

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 8-17 August 2017 (no. 4)

This fourth issue of House Review considers the first sitting fortnight of the 2017 Spring sitting period. For the first time in its history the House resolved to refer questions relating to s.44 of the Constitution (specifically s.44 (i)) to the High Court, sitting as the Court of Disputed Returns. The questions relate to the qualification of the Deputy Prime Minister, as the Member for New England. The issue of marriage equality was canvassed, including in Question Times and in a Matter of Public Importance discussion. The House acknowledged the deaths of former parliamentarians, two Indigenous leaders, and two prominent sports people, as well as completion of the Regional Assistance Mission to the Solomon Islands. Throughout the sitting fortnight the House continued its usual work on proposed legislation and its committees continued with their scrutiny role. These and other matters are discussed below.

Referral of questions to the High Court sitting as the Court of Disputed Returns

On 14 August, immediately after the acknowledgment of country and Prayers, the Deputy Prime Minister—the Member for New England—made a statement by indulgence relating to his possible citizenship of New Zealand. The *Commonwealth Electoral Act 1918* (s.376) provides that any question regarding the qualifications of a Senator or Member or a vacancy may be referred by a resolution of their House to the Court of Disputed Returns (the [High Court](#)) for determination. Later on 14 August, the Leader of the House moved by leave to refer questions regarding the Deputy Prime Minister and s.44 (i) of the Constitution to the Court of Disputed Returns. The questions to be determined include whether the place of the Member has become vacant and, if so, how that vacancy should be filled. The Manager of Opposition Business spoke to the motion and it was then carried on the voices. On 16 August the Speaker presented to the House a copy of his resulting correspondence to the Principal Registrar of the High Court of Australia and the Court's response. The Principal Registrar issued a notice on 15 August stating that the High Court will sit as the Court of Disputed Returns on 24 August (in Brisbane) to give directions on the process of its hearing and determination of the questions referred to it. The possible implications of dual citizenship featured in a number of questions, statements, and motions in the second week.

Legislation

Introductions

In the first week, nine bills were introduced, four of which relate to the improvement of air quality and product emissions standards. In the second week, fifteen bills were introduced, including ten relating to taxation and National Disability Insurance Scheme funding.

Passing the House

A number of bills passed the House during the fortnight and they are listed in [Last Week in the House](#). There was a very extensive second reading debate on the Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017 on 9, 10, and 14 August. The bill amends the *Australian Citizenship Act 2007* and, among other things, strengthens the requirements for English language proficiency. On 14 August the bill was passed after

the House had divided on the question for the second reading, on a suspension motion by the Minister for Immigration and Border Protection to enable him to move the third reading of the bill immediately, and on the third reading itself.

On 14 August, when the second reading debate resumed on the Great Barrier Reef Marine Park Amendment Bill 2017, the shadow Minister for the Environment and Water and Manager of Opposition Business moved an amendment to the question on the second reading. The proposed amendment did not indicate opposition to the bill. On 15 August, the Member for Melbourne moved an amendment to that amendment. When the second reading debate concluded on 15 August (a Minister had summed up the debate), a division was called on the Member for Melbourne's proposed amendment to the Shadow Minister's proposed amendment. Because of the time (before 2pm on Tuesday), the division was deferred until after the Matter of Public Importance discussion that day. When the House returned to the bill and it was time to count the numbers on either side, it was clear that only four Members voted for the 'ayes'. So the question was declared to be negatived without a count being completed, in accordance with standing orders. The next question—on the shadow Minister's proposed amendment—was put immediately and a division called. When there is no intervening debate between divisions, the bells are rung for one minute and this time the bells were rung for one minute. During the count, the Leader of the House raised a point of order, referring to confusion because of the earlier division and he proposed that in the circumstances the bells should have been rung for four minutes. When the count was completed, the amendment was carried. The Leader of the House moved immediately that the House divide again. This time the amendment was negatived and this result became the decision of the House, in accordance with standing orders. The questions on the second and third reading were carried on the voices.

Governor-General's messages

Two of the Governor-General's most significant roles relating to Parliament are established by the Constitution and they relate to processes for the passage of bills. If a bill requires an appropriation, that is, it contains a proposal to appropriate revenue or moneys, a message from the Governor-General recommending an appropriation for the purpose of the bill is needed. Receipt of such a message is announced by the Chair immediately after the second reading of the bill or, in the case of an Appropriation Bill, before the bill is introduced (see s. 56 of the Constitution). The second major role and responsibility that focuses on Parliament relates to formal completion of the legislative process. When a bill has passed the House and the Senate, special copies are printed and presented to the Governor-General for assent by the house in which the bill originated (see s. 58). The House is kept informed of progress on bills and on 8 August, immediately after the acknowledgement of country and Prayers, several messages from the Governor-General were announced, informing the House that His Excellency had assented to certain bills. This was the first opportunity to report messages to the House since it last sat, in June. Between them, these messages covered assent to some nineteen bills, including the Budget bills. Later in the fortnight other messages were reported, covering fewer bills.

Condolence motion and statements by indulgence

Marking the deaths of former parliamentarians and prominent Australians

Consistent with its role as a representative national forum, the House acknowledged formally the recent deaths of a number of prominent Australians. On 8 August the Prime Minister, by indulgence, made statements on the deaths of Dr G Yunupingu and Mr Lester OAM. The Opposition Leader also spoke by indulgence on their deaths, and further statements were made the next day in the Federation Chamber. The deaths of Ms 'Betty' Cuthbert and Mr Les Murray AM were acknowledged on 9 August by the Prime Minister and Leader of the Opposition, in statements by indulgence. Other Members made statements the following day in the Federation Chamber.

On 10 August, after further debate was completed in the Federation Chamber on the Prime Minister's motion on the House's regret at the death of the Hon. Concetto Sciacca AO, a former Member and Minister, the Speaker put the question. The motion was carried when all Members rose silently to show their support. When the Speaker informed the House on 10 August of the death of a former Senator, Patricia Giles, Members rose in their places as a mark of respect. On 16 August the Prime Minister moved a motion of condolence on the death of a former Senator and Minister, the Hon. Brian Gibson AM. The Leader of the Opposition replied and all Members stood, to show their respect. Further debate took place in the Federation Chamber and when it was reported back to the House, Members stood to signify they agreed to the Prime Minister's motion.

Ministerial statements

On 14 August the Prime Minister made a ministerial statement regarding the conclusion of the Regional Assistance Mission to the Solomon Islands after 14 years. Mr Turnbull welcomed to the House, the Solomon Islands Prime Minister, the Hon Manasseh Damukana Sogavare MP. In his statement Mr Turnbull reflected on the Mission's partnership with the Solomon Islands people and the challenges and losses that had been endured. The Leader of the Opposition welcomed Prime Minister Sogavare and referred to shared history with the Solomon Islands in World War II as well as during the Mission. Later on 14 August, the Minister for Veterans' Affairs made a ministerial statement on veterans and their families and the Shadow Minister replied. In each case a motion was moved to take note of the Minister's speech, and further debate took place in the Federation Chamber.

Committees

Away from the spotlight in the Chambers, backbench Members and Senators serve on [parliamentary committees](#) that inquire into general topics, including emerging social issues, and sometimes into bills. The committees usually seek written submissions and conduct public hearings to speak to witnesses at Parliament House and further afield. Their operations and powers mean they can collect and consider evidence and information in ways that can't be achieved by the collective membership in the Chambers. Committee inquiries also enable members of the public and organisations to participate directly in the Parliament's work. When inquiries are complete, committees provide a written report to the House or Senate depending on which house established them. Joint Committees report to both houses. Committee reports analyse the evidence they have gathered, outline their conclusions, and make recommendations to the government of the day for action. After reports have been presented formally, usually by the Chair of the committee, statements may also be made, usually by the Chair and Deputy Chair. Later there may be debate on the reports. Formal responses by government to committee recommendations are required to be presented to the House within six months of presentation of the original report.

On 8 August, reports were presented by the Chair of the Parliamentary Joint Committee on Intelligence and Security, a member of the Joint Select Committee on Government Procurement, the Chair of the Joint Standing Committee on Treaties, the Chair of the Parliamentary Joint Committee on Law Enforcement, and the Chair of the Parliamentary Joint Committee on Human Rights. In the Federation Chamber meeting of 8 August there was debate on the report presented in June by the Joint Standing Committee on Trade and Investment Growth on the trade relationship between Australia and Indonesia. On 15 August the Chair of the Parliamentary Joint Committee on Intelligence and Security presented the committee's report on the administration and expenditure of Australian intelligence agencies, the Chair of the Joint Standing Committee on the National Disability Insurance Scheme presented a report on certain services, and the Chair of the Parliamentary Joint Committee on Human Rights presented the committee's latest scrutiny report. On 17 August, the Joint Standing Committee on Foreign Affairs, Defence and Trade's interim report

into modern slavery and global supply chains was presented to the House. Debate on the report is expected to take place in the Federation Chamber.

Unlike ‘standing’ committees that continue for the life of a parliament, and often for many parliaments, ‘select’ committees usually cease to exist once they have reported on the subject they were established to scrutinise. The Joint Select Committee on Government Procurement’s life is complete, its report having been provided to the Speaker on 28 June, before the given deadline of 30 June, and then presented formally to the House on 8 August. The report was also presented to the Senate—out of session—on 29 June. On 10 August the Senate agreed to the Committee Chair’s motion there that the Senate take note of the report. This motion will enable debate on the report.

Discussion of matters of public importance

The topic of Marriage Equality was proposed for discussion by the Leader of the Opposition on 10 August. (In the Senate, on 9 August, Senator Cormann, the Minister for Finance’s motion that the Plebiscite (Same-Sex Marriage) Bill 2016 be restored to the Notice Paper and considered that day had been negatived.) During the fortnight, MPI topics also included the taxation system, the Murray-Darling Basin Plan, Medibank, and dealing with issues that confront Australians.

Resolution of the Senate

On 10 August a message from the Senate was reported, informing the House that the Senate had agreed to a resolution on the Murray-Darling Basin Plan, and seeking the concurrence of the House. The Senate’s resolution included references to allegations of theft and corruption in the management of certain water resources and called for an independent judicial inquiry. After the Leader of the House moved that consideration of the message be made an order of the day for the next sitting, the Manager of Opposition Business moved an amendment, to enable the message to be considered immediately. The proposed amendment was defeated and the Leader of the House’s motion was carried. The order of the day is now listed on the [Notice Paper](#) under Government Business. House Standing Orders provide that the arrangement of items of Government Business on the Notice Paper is a matter for the Leader of the House.

Private Senator’s bill

On 10 August, a message from the Senate was received transmitting the Competition and Consumer Legislation Amendment (Small Business Access to Justice Bill) 2017, and seeking the concurrence of the House. The bill had been sponsored by a private Senator. When the bill had been read a first time in the House, the Member for Fenner, Dr Leigh, moved that the second reading be made an order of the day for the next sitting. The motion was agreed to and this means that the bill will be treated as a private Member’s bill. Further consideration of the bill will be a matter for the House Selection Committee to determine and schedule.

The fifth edition of House Review will be published after the sitting fortnight 4-14 September 2017.

Further information

- [Bills and legislation](#) for bills and explanatory memoranda, speeches, and tracking facility
- [Live Minutes](#) for a real time summary of House decisions and proceedings
- [Votes and Proceedings](#) for all the decisions of the House
- [House of Representatives Practice](#), 6 ed, 2012, the most authoritative guide to House 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