

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 13-23 August 2018 (no. 14)

This seventh issue for 2018 considers the continuing effect of s. 44 of the Constitution; the arrival of five new Members; a motion on immigration policy supported by the whole House; a motion relating to the Prime Minister; a motion to refer a Member to the Court of Disputed Returns; and the early adjournment of the House on 23 August.

Section 44 of the Constitution—new Members

On 13 August 2018, immediately before Question Time, the Speaker announced returns to the writs he had issued on 15 June for the seats of Braddon, Fremantle, Longman, Mayo, and Perth. Five new Members then entered the Chamber and made an oath of allegiance or affirmation of allegiance. Except for the seat of Perth, the vacancies arose because the previous Members resigned as a result of s. 44 of the Constitution and in particular, the decision of the High Court sitting as the Court of Disputed Returns in the matter of *Re Gallagher* ([2018] HCA 17) on 9 May 2018. All resignations were followed by by-elections on 28 July. There have now been seven by-elections associated with s.44, beginning with the seat of New England on 2 December 2017. Except for the seat of Batman, where the former Member did not recontest and a member of the same party was returned, in each case the former Member was returned. The composition of the House is therefore unchanged.

Motion on immigration policy supported

During Government Business time on 15 August, the Leader of the Opposition moved a motion by leave of the House. The terms of the motion included commitment to the principle that in exercising their right to determine the composition of the immigration intake, Australian Governments not include race, faith, or ethnic origin as criteria. Mr Shorten said he moved the motion because of the need to ‘defend the great national convention of Australian politics: race is beyond politics’. He was followed by the Prime Minister, and other senior members of both sides of the House. Mr Turnbull referred to Australian values as being accessible to ‘people of every race, of any religion or none, of any cultural background.’ All Members who spoke strongly supported the motion and it was carried on the voices. Racism was the subject of a number of Members’ statements later in the week.

Motion relating to the Prime Minister moved by leave on 21 August

After two questions had been asked and answered in Question Time on 21 August, leave of the House was granted for the Leader of the Opposition to move a motion without notice. The terms were ‘That this House has no confidence in the Prime Minister’ but the motion was not a formal motion of no confidence. If the motion had been put forward and accepted as a ‘no confidence’ motion, the speaking arrangements and potential consequences if it passed, would have been very different. Following the Leader of Opposition, the Prime Minister, Deputy Leader of the Opposition, Deputy Prime Minister, and six other Members spoke. The motion was defeated 67:76. No further questions were asked.

Motion to refer a Member to the Court of Disputed Returns

On 23 August, in between items of government business, the Manager of Opposition Business moved without notice that pursuant to section 376 of the *Commonwealth Electoral Act 1918*, the House refer questions to the Court of Disputed Returns, including whether by reason of section 44 of the Constitution, the place of the Member for Dickson (Mr Dutton) had become vacant. The motion was defeated 68:69. On 4 December 2017 the House had resolved to make certain requirements of Members in regard to statements of their citizenship. The resolution also a general provision that notwithstanding standing orders or other resolutions, referral of a Member to the Court of Disputed Returns could be moved without notice by a Minister or the Manager of Opposition Business.

Early adjournment of the House on 23 August

Normally on Thursdays the question ‘That the House do now adjourn’ is proposed by the Chair at 4.30pm and, following a half hour debate, the House adjourns at 5.00pm until the next sitting Monday. Standing orders also allow for a Minister to move the adjournment without notice.

On the morning of 23 August after an item of business had been completed, the Leader of the House moved ‘That the House do now adjourn’. Following speeches by the Manager of Opposition Business, and Leader and Deputy Leader of the Opposition (each allocated the usual five minutes for the adjournment debate), the Leader of the House moved closure of question: ‘That the question be now put’. This was carried on division and the original question ‘That the House do now adjourn’ was put and carried on division. The House was adjourned at 12 noon until Monday 10 September at 10.00 am.

Statements by indulgence—drought

On 13 August the Prime Minister made a statement by indulgence on the drought. He acknowledged the impact of the drought and outlined support being provided by government and individuals and community groups. The Leader of the Opposition then spoke, referring to the need for drought relief and to perceptions that drought cycles are getting longer and periods of relief and rain are getting shorter.

Ministerial statement—Investment statement 2018

On 20 August the Minister for Trade, Tourism and Investment made a ministerial statement by leave relating to Australian investment. The Shadow Minister for Trade and Investment made a statement in reply and debate on the Minister’s statement continued in the Federation Chamber the next day.

Ministerial statement commemorating the election of Dame Enid Lyons to the House

The Minister for Women made a ministerial statement by leave on 21 August to mark the 75th anniversary of the election of Dame Enid Lyons to the House. The Deputy Leader of the Opposition spoke in reply. Debate on the Minister’s statement continued in the Federation Chamber the following day.

***House of Representatives Practice*, 7 ed. published**

The Speaker announced the publication of the latest edition of *House of Representatives Practice* on 13 August. This is the most authoritative reference on the practice and procedure of the House.

30th anniversary of the first sitting in Parliament House

The Speaker made a statement on 22 August to commemorate the 30th anniversary of the first sitting of the House in Parliament House. While the building was opened on 9 May 1988, the House did not sit in the new building until 22 August that year.

Legislation

Introductions

On 15 August, the Social Services Legislation Amendment (Student Reform) Bill 2018; and Tobacco Plain Packaging Amendment Bill 2018 were introduced. On 16 August, the Customs Amendment (Pacific Agreement on Closer Economic Relations Plus Implementation) Bill 2018; Customs Tariff Amendment (Pacific Agreement on Closer Economic Relations Plus Implementation) Bill 2018; and Farm Household Support Amendment (Temporary Measures) Bill 2018 were introduced. The Farm bill will amend the *Farm Household Support Act 2014* to provide a temporary increase to the farm assets limit and a new, two-part payment supplement to qualifying Farm Household Allowance (FHA) recipients and is a response to the impact of drought that had been referred to earlier in the week in statements on indulgence.

On 22 August, the My Health Records Amendment (Strengthening Privacy) Bill 2018 and Veterans' Entitlements Amendment Bill 2018 were introduced. The Health Records bill will remove the ability of the My Health Record System Operator to disclose health information to law enforcement and government agencies without an order or consent and require the operator to permanently delete stored health information if a person cancels their My Health Record. Introductions on 23 August included the Federal Circuit and Family Court of Australia Bill 2018 and a consequential provisions bill.

Passing the House

On 13 August, the Airports Amendment Bill 2016 passed the House following agreement to detail amendments proposed by the Shadow Minister for Transport, Cities and Regional Development. The Social Services Legislation Amendment (Drug Testing Trial) Bill 2018 also passed, following a division on 2nd reading. The Coastal Trading (Revitalising Australian Shipping) Amendment Bill 2017 passed the House on 15 August after divisions on a second reading amendment moved by the Shadow Minister and on the second reading. A number of Opposition amendments to the detail of the bill were proposed, in three stages, and each was defeated on division.

On 20 August the Therapeutic Goods Amendment (2018 Measures No. 1) Bill 2018 passed the House, as did the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018, the Broadcasting Legislation Amendment (Foreign Media Ownership and Community Radio) Bill 2017, and the Space Activities Amendment (Launches and Returns) Bill 2018. On 21 August, the Treasury Laws Amendment (Financial Sector Regulation) Bill 2018 and Unexplained Wealth Legislation Amendment Bill 2018 passed the House.

Debate on the second reading stage of the Farm Household Support (Temporary Measures) Bill 2018 was resumed on 21 and 22 August. A second reading amendment moved by the Shadow Minister was defeated on division and the question on the second reading was carried on the voices. The Chair then reported two messages from the Governor-General, the first recommending an appropriation for the purposes of the bill and the second recommending an appropriation for the purpose of government amendments to the bill. Those detailed amendments were then proposed by the Minister for Agriculture and agreed to following a short debate. The question on the third reading was carried on the voices. The Family Law Amendment (Family Violence and Other Measures) Bill 2018 passed the House on 22 August.

All bills introduced and passed by the House are accessible from [Last Week in the House](#).

Question Time

The Leader of the Opposition was asked a question by a backbench Opposition Member on 15 August. The question was about a private Member's bill sponsored by the Leader of the

Opposition and standing orders allow private Members to be asked questions on bills for which they are responsible. Because the House adjourned early on 23 August, there was no Question Time.

Private Members' business

On 20 August the Member for Fenner, an ACT seat, presented the Restoring Territory Rights Bill 2018. The 'seconder', the Member Solomon in the Northern Territory, also spoke. The bill relates to the legislative powers of the Northern Territory and ACT.

Committees

Thirteen committee reports were presented. The Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples' Interim report was presented on 13 August and the Chair and another Member made statements. Motions that the House take note of the report and that the matter be referred to the Federation Chamber were agreed to. The following day, debate on the 'take note' motion was resumed in the Federation Chamber with a number of speakers.

The Chair of the Select Committee on Intergenerational Welfare Dependence presented a discussion paper by the Committee on 20 August and made a statement by leave.

Matters of public importance discussions

During the fortnight, topics of discussions included the Government's energy policy, education in the early years of Australian children, and health.

Interaction with the Senate

Senate amendments to a bill

A message from the Senate was reported on 14 August, returning the Higher Education Support Legislation Amendment (Student Loan Sustainability) Bill 2018 with amendments, and requesting the House's agreement to those amendments. Following a division on a Minister's motion that the amendments be considered immediately, there was a long debate on his subsequent motion that the amendments be agreed to. The amendments were agreed to on division.

The next issue of House Review will be published after the House sits next: 10-20 September 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