

Procedural Digest

July 2019				
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No. 1

46th Parliament

2 – 4 July 2019

Opening of Parliament

1.01 Opening of 46th Parliament

Following a Welcome to Country ceremony in the Great Hall, Members assembled in the Chamber and the Clerk of the House read the Proclamation calling Parliament together. Members then proceeded to the Senate Chamber, where the Deputy of the Governor-General, the Honourable Susan Mary Kiefel AC, the Chief Justice of the High Court, declared the 46th Parliament open.

*Hansard: 2 July 2019, 1
Votes and Proceedings: 2019/1-2*

SO 4

1.02 Returns to writs for general election; Members sworn

Members returned to the Chamber and the Clerk presented the returns to writs for the general election on 18 May 2019. A Deputy of the Governor-General, the Honourable Stephen John Gageler AC (Justice of the High Court), then administered the oath or affirmation of allegiance to all Members (except two who were not present).

Members choose whether to recite the oath or affirmation, with the key difference being that an affirmation makes no reference to religion. While not required to do so, Members traditionally make the oath of allegiance on a Bible or other holy book.

*Hansard: 2 July 2019, 1-5
Votes and Proceedings: 2019/2-6*

SO 4

1.03 Election and presentation of Speaker

After Members had been sworn in, the Clerk called for nominations for the office of Speaker. Government Member Mrs Lucy Wicks proposed the Honourable Tony Smith as Speaker and moved that he take the Chair. Opposition Member Ms Maria Vamvakinou seconded the motion. Mr Smith accepted the nomination and, there being no further proposal, was declared elected as Speaker. This is the third occasion that Mr Smith has been elected, unopposed, as Speaker of the House of Representatives.

A number of Members, led by the Prime Minister and the Leader of the Opposition, made congratulatory remarks and the Speaker expressed his thanks.

The Prime Minister then informed the House that it would be His Excellency the Governor-General's pleasure to receive the Speaker in the Members' Hall after the resumption of the sitting at 2.40 pm. The sitting was then suspended, at 11.49am.

When the sitting resumed, the Speaker, accompanied by Members, presented himself to the Governor-General in the Members' Hall. The Governor-General congratulated the Speaker and presented him with an authority to administer to Members the oath or affirmation of allegiance.

*Hansard: 2 July 2019, 5-12
Votes and Proceedings: 2019/6-7*

SOs 4, 10, 11, 12, 15

1.04 Governor-General's speech

When the Speaker resumed his Chair, he reported that he had presented himself to the Governor-General and he laid the authority to administer the oath or affirmation on the Table. The Usher of the Black Rod then delivered a message that the Governor-General desired the attendance of Members in the Senate Chamber. Members proceeded to the Senate Chamber to hear the Governor-General's opening speech.

In his or her 'opening speech', the Governor-General declares the causes of the calling together of the Parliament. National affairs are reviewed and a forecast given of the Government's proposed legislative program.

*Hansard: 2 July 2019, 12
Votes and Proceedings: 2019/7*

SO 5

1.05 Ministry and shadow ministry announced

When Members returned from the Senate Chamber, the Prime Minister informed the House of the ministry and the appointment of government whips. The Leader of the Opposition announced the shadow ministry and the appointment of opposition whips and the Leader of the Nationals announced the party leadership and whips.

*Hansard: 2 July 2019, 12-9
Votes and Proceedings: 2019/7-10*

SO 6

1.06 Prime Minister presents 'formal' bill prior to Speaker reporting Governor-General's speech

Prior to the Speaker reporting the Governor-General's speech to the House, the Prime Minister presented the Agriculture Legislation Repeal Bill 2019. The bill was read a first time and the second reading was made an order of the day for the next sitting.

Before the Speaker reports the Governor-General's speech to the House, it is necessary for the House to transact some formal business, usually the introduction of a non-contentious bill. This bill is known as the 'formal' or 'privilege' bill. Its presentation is taken to express the House's independence from the Sovereign and Executive Government. The bill is placed on the Notice Paper and remains there throughout the session, lapsing at prorogation or dissolution.

*Hansard: 2 July 2019, 19
Votes and Proceedings: 2019/10*

SOs 6, 141

1.07 Governor-General's speech reported; Address in Reply committee appointed

The Speaker reported that the House had attended the Governor-General in the Senate Chamber, where His Excellency made a speech to both Houses of Parliament. The full text of the speech appears in the day's Hansard.

The Prime Minister then moved that a committee, consisting of the Member for Herbert (Mr Thompson), the Member for Bass (Mrs Archer) and himself, be appointed to prepare an Address in Reply to the Governor-General's speech and that the committee report at the next sitting. The question was carried on the voices. The sitting was then suspended from 3.58 pm until 5 pm.

The appointment of the Address in Reply committee (traditionally comprising the Prime Minister and two newly elected government Members) is a formality. The wording of the Address in Reply does not change in substance from parliament to parliament.

Hansard: 2 July 2019, 19-30
Votes and Proceedings: 2019/10

SO 6

1.08 Election of Deputy Speaker and Second Deputy Speaker

When the sitting resumed, a ballot was conducted for the election of Deputy Speaker and Second Deputy Speaker. Government Member Mr Kevin Hogan was re-elected Deputy Speaker (with 78 votes) and Opposition Member Mr Robert Mitchell was re-elected Second Deputy Speaker (with 69 votes). The Speaker congratulated both Members.

Hansard: 2 July 2019, 30-3
Votes and Proceedings: 2019/10-1

SOs 11, 13, 14

Bills

1.09 Introduction and passage of bill on opening day

Following opening day proceedings, the Leader of the House moved a debate management motion to facilitate the introduction and passage through all stages of the Treasury Laws Amendment (Tax Relief So Working Australians Keep More of Their Money) Bill 2019. The motion was debated and carried on the voices.

In accordance with the resolution agreed to, the bill was introduced and passed through all stages. Unusually, the question on the third reading was debated and a division called for. With only two crossbench Members voting 'No', the Speaker declared the question carried without completing the count and the bill was passed by the House.

The House then adjourned, without debate, at 9.02pm.

During government business time on 4 July, the Attorney-General moved that standing orders 31 (automatic adjournment of the House) and 33 (limit on business after normal time of adjournment) be suspended for the sitting. The question was carried on the voices.

Later, the Attorney-General informed the House that the bill was being considered by the Senate and proposed that the sitting be suspended until it was known whether or not it would be returned to the House with amendments. With the support of the Opposition, the

sitting was suspended from 4.35pm to 7.31pm. When the sitting resumed, the Prime Minister announced that the bill had been passed by the Senate without amendment and moved that the House adjourn. The question was carried and the House adjourned at 7.32pm.

Hansard: 2 July 2019, 34-78

4 July 2019, 322, 392

Votes and Proceedings: 2019/12-7; 67, 70

SO 31, 32, 33, 47

Business

1.10 Condolence motion on the death of Bob Hawke

On opening day, the Speaker informed Members that the only item of business the following day would be debate on a condolence motion on the death of former Prime Minister, the Honourable Robert James Lee (Bob) Hawke AC. As a mark of respect in memory of the deceased, all Members present stood, in silence.

After the acknowledgement of country and prayers on Wednesday, 3 July, the Prime Minister moved that the House record its deep regret at the death of Bob Hawke, place on record its appreciation of his long and meritorious public service, and tender its profound sympathy to his family in their bereavement. The Leader of the Opposition seconded the motion.

Members spoke in support of the condolence motion for the remainder of the day. The debate was adjourned and, as a mark of respect to the memory of the deceased, the House was adjourned thereafter, at 7.22pm.

Debate on the condolence motion concluded on Thursday and the question was put and carried, with all Members present rising in silence as a mark of respect.

Hansard: 2 July 2019, 33

3 July 2019, 85-212

4 July 2019, 322-7, 344

Votes and Proceedings: 2019/11; 33; 67

SOs 32, 49

1.11 Program of sittings for 2019 agreed to

The Leader of the House presented a revised sitting calendar for the remainder of 2019 and, by leave, moved that it be agreed to. The question was carried on the voices.

Hansard: 2 July 2019, 33

Votes and Proceedings: 2019/11

SO 29

1.12 Address in reply debate commences

On 4 July, Mr Thompson presented the proposed Address in Reply to the Governor-General's opening speech prepared by the Address in Reply committee and moved that the Address be agreed to. Mr Thompson then made his first speech. Mrs Archer, also a member of the committee, seconded the motion and made her first speech before debate was adjourned.

The Address in Reply is a short resolution expressing loyalty to the Queen and thanks to the Governor-General. The wide-ranging Address in Reply debate allows Members to speak on any matter of their choosing and provides an opportunity for newly elected Members to make their first speeches in the House.

*Hansard: 4 July 2019, 244-53
Votes and Proceedings: 2019/35*

SOs 6, 76

1.13 Statements regarding Alek Sigley's release from detention

During question time on 4 July, the Prime Minister announced that Australian citizen Mr Alek Sigley had been released from detention in the Democratic People's Republic of Korea. The Leader of the Opposition made a short statement in support. At the conclusion of question time, as an update, the Prime Minister informed Members that Mr Sigley had arrived safely in the Australian embassy in Beijing.

Hansard: 4 July 2019, 349, 366-7

Committees

1.14 Joint committees appointed

The House agreed to a number of resolutions to establish the powers and proceedings of the following joint statutory committees:

- Corporations and Financial Services
- Human Rights
- Law Enforcement
- Australian Commission for Law Enforcement Integrity

The House also agreed to resolutions to appoint the following joint standing committees:

- Electoral Matters
- Foreign Affairs, Defence and Trade
- Parliamentary Library
- Migration
- National Broadband Network
- National Capital and External Territories
- National Disability Insurance Scheme
- Northern Australia
- Trade and Investment Growth
- Treaties

Each resolution provided that a message be sent to the Senate requesting its concurrence.

Statutory committees are established by Act of Parliament. Standing committees are appointed for the life of a parliament and are usually re-appointed in successive parliaments.

*Hansard: 4 July 2019, 260-83
Votes and Proceedings: 2019/41-60*

SO 224

Members

1.15 Member granted leave of absence for parental leave

On 4 July, the Manager of Opposition Business moved that leave of absence be given to the Member for Kingston (Ms Rishworth) until 13 October 2019 for parental leave. The question was carried on the voices.

A Member with leave of absence is excused from the service of the House or any committee.

*Hansard: 4 July 2019, 378
Votes and Proceedings: 2019/70*

SO 26

Parliamentary administration

1.16 Appointment of Registrar of Members' Interests

The Speaker informed the House that, in accordance with the resolution of the House relating to the registration of Members' Interests, he had appointed the Deputy Clerk, Ms Claessa Surtees, as Registrar of Members' Interests in the 46th Parliament.

The Registrar of Members' Interests—commonly the Deputy Clerk—is required to maintain a Register of Members' Interests in accordance with procedures set out by the Committee of Privileges and Members' Interests.

*Hansard: 4 July 2019, 243
Votes and Proceedings: 2019/35*

SO 216

1.17 Appointment of Clerk of the House

The Speaker informed the House that Mr David Elder would retire on 9 August 2019 and that Ms Claessa Surtees had been appointed Clerk of the House of Representatives, effective from 12 August 2019.

*Hansard: 4 July 2019, 345
Votes and Proceedings: 2019/67*

Speaker

1.18 Appointment of Speaker's panel

On opening day, the Speaker presented a warrant appointing the following Members to the Speaker's panel:

Kevin Andrews
Sharon Bird
Sharon Claydon
Steven Georganas
David Gillespie
Ian Goodenough

Andrew Hastie
John McVeigh
Maria Vamvakinou
Ross Vasta
Lucy Wicks
Trent Zimmerman

At the commencement of the Parliament, the Speaker nominates a panel of Members to assist the Chair. The role of the Speaker's panel is to take the Chair of the House or the Federation Chamber, as Deputy Speaker, when requested to do so.

*Hansard: 2 July 2019, 34
Votes and Proceedings: 2019/11*

SO 17

Standing orders

1.19 Amendments to standing orders agreed to

The Leader of the House moved a number of minor amendments to the standing orders. Many of the amendments had been recommended by the Procedure Committee or the Petitions Committee in the previous parliament. Other amendments reflected the increase in the quorum of the House (from 30 to 31) with the increase in the membership of the House (from 150 to 151) in the 46th Parliament. The amendments were carried on the voices.

*Hansard: 4 July 2019, 253-9
Votes and Proceedings: 2019/35-41*

SO 3

Offensive words[#]

Nil.

[#] List of unparliamentary expressions recorded in *Hansard*.