

# HOUSE REVIEW



## Selected features of House of Representatives business

Sitting period 24 May – 3 June 2021 (no. 40)

The first full sitting fortnight of the Winter sittings featured the passage of 12 bills and the presentation of three committee reports. Proceedings on the budget bills continued to be a key focus of the House. The sittings also featured: a response from the Speaker to a matter of privilege; numerous motions to suspend standing orders; adjustments to sitting arrangements due to COVID-19; and a substantial program of government and private Members' business in the Federation Chamber.

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### Sitting arrangements – COVID-19

On the first sitting day, 24 May, the [Speaker](#) made a [statement](#) in relation to COVID-19 arrangements for the sitting fortnight. He indicated that arrangements for the operation of the Chamber and Federation Chamber would remain largely the same as for the last sitting week. The easing of COVID restrictions had resulted in committee rooms being able to accommodate more people, with QR codes to be scanned by all committee room occupants, for contact tracing purposes.

### Matter of privilege raised – response by the Speaker

On the final day of the previous sitting week the [Member for Hughes](#) had raised, as a matter of privilege, the decision of Facebook to suspend his accounts, which he claimed prevented him from carrying out his duties as a Member, including communicating with constituents. A matter of privilege takes precedence over other business being considered by the House, but only if in the Speaker's opinion a *prima facie* case has been made out and the matter has been raised at the earliest opportunity.

On 24 May the Speaker [responded](#), noting that he was satisfied the matter had been raised at the earliest opportunity, and observing that acts that attempt to interfere with the free performance of a Member's duties can be regarded as a contempt. In doing so, the Speaker pointed to section 4 of the [Parliamentary Privileges Act 1987](#), which states that such acts must amount to, or be intended to amount to, improper interference in the free performance of the Member's duties as a Member.

The Speaker referred to media reports, that had been presented by the Member for Hughes, which indicated that Facebook had removed the Member's Facebook page because of repeated violations of the site's policy relating to misinformation about COVID-19. The Speaker stated that there was no evidence in the material to suggest that the particular action by Facebook was directed at the Member in his capacity as a Member. The Speaker also acknowledged that the Member would have available other means of communicating with constituents. The Speaker stated that it did not seem that a *prima facie* case had been made out in this case and that, in accordance with the practice of the House, precedence to a motion to refer the matter to the [Committee of Privileges and Members' Interests](#) could not be given.

### Divisions conducted during the time for deferred divisions

On both Tuesdays this fortnight, suspension motions were moved between 12 noon and 2 pm, the period for deferred divisions. On each of these occasions, some divisions were carried out while others were deferred until later in the day. The reason for this is that [standing order 133](#) requires any division called for before 2 pm on Tuesdays to be deferred until after the discussion of a matter of public importance, with the exception of motions moved by a minister during this period. Therefore,

on each suspension motion, a closure motion moved by a minister resulted in a division taking place immediately, while a division called for on the suspension motion itself, moved by a non-minister, needed to be deferred.

### **The return of remote contributions**

Following several sitting weeks without any remote participation by Members, the deteriorating public health situation in Victoria during the first week of the fortnight led to the [Leader of the House](#), on Thursday, 27 May, presenting an [Agreement for Members to Contribute Remotely to Parliamentary Proceedings](#). The Agreement covered the remainder of the sitting fortnight and set up opportunities for Members unable to be physically present due to the COVID-19 pandemic to participate in certain proceedings in the Chamber and Federation Chamber through the official parliamentary video facility. The provisions were consistent with previous agreements.

The first virtual contribution was made by the [Member for McEwen](#) in the Chamber on 1 June. The video facility was used a total of ten times by six Members, in both the Chamber and Federation Chamber, for: 90 second statements; debates on private Members' motions; asking a question during Question Time; discussing a matter of public importance; and the adjournment debate.

### **Statements by indulgence**

Statements by indulgence of the Chair were made on several occasions, including: on 25 May in relation to the [Callide Power Station in Queensland](#); on 26 May on the [death of Sir Llewellyn Roy Edwards AC](#); and on 1 June on the [death of photojournalist Mr Ray Strange](#). On each occasion, statements were made by the Prime Minister and the Leader of the Opposition. On 1 June the [Member for Fenner](#) also made a statement on the work of the [Indigenous Marathon Foundation](#).

### **Infant in the Chamber**

During Members' 90 second statements on 27 May, the [Member for Perth](#), holding his infant daughter, spoke about women in parliaments. Under [standing order 257\(b\)](#) it is not in order for visitors to enter parts of the Chamber reserved for Members, however paragraph (d) of the same standing order states that 'an infant being cared for by a Member' is not considered a visitor.

### **Leave of absence for parental leave purposes**

On 3 June, the Leader of the Opposition moved for leave of absence until 22 November 2021 for the [Member for Hotham](#) for parental leave purposes. In speaking to the motion, the [Leader of the Opposition](#) wished the Member well on the impending arrival of her third child and [stated](#), 'She will join the baby boom on this side of the House! It's quite a group, and it says something about this parliament becoming more representative ...'

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

During the fortnight the House considered 13 motions to suspend standing orders that were moved without notice. These motions related to the [Member for Bowman](#) (five motions); the [Minister for Industry, Science and Technology](#); the mouse plague (two motions); vaccination and quarantine schemes (two motions); data security; and the [Prime Minister](#) (two motions). In most cases the mover and seconder were closed on division, and each of the original suspension motions was then defeated, also on division.

### **Suspension motion ruled out of order**

At the start of business on 26 May, the [Member for Dunkley](#) sought to move a motion to suspend standing orders, in relation to the Member for Bowman. The Speaker ruled that the motion was not in order, as it was the same in substance as motions decided on by the House during recent sittings. In [ruling](#) on the matter, the Speaker stated that 'the same motion—almost identical—cannot be continuously moved, because the House has determined the matter.' [Later that day](#), the Member for Dunkley moved a different motion in relation to the Member for Bowman, and this time the motion was allowed, and was seconded and defeated on division.

### **Suspension motion lapses for want of a seconder**

At the start of business on 2 June, the [Member for Lalor](#) moved a motion to suspend standing orders, in relation to the Member for Bowman. The mover was closed on division, and the Speaker called for a seconder. The [Member for Moreton](#) rose and started speaking but, as he did not second the motion at the appropriate time, the Speaker ruled that the motion lapsed for want of a seconder.

### **Question Time**

Opposition Members seeking to present documents during question time are not typically granted leave to do so. During Question Time on 1 June, the Leader of the Opposition, who had asked about statements made by the Prime Minister, sought leave to present transcripts of related media appearances. The Prime Minister granted leave and the documents were presented. The Prime Minister then presented a document on the same matter and, as a minister, did so without needing leave.

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

In accordance with the [resolution](#) agreed to by the House on 13 May, the hours and business of the Federation Chamber were varied this fortnight. These changes included: additional meeting time on several days, no grievance debate on 25 May or 1 June, and no constituency statements on 26 or 27 May. These changes provided additional government business time for the House's consideration of the appropriation bills. The resolution also provided time for committee and delegation business and private Members' business on Wednesday, 2 June, in a week when there would otherwise be none in the Federation Chamber, as the Monday was a public holiday. On 3 June, a [further motion](#) to suspend standing orders was moved, on notice, to alter some of the hours and business of the Federation Chamber in the next sitting week, to facilitate that chamber's work in considering the appropriation bills. The motion was agreed to, on the voices.

### **Legislation**

During the fortnight, 14 [bills were presented](#) and 12 bills were passed by the House. Consideration of the appropriation bills continued to be a key priority, constituting much of the work of the Federation Chamber. Meanwhile, many other bills were considered in the Chamber.

#### *Introductions*

Twelve government bills were presented this fortnight. Subjects included: fuel security for certain transport fuels; establishment of an independent Inspector-General of Water Compliance; decommissioning offshore oil and gas projects; implementation of measures in response to the Royal Commission into Aged Care Quality and Safety; indemnity schemes for privately practising midwives; arrangements for pensioners away from their country of residence for extended periods; social security provisions relating to job seekers; the treatment of debts relating to the Farm Household Allowance program; and protections for people with disability. Two private Members' bills were introduced. These related to liability for damage caused by [climate change](#); and a new statutory authority responsible for [animal welfare](#) at the Commonwealth level.

#### *Passing the House – consideration in detail without amendments*

Consideration in detail typically, but not necessarily, involves the proposal of amendments. On 1 June, consideration in detail took place on the [Sydney Harbour Federation Trust Amendment Bill 2021](#), despite there being no amendments. During this stage, the [Member for Warringah](#) asked a question about an aspect of the bill's operation. The [Minister for the Environment](#) responded, and the remaining stages on the bill were agreed to on the voices.

#### *Passing the House – consideration in detail with many proposed amendments*

The second reading debate on the [Treasury Laws Amendment \(Your Future, Your Super\) Bill 2021](#) occurred on 2 and 3 June. Nineteen Members spoke during the debate, after which the second reading was agreed to on division. The bill was then considered in detail, with amendments proposed by the Government, Opposition, and two crossbench Members. Two Government amendments were

agreed to on the voices, after debate. The Member for Hughes moved an amendment, which was defeated on division, and then moved two other amendments together, which were defeated on the voices. Next, the Member for Warringah moved 14 amendments together, which were defeated on division, after debate. Finally, the Member for Whitlam moved 19 Opposition amendments, and these were also defeated on division. The amended bill was agreed to on the voices, and the third reading was agreed to on division.

#### *Budget debate – amendments moved at the second reading stage*

When the House met previously, the final item of business on 13 May was the reply by the [Leader of the Opposition](#) to the [Treasurer's](#) second reading speech on [Appropriation Bill \(No. 1\) 2021-2022](#) (the 'main Budget bill'). On 24 May when debate on the question for the second reading was resumed, the House agreed to allow a cognate (combined) debate on the second reading stage together with [Appropriation Bill \(No. 2\) 2021-2022](#), and [Appropriation \(Parliamentary Departments\) Bill \(No. 1\) 2021-2022](#). The debate was resumed by the [Shadow Treasurer](#), who moved a second reading amendment. Later that day, the [Member for Melbourne](#) moved an amendment to that proposed amendment. While second reading amendments are sometimes moved in relation to the main Budget bill, it is much less usual for an amendment to be moved to the second reading amendment. After 24 May, debate on the bills continued in the Federation Chamber where the second reading debate was concluded on 3 June. During the fortnight 93 Members contributed to the debate, totalling 21 hours and 37 minutes of debate.

#### *Budget debate – unresolved questions at the second reading stage*

On 3 June, at the end of the second reading debate in the Federation Chamber, the question was put on the Member for Melbourne's amendment to the amendment moved by the [Shadow Treasurer](#). Under [standing order 188](#) only one Member need dissent in the Federation Chamber for a question to be 'unresolved', and on this occasion the question was not able to be resolved on the voices. The unresolved question on the bill was reported to the House later that day and resolved on division. The Shadow Treasurer's second reading amendment was then disagreed to and the second reading agreed to on the voices. The bill was referred again to the Federation Chamber, in anticipation of the usual extensive consideration in detail stage during the next sitting week.

#### **Matter of Public Importance discussions**

This fortnight, topics for the one-hour discussions after Question Time on Tuesdays, Wednesdays and Thursdays included: government actions; jobs and wages in the manufacturing sector; vaccine rollout and hotel quarantine relating to COVID-19; public health; and plans for the nation.

#### **Communication with the Senate**

Senate Estimates took place during the fortnight, and only the House sat. Consequently, communication between the Houses was limited, with the Speaker signing 11 messages to the Senate in relation to bills, and one message from the Senate was reported on 24 May, informing the House of changes that had been made by the Senate, on 13 May, to the membership of eight committees.

The House is scheduled to meet next on 15 June.

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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