

HOUSE REVIEW

Selected features of House of Representatives business

Sitting period 9-11 May 2017

House Review begins its survey of House business in Budget week, the busiest week of the parliamentary year. The Review will discuss a selection of topical events in the House from a procedural perspective and will be published online shortly after sitting periods. When a category of business is included for the first time, it will include a brief discussion of its procedural base, to place the precis of recent events in context.

Over time, House Review's observations will range over the major elements of House business. House Review complements the House's [statistical publications](#), and its formal minutes, the [Votes and Proceedings](#).

Legislation

Budget bills

Approximately half of the House's time is spent on government business and most of this on considering government bills. This week, most attention was on the Budget bills, in particular [Appropriation Bill \(No. 1\) 2017-2018](#). The bill was presented by the Treasurer at 7.30pm on Tuesday, 9 May: 'Budget night'.

Appropriation Bill (No. 1) proposes appropriations from the Consolidated Revenue Fund for the ordinary annual services of government—that is, continuing expenditure on government agencies. The moving of the second reading of this bill provides the vehicle for the delivery by the Treasurer of his budget speech, reviewing the economic state of the country, outlining the government's plans for raising revenue (through taxes and charges), and its aspirations and priorities for spending in the coming financial year.

Less noticeable, but still essential elements of Budget night were the subsequent presentation by the Minister for Small Business, Mr McCormack, of:

- [Appropriation Bill \(No. 2\) 2017-2018](#) (proposing appropriations from the Consolidated Revenue Fund for services that are not the ordinary annual services of government—broadly for new services and administered appropriations for assistance to the States, the ACT and Northern Territory, and local government), and the
- [Appropriation \(Parliamentary Departments\) Bill \(No. 1\) 2017-2018](#) (providing for funding of Parliament separately from Government).

Mr McCormack also presented a number of Budget documents and a ministerial statement on the budget. Other Budget-related bills were introduced on Thursday: see 'Introductions' below.

Before each Appropriation bill was presented on Tuesday night, the Speaker reported receipt of a message from the Governor-General recommending an appropriation for the purposes of that bill, in accordance with the requirements of section 56 of the Constitution. Another element of the Budget debate that does not receive much attention is the fact that less than half of government

expenditure is authorised by the annual appropriation bills. Most expenditure is authorised either by standing appropriations in current Acts or by special appropriation bills, passed throughout the year and appropriating funds for specific purposes.

On Thursday morning, the House agreed to arrangements to ensure it did not rise at 5.00pm, the usual time on Thursday. The House suspended at 6.00pm until 7.30 when the Budget debate began in earnest. Debate was resumed on the second reading of Appropriation Bill (No. 1) and the Leader of the Opposition outlined the Opposition's reply to the Budget before debate on the bill was adjourned, with debate to be resumed at the next sitting. The House then adjourned until 22 May.

The Treasurer and the Leader of the Opposition are unlimited in the time they may take on their second reading speeches on the main Appropriation bill but they traditionally begin at 7.30pm on the Tuesday and Thursday evenings of Budget week and limit themselves to 30 minutes. This coincides neatly with the broadcast of their speeches on national television.

In coming sitting weeks most Members are likely to take the opportunity to speak to the second reading of Appropriation Bill (No. 1). Discussion on this and the detail stage will be included in a future House Review.

The Budget bills can't be in two Houses at once and this year, as usual, they need to pass the House and the Senate before the end of the financial year. The last scheduled sitting day before then is 22 June. So, how can the House and Senate subject them to the level and nature of scrutiny they wish? The solution is a very pragmatic one.

On Budget night, the Senate sitting was suspended from 6.30 until 8.30pm, when the Minister for Finance, Senator Cormann tabled the Budget statement and related documents. 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 of 22 and 29 May, before the Budget bills themselves 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 relatively swift, because of the close scrutiny and reporting by Senate committees already undertaken during the Estimates process.

Perhaps more than any other bills, the Budget bills have a dual aspect. There is intense media scrutiny of the expected measures before Budget night, repeated images of the media 'lockup', and interviews with the Treasurer, other Ministers and Shadow Ministers, analysts, and the 'winners and losers' from the Budget. But the presentation of the Budget bills to the House—and their scrutiny in both Houses— is a reminder of the Constitution's requirement for Parliament to control government finances. The Government's expenditure must be authorised by law, as must its imposition of taxes, and these measures, under the Constitution, must all commence in the House of Representatives.

Introductions

On Thursday a number of bills were introduced: Treasury Laws Amendment (Enterprise Tax Plan No. 2) Bill 2017; Comcare and Seacare Legislation Amendment (Pension Age and Catastrophic Injury) Bill 2017; Australian Education Amendment Bill 2017; and Higher Education Support Legislation Amendment (A More Sustainable, Responsive and Transparent Higher Education System) Bill 2017. The resumption of debate on the second reading of bills newly introduced usually is made an order of the day for 'the next sitting day'.

In practice, the second reading debate does not usually commence for about a week allowing Members to absorb the content of new bills and determine their position on them. Unusually, an

Opposition Member sought to amend the usual time for adjournment ‘the next sitting day’ on one of the Government’s bills (Treasury Laws Amendment (Enterprise Tax Plan No. 2) Bill 2017) to make it the last possible sitting day in the 45th Parliament (29 August 2019). The amendment was defeated and the usual motion to adjourn to the next sitting day was agreed.

Passing the House

On Wednesday the House passed the Parliamentary Business Resources Bill 2017 and Parliamentary Business Resources (Consequential and Transitional Provisions) Bill 2017. The bills provide a framework for the use of public resources by members of Parliament. Both bills passed the second and third reading stages ‘on the voices’. Amendments to the detail of the first bill were proposed by the Member for Mayo but were declared defeated when only four Members supported them. On Thursday, the Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017 passed the House. Amendments proposed to the detail of the bill by the Member for Melbourne did not succeed.

Discharge of orders of the day

An order of the day (an agenda item the House has ordered to be considered on a day) usually remains on the House’s agenda, the Notice Paper, until the House disposes of it or agrees to its discharge. Motions to discharge items are not very common and the usual way for the Notice Paper to be tidied is when the House is dissolved at the end of a parliament and all business on the Notice Paper lapses.

On Wednesday, the Minister for Social Services, Mr Porter, moved that four orders of the day, part of government business, be discharged. This reflected an announcement in the Budget speech that the Government would no longer be pursuing certain measures. These comprised orders for resumption of debate on the second reading of the Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2016; Social Services Legislation Amendment (Budget Repair) Bill 2016; the Social Services Legislation Amendment (Youth Employment) Bill 2016; and Fairer Paid Parental Leave Bill 2016. The first three bills were introduced on 1 September 2016 and the Fairer Paid Parental Leave Bill on 20 October 2016. Debate had not been resumed following their introduction and resumption of debate being made an order of the day. The motion on Wednesday was agreed to by the House and means that the four items were removed from the Notice Paper.

Matter of public importance discussion

After question time and presentation of documents on Tuesday, Wednesday and Thursday afternoons, one hour is allocated for discussion on a definite matter of public importance—on topical matters. Members may propose a topic to the Speaker by 12.00 noon each day and usually an Opposition Member’s proposal is chosen. If there are competing proposals the Speaker chooses the one that he considers the most urgent and important.

When the Speaker reads the topic of discussion to the House after question time, the proposal must be supported by eight Members—signified by the Members standing in their places—before the discussion can begin. There is no question before the House, or decision to be made after the hour elapses; Members simply address the selected topic, from each side in turn. This week the topics reflected the significance of the Budget, comprising: ‘The Government cutting \$22 billion from schools’; ‘The Government’s continued failure to deliver a fair budget’; and ‘The Government delivering a budget lacking fairness’.

Address in reply

On the Opening Day of any Parliament, the Speaker and Members attend the Senate where the Governor-General makes an opening speech setting out the causes for calling Parliament together

and forecasting the Government's plans for legislation during the Parliament. A copy of the Governor-General's speech is presented to the Speaker and the President of the Senate. The Address in Reply is a resolution of the House that expresses loyalty to the Queen and thanks the Governor-General for that 'opening' speech on the first day of the Parliament.

After the Governor-General's speech, the Speaker and Members' return to the House on Opening Day, and some formal, non-contentious business is briefly transacted before the Speaker reports the speech. A committee, usually comprising the Prime Minister and two new Members, is appointed to prepare an Address in Reply. (The insertion of its own business before the Governor-General's speech is reported symbolises the House's independence.) The Speaker calls on one of the committee Members to present the Address. That Member also moves that the Address be agreed to. Debate on the motion 'That the Address be agreed to' may then take place intermittently over many sitting weeks. There is no rule of relevance and the speech time limit is 20 minutes, so this debate is a useful vehicle for new Members to make their first speeches. Many returning Members also take the opportunity to speak to the motion, often following similar themes to new Members: setting out their hopes and concerns for their electorates and thanking their supporters.

On Thursday morning the House agreed to the proposed Address in Reply to the Governor-General's speech of 30 August 2016. Later on Thursday the Speaker informed the House that His Excellency the Governor-General would be pleased to receive the Address in Reply at Government House on 23 May. The sitting will be suspended at 4.30 that day to enable the mover and seconder of the Address and other Members to go with the Speaker to present the Address.

The next edition of House Review will be published after the sitting fortnight 22 May-1 June 2017.

Further information

- [Bills and legislation](#) for the text of bills and explanatory memoranda, and links to speeches
- [Votes and Proceedings](#) for all the decisions of the House
- [House of Representatives Practice](#), 6 ed, 2012, the House's most authoritative guide to procedure
- House of Representatives [Infosheets](#) for concise discussions of House operations and context
- House of Representatives [Standing Orders](#), September 2016, the House's rules of procedure
- [Procedural Digest](#), for a more technical discussion of recent House procedural events