

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 8-10 May 2018 (no. 11)

This fourth issue for 2018 focuses on the Budget. Budget week is traditionally the biggest week of the year, framed by the Treasurer's second reading speech on Appropriation Bill (No. 1) on Tuesday evening, and the Leader of the Opposition's reply on Thursday evening. This week section 44(i) of the Constitution also had a powerful impact on the House and four of its Members in particular.

Budget

On the evening of 8 May at 7.30 a message from the Governor-General was announced by the Speaker, recommending in accordance with the Constitution, an appropriation for the purposes of the Appropriation Bill (No. 1) 2018-2019. The Treasurer then presented the bill (to appropriate money from the Consolidated Revenue Fund for the ordinary annual services of the Government), and an Explanatory Memorandum. After the first reading by the Clerk, the Treasurer moved that the bill be read a second time and made the traditional Budget speech.

Debate was then adjourned and the Assistant Minister for Finance presented Budget Papers 1 to 4 (Budget strategy and outlook; Budget measures; Federal Financial Relations; and Agency resourcing). The Assistant Minister presented a Ministerial Statement: Regional Australia—a stronger economy delivering stronger regions 2018-19. Four other Appropriation bills were each introduced after a message from the Governor-General was announced recommending an appropriation for the purposes of the bill. None of these bills was listed on the House's formal agenda, the Notice Paper for 8 May because standing orders enable Appropriation bills to be presented without notice. The informal Daily Program issued on 8 May did list the Appropriation bills.

On the evening of 10 May, just after 7.30 the Leader of the Opposition spoke in reply as the main Opposition speaker on resumption of debate on the second reading of Appropriation Bill (No. 1), concluding at 8.01pm.

The Speaker reminded Members on Thursday that standing orders allow the Treasurer and the Leader of the Opposition unlimited time on their second reading speeches on the Main Appropriation bill although they traditionally begin at 7.30pm on the Tuesday and Thursday and limit themselves to 30 minutes (and, so, fitting with television broadcasts). The clocks in the Chamber are set for 30 minutes to assist with timing but not to limit it formally. When debate is resumed in the next sitting week, all Members will be able to speak for up to 15 minutes during the second reading stage and many Members are expected to take the opportunity to speak. The second reading debate on the Main Appropriation bill is freed from the usual obligation to ensure that speeches are relevant to the question. Instead, public affairs may be debated.

On Tuesday the House rose at 8.14pm, instead of the usual 8.00pm, and on Thursday it rose at 8.05pm, instead of 5.00pm and on both evenings it suspended from approximately 6.00pm to 7.30. The different arrangements for adjournment were enabled by a motion moved by the Leader of the House, by leave, and agreed on Tuesday to suspend standing orders relating to the automatic adjournment of the House on both days. There was no adjournment debate on either day.

As is the custom in Budget week, there were many visitors to Parliament House and a strong media presence, with the Treasurer, Shadow Treasurer, Ministers and Shadow Ministers all participating in interviews. During Question Time, the Budget, taxation, and the economy were the subject of many questions. Ultimately, though, Budget arrangements are encapsulated in bills that must begin their life in the House, be scrutinised there and in the Senate, and agreed to by both Houses. 28 June is the last scheduled parliamentary sitting day before the end of the financial year, by which time it would be expected that the appropriation bills will have passed both Houses.

Constitution s.44(i)—resignations

Section 44(i) disqualifies a person who is a foreign citizen or has an allegiance to a foreign power from being chosen or sitting as a Member or Senator. On the morning of 9 May the High Court, sitting as the Court of Disputed Returns, announced its decision on the questions referred by the Senate regarding Senator Katy Gallagher. The Court found that Senator Gallagher was a ‘citizen of a foreign power’ and incapable of being chosen or sitting as a Senator as she had not received confirmation of her renunciation of foreign citizenship at the time she nominated for election on 31 May 2016. Before Question Time on 9 May the Members for Braddon, Fremantle and Longman, speaking by indulgence, announced their intention to resign because of the relevance of the decision to their own circumstances before the 2016 election. None of these Members, nor the Member for Mayo who spoke to the media about her circumstances, appeared in the Chamber or voted in a division after making their announcements.

After Question Time on 9 May the Leader of the House asked the Speaker if he had received resignations from these three Members or the Member for Mayo. The Speaker replied that, to resign under section 37 of the Constitution, a Member needed to write to him and once he had received and annotated the letter, the resignation was effective. The Speaker said he had not received letters of resignation and, when he received such a letter he would advise the House or, if the House wasn’t sitting, would publicise the receipt.

On 10 May just before Question Time the Speaker informed the House that he had that day received letters of resignation from the Members for Braddon, Fremantle, Longman, and the Member for Perth (who had announced his intention to resign the previous week for different reasons). The Speaker said he would be consulting with party leaders in the usual way and would inform the House of the dates fixed for by-elections. Issue no. 7 of *House Review* (4-7 December 2017) and no. 8 (5-15 February) discuss the earlier impact of s.44(i). To date, by-elections have been held for the seats of New England, Bennelong and Batman following on from a decision of the High Court in one case and two resignations by Members, all relating to s.44(i).

30th birthday celebrations

This week marked 30 years since Parliament House was opened, although the first meeting of the House in the ‘new’ building didn’t take place until 22 August 1988. On 9 May the Speaker reported a message from her Majesty the Queen relating to the 30th anniversary of the opening. The Leader of the House and Manager of Opposition Business each made statements by indulgence on the matter.

Legislation

Introductions

On 9 May, the Treasurer introduced the Treasury laws Amendment (Personal Income Tax Plan) Bill 2018 relating to income tax offsets—as foreshadowed in his Budget night speech—and moved the second reading. Following the Treasurer’s speech on the second reading, the Leader of the House sought leave of the House for the debate to be continued. (Debate would normally be resumed in the following sitting week or after that.) Leave was not granted, with the Manager of Opposition Business referring to the reply to the Main Appropriation bill that is given by the Leader of the Opposition on the Thursday of

Budget week—outlining the Opposition’s response to the Budget as a whole. Debate was adjourned and the resumption of debate was made an order of the day for the next sitting, as is usually the case. While debate is yet to resume on the taxation bill in the House, its provisions have been referred to the Senate Economics Legislation Committee for inquiry and report by 18 June.

On 10 May six bills were introduced, including the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018. This bill establishes the National Redress Scheme in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. In the Senate, the provisions of this and a related bill have been referred to the Senate Community Affairs Legislation Committee for inquiry and report by 15 June.

Consideration of bills in the Federation Chamber

The Federation Chamber did not meet on 8 May. On the 9th three bills were considered before being returned to the House either for finalisation or further debate.

Passing the House

On 8 May, the Home Affairs and Integrity Agencies Legislation Amendment Bill 2017 passed the House following agreement to a large number of Government detail amendments. The Bill relates to the allocation of ministerial powers following from the Home Affairs portfolio and changes the Attorney-General’s oversight of certain intelligence, security and law enforcement agencies. It had been introduced by the Prime Minister on 7 December 2017 and referred to the Parliamentary Joint Committee on Intelligence and Security for inquiry and report. The Bill passed the Senate without amendment on 9 May.

On 9 May seven bills passed the House. On 10 May, the Australian Capital Territory (Planning and Land Management) Amendment Bill, that had originated in the Senate, passed the House, along with the Telecommunications Legislation Amendment (Competition and Consumer) Bill 2017 and Telecommunications (Regional Broadband Scheme) Charge Bill 2017 passed, following agreement to Government detail amendments. The Treasury Laws Amendment (Tax Integrity and Other Measures) Bill 2018 also passed.

Committees

On Tuesday evening, 8 May, before the sitting was suspended, the Deputy Chair of the Joint Committee of Public Accounts and Audit made a statement relating to the draft budget estimates for the Australian National Audit Office for 2018-2019 and the Parliamentary Budget Office for 2018-2019. This fulfilled relevant responsibilities under the *Public Accounts and Audit Committee Act 1951* and the *Parliamentary Service Act 1999*. (In the Senate, the Chair of the Joint Committee made the same statement.) During the week, ten committee reports were presented to the House, including a report on the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 by the Joint Standing Committee on Electoral Matters.

Condolence motion—death of the Hon. Jocelyn Newman AO

On 8 May before Question Time, the Prime Minister referred to the death of the Hon. Jocelyn Newman AO and moved a motion of condolence. The Leader of the Opposition seconded the motion and all Members stood in silence as a mark of respect. The motion was referred to the Federation Chamber for further debate the following day and then returned to the House where it was agreed to.

Matters of public importance discussions

Discussion topics this week were live sheep exports; the Budget; and TAFE, skills and apprenticeships.

Interaction with the Senate

On Budget night, the Senate sitting was suspended from 6.30 until 8.30pm, when the Minister for Finance tabled the Budget statement and related documents and moved that the Senate take note of them. He also tabled particulars of proposed and certain expenditure and moved that these documents be referred to the Senate's legislation committees. The President of the Senate tabled portfolio budget statements for the parliamentary departments and the Minister tabled those for portfolio and executive departments. This formal presentation of Budget details on Budget night enables Senate committees to prepare for scrutiny of [Budget estimates](#) in the weeks before the Budget bills have passed the House. These arrangements mean that when the Budget bills have passed the House and are considered formally by the Senate, the debate is quite quick because of the scrutiny and reporting by Senate committees during the Estimates process. During the week there was the usual message traffic between the Houses.

The next issue of House Review will be published after the House sits next: 21-31 May 2018. The Senate's eight legislation committees will conduct hearings on [estimates](#) of Government expenditure between 21 May and 1 June.

Further information on the work of the House

[Guide to Procedures](#), 6 ed., 2017, a concise and current guide to the operations of the House
[Last week in the House](#), a collection of items (with hyperlinks) considered by the House during the week
[Bills and legislation](#) for bills, explanatory memoranda, amendments, speeches, and tracking facility
[Citizenship Register](#) for Members' statements on citizenship
[Live Minutes](#) for 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](#) for all the decisions of the House, available the next business day
[House of Representatives Practice](#) 6 ed., 2012, for the most authoritative guide to House procedure