

# HOUSE REVIEW



## Selected features of House of Representatives business

Sitting period 15 – 24 June 2021 (no. 41)

The final fortnight of Winter sittings featured the passage of 17 bills and the presentation of 12 committee reports. Proceedings on the budget bills continued to be a key focus of the House, particularly in the Federation Chamber. The sittings also featured remote participation by the Prime Minister and many suspension motions.

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### Two matters of privilege raised, and one referred to committee

On 15 June, the Member for Clark, [Mr Wilkie](#), raised a matter of privilege in connection with correspondence between the Member's office and Mr Troy Stolz which had been sought by ClubsNSW in legal proceedings before the Federal Court of Australia. After considering the matter, the [Speaker](#) responded on 22 June, noting that Section 16 of the [Parliamentary Privileges Act 1987](#) provides protections for all words spoken and acts done in the course of, or for the purposes of or incidental to the business of the House. The Speaker acknowledged that the courts have a role in interpreting the Act. The Speaker also noted that Mr Wilkie had not presented detailed information, and indicated that he was not satisfied that there was prima facie evidence of a contempt or breach of privilege. However, the Speaker indicated that the House would benefit from the advice of the Committee of Privileges and Members' Interests on this matter, and gave precedence to a motion to be moved. On motion by Mr Wilkie, the House referred the matter to the Committee.

Also on 15 June, the Member for Hughes, [Mr C. Kelly](#), raised as a matter of privilege actions taken by YouTube's remove from its platform of a video of a speech made by the Member in the House. Mr Kelly claimed that YouTube's actions impeded him in discharging his duties as a Member. Mr Kelly presented a copy of email correspondence with YouTube. On 17 June the Speaker [responded](#), observing that, while acts that attempt to interfere with the free performance of a Member's duties can be regarded as a contempt, such acts must amount to, or be intended or likely to amount to, improper interference in the free performance of the Member's duties as a Member. The Speaker indicated that he had considered the matters raised, and was not satisfied that the actions or communications by YouTube were directed at the Member in his capacity as a Member. The Speaker did not find that a prima facie case had been made out in this case and did not give precedence to a motion to refer the matter to the Committee.

### Further remote contributions

In the first week of the fortnight, no provision was made for remote participation by Members. However, in the second week, the [Prime Minister](#) having returned from official overseas travel and being required to quarantine at The Lodge, a further [Agreement for Members to contribute remotely to parliamentary proceedings](#) was presented on 21 June. This facilitated the Prime Minister's participation in each Question Time that week by video link.

### Marking the death of a member of the Queensland Parliament

On 15 June the [Acting Prime Minister](#) made a statement by indulgence on the death of [Mr Duncan Pegg](#), Member for Stretton in the Legislative Assembly of Queensland. The Member for Rankin and fellow Queenslanders, [Dr Chalmers](#), and the [Leader of the Opposition](#) also made statements by indulgence on the matter. All Members present stood, in silence, and the House resolved to permit

further statements on indulgence in the Federation Chamber. On 24 June, three such statements were made.

### **Expediency motion for proposed public works**

Under the [Public Works Committee Act 1969](#), most public works over a certain value must be considered and reported on by the [Parliamentary Standing Committee on Public Works](#) before they can be approved by the Parliament. Under section 18 of the Act, an exception applies where the House has resolved that the work is urgent and it is 'expedient' for it be carried out without referring it to the Committee. Such an 'expediency motion' was moved on 23 June, in connection with a new quarantine facility in Victoria. Five Members spoke on the motion before the question was closed (on the voices), and the expediency motion was agreed to on the voices.

### **Motions to suspend standing orders – without notice and without leave**

During the fortnight the House considered 12 motions to suspend standing orders that were moved by the opposition, without notice or leave. These motions related to robodebt; the [Member for Bowman](#) (four motions); COVID vaccination and quarantine (three motions); the mouse plague; energy policy; the needs of Australians; and debate in the Senate. In each case the mover and seconder were closed on division, and the suspension motion was then defeated, also on division.

### **Suspension motions lapse for want of a seconder**

On 16 June, the [Member for Jagajaga](#) moved a motion to suspend standing orders, in relation to the Member for Bowman. On 24 June the [Member for Griffith](#) moved a suspension motion on the same matter. In each case, the mover was closed on division, and when the Speaker called for a seconder, the seconder rose and started speaking but, as a Member did not second the motion at the appropriate time, the Speaker ruled that the motion lapsed for want of a seconder.

### **Federation Chamber – altered order of business**

In accordance with the [resolution](#) agreed to by the House on 3 June, the business of the Federation Chamber was varied this fortnight to facilitate the programming of consideration in detail of the main Budget bill. On 17 June, the House [resolved](#) to alter some of the hours and business in the second sitting week, also for the purposes of Budget consideration and to provide additional opportunities that were lost earlier in the month due to Budget consideration. A further change was made on 24 June, the House [resolving](#) to suspend standing orders, on a motion by a minister, by leave, to enable further statements by indulgence on the death of Mr Pegg.

### **Legislation**

During the fortnight, 18 [bills were presented](#) and 17 bills were passed by the House. Consideration of the Budget bills continued to be a key focus for the Federation Chamber. The last fortnight of sittings, prior to the winter adjournment is traditionally a busy time for the House's legislative program, and this was also the case this year.

#### *Introductions*

During the fortnight, 15 government bills were presented. Subjects included: COVID-19 [disaster payments](#) and tax treatment of related [grants](#); incorporation into legislation various [customs tariff proposals](#) introduced in earlier sittings; changes to the governance arrangements of the [Australian Organ and Tissue Donation and Transplantation Authority](#); importation of [tobacco products](#); [technical amendments](#) relating to the description and coding of commodities; the [child care subsidy](#); [four bills](#) on [overseas students](#); tax treatment of certain [film productions](#); [registration of financial advisers](#); and [waiting periods](#) for certain payments for new migrants. Three private Members' bills were introduced, on: [COVID vaccination](#); [ransomware payments](#); and [storage of Defence data](#).

#### *Passing the House*

One of the bills passed by the House had a considerable number of detail amendments agreed to during consideration in detail. On 23 June, the [Telecommunications Legislation Amendment](#)

[\(International Production Orders\) Bill 2020](#) was read a second time, after debate, and then the minister, by leave, moved 502 government amendments together. The amendments were immediately agreed to on the voices, and the third reading was, by leave, moved and agreed to.

*Budget debate – consideration in detail, and passing the House and Senate*

The work of the Federation Chamber continued to be focussed on consideration of the Budget bills. The consideration in detail stage of [Appropriation Bill \(No. 1\) 2021-2022](#) (the ‘main Budget bill’) commenced on 15 June. At this stage, the proposed expenditure for each portfolio is considered in turn, with one or more ministers present at the relevant time to speak in support of the proposed expenditure and to respond to remarks made by other Members. During the fortnight there were 165 contributions made by Members, over 14 hours and 7 minutes of debate.

On 21 June, the consideration in detail stage concluded in the Federation Chamber, and all remaining stages of the main Budget bill and [Appropriation Bill \(No. 2\) 2021-2022](#) and [Appropriation \(Parliamentary Departments\) Bill \(No. 1\) 2021-2022](#), were completed. The bills were reported to the House on 22 June, and each bill was finally passed and transmitted to the Senate for concurrence.

*Disallowance motions – consideration of three disallowance motions*

Under the [Legislation Act 2003](#), legislative instruments may be disallowed by resolution of either House of Parliament. During the fortnight, three disallowance motions were considered in the House. In relation to the first two motions, the Member for Melbourne, [Mr Bandt](#), and the Member for McMahon, [Mr Bowen](#), had each given notice, on 25 and 26 May respectively, of a motion to disallow the same instrument: [Australian Renewable Energy Agency Amendment \(2020-21 Budget Programs\) Regulations 2021](#). On 15 June, on a motion moved by a minister, on notice, the House suspended standing orders, which enabled the disallowance motions to each successively be called on, moved and seconded, then debated together, with separate questions put on each motion at the conclusion of the debate. On this occasion, each of the disallowance motions was negated on division. Subsequently, on 22 June, a disallowance motion on this instrument was agreed to in the Senate, and the instrument was therefore disallowed.

For the third motion, the Member for Warringah, [Ms Steggall](#), had given notice, on 25 May, of a motion to disallow the [Industry Research and Development \(Beetaloo Cooperative Drilling Program\) Instrument 2021](#). On 22 June the House resolved, on motion moved by a minister, on notice, to suspend standing orders to enable the motion to be called on immediately. The motion was disagreed to, on the voices, after debate.

**Parliamentary committees**

Committees continued their work during the fortnight with meetings, public hearings and presentation of reports. A comprehensive list of reports, with hyperlinks, will be published in [Last Week in the House](#).

On 22 June, [Mr Wallace](#), Chair of the [Standing Committee on Social Policy and Legal Affairs](#) made a statement relating to the Committee’s inquiry into the [Ending Indefinite and Arbitrary Immigration Detention Bill 2021](#). Under standing order 143(c), the making of this statement discharges the Committee’s obligation to report on a bill referred to it for an advisory report. In his statement, Mr Wallace stated that the subject matter of the bill did not fall within the Committee’s purview. The Committee having discharged its obligation to report, the bill could be referred to a different committee, if desired.

**Communication with the Senate**

Only the House sat in the previous fortnight, so the message traffic between the Houses increased this fortnight. Some messages from the Senate related to the appointment of Senators to committees, some dealt with reporting dates for joint select committees, some returned House bills with amendments, several returned House bills that had been passed without amendment or requests, and some transmitted Senate bills for the concurrence of the House.

Some messages sought the House's concurrence with decisions of the Senate, and most of these were dealt with quickly. For example, on 16 June, the [Transport Security Amendment \(Serious Crime\) Bill 2020](#) was returned to the House with an amendment. The amendment was considered immediately and agreed to on the voices, without debate. On 17 June, the [Treasury Laws Amendment \(More Flexible Superannuation\) Bill 2020](#) was returned with amendments, which were considered immediately and agreed to, on division, after a short debate (one Member speaking). On the same day, the [Treasury Laws Amendment \(Your Future, Your Super\) Bill 2021](#) was returned with amendments, which were also considered immediately and agreed to, also after a short debate (three Members speaking).

On 17 June the [Treasury Laws Amendment \(Self Managed Superannuation Funds\) Bill 2020](#) was transmitted for the House's concurrence. The House considered the bill immediately, completing consideration of all stages in less than 20 minutes. Passage of the bill was expedited by leave being granted at two key points: after the minister's second reading speech, to enable debate to continue rather than being adjourned until a future sitting; and after the second reading, enabling the motion for the third reading to be moved immediately.

On other occasions, proceedings on Senate messages were more involved. For example, also on 16 June, a message transmitted a Senate [resolution](#), relating to Jobkeeper payments, for the House's concurrence. A minister moved that consideration of the message be made an order of the day for the next sitting. The Member for Melbourne, [Mr Bandt](#), moved an amendment to that motion, proposing that the message be considered immediately. The result of the division on the amendment was 72:72. The Speaker gave his casting vote with the "Ayes" (opposing the amendment), based on the principle that decisions should not be taken except by a majority, and that the casting vote should not be used to form a majority. The minister's original motion was then agreed to, on division (74:70).

After consideration of Senate amendments to the [Water Legislation Amendment \(Inspector-General of Water Compliance and Other Measures\) Bill 2021](#) on 24 June, the Member for Nicholls, [Mr Drum](#), sought to move further amendments. The Speaker ruled that the proposed amendments were not 'relevant to or consequent on the Senate amendments', as required by standing order 160, and ruled them out of order. The [Manager of Opposition Business](#) initially moved a motion dissenting from the Speaker's ruling, but later withdrew it, by leave.

The House and Senate are scheduled to meet next on 3 August.

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

[Bills and legislation](#) – access bills, explanatory memoranda, amendments, speeches, information about key stages of a bill's consideration, and a tracking option

[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