ‘Do not misuse your position to make false allegations’ as Katter continued: ‘—for no purpose whatsoever except to earn some votes in Sydney and Melbourne and then you cannot defend your waters against 13,000 vessels. And you have the hide to come in here and laugh at us!’ Hunt interjected: ‘Do not lie’ and was ordered to withdraw by Deputy Speaker Ian Causley (Nats). Katter said to the Deputy Speaker ‘he just called me a liar. I defy him to point out— where I have told a single lie or anything remotely resembling one’ as the Deputy Speaker again called on Hunt to withdraw. Katter finished by saying: ‘I take his interjection, Mr Deputy Speaker, and I stop and say: where was the lie?’ Katter’s speech time expired and no further action was taken.</p>			
21 Jun 2006	Jennie George (ALP)		No suspension
<p>In a speech on Iraq George said: ‘Where is the honest acknowledgement that our nation was taken to war based on a lie—.’ Deputy Speaker Ian Causley (Nats) interrupted saying: ‘The member for Throsby will withdraw the word ‘lie’’ as she continued: ‘—based on the untruth about the weapons of mass destruction?’ She did not withdraw the word ‘lie’ but changed it to ‘untruth’ and this may have been taken as a withdrawal by the Deputy Speaker as no further action was taken.</p>			
9 Aug 2006	Duncan Kerr (ALP)		No suspension
<p>Deputy Speaker Bruce Scott (Nats) interrupted a speech by Kerr to ‘ask him to remove an unparliamentary remark in the description of Nauru in relation to how that money was spent. I believe it was unparliamentary and it would be better if the member withdrew those comments.’ Kerr responded: ‘I have no hesitation about removing any unparliamentary remark I made, but I simply indicate that the government of Nauru is not fit to be mentioned in the same sentence as the</p>			

government of our sovereign nation.’ The Deputy Speaker then said: ‘I did not interrupt at the time, but I ask that you withdraw the remark now. Thank you.’ It is unclear whether Kerr actually withdrew the remark.			
17 Aug 2006	Sophie Mirabella (LP)		No suspension
At the end of a QWN by Nicola Roxon about the reappointment of Pru Goward as the Sex Discrimination Commissioner, Mirabella interjected: ‘Feminist hypocrite!’ At the end of Prime Minister John Howard’s answer, Julia Gillard (ALP) raised a point of order asking that the remark be withdrawn. The Speaker David Hawker (LP) said he did not hear the interjection but that if she made an offensive remark he would ask her to withdraw it. Mirabella said: ‘There was no offensive remark. The member for Gellibrand, who herself is part of a quota system, is a token female here.’ The Speaker ordered her to resume her seat and Andrew Southcott (LP) began asking the next question. Roxon interrupted to raise a point of order to ask for the comment to be withdrawn but the Speaker said: ‘I asked the member for Indi if she made an offensive remark. She informed me that she did not. I will have to take the member’s word on this.’ Roxon then sought leave to table a document relating to recent appointments and this was granted. Anthony Albanese (ALP) then raised a point of order saying: ‘Am I to take it that your ruling is that people will be able to judge for themselves the nature of the offensive remark—that is, whether or not it is offensive—or the person so offended will, as standing orders clearly state?’ The Speaker responded: ‘As has been the case with previous occupiers of the chair, when the chair does not hear a remark the chair calls upon the member who has been asked to withdraw to say whether or not an offensive remark has been made. The member has assured the chamber that it was not an offensive remark. The chair can take it no further.’ Lindsay Tanner (ALP) rose on a point of order saying that he had been thrown out last year for calling the Prime Minister a hypocrite and that: ‘The member for Indi called the member for Gellibrand a hypocrite. You should require her to withdraw. You required me to withdraw the same accusation against the Prime Minister last year. It is about time we had fair treatment for members on this side.’ The Speaker then asked Mirabella: ‘Did the member for Indi refer to another member as a hypocrite?’ She responded: ‘Mr Speaker, I am not sure which part of my phrase was offensive—’ He ordered her to answer his question and she continued: ‘—whether the member for Gellibrand was a feminist or whether she was a hypocrite. Which part is offensive?’ The Speaker ordered her to withdraw that remark. She said: ‘If the truth hurts I withdraw the remark’ but was ordered to ‘withdraw without reservation.’ She responded: ‘I do withdraw’ and the Speaker called up Southcott to ask the next question.			
11 Oct 2006	Warren Snowdon (ALP)	Refusal to withdraw	No suspension
Snowdon during part of a speech on a Bill said: ‘I think that the way in which the Commonwealth has rorted the use of the Registrar at Mutitjulu is unwarranted.’ Bob Baldwin raised a point of order with Deputy Speaker Bronwyn Bishop (LP) saying: ‘I think claims that public officials have been rorting should be withdrawn, and I think reflecting against officials in that way is not appropriate.’ She asked Snowdon to withdraw but Snowdon responded: ‘The government has rorted it’ and, with Baldwin interjecting, ‘If the government rorts something, it rorts something.’ The Deputy Speaker stepped in saying: ‘I think the point the parliamentary secretary is making is that you are making a substantial allegation and, accordingly, that can only be done by way of substantive motion, and therefore I would ask you to withdraw.’ Snowdon responded: ‘I will table the documents, if you wish.’ The Deputy Speaker asked if leave was granted, which it was, and Snowdon continued his speech.			
19 Oct 2006	Don Randall (LP)	Refusal to withdraw	No suspension
During a speech by Peter Slipper (LP) Randall made an interjection which was not recorded by Hansard but to which Slipper responded: ‘I hear the point of view of the honourable member for Canning.’ Deputy Speaker Peter Lindsay (LP) ordered Randall to withdraw the statement but Slipper continued, saying: ‘I will leave that between you, Mr Deputy Speaker, and the honourable member!’ No further action in relation to the remark was taken.			
10 May 2007	Gary Hardgrave (LP)	Refusal to withdraw	No suspension

<p>Simon Crean (ALP) was speaking on the Australian Wine and Brandy Corporation Amendment Bill (No. 1) when Hardgrave interjected: 'I think he is off on a little, self-indulgent, drunken spree, and I would like him to come back to the bill.' Deputy Speaker Michael Hatton (ALP) responded: 'Until that final point, you had made your point and I have no fear whatsoever that the member for Hotham will simply mention those words. But he is involved in a contextual debate which I think is undergirding the argument he has put previously in relation to the very matters in this bill.' Jill Hall (ALP) raised a point of order saying: 'I take offence that the member opposite accused the member for Hotham of being on a drunken spree, and I ask that he withdraw that.' Hardgrave responded: 'Mr Deputy Speaker, I was not suggesting that the member for Hotham was intoxicated by wine or brandy but that he was on an indulgent, power-drunken spree in the reminiscences of his ministry. All those things, to my mind, seem to be enormously off the mark.' The Deputy Speaker thanked them both but Hall asked that 'he withdraw his remarks unconditionally'. The Deputy Speaker said: 'That has been requested. I think it is not difficult for the member to do so.' Hardgrave asked: 'Which words were offensive?' The Deputy Speaker decided not to take it further saying: 'That has been requested. I think it is not difficult for the member to do so.'</p>			
28 May 2007	Warren Snowdon (ALP)	Refusal to withdraw	No suspension
<p>Snowdon had interjected angrily during John Murphy's (ALP) speech on the Government's intervention into the Northern Territory and continued his criticism of Murphy during his own speech. At one point Deputy Speaker Harry Jenkins ordered Snowdon to withdraw his remarks. This was ignored as Snowdon continued his speech and no further action was taken.</p>			
14 Jun 2007	Simon Crean (ALP)	Refusal to withdraw	No suspension
<p>Joe Hockey drew the Speaker's (David Hawker) attention to the fact that Crean had made an offensive remark about the Leader of the House. The Speaker said he did not hear it but that if he had made such a remark he should withdraw it. Crean responded: 'I do not believe it was an offensive remark, and if you did not hear it, why would you take his word?' The Speaker replied: 'The member for Hotham will not reflect on the chair.' No further action was taken.</p>			
19 Sep 2007	Lindsay Tanner (ALP)	Defying the Chair	24 hours
<p>During a QWN Tanner interjected and was called upon by the Speaker (David Hawker) three times to withdraw the 'unparliamentary remark' although the words of the remark are unknown. After the third time Tanner said: 'Why is it okay for him to say it, but it's not okay for me?' and was named and suspended for 24 hours.</p>			
19 Mar 2008	Bob Katter (IND)	Refusing to withdraw unreservedly	No suspension
<p>Warren Truss (Nats) raised a point of order with Deputy Speaker Patrick Secker that Katter had accused him of lying and asked for it to be withdrawn. The Deputy Speaker put it to Katter who responded: 'I withdraw, Mr Deputy Speaker. We had lie upon lie. Remember, it was going to cost more.' Truss complained that he had again been accused of lying and asked for Katter to withdraw. Katter responded: 'Mr Deputy Speaker, I have accused his government of saying these things, each of which is clearly untrue. I completely withdraw the statement implying that he is a liar. Do not let him use it as a tool to take up my time, because that is all he is doing. I do not blame him, because what I am saying—.' The Deputy Speaker interrupted saying: 'The member for Kennedy will withdraw unreservedly.' Katter continued with his speech and no further action was taken by the Deputy Speaker.</p>			
4 Jun 2008	Steven Ciobo (LP)	Disorderly behaviour	1 hour
<p>In answering a QWN Craig Emerson (ALP) stated that there had been 20 warnings about capacity restraints on the economy to which Ciobo interjected: 'That's a lie! That's a complete lie!'. Emerson continued speaking and Ciobo interjected again; 'That's a lie!' The Speaker (Harry Jenkins) ordered him to withdraw. Ciobo responded: 'Mr Speaker, it is a lie that there were 20 warnings. I am stating the truth; it is incorrect.' He was then suspended for an hour.</p>			
25 Jun 2008	Don Randall (LP)	Refusal to withdraw	No suspension

Anthony Albanese asked Randall to withdraw an interjection. The Speaker (Harry Jenkins) said: 'If the Leader of the House has found it unparliamentary, and I was not in a position to hear it, it would assist if the member for Canning would withdraw.' Randall responded: 'It was not unparliamentary, Mr Speaker. The word 'Gollum' is not unparliamentary.' The Speaker moved on to other matters.

25 Sep 2008	Barry Haase (LP)	Refusal to withdraw	1 hour then for 24 hours
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Julia Gillard (ALP) was answering a QWN about the gas pipeline in Darwin during which Haase interjected: 'You're the government. \$25 billion worth of investment lost. You're a pack of frauds.' The Speaker (Harry Jenkins) ordered him to withdraw but he responded: 'Mr Speaker, this government have been asked a serious question about why they are dudding Western Australia for \$25 billion. They are frauds.' He was ordered from the house for an hour and said: 'With absolute satisfaction, Mr Speaker' for which he was named and suspended for 24 hours.

Annexure C

General Comments on the Draft Report

Paragraph 1.2,

This paragraph, fails to note that the exchange between the Member for Indi and the Member for Robertson included a number of remarks made by the member for Indi prior to the comments made by the Member for Robertson. These were offensive and confirmed by Ms Ellis in her submission and by myself. These comments by Ms Mirabella formed part of one exchange involving the three parties. It should also be noted that the offensive remarks made by Ms Mirabella have never subsequently been withdrawn. Ms Mirabella does not herself deny she made such remarks.

Paragraph 1.10

An additional paragraph should be added that- Ms Neal sought further information and reserved her right to make a full submission when the committee revealed further information.

Paragraph 1.13

Ms Mirabella did not immediately respond to Ms Neal but did not make this comment till some 20 minutes after the comments made by myself and she had raised the matter with the Chair.

Paragraph 1.15

The task of the committee is to determine whether there is a breach of privilege and nothing further. I refer to my comments above and the advice of counsel which is attached.

Paragraph 1.17

The use of the Profumo case as an example should be distinguished on the basis that it dealt with a substantive matter of serious consequence of misrepresentation during a personal explanation and not just a dispute over the exact words used in an interjection. The member in that case had not withdrawn. It is not an analogy to this case and a reference to it is prejudicial and inappropriate.

Paragraph 1.20

I only refused to withdraw the comments claimed to have been made by Ms Mirabella. The Chair suspended the matter by saying she would look at the tapes and therefore the matter was still on foot when I returned to the matter the House the next morning and withdrew. (I would have withdrawn if the member had merely asked for any comments she found offensive to be withdrawn.)

Paragraph 1.22 & 1.23

The committee proposes to judge Ms Neal against 'standards' not defined by legislation, standing orders or resolution of the house. I would submit that the powers of the house to regulate its own affairs and its members within the boundaries of Section 49 of the constitution must be determined by the house prior to being applied. In other words if the Parliament had determined standards for members or a code of conduct then privileges could determine a breach of that but I submit that the committee can not properly make a judgement against a undetermined standard that is not publicly available or adopted by the house.

The last sentence in paragraph 1.22 is inappropriately inserted as that section deals with breach of privilege and a potential misleading of the parliament. The section finds that there was no misleading therefore an adverse finding is out of step with the argument. It appears to refer to the nature of the interjections but this being the case the issue is dealt with in paragraph 1.23 and it should not be inserted here.

The comments in paragraph 1.23 do not distinguish between myself and the member for Indi in that I have withdrawn my comments but the Member for Indi has not withdrawn the offensive comments she made to myself and Ms Ellis.

Paragraph 1.24

The Chair does not always insist on a withdrawal and in fact numerous occasions have occurred were a withdrawal was requested by the chair and the member has not complied with the request. There has been numerous occasions just over the last 3 years when a member refused to withdraw. I attach as annexure 'B' a list of occasions over that period where a member has declined to withdraw after having been requested to do so by the chair.

The most severe consequences for such a refusal to withdraw was a 24 hour suspension from the chamber. On many occasions there were no consequences for declining to withdraw.

It is inequitable that I should suffer an assault on my reputation when the maximum penalty suffered by other members, even when they have refused to withdraw is a 24 hour suspension from the house.



Appendix 11 – Email correspondence with
Ms Neal

Elder, David (REPS)

From: Elder, David (REPS)
Sent: Wednesday, 15 October 2008 5:36 PM
To: Neal, Belinda (MP)
Subject: RE: Confidential

Dear Ms Neal

Thank you for your email. The Committee has agreed to allow you until close of business on 20 October 2008 to make your submission.

David Elder
 Secretary, Committee of Privileges and Members' Interests

-----Original Message-----

From: Neal, Belinda (MP)
Sent: Tuesday, 14 October 2008 9:29 AM
To: Elder, David (REPS)
Subject: RE: Confidential

Dear David

I have now had the opportunity to confer with my legal adviser and he will be able to assist me in finalising a submission by Monday 20 October 2008. Could you please confirm that the committee will allow me this time before considering this matter further.

Yours Sincerely

Belinda Neal, MP
Member for Robertson
 91-93 Mann St Gosford NSW 2250
 PO Box 577 Gosford NSW
 02 4322 1922
 Fax: 02 4322 2066

From: Elder, David (REPS)
Sent: Thursday, 25 September 2008 5:31 PM
To: Neal, Belinda (MP)
Subject: RE: Documents as requested

Dear ms Neal

Thank you for your email. I will pass on this information to the Chair. Once you have had a chance to speaker to your lawyer, could you please give me some idea of the likely time for you to make a response. The Committee is keen to bring this matter to a conclusion and would not wish to see it drawn out too long.

David Elder
 Secretary
 House of Representatives Committee of Privileges and Members' Interests

-----Original Message-----

From: Neal, Belinda (MP)
Sent: Thursday, 25 September 2008 1:31 PM
To: Elder, David (REPS)
Subject: RE: Documents as requested

Dear David

Than you for providing this draft report by email. I advice that I take this matter very seriously and will be seeking extensive advice on this matter. I will unable to respond in the time frame suggested. My legal

adviser is unavailable being overseas until 3 October 2008. I will make an appointment after this time and then let you know of my expected time frame.

Belinda Neal, MP

Member for Robertson

91-93 Mann St Gosford NSW 2250

PO Box 577 Gosford NSW

02 4322 1922

Fax: 02 4322 2066

-----Original Message-----

From: Gillies, Laura (REPS) **On Behalf Of** Elder, David (REPS)
Sent: Monday, 22 September 2008 1:53 PM
To: Neal, Belinda (MP)
Cc: Elder, David (REPS)
Subject: Documents as requested

<< File: Report September 2008.pdf >> << File: Letter to Ms Neal re report 190908.pdf >>

David Elder
Secretary
PMI Committee

Elder, David (REPS)

From: Elder, David (REPS)
Sent: Tuesday, 30 September 2008 10:48 AM
To: Neal, Belinda (MP)
Subject: RE: Documents as requested

Dear Ms Neal

Thank you for your email. In relation to your request in the final paragraph, there have not been any matters dealt with by the Committee of Privileges involving the withdrawal of remarks by Members in the House and so there are no reports that I can provide to you.

David Elder

-----Original Message-----

From: Neal, Belinda (MP)
Sent: Monday, 29 September 2008 5:42 PM
To: Elder, David (REPS)
Subject: RE: Documents as requested

I will let you know my time frame when I am able to do so.

This matter has been very drawn out and the report took some 4 months to produce and I was never advised what the procedure would be despite requests. In light of this and the unprecedented findings of the committee I need to deal with this matter very seriously.

Can you please provide me with the details of any matter that has come before the Privileges Committee after a member has withdrawn and a copy of the report.

Yours Sincerely

Belinda Neal, MP
Member for Robertson
 91-93 Mann St Gosford NSW 2250
 PO Box 577 Gosford NSW
 02 4322 1922
 Fax: 02 4322 2066

From: Elder, David (REPS)
Sent: Thursday, 25 September 2008 5:31 PM
To: Neal, Belinda (MP)
Subject: RE: Documents as requested

Dear ms Neal

Thank you for your email. I will pass on this information to the Chair. Once you have had a chance to speaker to your lawyer, could you please give me some idea of the likely time for you to make a response. The Committee is keen to bring this matter to a conclusion and would not wish to see it drawn out too long.

David Elder
 Secretary
 House of Representatives Committee of Privileges and Members' Interests

-----Original Message-----

From: Neal, Belinda (MP)
Sent: Thursday, 25 September 2008 1:31 PM
To: Elder, David (REPS)
Subject: RE: Documents as requested

Dear David

Thank you for providing this draft report by email. I advise that I take this matter very seriously and will be seeking extensive advice on this matter. I will be unable to respond in the time frame suggested. My legal adviser is unavailable being overseas until 3 October 2008. I will make an appointment after this time and then let you know of my expected time frame.

Belinda Neal, MP

Member for Robertson

91-93 Mann St Gosford NSW 2250

PO Box 577 Gosford NSW

02 4322 1922

Fax: 02 4322 2066

-----Original Message-----

From: Gillies, Laura (REPS) **On Behalf Of** Elder, David (REPS)
Sent: Monday, 22 September 2008 1:53 PM
To: Neal, Belinda (MP)
Cc: Elder, David (REPS)
Subject: Documents as requested

<< File: Report September 2008.pdf >> << File: Letter to Ms Neal re report 190908.pdf >>

David Elder
Secretary
PMI Committee



Appendix 12 – Advice from the Clerk of
the House dated 22 October 2008



OFFICE OF THE CLERK OF THE HOUSE

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 4111 | Fax: (02) 6277 2006 | Email: ian.harris.reps@aph.gov.au

22 October 2008

Mr D Elder
Secretary
Standing Committee of Privileges and Members' Interests
Parliament House
CANBERRA ACT 2600

**Proposed Report of the Standing Committee of Privileges and
Members' Interests**

Thank you for your note of 21 October conveying the request of the Chair of the Standing Committee of Privileges and Members' Interests for my views on the submission from the Member for Robertson dated 20 October 2008 in relation to the Committee's inquiry into events in the Main Committee on 28 May 2008. I appreciate the Chair giving me the opportunity to express a view on the submission. Where appropriate, I will refer to the proposed report, and I respect the confidence being placed in me to provide a view.

In essence, I feel that there are two elements in the submission by the Member for Robertson, based on advice she has received from distinguished Counsel. The advice of Counsel suggests that sections of the proposed report of the Committee of Privileges and Members' Interests exceed the mandate/jurisdiction of the Committee under standing order 216. Secondly, Counsel question that the Committee's processes in dealing with the reference demonstrated procedural fairness. I propose to deal with Counsel's suggestions separately.

Jurisdiction/mandate

Counsel's advice to Ms Neal states that standing order 216 empowers the Committee to make assessments and form opinions about breaches of privilege and contempt, but does not empower the Committee to assess and comment on a Member's conduct in proceedings in the House beyond as to whether there was a breach of privilege or contempt. The advice goes on to quote *House of Representatives Practice* about the importance of freedom of speech and cites the 21st edition of *May's Parliamentary Practice* on the importance of Article 9 of the Bill of Rights.

Freedom of speech and jurisdiction of the House

Counsel's quotation from *May's Parliamentary Practice* from the 21st edition does not appear in full to be in the current (23rd) edition. However, the following segment does appear on the page cited by Counsel and in the current edition:

In the past, Members were frequently called to account and punished by the House for offensive words spoken before the House. Some have been admonished, others imprisoned, and in the Commons some have been expelled.¹

¹ CJ Boulton (ed) *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 21st edition, page 84, and Sir William McKay KCB (ed), 23rd edition, page 96.

House of Representatives Practice, on the page cited by Counsel, says of the privilege of freedom of speech:

It is, however, incumbent upon Members not to abuse the privilege. The House, by its rules of debate and disciplinary powers, has the ability to deal with abuse...[Difficulties can arise from cases cited but] there is no doubt that, ultimately, Members can be called to account to the House for their actions and statements².

Committee's right to make recommendations to the House

There seems no doubt that the House can make decisions on matters such as words spoken by Members. Counsel's advice suggests that the mandate of the Committee of Privileges and Members' Interests is limited by the standing orders of the House to complaints of breach of privilege or contempt referred to it, or to any other related matter referred to it by or in accordance with a resolution of the House.

The Committee, under its current nomenclature and span of jurisdiction, has only been in operation since the commencement of the current Parliament. The closest parallel in previous Parliaments is the Committee of Privileges. Similarly, *House of Representatives Practice* has not been revised since the inception of the Committee of Privileges and Members' Interests, but the current edition says of the Committee of Privileges:

The House has referred to the committee matters of a general nature, such as the use of House records in the courts, the issue of public interest immunity, and the legal status of the records and correspondence of Members.³

In a later segment, *House of Representatives Practice* indicates:

The committee may not only investigate the specific matter referred to it but also the facts relevant to it. The committee has also reported on matters arising during, or as a consequence of, its inquiry...⁴

The House proceeds in its ordinary business with regard to the Constitution, the standing orders, resolutions of permanent or shorter effect, and practice. There is no doubt that the House, on 17 June 2008, referred to the Committee 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. In my mind this was a valid reference. In speaking generally of parliamentary committees, *House of Representatives Practice* says:

The principal purpose of parliamentary committees is to perform functions which the Houses themselves are not well fitted to perform, that is, finding out the facts of a case or issue, examining witnesses, sifting evidence, and drawing up reasoned conclusions.⁵

The House has, by its resolution of 17 June, empowered the Committee of Privileges and Members' Interests to make recommendations to it on the matter referred.

² *House of Representatives Practice*, 5th edition, pages 711-12.

³ *Ibid*, page 625.

⁴ *Ibid*, page 748.

⁵ *Ibid*, page 621.

Procedural fairness

Associated with Counsel's belief that the Committee was acting beyond its mandate under standing order 216 is the advice that, in failing to give the Members involved notice of its intention to inquire into and report upon conduct not amounting to a breach of privilege or contempt, and in failing to provide the Members with an opportunity to make submissions in that context, there had been a denial of procedural fairness. I have an administrator's awareness of procedural fairness, also known as natural justice, and hesitate to differ from the opinion of learned counsel. However, I have always applied my knowledge in a professional sense as:

- Advising people of allegations made,
- Hearing those against whom allegations are made, by a person or persons who are unbiased, and
- Deciding on the basis of evidence.

To the extent that the basis of my understanding is applicable to inquiries by the Committee of Privileges and Members' Interests, I do not believe that there has been infringement of procedural fairness. I believe that the Committee has abided by its published procedures, including inviting the Member for Robertson, the Member for Indi, the Member for Canberra and the Member for Maranoa to make submissions. As outlined in the proposed report, the Committee provided copies of submissions and the Hansard log to Mrs Mirabella and Ms Neal with an invitation to make comments. In accordance with the Committee's procedures, and as acknowledged by Ms Neal, the Committee also provided her and I presume Mrs Mirabella with a copy of the Committee's draft report.

Ms Neal's submission on the draft report also indicates that the Committee cannot make judgments about the conduct of Members in the absence of a code of conduct adopted by the House. The Committee's conclusion in paragraph 1.22 relates to the standards expected of a Member. A finding of the Committee of this kind (and other conclusions in the report) remain of a recommendatory nature. The House has the power to accept this recommendation, or act otherwise. Technically, it would not seem to be the case that a view or conclusion about standards that might be expected to be met by Members cannot be made unless a code of conduct has been adopted. The House has apparently made decisions about the conduct of Members, including conduct unrelated directly to proceedings, for example cases of Messrs McGrath and Tuckey⁶.

Points on additional comments by Ms Neal (Annexure C)

In conclusion, I would make reference to some points in the general comments made by the Member for Robertson in Annexure C.

Profumo case

Ms Neal believes that reference to the UK Profumo case as an example is inappropriate and prejudicial. As the Committee is probably aware, Profumo provides the classic case in dealing with allegations of deliberate misleading of the House. Moreover, the Committee's proposed finding is that there was not a deliberate

⁶ Ibid, page 743.

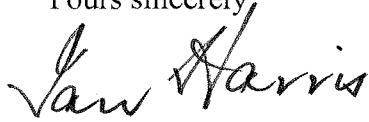
misleading of the House and the Main Committee. As I have mentioned previously, it is only the House and not the Committee that can make a final decision on the matter, and the Committee is not attempting to do this.

Typographical change

The third word of the final sentence of Ms Neal's additional comments makes reference to "equitable". As I suspect the Committee may have concluded, I think that "inequitable" is the intended word.

Once again, I request that you thank the Chair of the Standing Committee of Privileges and Members' Interests for the opportunity to provide a view on the submission relating to the proposed report. I wish the Committee all the best in drawing its inquiry to a conclusion.

Yours sincerely

A handwritten signature in black ink that reads "Ian C Harris". The signature is written in a cursive style with a large initial 'I' and 'H'.

I C Harris