

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 22 May – 1 June 2023 (no. 59)

The penultimate sitting fortnight for the Winter sittings featured the resignation of a Member and the passage of a constitution alteration through the House. The House did not sit on Monday, 29 May because of a public holiday in the ACT.

Resignation of Member

On the first sitting day, after reading prayers and making an acknowledgement of country, the Speaker announced that on 18 May the Hon Stuart Robert had resigned his seat as the Member for Fadden. The Speaker advised the House of his intention to issue a writ on 12 June for the election of a Member to fill the vacancy caused by the resignation, with polling day to be set for 15 July.

Marking the deaths of a former Member and a former Senator

On 22 May the Prime Minister moved a condolence motion on the death of the Hon Anthony Allan (Tony) Staley AO, a former Minister and the Member for Chisholm from 1970 to 1980. The Leader of the Opposition seconded the motion.

On 31 May, the Speaker informed the House of the death, on 4 May, of Bruce Kenneth Childs, a Senator for the State of New South Wales from 1981 to 1997. As a mark of respect to the memory of the deceased all Members present stood, in silence.

Constitution alteration

Debate on the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 resumed on 22 May, shortly after the Deputy Chair of the Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum presented its advisory report. The following day, the House resolved to suspend standing and sessional orders to facilitate an extended debate on the bill until 10 pm on the evenings of 23 and 24 May. The bill was also debated in government business time on 25 May.

The following Tuesday, standing orders were suspended to allow the House to continue sitting that evening until all Members who wished to speak had done so, with provision for the customary half-hour adjournment debate at 7.30 pm. The terms of the suspension motion also provided for the question on the second reading (and any amendments moved) to be put immediately the following morning and then the bill to be considered in detail if required, with the bill to be taken as a whole.

Debate on the second reading concluded at 8.03 pm on Tuesday evening. A total of 118 Members spoke during the second reading debate.

The next morning, the Speaker put the question on the second reading, which was carried on division (120:25). The bill was then considered in detail, with an Opposition Member moving two detail amendments together, by leave. These were defeated on the voices. The House then divided on the question that the bill be agreed to, which was carried (121:25).

By leave, the Attorney-General moved the third reading immediately. When the question was put, the House divided again. The question was carried on division (121:25), with an absolutely majority as required under section 128 of the Constitution.

The bill will be transmitted to the Senate for its concurrence. Section 128 of the Constitution provides that, if the bill passes both Houses, it may then be submitted to voters in the form of a referendum not less than two months and not more than six months after its passage.

Member raises matter of privilege

On 30 May, the Chair of the Standing Committee on Economics raised a matter of privilege with the Speaker, outlining his concern that two articles had been published which contained information provided to the committee in a private briefing. Under the standing orders and the *Parliamentary Privileges Act*, the unauthorised disclosure of committee documents and any proceedings is prohibited. The chair advised that, in accordance with the established practice, the committee would investigate this apparent breach in the first instance. On 1 June he reported back to the House that the committee had found that the unauthorised disclosure was unlikely to have caused substantial interference to the work such as to amount to a potential contempt.

Legislation

Introductions

Two private Members' bills were introduced during the fortnight. These related to the prohibition of Nazi symbols and prohibitions on gambling advertisements.

During the fortnight, 14 Government bills were presented. Subjects included the establishment of Creative Australia, veterans' affairs and military rehabilitation and compensation, the Inspector-General of Live Animal Exports, and updates and minor and technical amendments to the statute law of the Commonwealth.

While most of the bills were presented pursuant to notice, three bills were presented without notice on Thursday, 25 May. The bills related to excise tariffs, customs tariffs and levies. Under standing order 178, a minister may present appropriation or supply bills or proposals dealing with taxation without notice.

Also on Thursday morning, the Minister for Home Affairs moved Customs Tariff Proposal (No. 1) 2023. Customs tariffs and excise tariffs are initiated by a proposal, which takes the form of a motion moved by a Minister without notice. Such a motion is usually treated as a formal announcement and is not voted on. The tariffs take effect from the time the proposal is moved in the House but must be confirmed by legislation within a limited time and otherwise lapse on prorogation or dissolution. Such customs tariff or excise tariff amendment bills are introduced periodically.

Consideration of appropriation bills

On Monday, 22 May the House agreed to a debate management motion relating to the 2023-2024 appropriation bills. Before moving the motion, the Leader of the House explained that, while it was usual for some further speeches to be made in the House, he proposed that all further contributions to the second reading debate be made in the Federation Chamber. Under the terms of the motion, the bills have been referred to the Federation Chamber for debate. They will return to the House immediately after prayers on 13 June, when the question on the second reading will be put and then stand referred to the Federation Chamber.

The motion also provided for arrangements for consideration in detail of the main appropriation bill. When main appropriation bills are considered in detail, the expenditure proposed for each portfolio is considered in turn, with a separate question put for each portfolio. While the order and duration of consideration of each portfolio is usually agreed by the Federation Chamber, in this instance it was included in the terms of the suspension motion agreed by the House.

Unresolved questions in the Federation Chamber

As divisions cannot occur in the Federation Chamber, if a question cannot be decided on the voices (that is, if a Member dissents from the result announced by the Chair) it is reported to the House as an unresolved question for later resolution there. Proceedings on a bill may continue regardless of

unresolved questions unless the resolution of the question is necessary to enable further questions to be considered.

For instance, on 24 May, during consideration in detail of the Fair Work Legislation Amendment (Protecting Worker Entitlements) Bill 2023, six sets of Opposition amendments were moved. For each set, the question was put but could not be resolved. As subsequent amendments were not contingent on the resolution of the previous question, all sets of amendments could be moved and considered in turn before the bill was returned to the House. A question was put on each set of amendments in turn in the House the following day. All amendments were disagreed to on division. The bill was then agreed to and read a third time.

Three other bills were returned to the House with unresolved questions during the fortnight. This included the Inspector-General of Live Animal Exports Amendment (Animal Welfare) Bill 2023, for which the Federation Chamber had been unable to resolve the question on a second reading amendment on 31 May. As no further questions could be put until this was resolved, the bill was returned to the House, where the amendment was negatived later that day. The bill was then read a second and third time.

Passing the House

A total of 19 bills, including the constitution alteration, passed the House during the fortnight.

Statements by indulgence

On the first Wednesday of the period, the Minister for Government Services, by indulgence, made a statement about an attack on a Centrelink staff member; the Manager of Opposition Business also made a statement expressing sympathy for the staff member and concern for their colleagues.

Following question time the next day, the Prime Minister, by indulgence, made a statement regarding the death overnight of Mr Francis Joseph (Frank) McGovern OAM, the last of the survivors of HMAS *Perth*. The Leader of the Opposition then made a statement in support.

Communication with the Senate

No messages from the Senate were reported. The Senate did not sit during the fortnight, as its committees were considering budget estimates.

The House is scheduled to meet next on 13 June.

Further information on the work of the House

[Bills and legislation](#)—access bills, explanatory memoranda, amendments, speeches, information about key stages of a bill's consideration, 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

[House of Representatives Standing and Sessional Orders](#), as at 2 August 2022—the House's rules of procedure

[Procedural Digest](#)—a record of selected procedural events in the House of Representatives Chamber and the Federation Chamber. It includes Speaker's rulings, precedents and unusual situations.