

# HOUSE REVIEW



## Selected features of House of Representatives business

Sitting period 25 November – 5 December 2019 (no. 24)

The last sitting fortnight for the year before Christmas and the holiday season featured presentation of the Address in Reply to the Governor-General's speech on the opening of Parliament, an update on the bushfire situation, and a welcome home to an Australian hostage recently released in Afghanistan. The fortnight also featured the frequent ringing of bells, signalling a high number of [divisions](#) (103) and quorum calls.

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### **Bushfires**

Just before Question Time on 25 November the Prime Minister and Leader of the Opposition made statements by indulgence on bushfires across Australia and the responses being made to them.

### **Marking the deaths of former Members and former Senator**

On 25 November the Prime Minister referred to the death of the Honourable Benjamin Charles Humphreys AM, Member for Griffith from 1977 to 1996 and a former Minister, and moved a condolence motion. The Leader of the Opposition seconded the motion. The Speaker also informed the House of the death of former Senator Mehmet Tillem. On the following day, the Speaker informed the House of the death of John Arthur Abel, a former Member.

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

Debate on the Address in Reply to the Governor-General's speech was completed in the Federation Chamber on 27 November and reported to the House. On 4 December the House suspended after the discussion of the Matter of Public Importance and the Speaker, mover and seconder of the Address and a number of Members attended Government House where the Speaker formally presented the Address and the Governor-General responded, indicating he would convey to the Queen the message from the House. When proceedings resumed the Speaker reported this to the House.

### **Legislation**

In the first week 18 bills were presented (including private Members' bills, Government bills, and bills from the Senate) and 12 bills were passed by the House. In the second week, 27 bills were presented and a further 12 passed.

### *Introductions*

During the fortnight, more than 20 Government bills were presented. Subjects included consumer credit protection, the Federal Circuit and Family Court, export controls and charges, and financial sector reform. The Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019 (the Fair Work bill), was introduced on 4 December. Following the Minister's second reading speech on the introduction of a bill, debate must be adjourned, and usually the House agrees that resumption of debate will occur on the next sitting day. In this case the Opposition sought to amend the usual time for resumption of debate to 1 July 2022. The Leader of the House successfully moved closure of question and the question that the resumption of debate be made an order of the day for the next day of sitting was carried on division. The Leader of the Opposition then moved to suspend

standing orders to enable him to move that the House abandon the legislation. After successful closure motions on the Leader of the Opposition and the seconder, and a successful closure of question, the original motion was defeated on division.

### *Passing the House*

Some bills passed the House quickly. On 5 December the Leader of the House moved to postpone items of business on the Notice Paper listed before the Fair Work bill that was introduced the previous day. The motion was carried on division, following a closure of question motion. The Fair Work bill was called on and when the question was stated: 'That this bill be now read a second time', the Leader of the House moved immediately that the question be put (closure of question). There can be no debate on a closure motion and a division was called immediately. During the division a number of points of order were raised regarding access to copies of the bill (Members seeking the call needed to remain seated but gained the Speaker's attention for the call by holding papers over their heads). The call for the division was withdrawn by leave and the Speaker suspended the House briefly to enable further copies of the bill to be made available. When the sitting resumed, the question on the closure was put and carried on division, as was the question on the second reading itself. Following the second reading of the bill's long title, the Leader of the House moved, pursuant to a contingent notice, that so much of standing orders be suspended as would prevent the motion for the third reading being moved without delay. When the motion was carried the Leader of the House moved the third reading and then moved closure of question when a debate began. When the closure motion was carried on division, the House divided on the question on the third reading. The third reading was carried 75:65.

On the evening of 4 December a message from the Senate was reported, transmitting for the concurrence of the House, the Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Bill 2019. After the first reading a Minister presented a revised explanatory memorandum and moved the second reading. Leave was given for debate to continue. After a short debate, questions on the second and third reading were carried on the voices. The Aged Care Legislation Amendment (New Commissioner Functions) Bill 2019 followed a similar path on 5 December, although with the original explanatory memorandum.

### **Question Time**

On occasion during Question Time the Speaker will announce the presence of a distinguished visitor. On 4 December he informed the House that Mr Tim Weeks who had been released recently after three years of captivity in Afghanistan was present in the gallery. The Speaker welcomed him home to Australia and to the House. Members and the gallery applauded. Mr Weeks had earlier met with the Prime Minister and other Ministers.

### **Parliamentary committees**

Committees continued their work during the fortnight with meetings, public hearings and presentation of reports. On 2 December the Chair and Deputy Chair of the House Standing Committee on Procedure made statements on progress of the Committee's inquiry into Question Time. The Chair noted that a survey by the Committee had received more than 3,000 responses. A comprehensive list of reports, with hyperlinks, will be published in [Last Week in the House](#).

When parliamentary committees report to the House, they usually make recommendations for action by the Government. The House resolved in 2010 that within six months of the presentation of a report by a House or Joint Committee, the Government should present its response to the report's recommendations. Every six months or so, the Speaker presents a list of reports with recommendations requiring a government response; responses received during the previous period are included. On 5 December the Speaker presented a schedule of the status of Government responses to committee reports.

### **Federation Chamber—closure motions and unresolved questions**

On the evening of 26 November in the Federation Chamber, a closure motion was moved on a Government Member and on 27 November during Members' constituency statements, closure motions were moved alternately by Government and Opposition Members. The Deputy Speaker suspended the meeting for 15 minutes and when the meeting resumed, closure motions continued during the time remaining for Members statements. There is no provision for divisions in the Federation Chamber so, technically, these matters were unresolved questions to be reported in the House and resolved. Later on 27 November the Speaker made a statement informing the House that by the time the unresolved questions could have been dealt with, the relevant items of business had concluded and so he proposed to follow precedent and not proceed with divisions on these questions. On the morning of 5 December the Speaker informed the House that the Deputy Speaker had reported the Federation Chamber was adjourned early the previous day because of disorderly conduct by Members on both sides (repeated motions for closure of Member and consequent unresolved questions) and he noted Members were denying themselves speaking opportunities.

### **Motions to suspend standing orders—with and without notice—and closures of Member**

During the fortnight a number of motions to suspend standing orders in relation to the Minister for Energy and Emissions Reduction were moved without notice by the Opposition. The response in each case was for a Minister to move closures of Member on the mover and seconder, and closures of question. All the original motions were defeated. After such a motion was defeated in Question Time on 26 November, a closure motion was moved by the Manager of Opposition Business on a Minister when answering a question after Question Time resumed. The motion was defeated and the Minister's time was unaffected. Over the following days a number of closures of Member were moved on Government Members in the House. When the House divides on such closures at times other than Question Time, the time taken for the division is taken from the Member's speaking time. If the closure is successful, the Member may not continue with their speech and the next speaker is called. If the closure fails, the Member has only the time remaining from their original allocation of time.

On 2 December, the Member for Clark was given leave to move a motion without notice to call for a Federal Integrity Commission. After he and the seconder spoke and the question was stated, a Minister moved closure of question successfully. The original motion was defeated 68:70.

On the morning of 5 December, the Member for Melbourne moved to suspend standing orders in relation to passage of the 'Medevac' bill in the Senate. Closure motions on him and on the seconder were successful and the question on the original motion was lost on division.

The Notice Paper contains six contingent notices of motion lodged by the Government. They enable a Minister to move to suspend standing orders on notice (therefore requiring only a simple majority of Members present and voting to succeed, rather than an absolute majority of 76). All contingent notices relate to certain circumstances during passage of a bill. During the fortnight, on five occasions when leave was not granted for a Minister to move the third reading of a bill immediately after the second reading was given, a Minister used the notice to move to suspend standing orders to enable the third reading to be moved without delay. Once that motion was carried, the Minister moved the third reading immediately.

### **Quorum calls**

The quorum for the House is 31 Members and the quorum is strictly required at the start of the sitting day and during divisions. At other times, if a quorum is not present, business proceeds unless a Member draws the Chair's attention 'to the state of the House'. If a quorum is required to be formed, the bells are rung for 4 minutes. During the fortnight a number of quorum calls interrupted the Member who was speaking.

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

Topics for the one-hour discussions after Question Time on Tuesdays to Thursdays comprised: dairy farmers; aged care; 'Robodebt'; an economic plan; Australian politics; and a plan for Australia's future. The topic chosen by the Speaker each day is usually proposed by a member of the Opposition. The topic of Australian politics was proposed by the Independent Member for Indi.

### **Matter of privilege raised**

On 5 December the Manager of Opposition Business raised as a matter of privilege whether the Minister for Energy and Emissions Reduction had deliberately misled the House and he presented documents including copies of a letter, Hansard transcripts and newspaper clippings. The Speaker responded that he would consider the matter in the usual way and would report back to the House on the first sitting day of 2020. Standing orders provide a framework for the raising and consideration of matters of privilege. When the Speaker reports back he may grant priority to a privilege motion being moved.

### **Interaction with the Senate**

Only the Senate sat in the week of 11 November and consequently there were a number of Senate messages to be reported to the House on 25 November. Some related to appointment of Senators to committees, some returned House bills that had been passed without amendment or requests, and some transmitted Senate bills for the concurrence of the House. One message returned the Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Bill 2019 with an amendment. A Minister moved the message be considered immediately. Once this motion was agreed, the Minister moved that the Senate's amendment be agreed and this was carried on the voices.

A message was reported on 4 December returning the Migration Amendment (Repairing Medical Transfers) Bill 2019 ('Medevac' bill) without amendment.

On 4 December during Question Time a question was asked of the Minister for Energy and Emissions Reduction and the questioner stated 'the minister failed to comply with a Senate order to provide any evidence backing his claim...'. The Speaker, before calling the Minister to answer, stated 'as a matter of principle on behalf of all members of the House of Representatives, there is absolutely no obligation to comply with a Senate order. That's an important principle.'

On the afternoon of 5 December, messages from the Senate were reported returning the VET Student Loans (VSL Tuition Protection Levy) Bill 2019 and the Higher Education Support (HELP Tuition Protection Levy) Bill 2019, each with requests for amendment. In each case the House agreed to a Minister's motion to consider the requests immediately and to the subsequent motion that the requested amendments be made.

The House rose shortly before 6 pm on the last sitting day, 5 December, an hour later than the usual time for Thursdays. The question on the adjournment at 4.30 pm had been negatived and the House continued with Senate messages and valedictories until 5.58 pm. The House and Senate will meet next on 4 February 2020.

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

[Bills and legislation](#), bills, explanatory memoranda, amendments, speeches, 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