

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 2-4 April 2019 (no. 19)

This second issue for 2019 focuses on money, with the introduction of the Budget bills for 2019-2020, passage of the 'top up' Budget bills for the remainder of 2018-2019, and the introduction and passage of Supply bills to allow for a delay in passage of the Budget bills for 2019-2020. Budget week is traditionally the busiest week in the Parliamentary year and this year's context was unusual. The House's high volume of work was dealt with in the context of an expected election, and the fact that the Senate sat for 2 and 3 April only, before its committees turned to Estimates hearings. This issue also discusses the formalities usually observed before an election is called, and their impact on the House and its Members.

Condolence motion: Christchurch attack

On 2 April before Question Time, the Prime Minister referred to the Christchurch attack and moved a motion of condolence, condemning the attack by an Australian citizen on 15 March, expressing solidarity with the Muslim community of Christchurch and Australia, honouring first responders, abhorring racism and religious intolerance, and reaffirming a commitment to peace over violence. The motion was supported by the Leader of the Opposition, and the Speaker then read a letter from the Speaker of the New Zealand Parliament replying to a letter of sympathy sent by the Speaker and President. After all Members stood as a mark of respect, debate was adjourned and the Leader of the House moved, by leave, to refer the motion to the Federation Chamber for further debate. Debate continued there on 3 April, with many Members taking the opportunity to contribute. On 4 April the Speaker presented a report from the Federation Chamber on the motion and the motion was carried.

Deaths of former Senator Gordon McIntosh, the Hon Dr John Herron AO, Mr Les Carlyon AC and Mr Peter Coleman AO

On 2 April the Speaker informed the House of the death of former Senator McIntosh. All Members stood. The Prime Minister moved a motion of condolence on the death of former Senator, the Hon Dr John Herron AO. The Leader of the Opposition spoke in response, and all Members then stood. The motion on Dr Herron was referred to the Federation Chamber on the motion of the Leader of the House and, when the Federation Chamber reported to the House, the motion was carried. Also on 2 April, the Prime Minister and Leader of the Opposition made statements by indulgence on the death of Mr Les Carlyon AC, and the Speaker referred to his writing about Australian history. The Speaker informed the House on 3 April of the death of Mr Coleman, a former Member for Wentworth. All Members stood.

Legislation

Budget bills and papers and the reply

On the evening of 2 April, the Treasurer presented the main Appropriation bill (Appropriation Bill (No. 1), 2019-2020) for the ordinary annual services of government, and its Explanatory Memorandum. He moved the second reading and made the traditional Budget speech. The Special Minister of State then presented Budget documents, a Ministerial statement. The Minister also presented the two other bills in the Budget package: Appropriation Bill (No. 2) 2019-2020 and Appropriation (Parliamentary Departments) Bill (No. 1) 2019-2020 and their Explanatory Memoranda and moved their second reading. In accordance with s.56 of the Constitution, the introduction of

each bill was preceded by the Speaker reporting receipt of a message from the Governor-General recommending an appropriation for the purposes of the bill. Debate was resumed on the second reading of Appropriation Bill (No. 1) 2019-2020 on the evening of 4 April, with the Leader of the Opposition speaking in reply. The House agreed on 2 April to suspend standing orders to enable the Budget delivery that evening and the reply on the 4th. The resolution also provided that on completion of the reply, the House would stand automatically adjourned until 10am on 15 April.

Introductions

On the afternoon of 2 April, steps were taken to address the possible interruption of an election before the Budget bills for 2019-2020 can be debated and passed. Three Supply bills were introduced, each preceded by report of a message from the Governor-General recommending appropriations: Supply Bill (No. 1) 2019-2020, Supply Bill (No. 2) 2019-2020, and Supply (Parliamentary Departments) Bill (No. 1) 2019-2020. Following their introduction, debate continued, by leave of the House. The bills provide for five-twelfths of the 2019-2020 appropriations, that is, for the first five months of the financial year. After a short cognate debate, the questions on each bill were carried on the voices.

After the Budget package was introduced on the evening of 2 April, the Treasury Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2019 was introduced. It increases Medicare Levy low-income thresholds in line with the consumer price index. Debate resumed the following morning and the bill passed the House.

The Social Services Legislation Amendment (Energy Assistance Payments) Bill 2019 was introduced on 3 April. It provides a one-off energy assistance payment to age pensioners and other people receiving pensions and allowances. Debate continued by leave and the bill passed the House that day.

Passing the House

During the week 26 bills passed the House. Second reading debate resumed on 2 April on the Budget 'top up' bills for 2018-2019: Appropriation Bill (No. 3) 2018-19 (appropriating additional funds for the ordinary annual services of government), Appropriation Bill (No. 4) and Appropriation (Parliamentary Departments) Bill (No. 2) that were introduced on 14 February. After a short, cognate, debate the bills were passed.

Usually after the Budget package has been introduced, the House adjourns but, on 2 April, the House continued to sit. Debate was resumed and finalised that night on three bills.

Question Time

Because of the motion on Christchurch and remarks on the recent deaths of three prominent Australians, Question Time on 2 April did not begin until after 2.30. It concluded around the usual time, and the House moved to the Matter of Public Importance discussion, as usual. Question Time took its normal course on 3 and 4 April.

Valedictories

During the week, valedictory remarks were made by a number of Members who have announced they will not contest the next election. These included the Members for Gilmore (Mrs Sudmalis, 2013), Indi (Ms McGowan, 2013), Mallee (Mr Broad, 2013), Melbourne Ports (Mr Danby, 1998), Moncrieff (Mr Ciobo, 2001), Reid (Mr Laundry, 2013), Ryan (Mrs Prentice, 2010), Stirling (Mr Keenan, 2004), and Sturt (Mr Pyne, 1993).

Motions to suspend standing orders

If moved on notice, suspension motions require a simple majority of Members present and voting, to pass. If moved without notice, they require an absolute majority of the membership of the House (76) to pass. On the morning of 3 April, the Shadow Treasurer moved without notice to

suspend standing orders to enable him to move a motion on the one-off energy payment. The motion was defeated 70:73. This was the first division count to be conducted electronically by the tellers appointed by the Speaker. As the Speaker informed the House on 2 April, the new recording system does not change the way Members cast their vote but is expected to allow results to be published more quickly and to save time.

Resolution relating to Members' qualifications under the Constitution

Section 44 of the Constitution had an unprecedented impact on the House in the 45th Parliament, leading to by-elections for seven seats. In December 2017 the House resolved to establish a Citizenship Register for Members and on 4 April the Special Minister of State moved to establish a more permanent arrangement for the provision of statements by all Members in the 46th Parliament in relation to the eligibility requirements in sections 44 and 45 of the Constitution. The Minister stated that the motion was developed in response to a proposal from the Joint Standing Committee on Electoral Matters. The motion provided that the Registrar of Members' Interests maintain a public Register of Members' qualifications, comprising the material required now under the Commonwealth Electoral Act 1918 and any supplementary information required under the terms of the motion. The motion set out procedures for the House to deal with questions of qualification and referral to the Court of Disputed Returns. False statements and omissions by Members will be regarded as a contempt of the House. The motion was carried on the voices. (Earlier in the week the Senate agreed to a similar motion in respect of Senators.)

Committees

A large number of parliamentary committee reports was presented: 33 in all. The subject matter was diverse, including cane toads, intergenerational welfare dependence, and Australia's aid program in the Indo-Pacific. Many Committee Chairs and Deputy Chairs remarked on the professional working relationships between committee members and constructive work by their committees throughout the current Parliament.

Matters of public importance discussions—following Question Time, Tuesday to Thursday

Discussion topics comprised: action on climate change, the Budget, and a plan for Australia's future.

Possible prorogation of Parliament and dissolution of the House

Last November the Prime Minister announced the Budget would be delivered on 2 April 2019 (rather than May) and that there would be an election after that. The Constitution provides that the House be dissolved regularly, up to three years from its first meeting, to enable an election to be held. By contrast, the Senate's existence is considered to be continuous, except when both houses are dissolved simultaneously, as happened in 2016. Otherwise, the Senate has a rotating membership, with most of its members having six year terms. The current, 45th, Parliament first met on 30 August 2016 and is due to expire on 29 August 2019. An election for the House must be held by 2 November but it may be held any time before then. The terms of half the Senate's State representatives expire on 30 June 2019 and an election must be held for vacancies before then.

Speculation about the election has continued and it was a feature of debate, valedictory speeches, and Question Time during the week. As the latest possible date for a simultaneous election for the House and half the Senate is considered to be 25 May 2019, it is likely that this sitting week will be the last for the 45th Parliament, and a general election will be called soon for the House of Representatives and half the Senate. The Constitution sets out the formal requirements for an election.

When a Parliament is about to end, the usual pattern is for the Governor-General (acting on the advice of government) to issue a proclamation, a formal notice, that the Parliament will be prorogued at a particular time on a particular day until another set date—the election date. The

Governor-General's Official Secretary reads the proclamation from the front of Parliament House and a copy is posted on the door of the Chamber. Prorogation acts like a suspension: the session is ended, neither house may meet during this time, and nor may House and certain joint committees meet. But the Parliament does not end until the House is dissolved. The proclamation usually also states that the Governor-General will dissolve the House of Representatives at a certain time on a certain date—often immediately after Parliament is prorogued. Once the House is dissolved, the 45th Parliament is ended, Members cease to be Members, and House and joint committees cease to exist.

Interaction with the Senate

A high number of messages from the House was reported in the Senate on 2 April. Many related to the second week of the last sitting period when only the House sat, but several related to that day's House business, including the 'top up' Appropriation bills and Supply bills that were transmitted for the concurrence of the Senate. These bills were passed the following day and the House received messages to that effect (and the bills) from the Senate.

The great majority of bills begin their life in the House and, if passed, are transmitted to the Senate with a message to seek its concurrence. This week, one of the bills considered by the House after introduction in the Senate was the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Bill 2019. A message from the Senate was reported on 4 April, transmitting the bill and seeking the House's concurrence. After the message was reported, and the first reading made, the Attorney moved the second reading and spoke, outlining the purpose of the bill. Debate continued, by leave. The Member for Melbourne moved an amendment to the question on the second reading, proposing the bill be referred to a parliamentary committee for inquiry. The amendment was negated on division, with the unusual result, 6:110. Unless there are five or more Members on a side, a division isn't formally counted. This time, six members of the cross-bench were on the side for the 'ayes', sufficient to require a count. Other questions on the bill were carried on the voices.

On 4 April a high number of messages was received from the Senate, most returning House-initiated bills that had been agreed to without amendment or request. Several messages returned bills with amendments: the Treasury Laws Amendment (Increasing the Instant Asset Write-off for Small Business Entities) Bill 2019, the Corporations Amendment (Strengthening Protections for Employee Entitlements) Bill 2018, and Social Welfare (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019. On the motions of a Minister, each message was considered immediately and the Senate's amendments then agreed to after short debates.

On the evening of 4 April the Chair reported a message from the Senate transmitting a resolution agreed by the Senate relating to the Murray-Darling Basin Royal Commission and seeking the House's concurrence. The House agreed that the message be considered immediately. The Minister for Agriculture and Water Resources moved that the House not concur with the resolution. The Manager of Opposition Business moved an amendment to the effect that the House concurs with the Senate's resolution, seconded by the Member for Mayo. This was defeated 69:74. Votes were then evenly divided 72:72 on the original question—that the House does not concur. The Speaker gave his casting votes with the 'Noes' in line with the principle that where no further discussion is possible, decisions should not be taken except by a majority.

The House is scheduled to meet next on 15 April 2019. The Senate met on Tuesday and Wednesday, 2 and 3 April. On Thursday and Friday, Senate Estimates committees conducted [estimates](#) hearings on the proposed 2019-2020 budget.

Further information on the work of the House

[Infosheet 8](#), a concise guide to the conduct of elections for the House of Representatives

[Guide to Procedures](#), 6 ed., 2017, a concise and current guide to the operations of the House
[Bills and legislation](#), bills, explanatory memoranda, amendments, speeches, and a tracking option
[Last week in the House](#) lists events, including legislation considered and reports presented
[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.