

# HOUSE REVIEW



## Selected features of House of Representatives business

Sitting period 14-24 October 2019 (no. 23)

This sitting fortnight featured a commemoration of the first anniversary of the National Apology to Victims and Survivors of Institutional Child Sexual Abuse; a Ministerial Statement on veterans and their families; and the passage of a number of bills, including the Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Bill 2019 and the Farm Household Support Amendment (Relief Measures) Bill (No. 1) 2019.

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### **National Apology to Victims of Institutional Child Sexual Abuse**

On 22 October the Prime Minister moved that the House commemorate the first anniversary of the national apology to the survivors and victims of institutional child sexual abuse. He spoke of the apology and the need for it, as well as of the National Redress Scheme. The Leader of the Opposition acknowledged the Prime Minister's words and spoke of the same things, as well as the history of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Leader of the House then moved to enable further debate in the Federation Chamber.

### **Ministerial Statement on veterans and their families**

On 16 October the Minister for Veterans and Defence Personnel made the third annual Ministerial Statement by leave, thanking those who have served in the Australian Defence Force and their families, and acknowledging the bipartisan spirit that is directed towards dealing with veterans' issues. The shadow Minister replied and the Minister moved to enable further debate on the Statement in the Federation Chamber.

### **Marking the death of former Members**

Further speeches were made in the Federation Chamber on the death of the Honourable Timothy Fischer AC (Member for Farrer from 1984-2001 and former Deputy Prime Minister), and the death of Dr the Honourable Alexander James (Jim) Forbes CMG MC. Both condolence motions were returned to the House and agreed to in the first sitting week of the fortnight.

### **Address in Reply to the Governor-General's speech on the opening of Parliament**

First speeches of all new Members have been completed and debate on the proposed Address in Reply, which had been the vehicle for those speeches, has continued in the Federation Chamber. Many returning Members have participated, often thanking those who supported them during the election and outlining current issues in their electorates. So far, 90 Members have spoken.

### **Legislation**

In the first week 14 bills were presented and 10 passed by the House. In the second week, seven bills were presented and 14 passed. In many instances bills passed after the House divided on second reading amendments moved by the Opposition and the question on the second reading was carried on the voices.

#### *Introductions*

Government bills included the Farm Household Support Amendment (Relief Measures) Bill (No. 1) 2019, introduced on 17 October. After an extensive debate this was passed on the voices on

23 October after a division on an Opposition amendment to the second reading question. This bill is intended to improve the Farm Household Allowance program payment arrangements.

#### *Passing the House*

On 21 October, the House agreed to postpone items on the Notice Paper ahead of the Customs Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019 and the Customs Tariff Amendment (Growing Australian Export Opportunities Across the Asia-Pacific) Bill 2019. The bills relate to free trade agreements with Peru, Indonesia, and Hong Kong, China. The first Customs bill was called on and a cognate debate on the second reading stage of both bills followed. At the conclusion of the second reading debate an Opposition amendment to the second reading of the first bill was defeated on division. A division was called for on the question on the second reading but as only three Members (for Melbourne, Kennedy, and Clark) were on the side for the 'noes', the Speaker declared the question carried. Standing orders provide that a count will not be completed if there are four or fewer Members on a side. In consideration in detail the Member for Melbourne moved three amendments. A division was called for and conducted on the first of these because, when the bells had rung, five Members (Melbourne, Mayo, Warringah, Clark, and Kennedy) were on the side for the 'ayes'. Ninety-two Members voted 'no'. The Member for Melbourne's two other amendments were each declared defeated without a count after only the Members for Melbourne, Kennedy, and Clark were on the side for the 'ayes' in each case. The second Customs bill was then called on and the questions on the second and third readings passed on the voices.

Second reading debate on the Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Bill 2019 was resumed on 22 October and completed on 23 October. The bill is intended to prohibit certain conduct in electricity retail, contract and wholesale markets. An Opposition amendment to the question on the second reading was defeated 64:75 and the question on the second reading was passed on the voices. The shadow Minister for Climate Change and Energy moved three Opposition amendments and these were agreed, after debate – this was the first occasion that non-government amendments have been agreed in the current parliament. The Member for Melbourne then moved three amendments that were declared defeated after only four Members (Melbourne, Indi, Warringah and Clark) were on the side for the 'noes'. The Member for Melbourne then moved four other amendments, with the same result. The question on the third reading passed on the voices.

The House passed the Currency (Restrictions on the use of Cash) Bill 2019 on 24 October. The bill proposes to create offences for entities that make or accept cash payments of \$10,000 or more. An Opposition amendment to the question on the second reading was defeated on division. A division was called for on the second reading itself but as only four Members (for Melbourne, Mayo, Clark and Kennedy) were on the side for the 'noes', the question was declared carried.

#### *Delegated legislation*

The focus of the House and Senate is on considering laws, but many Acts provide for delegated (subordinate) legislation such as determinations, regulations and rules, to be made directly. This legislation often comprises detailed and technical provisions and is able to be made by Government, through persons authorised by the enabling Act, such as the relevant Minister.

The *Legislation Act 2003* provides a measure of parliamentary scrutiny by requiring the formal registration of such legislation, for it to be laid before each House within six days of registration, and for it to be subject to disallowance, in most cases, if it is not registered in time or if any notice of motion in either House to disallow it is not dealt with and defeated within 15 sitting days of the notice. Sometimes an enabling Act requires a positive approval of its delegated legislation.

On 23 October, the House approved the Health Insurance (Extended Medicare Safety Net) Amendment (Eating Disorders Capping) Determination 2019 that was made on 10 September and presented on 14 October. The *Health Insurance Act 1973* enables the Health Minister to make certain such determinations but also provides that they do not come into effect until approved by each House.

## Parliamentary committees

Committees continued their work during the fortnight with meetings, public hearings and presentation of reports. On 24 October the report of the Parliamentary Joint Committee on Intelligence and Security on the Identity-matching Services Bill 2019 and the Australian Passports Amendment (Identity-matching Services) Bill 2019 was presented to the House. The report recommends the bills be re-drafted according to principles of privacy, transparency, governance, and user obligations.

A snapshot of House and Joint Committees, their membership and inquiries, is available in the last pages of the [Notice Paper](#) for each sitting day.

## Motions to suspend standing orders

Several motions to suspend standing orders were moved without notice during the sitting fortnight. Standing orders allow for a debate of up to 25 minutes on such motions. Only one motion gained the necessary absolute majority to succeed. This was purely procedural: to arrange speaking times for the motion on the Anniversary of the National Apology to Victims and Survivors of Institutional Child Sexual Abuse on 22 October.

The other suspension motions were tactical in nature. On 15 October, the Member for Clark moved a motion calling for a Royal Commission into the casino industry. This was debated with the Leader of the House, the Attorney-General, participating. It was ultimately defeated 5:99. On the same day, the Member for Melbourne moved to suspend standing orders so he could move immediately that the House declare an environment and climate emergency. The motion was defeated 65:72.

During Question Time on 16 October, the Leader of the Opposition moved a suspension motion in relation to the economy. The Leader of the House successfully moved closure of Member ('That the Member be no longer heard') on the Leader of the Opposition and on the seconder, the Member for Rankin, and then closure of question ('That the question be put'). The original motion was defeated 62:74. In Question Time on 17 October, the Leader of the Opposition moved to suspend standing orders to enable an immediate debate on the economy with the Prime Minister. The Leader of the House moved successfully for closure of Member on the Leader of the Opposition and the Member for Rankin who had seconded the motion. After the Leader of the House's closure of question succeeded on division, the original motion was defeated 61:69. During Question Time on 24 October, the Manager of Opposition Business moved a suspension motion in relation to the Minister for Emissions Reduction. The Leader of the House successfully moved closure of Member on the mover and then the seconder, and then closure of question. The question on the original motion to suspend standing orders was put and defeated 66:73.

## Matter of Public Importance discussions

Topics for the discussions after Question Time this fortnight comprised: the needs of the nation; the economy; a fair go for all; productivity, economic growth and wages; interests of workers; and structural problems in the economy. On 24 October the discussion did not take the full hour allowed under the standing orders, and this enabled debate on a bill to be concluded and other business to be transacted before the question on the adjournment was proposed at 4.30 pm.

## Program of sittings for 2020

On the afternoon of 24 October the Leader of the House presented a [calendar](#) of proposed sittings for 2020 and moved, by leave, that it be agreed to. This was carried on the voices.

## Interaction with the Senate

The usual message traffic between the Houses came to a halt in the second week because the Senate did not meet—its committees were considering Supplementary Budget Estimates 2019-2020.

On 15 October a message was received from the Senate returning the Crimes Legislation Amendment (Police Powers at Airports) Bill 2019 with two amendments. The House agreed to consider the amendments immediately and a Minister's motion that amendment 1 be disagreed to was carried on division. His subsequent motion that the Senate's amendment 2 be agreed to was carried on the voices. The Minister presented a statement of reasons for disagreeing with the first proposed amendment. A message was received from the Senate on 16 October, returning the bill, and informing the House that the Senate did not insist on its amendment that had been disagreed to.

The House passed the Emergency Response Fund Bill 2019 on 17 September. On 17 October a message from the Governor-General was announced recommending an appropriation 'for the purpose of amendments to be made on motion moved by a Minister of a Bill for an Act to establish the Emergency Response Fund...'. Immediately after this, a message from the Senate was reported returning the Emergency Response Fund Bill 2019 with requests for amendments (these had been proposed by the Opposition in the Senate and agreed to). The House agreed to consider the requests immediately and, on the motion of a Minister, they were made. A message from the Senate was then reported to the House returning the Emergency Response Fund (Consequential Amendments) Bill 2019 without amendment. Later in the day the Senate agreed to the third reading of the Emergency Response Fund Bill.

The Senate only will meet in the week of 11 November and the House and Senate will meet next on 25 November.

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### ***Further information on the work of the House***

[Bills and legislation](#), bills, explanatory memoranda, amendments, speeches, and a tracking option  
[Last week in the House](#) lists events, including legislation considered and reports presented. It also provides links to records of the events

[Live Minutes](#), a real time summary of House decisions and proceedings. When used in conjunction with the [Daily Program](#), the Live Minutes are a simple way to track the House's work each day

[House of Representatives Practice](#) 7 ed., 2018, the most authoritative guide to House procedure