

# HOUSE REVIEW



## Selected features of House of Representatives business

Sitting period 18 – 28 October 2021 (no. 44)

The October sittings featured the first meeting of the Federation Chamber since 24 June, an announcement from the Speaker on his intention to resign the Speakership, the raising of a matter of privilege and the presentation of a report by the Committee of Privileges and Members' Interests. Once again, by agreement, Members unable to travel to Canberra were able to participate in the Chamber using the official video facility.

---

### **Speaker announces intention to resign as Speaker**

On the final sitting day, the Speaker made a statement in the House announcing his intention to resign as Speaker in the next sitting fortnight, citing his desire to conclude his term as a parliamentarian on the backbench, working exclusively for the people of his electorate of Casey. He had previously indicated that he would not be contesting the next election.

The Speaker said that he would chair proceedings on 22 November and then resign in time to enable the House to elect a new Speaker at the beginning of proceedings the following day. The Prime Minister, the Leader of the Opposition, the Leader of the House and the Manager of Opposition Business all spoke on indulgence in response.

The Speaker was elected to the role in August 2015 and has since been re-elected twice.

### **Independent Parliamentary Workplace Complaints Mechanism**

On 18 October the House adopted a resolution relating to the Independent Parliamentary Workplace Complaints Mechanism, which has been established following the Foster Review of the Parliamentary Workplace to examine complaints made about serious parliamentary workplace incidents. The House resolution establishes a process for referring to the Committee of Privileges and Members' Interests matters where the Parliamentary Service Commissioner has reported to the Speaker that a Member has not cooperated with a review under the mechanism or has not acted on a recommendation in such a review.

### **Matter of privilege raised**

Also that day, the Manager of Opposition Business raised a matter of privilege regarding the Member for Pearce and the Register of Members' Interests. He claimed that a declaration by the Member that a blind trust had paid for part of his personal legal bills in a defamation case did not comply with the resolution of the House regarding the registration of Members' interests. The Manager of Opposition Business asked the Speaker to give precedence to a motion to refer the matter to the Committee of Privileges and Members' Interests.

Two days later, the Speaker reported to the House that he had considered the information available and was satisfied that the matter had been raised at the earliest opportunity and that a prima facie case had been made out (SO 51(d)). The Speaker stated that he was therefore willing to give precedence to a motion referring the matter to the Committee of Privileges and Members' Interests. He noted that an opinion by the Speaker that a prima facie case has been made out does not imply a conclusion that a breach of privilege or contempt had occurred and that, in giving precedence for such a motion to be moved, he was simply allowing the House to consider the motion immediately and decide whether the matter should be referred.

The Manager of Opposition Business then moved to refer the matter to the committee. After debate, the motion was defeated on division (52:49).

During debate, the Leader of the House presented a letter that he had written to the Chair of the committee, asking the committee to clarify what is needed for a Member to satisfy the requirements of the Register of Members' Interests in relation to contributions or assistance received from third parties (including anonymous sources or crowd funding) in relation to personal legal matters or other matters.

On 26 October the Speaker made a further statement, noting commentary on his granting of precedence to a motion on the matter. He summarised the process outlined in the standing orders and noted that the granting of precedence is not a ruling; rather, it enables the moving of the motion at that time, putting the matter in the hands of the House to consider and determine.

#### **Motion – Anniversary of national apology**

On 21 October, the Prime Minister moved that the House commemorate the anniversary of the national apology to the survivors and victims of institutional child sexual abuse. Following the Prime Minister's speech, the Leader of the Opposition also addressed the House. The motion was referred to the Federation Chamber, where it was debated on 26 October. The national apology, delivered on 22 October 2018, was part of the government's response to the report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

#### **Privileges and Members' Interests Committee report**

On 26 October the Deputy Chair of the Privileges and Members' Interests Committee, in the Chair's absence, presented its *Report concerning legal action in the Federal Court of Australia and possible issues of parliamentary privilege*. The report concerned a court judgment which granted leave to Clubs NSW to obtain correspondence between its former employee and the Member for Clark. The matter had been raised by the Member for Clark and referred by the House to the committee in June this year. The Member for Clark had stated that he had relied on the correspondence in a speech to the House, establishing a link between the materials covered by the court decision and the Member's contribution to parliamentary proceedings.

In its report, the committee found that parliamentary privilege was likely to attach to some of the documents in question. It recommended that the House agree to a motion authorising the Speaker to take steps to ensure the interests of the House were represented in the matter before the courts, such that parliamentary proceedings were appropriately protected as provided by the *Parliamentary Privileges Act 1987*. The next day the Deputy Chair moved the motion recommended by the committee, and the question was debated and carried on the voices.

#### **Statement on indulgence – anticipating retirement**

On 28 October, the Member for Parramatta, on indulgence, announced her intention to retire at the next election. She has represented the seat since 2004.

#### **Motion – Murder of Sir David Amess MP**

On 18 October, the Leader of the House moved, by leave, a motion relating to the murder of Sir David Amess, Member of Parliament in the UK House of Commons, who was killed in the course of performing his responsibilities to his constituents. The matter was then referred to the Federation Chamber. The Speaker advised the House that he had spoken with the Speaker of the House of Commons, Sir Lindsay Hoyle, and had offered sincere condolences on behalf of all Members. Following debate in the Federation Chamber on 19 October, the motion was returned to the House, and just before Question Time on 20 October, the Speaker reported the return of the motion, which was then agreed to, with all Members standing in silence.

### **Disallowance motion**

During government business time on 19 October, standing orders were suspended, on motion by a minister, to enable a disallowance notice standing in the name of the Member for Melbourne, relating to Australian Renewable Energy Agency regulations, to be called on. The motion was then moved and debated, before being defeated. If a disallowance motion has not been withdrawn or otherwise dealt with at the end of 15 sitting days after notice is given, the legislative instrument it relates to is deemed to have been disallowed.

### **Presentation of documents relating to the administration of the House**

In the first week of sittings, the Speaker presented the annual reports of the Department of the House of Representatives, the Department of Parliamentary Services and the Parliamentary Budget Office. In the second week, he also presented the 2021 Presiding Officers' statement regarding the condition of Parliament House.

### **Legislation**

#### *Introductions*

During the fortnight, 19 government bills were presented. Three bills related to aspects of electoral legislation (contingency measures, voter integrity and assurance of Senate vote counting). After the bill relating to voter integrity was introduced and the minister had given the second reading speech, debate was adjourned. The question 'that the resumption of the debate be made an order of the day for the next sitting' was put separately, at the request of the Manager of Opposition Business, who then moved to amend the question to change the timeframe for resumption of debate from 'the next sitting' to 'the first sitting after 1 January 2023'. This was defeated on division, and the original question was then agreed to.

Thirteen private Members' bills were also introduced. Subjects included the establishment of an Australian Federal Integrity Commission, disclosure of political donations, political advertising during elections and unsolicited political communication.

#### *Passing the House*

In total, 15 bills passed the House over the fortnight. This included three bills relating to offshore electricity infrastructure, two bills relating to the Territories Stolen Generations Redress Scheme and two bills to implement Australia's obligations under the Regional Comprehensive Economic Partnership Agreement. Other bills related to supplementary payments for eligible job seekers in particular remote communities, high-risk terrorism offenders, changes responding to the Royal Commission into aged care, preventing unauthorised commercial use of indicia and images for certain sporting events, arrangements for the Bonded Medical Program, the framework for managing risks to critical infrastructure, amendments to the Land Rights Act, and amendments to Treasury laws relating to tax administration, superannuation complaints and self-education expense deductions.

### **Motions to suspend standing orders**

On 21 October, the Member for Warringah was given leave to move a motion without notice seeking to suspend standing orders so her private Member's bill prohibiting further offshore petroleum exploration in the PEP11 area could be debated. After debate, a minister moved closure of the question. The question was then put and the motion was defeated on division.

On 27 October, the Member for Warringah again moved to suspend standing orders, this time to enable her two private Member's bills relating to a national framework for responding to climate change to be called on immediately. The motion was debated and defeated on division.

During the fortnight the Opposition moved several motions to suspend standing orders, without notice. Motions related to the Member for Pearce, the provisions of the Electoral Legislation

Amendment (Voter Integrity) Bill 2021 and climate and energy policy. In each case a minister moved closure of Member on the mover and seconder. All the original motions were defeated.

### **Communication with the Senate**

There was message traffic between the houses only in the first week of the fortnight, as the Senate did not sit in the second week while its committees considered supplementary budget estimates for 2021-22.

One bill was received from the Senate—the Courts and Tribunals Legislation Amendment (2021 Measures No. 1) Bill 2021—which was read a first time on 18 October. As is usual practice, a minister then moved that the second reading be made an order of the day for the next sitting.

On 19 October, a message from the Senate requested the House’s concurrence to an extension to the reporting date for the Joint Select Committee on Australia’s Family Law System to 16 December 2021. The message was considered immediately, and the House agreed to concur with the variation.

Four messages were received from the Senate notifying the House of changes to the membership of joint committees, and five messages were received returning bills without amendment.

The House and Senate are scheduled to meet next, for the final sittings of 2021, on 22 November.

---

### ***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

[House of Representatives Standing Orders](#), as at 19 September 2019, as amended—the House rules of procedure