

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 10-20 September 2018 (no. 15)

This eighth issue for 2018 notes the resignation of the Member for Wentworth, the former Prime Minister; an unusual cognate debate that also featured a casting vote by the Speaker; and the introduction and passage of a number of bills, many of which are trade-related. A bill on Food Contamination was introduced and passed all stages on 20 September.

Resignation of the Member for Wentworth; by election 20 October

On 10 September immediately after the acknowledgement of country and prayers, the Speaker announced that on 31 August the Member for Wentworth had resigned. The Speaker said he would consult with party leaders about the date of a by election and on 12 September he informed the House that he intended to issue a writ on 17 September and that a by election for Wentworth would be held on 20 October. Mr Turnbull's resignation reduced the Government's current numbers in the House to 75. Because the Speaker may only vote on a question when the numbers are equal, this effectively reduced the Government's numbers to 74.

Statement—Leader of the Liberal Party and other changes

Before Question Time on 10 September, the Prime Minister made a statement by indulgence, informing the House he had been elected as Leader of the Liberal Party and sworn in as Prime Minister and that the Member for Kooyong, Mr Frydenberg, had been elected Deputy Leader of the Party. Mr Morrison presented a list of the Morrison Ministry dated 28 August. The Leader of the Nationals and Deputy Prime Minister, Mr McCormack, informed the House of changes to The Nationals Chief Whip and Whip roles. The Leader of the Opposition congratulated Mr Morrison and acknowledged the service of the previous Prime Minister.

Motions to suspend standing orders

During the fortnight there were several attempts to suspend standing orders. When a suspension motion is moved without notice, standing orders require an absolute majority (76) for it to pass, otherwise it may be passed 'on the voices' if Members agree.

Unsuccessful suspension motions were proposed by non-Government Members regarding the change of Prime Minister; the Live Sheep Long Haul Export Prohibition Bill 2018 (10 September); media reports about GST payments (12 September); and the opportunity for the House to debate a motion of no confidence in the Minister for Home Affairs (20 September).

A suspension motion without notice that did succeed was a procedural motion moved by the Deputy Leader of the House on 10 September. This was to enable the new Member for Perth to make a statement immediately and without limitation of time. The motion was carried on the voices and the Member, Mr Gorman, then made his first speech.

Statements by indulgence on the death of Senator John Sidney McCain III

On 10 September, the Prime Minister and Leader of the Opposition made statements by indulgence on the death of US Senator John McCain. Mr Morrison referred to the service the Senator gave to his

country and the strength he gained from enduring years as a prisoner of war. Mr Shorten referred to Senator McCain's idealism and the support he gave to the Australian-United States alliance. The Leader of the House moved that further statements be enabled in the Federation Chamber and on 11 and 13 September further statements were made there.

In the House, statements by indulgence are often made after the deaths of prominent Australians and leaders from around the world. Formal condolence motions are usually limited to office holders such as the Governor-General and former Governors-General, former Prime Ministers and Ministers, Speakers, party leaders and so on, as well as sitting Members and Senators. Whether tributes are made in statements or in speaking to motions, leaders and backbench Members take the opportunity to place on the House's record their respect and regard for the people who have died.

Death of former Senator James Philip McKiernan

On 18 September the Speaker informed the House of the death on 10 August of James Philip McKiernan who had served as a Senator for Western Australia from 1985 to 2002. All Members present stood in silence to demonstrate their respect.

Remonstrance of the Legislative Assembly of the Northern Territory: Territory rights

A remonstrance is a document which outlines grievances and seeks remedial action: rather like a petition. On 12 September the Speaker informed the House of receipt of a remonstrance from the Legislative Assembly of the Northern Territory. It requested that the Federal Parliament not determine and distinguish between the rights of Australian citizens by virtue of where those Australians reside in the country, and that the House pass legislation to repeal section 50A of the *Northern Territory (Self-Government) Act 1978*. (This section specifies that the Assembly does not have the power to make laws that permit euthanasia or assistance to a person to terminate his or her life.) The Speaker of the Legislative Assembly of the Northern Territory had signed the remonstrance which contained the text of a motion moved in the Legislative Assembly by the Chief Minister and agreed by the Assembly on 23 August.

Remonstrance from the Legislative Assembly of the Australian Capital Territory reported

After Question Time on 18 September the Speaker informed the House he had received a letter from the Speaker of the Legislative Assembly of the ACT, enclosing a copy of a remonstrance addressed to the President of the Senate and Senators in relation to the democratic rights of ACT citizens. The Assembly Speaker asked that as the matter affected both Houses, the Speaker make the House aware of the remonstrance. The Speaker presented the letter and copy of the remonstrance.

Legislation

Introductions

Government bills are usually introduced on Wednesday and Thursday mornings. On 12 September the Crimes Legislation Amendment (Police Powers at Airports) Bill 2018; Aged Care Quality and Safety Commission Bill 2018; and Aged Care Quality and Safety Commission (Consequential Amendments and Transitional Provisions) Bill 2018 were introduced. The next day the Shipping Registration Amendment Bill 2018, Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018 and Treasury Laws Amendment (Supporting Australian Farmers) Bill 2018 were introduced.

On 19 September, seven bills were introduced, including the Aviation Transport Security Amendment Bill 2018, the Customs Amendment (Peru-Australia Free Trade Agreement Implementation) Bill 2018 and Customs Tariff Amendment (Peru-Australia Free Trade Agreement Implementation) Bill 2018.

On 20 September, fifteen bills were introduced, including the Criminal Code Amendment (Food Contamination) Bill 2018: the legislative response to concerns about recent incidents of contamination of strawberries. After the Attorney-General had introduced the bill and moved the

second reading, the House gave leave for debate to continue. Sixteen Members spoke and the Prime Minister summed up debate on the second reading. The questions on the second and third reading passed on the voices. In Question Time that day the Attorney reported to the House that the Food Contamination bill had passed the Senate. Almost always, after a bill has been introduced and the Minister has moved and spoken to the second reading, debate is adjourned. Bills are not usually made public before their presentation and so the gap in time between the adjournment of debate on the second reading and its resumption—usually a week or so later—allows non-government Members to scrutinise the new bill and consider how they will respond when debate resumes.

Passing the House

On 11 September, the House passed the Family Law Amendment (Family Violence and Cross-Examination of Parties) Bill 2018 and the Veterans' Entitlements Amendment Bill 2018. On 12 September, the Tobacco Plain Packaging Amendment Bill 2018 passed.

The House agreed to a cognate second reading debate on the Customs Amendment (Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation) Bill 2018 and the Customs Tariff Amendment (Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation) Bill 2018. On 13 September, the Member for Blaxland moved a second reading amendment on the first bill during his speech. When the second reading stage was complete, on 17 September, the question was put on the second reading amendment. The votes for and against were equal, requiring the Speaker to exercise a casting vote under s40 of the Constitution to decide the matter. He voted with the noes, aligning with principles set out in *House of Representatives Practice* and his reason—a casting vote on an amendment to a bill should leave the bill in its existing form—was recorded in the Votes and Proceedings. The second reading was carried on the voices. The Member for Kennedy then moved an amendment to the detail of the bill. A division was called on the three remaining questions: that the amendment be agreed to; that the bill be agreed to; and that the bill be now read a third time. On each question after the bells had rung calling Members to the divisions, there were only three Members on one side and so the result was declared without a count. Standing orders require at least five Members on one side before a formal count is conducted, otherwise the result, which is very obvious, is declared immediately.

The second bill in the cognate Customs Amendment package was then called on. When the Chair stated the question: 'That the bill be now read a second time', the Member for Melbourne moved an amendment to the question and spoke to it. Usually the second and subsequent bills in a cognate debate simply involve formal questions and decisions, rather than amendments and debate, so this amendment and the subsequent debate were quite unusual. When the Minister summed up the second reading stage on this bill, a division was called for on the amendment. The count was not completed, and the question was declared in the negative immediately, because there were only three Members on one side. The question on the second reading was declared immediately—with only three Members on the side opposing. A short detail stage occurred, although no amendments were proposed to the bill's text. The bill was then agreed to, the third reading moved by the Minister immediately, by leave, and this was carried on the voices.

The Modern Slavery Bill 2018 passed on 17 September after a long second-reading debate. The bill will require large businesses and other entities to make annual public reports on actions taken to address slavery risks in their operations and supply chains. The Shadow Minister for Justice's second reading amendment was defeated on division and the second reading carried on the voices. The Shadow Minister then proposed two groups of amendments to the detail and both groups were defeated on division. The third reading was moved immediately, by leave, and carried on the voices.

On 19 September, the Treasury Laws Amendment (Supporting Australian Farmers) Bill 2018 passed the House. A second reading amendment was defeated on division, the question on the second reading was carried on the voices and the Member for Kennedy unsuccessfully proposed a detail amendment. The third reading was moved immediately, by leave, and carried on the voices.

After a lengthy second reading debate and an unsuccessful division on a second reading amendment, the My Health Records Amendment (Strengthening Privacy) Bill 2018 passed on 19 September.

When debate on the second reading of the Government Procurement (Judicial Review) Bill 2018 was resumed on 19 September, an amendment was moved by the Shadow Minister for Finance to the question on the second reading. Later an amendment was moved to that amendment by the Member for Melbourne. The Member's amendment was declared in the negative after a division was called for and only three Members were on the side for the 'ayes'. The Shadow Minister's amendment was defeated on division and although a division was called for on the question on the second reading, the question was declared carried when only three Members were on the side for the 'noes'. The third reading was moved immediately by leave and carried on the voices.

Members' statements: Auslan

On 19 September the Member for Parramatta made a statement using Auslan and spoken English, to mark the National Week of Deaf People.

Committees

Many changes to membership of parliamentary committees were moved during the first sitting week and a number of reports were presented during the fortnight. These included the House Standing Committee on Infrastructure, Transport and Cities report, *Building up and moving out: Inquiry into the Australian Government's role in the development of cities*, presented by the Chair on 17 September. An extensive debate took place the following day in the Federation Chamber on the Chair's motion 'that the House take note of the report'.

Matters of public importance discussions

Topics of discussions included energy, a federal independent integrity commission, the banking Royal Commission, aged care, the retirement income system for women, and schools policy.

Interaction with the Senate

There was considerable message traffic during the fortnight, with most messages indicating that bills had been agreed to by the Senate without amendment or requests for amendment. Several messages returned bills with amendments made by the Senate; the Senate's amendments were agreed to. On 10 September a message was reported transmitting for the House's concurrence a bill on the long-haul export of live sheep. The bill was read a first time and, when the Leader of the House moved that the second reading be made an order of the day for the next sitting, the Manager of Opposition Business moved an amendment that would schedule the bill for consideration in private Members' business time in coming weeks and enable a final decision to be made by the House. The amendment was defeated on division and the Leader of the House's motion was then carried on division.

The next issue of House Review will be published after the House sits next: 15-25 October 2018.

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

[Last week in the House](#), a collection of items (with hyperlinks) considered by the House

[Bills and legislation](#) for bills, explanatory memoranda, amendments, speeches, and tracking facility

[Live Minutes](#) for 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, for the most authoritative guide to House procedure