

# HOUSE REVIEW



## Selected features of House of Representatives business

Sitting period 12 – 21 February 2019 (no. 18)

This first issue for 2019 considers statements on significant events, bills introduced and passed, and action on messages from the Senate. In particular the issue analyses the House's decisions on Senate amendments (regarding medical evacuations) to the Government's Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 and the Senate's resolution on a proposed royal commission into abuse of persons with disability.

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### **Mr Paul Neville and Mr Barney Cooney: statements**

On 12 February the Speaker announced the death of a former Member, Mr Paul Neville, and a former Senator, Mr Barney Cooney. All Members present rose in their places. The House agreed that further statements on indulgence be permitted in the Federation Chamber; these were made on 13 February.

### **Death of the Hon Gordon Scholes AO: condolence motion**

Also on 12 February, the Prime Minister referred to the death of Mr Scholes, a former Member, Minister, and Speaker, and moved that the House record its deep regret. The Leader of the Opposition noted the presence of Mr Scholes' daughters and remembered Mr Scholes' dignity and calm during turbulent times in the House. All Members present stood in silence. On 13 February the Deputy Speaker reported to the House on the subsequent debate in the Federation Chamber.

### **10<sup>th</sup> anniversary of 'Black Saturday' bushfires in Victoria: statements by indulgence**

The Prime Minister referred on 12 February to the people who were devastated by the bushfires in Victoria on 7 February 2009. Mr Morrison proposed that the House record its profound regret at the deaths of 173 people as well as its admiration for emergency workers, police, and others who responded to the disaster and helped to rebuild over the last decade. The Leader of the Opposition recalled stories of courage and resilience, and the triumph of the spirit. Further statements were made in the Federation Chamber on 13 February.

### **Natural disasters: statements by indulgence**

The Prime Minister updated the House on 12 February on the floods and fires throughout Australia over recent weeks and months. He also referred to Commonwealth and State Government responses. The Leader of the Opposition and four Members whose electorates were particularly affected also spoke.

### **Closing the gap: Ministerial statement by leave**

The Prime Minister made a Ministerial statement and presented the 2019 [Closing the Gap](#), Prime Minister's report to Parliament on 14 February. Mr Morrison referred to progress on targets and to the former Prime Minister, Mr Turnbull's Closing the Gap refresh. Mr Morrison acknowledged the enormity of the task but stated that focus should also be maintained on what is being achieved, so that the task is not overwhelming. Mr Morrison was followed by the Leader of the Opposition. Mr Shorten congratulated the Prime Minister on his address and made a statement referring to the powerlessness that is created by prejudice and discrimination. Further debate was enabled in the Federation Chamber and this took place on 19 and 20 February.

## **Cyber security, road safety, and joint facilities: Ministerial statements by leave**

On 18 February the Prime Minister made a short statement on strengthening cyber security. Mr Morrison referred to recent intrusions into Parliament House and Australian political parties' systems. The Leader of the Opposition responded. (On 12 February the Speaker had informed the House about a security incident affecting the parliamentary computing network.)

Also on 18 February, the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, made a statement on road safety. His statement was responded to by the Member for Grayndler, whose Shadow portfolio includes transport.

The Minister for Defence (and Leader of the House) made a statement by leave on 20 February regarding joint facilities and Australia's security and prosperity. The Shadow Minister for Defence (Member for Corio) responded.

## **70<sup>th</sup> anniversary of Australia's formal relationship with the State of Israel: statements by indulgence**

On 19 February the Prime Minister and then the Leader of the Opposition each made a statement by indulgence to mark this anniversary. The Leader of the House moved that further statements be permitted in the Federation Chamber and these were made on 20 February.

## **Legislation**

### *Introductions*

More than 90 per cent of Government bills begin their life in the House and these are usually introduced on Wednesday and Thursday mornings. On 13 February, the Government introduced 18 bills and on 14 February, 14 bills, including Appropriation Bill (No. 3) 2018-19, Appropriation Bill (No. 4) and Appropriation (Parliamentary Departments) Bill (No. 2). On 19 February a message was reported from the Senate transmitting the Wine Australia Amendment (Trade with United Kingdom) Bill 2019 for the concurrence of the House. A Minister moved the second reading and spoke to it. The debate continued, by leave of the House, and the bill passed after a short debate. Four Government bills were introduced on 20 February and three on the 21st.

### *Passing the House*

In the week of 12 February, the House passed 8 bills. The Electoral Legislation Amendment (Modernisation and Other Measures) Bill 2018 passed the House on 12 February. It will amend the Electoral Act to oblige candidates in elections to demonstrate their eligibility for election under s. 44 of the Constitution. The bill passed the Senate on 14 February. Debate on the Appropriation bills introduced on 14 February was resumed on 19 February. The Governor-General Amendment (Salary) Bill 2019 passed on 20 February. It will set the salary for the next Governor-General before he is sworn in in June. On 21 February the Future Drought Fund Bill 2018 passed the House after divisions on the closure of question and second reading question. In a detail stage the Member for Indi moved amendments that were carried on the voices. The House divided on the question that the bill as amended be agreed to and the question on the third reading was carried on the voices. In the second week 8 bills passed.

## **Private Members' business: private Members' bills presented**

During private Members' business time on 18 February, eight private Members' bills were presented. The subjects included consumer credit protection, refugee protection, Galilee Basin coal prohibition, and rural finance reform.

## **Question Time**

Standing orders provide for Questions without notice to begin each day at 2pm. The custom is for approximately 20 questions to be asked of Ministers and answered before the Prime Minister signals the end of the period by saying to the Speaker, 'I ask that further questions be placed on the Notice Paper', usually around 3.15pm. The next item of business is then called on. There is no formal provision for the

duration of the period or the number of questions that may be asked—this is a matter for the Prime Minister’s discretion. On 14 February, questions and answers continued until 4.08pm when the Leader of the Opposition moved to suspend standing orders. Debate on this motion was interrupted at 4.30pm by the automatic adjournment of the House.

### **Motions to suspend standing orders**

Suspension motions, if carried, enable actions not usually allowed by standing orders or House practice. If moved on notice, they require a simple majority of Members present and voting to pass. If moved without notice, they require an absolute majority (76) to pass.

On 14 February, when Question Time had extended for longer than usual, the Leader of the Opposition moved to suspend standing orders to call on the Prime Minister to allow time to consider an expected Senate message on a royal commission into abuse of people with disability. The motion was seconded and as the Prime Minister was speaking in reply the debate was interrupted by the half-hour debate that occurs automatically before the House adjourns each sitting day.

Immediately after the Acknowledgment of country and prayers on 20 February, the Member for Hunter (Shadow Minister for Agriculture, Fisheries and Forestry) moved to suspend standing orders to call for an assessment of the need for a minimum farm gate milk price. The motion was defeated—69:74. At the same time on 21 February, the Member for Hunter moved to suspend standing orders to note that consumers are being urged to boycott Australian-produced milk. The motion was defeated—68:73.

During Question time on 20 February the Member for Rankin moved to suspend standing orders in relation to recent reports about tickets provided to a Minister by a travel agency and assistance to the agency prior to the award of a contract. The numbers were equal on division—71:71. Because an absolute majority of 76 would have been necessary to carry the motion, the Speaker declined to make a casting vote and declared the motion defeated.

On 21 February immediately after the suspension motion moved by the Member for Hunter, the Member for Kennedy moved to suspend standing orders to note matters relating to deregulation of the dairy industry. The motion was defeated—68:72. In Question time the same day the Leader of the Opposition moved to suspend standing orders to note the links between a travel company and Government and former Government members. The motion was defeated—65:69.

### **Committees**

As the 45th Parliament draws to a close, parliamentary committees have been completing and presenting reports. In the first sitting week, 17 reports were presented, including three advisory reports on bills. Subjects of other reports included Australian agriculture and assistive technology under the NDIS. In the second week, 10 reports were presented. Subjects included attracting investment and review processes for visa cancellations on criminal grounds.

Presentation of a report does not end the House’s interest in an inquiry. A formal Government response to recommendations of committee reports is required to be presented within six months of the report being presented. In the fortnight, three responses were presented.

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

After Question Time on Tuesdays, Wednesdays, and Thursdays, an hour is allocated for discussion of a topic of a ‘definite matter of public importance’. The Speaker selects a topic from those proposed to him by backbench Members. Usually a topic proposed by a member of the Opposition is chosen. Discussion topics in the first week included the banking royal commission, and the economy and everyday Australians. On 14 February no topic was proposed and the Speaker remarked on this and encouraged Members from both sides of the House to propose matters in the future. The remark had an impact and on 19 February the Speaker informed the House that he had received three topics for discussion that day. He had selected the topic he considered most urgent and important: funding preschools. Discussion began after the required

number of Members (8) rose in their places to show their approval. Topics later in the week were low wages growth and investment in education.

### **Matter of privilege raised and response by the Speaker**

After Question Time on 13 February, the Manager of Opposition Business raised as a matter of privilege the conduct of the Chair of the House Economics Committee during the Committee's inquiry into the implications of removing refundable franking credits. As is the custom, the Speaker stated he would consider the issues raised and report back to the House. On 21 February the Speaker responded, stating that while he did not believe the actions of the Chair met the test for contempt set out in the *Parliamentary Privileges Act 1987*, those actions had not always conformed with the conventions usually observed by Chairs of House committees and the practices of those committees. The Speaker went on to mention some particular events that appeared to have occurred. He stated that if there were material presented to him that demonstrated interference that unduly prevented the Committee from performing its work, he would consider the matter further.

### **Valedictories**

In the week of 18 February several retiring Members made farewell statements, thanking family and colleagues and reflecting on the issues and events that were of great significance. Statements were made by the Members for Adelaide (Ms Ellis, first elected 2004); Lilley (Mr Swan, 1993); Jagajaga (Ms Macklin, 1996); Higgins (Ms O'Dwyer, 2009); and Canberra (Ms Brodtmann, 2010). On the 21st the Member for Curtin (Ms Bishop, 1998), stated she would not contest the election. Her statement was followed by statements by indulgence from the Prime Minister and Leader of the Opposition.

### **Interaction with the Senate**

#### *Senate amendments on medical evacuations*

On 12 February several messages from the Senate were reported. The most keenly anticipated of these returned the Government's [Home Affairs Legislation Amendment \(Miscellaneous Measures\) Bill 2018](#) with amendments made by the Senate. The amendments related to medical evacuations to Australia. The message sought the House's agreement to the Senate's amendments. After reporting the message the Speaker made a statement that he had anticipated earlier in the afternoon when he presented a copy of a letter to him from the Attorney-General and a copy of an opinion by the Solicitor-General.

The Speaker outlined the information provided to him by the Attorney-General regarding the constitutional status of the amendments made by the Senate. One of the effects of the amendments, he was advised, would be to dictate an increase in expenditure under an existing appropriation. This would engage the third paragraph of s.53 of the Constitution: 'The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people'. That is, the Speaker was advised the Senate's amendments should have been in the form of requested amendments for the House to make. Additionally, because of their effect, the amendments would have required a message from the Governor-General recommending an appropriation. This was a matter of observing the Constitution's requirements on appropriation of revenue, the Speaker said, and he left it to the House to decide how it would proceed, in accordance with precedent.

The Attorney-General then moved that the House endorse the Speaker's statement and that consideration of the amendments be 'made an order of the day for the next sitting', that is, postponed. The Manager of Opposition Business moved to amend the motion to provide that the House note the Speaker's statement but refrain from determining its constitutional rights because of the public interest in early enactment and that it consider the amendments immediately. Debate was successfully closed—on the motion of the Manager of Opposition Business. His amendment was then successful, on division, and the motion as amended was then agreed to on division.

This meant the House considered the Senate amendments immediately. The Leader of the House moved they be disagreed to. The Leader of the Opposition moved to amend this motion, proposing instead that the Senate's amendments be agreed to but with amendments to Senate amendment no. 2. After debate was closed (on the motion of the Manager of Opposition Business), the amendment proposed by the Leader of the Opposition to the motion was carried on division. The question 'that the motion as amended be agreed to' was also carried on division.

In the Senate on the morning of 13 February, standing orders were suspended to bring on consideration of the House message regarding the bill. The House's amendments to the Senate amendments were agreed to, on division. Finally, the Senate's message informing the House it had agreed to the House's amendment to Senate amendment no. 2 was reported later that day.

#### *Senate message on a resolution to conduct a royal commission*

Resolutions of a house (motions that have been agreed to) are a statement of opinion. Whilst they are influential, particularly on the Executive, in most cases that is the limit of their practical effect on the world outside the relevant house or the Parliament. They do not usually have the force of law.

Another message from the Senate that was keenly anticipated related to a proposed royal commission into neglect and violence against people with disability. Anticipation of the message was the subject of a motion to suspend standing orders on 14 February. The message was reported by the Speaker on the afternoon of 18 February. The House agreed to consider the message immediately. The Prime Minister moved that the House agree to the Senate resolution. The Leader of the Opposition and other Members spoke to the motion and it was carried on the voices.

#### *Messages with bills*

On 18 February there was considerable message traffic from the Senate, including three messages returning bills without amendment; three messages transmitting Senate (origin) bills for the concurrence of the House; and nine messages returning House bills with amendments made by the Senate. In the case of amendments, a Minister moved that the amendments be considered immediately and then that they be agreed to. The amendments were all agreed on the voices.

In the second sitting week the Senate did not meet. Instead, eight of its committees considered additional Budget [estimates](#). The next issue of House Review will be published after the House meets from 2 to 4 April 2019.

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### ***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

[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

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