

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 4 – 13 February 2020 (no. 25)

The first sitting fortnight of the year featured a condolence motion by the Prime Minister on the Australian bushfires; an address by the President of Indonesia; the election of a new Deputy Speaker; and presentation of the *Closing the Gap Report 2020*.

Bushfires

The first sitting day of the year, 4 February, commenced with the Leader of the House moving to suspend standing orders to permit the Prime Minister to move a condolence motion on the Australian bushfires. Debate on the condolence motion was to have precedence over all other business and the Federation Chamber would not meet that day. The House agreed and this meant that the sole topic of debate that day was the bushfires. The Prime Minister's condolence motion was seconded by the Leader of the Opposition and debate continued for the remainder of 4 February. The motion stated that the House acknowledged the devastation caused by the bushfires, the loss of 33 lives, destruction of over 3,000 homes, loss of wildlife, and devastating impact on regional economies. The House extended its sympathies to those who lost loved ones and recorded its gratitude for the service of the firefighters who lost their lives.

Family members of firefighters who lost their lives combatting the fires were present. As a mark of respect to their memory, all Members present stood, in silence, and the House adjourned at an earlier time than usual. Prior to adjournment, the matter was referred to the Federation Chamber which met for extended hours on 5 and 6 February, with debate on the motion the only item of business.

Debate on the condolence motion continued in the Federation Chamber in the second sitting week, with the motion reported back to the House by the Speaker on 12 February. To signify their support Members rose in their places. A total of 117 Members, 77 per cent of the House's membership, spoke in support of the motion during the fortnight.

Address by distinguished visitor—President of Indonesia

His Excellency Mr Joko Widodo, President of the Republic of Indonesia, addressed Members and Senators assembled together in the House on 10 February, following welcoming remarks by the Prime Minister and Leader of the Opposition.

On 5 February the House had agreed to a motion by the Leader of the House that the Indonesian President be invited to address the House the following Monday, 10 February. The motion altered the sitting times of the House and of the Federation Chamber for that day. Consistent with practice, the address took place as a sitting of the House to which Senators were invited and the motion provided for a message to be sent to the Senate inviting Senators to attend the House as guests for the welcoming remarks and address. The motion also provided that at the conclusion of the President's address the House would suspend until the ringing of the bells, with the first item of business to be questions without notice.

Election of Deputy Speaker

After Question Time on 6 February the Deputy Speaker and Member for Page, Mr Kevin Hogan, made a statement on indulgence informing the House he had been appointed to the Ministry and that he would resign from the role of Deputy Speaker prior to his swearing-in. The Speaker thanked him for his service and stated that the election for a new Deputy Speaker would take place on 10 February.

Following Question Time on 10 February the Speaker called for nominations for Deputy Speaker. The Member for Nicholls (Mr Drum) was nominated by the Member for Mallee and this was seconded by the Member for Page. The Manager of Opposition Business nominated the Member for Wide Bay (Mr Llew O'Brien) and the motion was seconded by the Deputy Leader of Opposition Business. Mr O'Brien was not present in the Chamber. Standing orders provide that a nominee for the position of Deputy Speaker does not need to be present at the election or inform the House whether he or she accepts the nomination. However, the Speaker explained that the intention was not to nominate and elect a Member against their will. Upon the Speaker offering Mr O'Brien an opportunity to advise the House in relation to his nomination, Mr O'Brien stated that he accepted the nomination and a ballot was conducted. Mr O'Brien was elected 75:67.

Following the declaration of the result, the Speaker noted standing orders provide that if a non-Government Member is elected Deputy Speaker, a Government Member must be elected Second Deputy Speaker. Mr O'Brien then confirmed he remains a member of the Government. An election was therefore not required as the Second Deputy Speaker, the Member for McEwen, is a member of the Opposition. The Prime Minister, Leader of the Opposition, and Deputy Prime Minister congratulated the Deputy Speaker.

Matter of privilege raised—response by the Speaker

On the final sitting day of 2019 the Manager of Opposition Business had raised as a matter of privilege whether the Minister for Energy and Emissions Reduction had deliberately misled the House about travel figures in correspondence. On 5 February the Speaker responded, stating that to establish whether a contempt had been committed it would need to be shown that: a statement had in fact been misleading; the Member knew at the time the statement was incorrect; and the misleading had been deliberate. Also, the conduct would need to have been intended or likely to amount to an improper interference with the free exercise by the House of its authority or functions. A matter of privilege takes precedence over and suspends 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. 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.

Announcements and statements by the Speaker

In addition to rulings on matters relating to the business of the House, the Speaker may make announcements and statements on matters pertinent to the performance of his or her functions and duties. Statements are generally made between items of business or at another time convenient to the Speaker. The Speaker made several such statements during the fortnight.

On 6 February the Speaker responded to a question from the Member for Gellibrand requesting that the Speaker share with the House a response he and the President of the Senate made to him in writing concerning public comments made by a former minister regarding a cyber intrusion into the Parliament's computing network. The Speaker thanked the Member for bringing the matter to his attention in writing and made a brief statement.

On 13 February the Speaker informed Members that the Parliament hosted the 28th annual meeting of the Asia Pacific Parliamentary Forum (APPF) from 13 to 16 January and presented documents including the resolutions that were agreed. The Speaker thanked the Parliament's delegation, led by the Member for Menzies, and staff of the parliamentary departments who assisted. The Speaker has been appointed President of the APPF until the next meeting, following the death of APPF Honorary President, the Hon Yasuhiro Nakasone of Japan. On indulgence, the Members for Menzies and Lalor made remarks on the forum.

Later the same day, the Speaker reported on his attendance, with the Clerk of the House, at the 25th Conference of Speakers and Presiding Officers of the Commonwealth (CSPOC) held in Ottawa from 6 to 10 January. The Speaker informed Members that the Parliament will be hosting the next CSPOC, to be held in January 2022.

Ministerial statement—'Closing the Gap'

The Prime Minister presented a copy of the *Closing the Gap Report 2020* and made a statement, by leave, on 12 February. The report is the twelfth to Parliament since targets were set to close the gap between Indigenous and non-Indigenous Australians in matters such as life expectancy and child mortality. The Prime Minister remarked that the reports have been 'a tale of hope, frustration and disappointment—a tale of good intentions and, indeed, good faith. But the results are not good enough. This is, sadly, still true.' The Leader of the Opposition also made a statement, commenting that 'if this day adds up to nothing but sentiment and speeches, if this occasion becomes merely a ceremonial renewal of good intentions and a promise to do better next time, that is so far short of parliament at its best and so far short of Australia at our best.' A number of Senators and other guests were present in the Distinguished Visitors Gallery on the floor of the Chamber.

The Leader of the House moved that the House take note of the document, allowing Members to debate the subject matter of the report. Debate was adjourned and the matter was referred to the Federation Chamber where debate resumed on 13 February, with the Minister for Indigenous Australians making the first contribution.

Legislation

In the first week four bills were presented (including Government bills and bills from the Senate) and six bills were passed by the House. In the second week, 11 bills were presented and a further 24 passed.

Introductions

During the fortnight, 14 Government bills were presented. Subjects included financial sector reform, investment of funds to support small and medium sized enterprises, offshore greenhouse gas storage, migration agents, and radioactive waste management.

Passing the House

Thirty bills were passed by the House during the fortnight and Senate amendments to a bill previously passed by the House were agreed to.

On 5 February a message was received from the Senate returning the Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019 with two amendments. The House agreed to consider the amendments immediately and, on the motion of a Minister, the amendments were agreed to.

Some bills passed the House and were enacted quickly. On 5 February the Treasurer presented the Treasury Laws Amendment (2019-20 Bushfire Tax Assistance) Bill 2020 without notice. The bill was intended to support volunteer firefighters involved in the firefighting effort by making government support payments to such firefighters and relief and recovery payments provided by Australian governments non-assessable non-exempt income. Following the Treasurer's second reading speech

leave was granted for the second reading debate to continue immediately. Contributions were made by several Members and, in his closing remarks, the duty Minister thanked the Opposition and crossbench Members for their support for the bill's swift passage through the Parliament. The question on the second reading was passed and the bill was read a third time, by leave. The bill passed all stages of Senate consideration the following day. A message from the Senate returning the bill without amendment was reported to the House on 10 February and the message from His Excellency the Governor-General informing the House of his assent to the bill was announced on 13 February.

Committee and delegation reports

Fourteen committee and delegation reports were presented in the House during the fortnight. Leave was granted for statements to be made by committee chairs and some deputy chairs on reports of inquiries into topics including the conformity of legislation with Australia's obligations under international human rights laws, and possible use of nuclear technology in Australia. A report of a delegation to a conference of the Commonwealth Parliamentary Association was also presented.

Motions to suspend standing orders

During the fortnight several motions to suspend standing orders were moved without notice. Other than procedural motions, such as those to alter the programming of business to facilitate the condolence motion on bushfires or the address by the President of Indonesia, five were of a tactical nature. For instance, on 6 February the Member for Hindmarsh sought to suspend standing orders to move a motion requiring the Minister for Energy and Emissions Reduction to attend the House to make a statement. After the Member sought leave to move the motion and had read the terms of the motion for the first time, the Speaker made reference to the length of such motions and stated that these should be more concise in future. The Leader of the House then successfully moved closure on the Member and on the seconder, the Member for Isaacs, followed by the closure of question. The original motion was defeated on division 67:79. Other tactical suspension motions related to matters including the Community Sports Infrastructure Program, handling of the bushfires, and ministerial involvement in Therapeutic Goods Administration processes.

Interaction with the Senate

Message traffic during the sitting fortnight was largely concerned with the return of House bills without amendment, transmitting Senate bills for the concurrence of the House, and membership of parliamentary committees.

On 11 February a message from the Senate was reported transmitting for the concurrence of the House a bill that was originally sponsored by a private Senator—the Marine Safety (Domestic Commercial Vessel) National Law Amendment (Improving Safety) Bill 2019. Following the first reading, the Minister moved that the second reading be made an order of the day for the next sitting. The motion was carried on division: 72:68.

Also on 11 February, a message was received informing the House of a Senate resolution on the National Integrity Commission Bill 2018 (No. 2), a private Senator's bill that had passed the Senate on 9 September 2019. (The bill was first introduced to the House on 10 September 2019 and made an order of the day for the next sitting, as part of Government business). The Senate resolution called on the Government to bring on the bill for a vote in the House during the February sittings. The duty Minister moved that consideration of the message be made an order of the day for the next sitting. The Manager of Opposition Business then raised a point of order relating to the allocation of the call to the Minister. Citing *House of Representatives Practice*, the Speaker ruled that in respect of Senate messages, the call should, in the first instance, be given to the Minister expected to have responsibility for the matter. The Member for Melbourne then moved to amend the motion so that the message would be considered immediately. The Minister moved closure of question before the

amendment was seconded and the closure was carried on division. The question on the original motion was then put and carried on division.

The House and Senate will meet next on 24 February 2020.

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

[Votes and Proceedings](#), the official record of the proceedings of the House of Representatives

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