

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 15-25 October 2018 (no. 16)

This ninth issue for 2018 considers the national apology to victims and survivors of institutional child sexual abuse, and other items including the speedy passage of a tax bill; the passage of a bill to reform GST arrangements; and a Ministerial statement on veterans and their families.

National apology to victims and survivors of institutional child sexual abuse; no Question Time

At 11am on 22 October the Prime Minister moved a motion for which he had given notice: ‘That the House apologise to the victims and survivors of institutional child sexual abuse’. He then welcomed visitors and noted that gathered together in the Chamber there were representatives of the people, fathers, mothers, siblings, friends, workmates, victims and survivors. At the end of his speech Mr Morrison presented to the House a document setting out the formal apology. The Leader of the Opposition spoke, referring to those who relived their pain by giving evidence to the Royal Commission and who did so to ensure what happened to them does not happen to other children. The Leader of the House moved that debate be adjourned and its resumption be made an order of the day for the next sitting. He then moved that the order be referred to the Federation Chamber. During the first two speeches there were a number of visitors in the galleries. There were also visitors, including Senators, in the distinguished visitors’ galleries on the floor of the House. The House suspended to enable Members and visitors to join other events surrounding the apology.

At 2.30pm on 22 October when proceedings resumed and Question Time was called on, the Prime Minister referred to the significance of the day and said that he and the Leader of the Opposition had agreed that Question Time could wait until the next day. Mr Morrison asked ‘that questions be placed on the Notice Paper’, the traditional signal that Question Time has concluded. The Leader of the Opposition also spoke. The House then moved to other items on the day’s program.

The referral to the Federation Chamber enabled many Members to add their voices to the apology when debate was resumed there over following days. On 25 October the item was returned to the Chamber and before Question Time the question was put. Members signified their approval of the motion by standing silently. Formal arrangements for the apology—which took place at a time usually allocated to private Members’ business—were put in place by a resolution on 20 September.

The House of Representatives Chamber has been central to a number of significant motions and speeches to acknowledge wrongs and loss across Australian society. On 13 February 2008 Prime Minister Rudd moved a motion of apology to Australia’s Indigenous peoples and it was seconded by Dr Brendan Nelson, the Leader of the Opposition. On 16 November 2009 in the Great Hall, Prime Minister Rudd made a speech of apology to Forgotten Australians and former child migrants. In the House a Minister then moved that the House support that apology. The Minister for Defence made a ministerial statement on 26 November 2012 apologising to people subjected to abuse in the Australian Defence Force. Prime Minister Gillard made a speech on 21 March 2013 apologising to people subjected to forced adoption and removals. This was followed in the House by a motion that the House support the apology and further debate took place. On these occasions a non-partisan approach has been taken and the House’s customary procedures have been relied upon to enable broad participation.

Anniversary of Westgate Bridge collapse

The Prime Minister and Leader of the Opposition made statements by indulgence on 15 October to mark the 48th anniversary of the Westgate Bridge collapse in which 35 workers died. The House agreed to the Leader of the House's subsequent motion that further statements by indulgence be made in the Federation Chamber. All Members present then stood in silence. On the following day further statements were made in the Federation Chamber.

Ministerial statement—veterans and their families

On 24 October the Minister for Veterans' Affairs made a statement by leave on veterans and their families, thanking them, and outlining support available to them. As is the custom with Ministerial statements, the Shadow Minister spoke in reply. The Minister moved that the House take note of the document and that this order be referred to the Federation Chamber. On 25 October a large number of Members spoke to the motion in the Federation Chamber.

Legislation

Introductions

On 16 October the Treasurer presented the Treasury Laws Amendment (Lower Taxes for Small and Medium Businesses) Bill 2018 and moved the bill be read a second time. Following his second reading speech, he sought leave of the House for debate to continue. When it was not granted, the Treasurer moved a contingent notice (a notice in general terms and already on the Notice Paper) to suspend so much of standing orders as would prevent resumption of debate on the second reading at a later hour. As only one Member called for a division on the question that the motion be agreed to, it was carried and the second reading debate was resumed immediately. That evening the bill was passed (with one Member dissenting) when the question on the second reading was called in favour of the 'ayes' by the Chair. A division was called for on the question on the third reading but the count was not taken and the question declared carried because fewer than five Members were on the side for the 'noes'. The bill was introduced in the Senate on 17 October and passed the following day.

Four bills were introduced on 18 October, including the Treasury Laws Amendment (Making Sure Every State and Territory Gets Their Fair Share of GST) Bill 2018 which is intended to reform GST payments to the States and Territories. On 24 October the Treasury Laws Amendment (Strengthening Corporate Penalties and Financial Sector Penalties) Bill 2018 was introduced by the Treasurer and on 25 October the Minister for Immigration, Citizenship and Multicultural Affairs introduced the Migration Amendment (Strengthening the Character Test) Bill 2018.

Passing the House

Over the fortnight, 22 bills passed the House. A full list is available at [Last Week in the House](#). Following is an outline of some slightly unusual aspects to the passage of two bills.

Following its introduction on 18 October, the second reading debate on the Treasury Laws Amendment (Making Sure Every State and Territory Gets Their Fair Share of GST) Bill 2018 was resumed and completed on 23 October. With one Member dissenting, the question on the second reading was carried. After a message from the Governor-General recommending an appropriation for the purposes of the bill was reported by the Chair, leave was granted for the third reading to be moved immediately. This question was carried on the voices.

When debate on the second reading of the Corporations Amendment (Strengthening Protections for Employee Entitlements) Bill 2018 was resumed on 22 October, the Shadow Minister (Member for Gorton) moved as an amendment that 'whilst not declining to give the bill a second reading', the House note certain matters. As usual, once this was seconded, the question before the House became 'that the amendment be agreed to'. Debate continued and, when the Member for Mayo spoke on 24 October, she moved an amendment to the Member for Gorton's amendment. Once this amendment was

seconded, the question before the House became 'that the amendment moved by the Member for Mayo to the amendment moved by the Member for Gorton be agreed to'. When debate was completed by the Minister summing up, the last question was decided first and a division was called for on the amendment to the amendment. A count was not completed because fewer than five Members were on the side for the 'ayes'. A division was then called for on the first amendment and this was defeated 67:72. Final questions on the bill were carried on the voices.

Death of Ian Kiernan AO

On 17 October just before Question Time the Prime Minister and Leader of the Opposition made statements by indulgence on the death of Mr Ian Kiernan, founder of Clean Up Australia. The Leader of the House moved that further statements be permitted in the Federation Chamber; further statements were made there on 18 October.

Death of former Member, Barry Thomas Cunningham

On 15 October 2018, just before Question Time, the Speaker informed the House of the death of Barry Cunningham, a former Member for McMillan. All Members present stood in silence.

Motions to suspend standing orders

Suspension motions, if carried, enable actions not usually allowed by the 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 of the membership (76) to pass.

Immediately after the acknowledgment of country and prayers on 16 October, the Manager of Opposition Business moved without notice to suspend so much of standing orders as would prevent him moving immediately that the House reject the motion proposed in the Senate on Monday that he stated had included a white supremacist slogan. A division was called for on the question that the suspension motion be agreed to and, in accordance with standing orders, this was deferred until after the Matter of Public Importance discussion that afternoon. It was then defeated 70:71.

On the evening of 17 October the Manager of Opposition Business moved without notice to suspend so much of standing orders as would prevent him moving immediately that the House note certain reports and statements of the Minister for the Environment and call on the Minister to attend and advise the House on information she provided. The vote on the motion was tied 71:71, five short of an absolute majority. The Speaker stated that while it was open to him to cast a vote in accordance with the principle that when a motion does not have a majority, the status quo remains, in line with earlier precedent he would simply declare the motion lost as it did not have an absolute majority.

Private Members' business

During private Members' business time on 15 October two private Members' bills were introduced: one proposing a high speed rail planning authority and one on the way trade agreements should be negotiated. On 22 October four private Members' bills were introduced. They contained proposals on: a posthumous promotion for General Sir John Monash, children in Nauru, national greenhouse and energy reporting, and small amount credit contracts and consumer leases. Further debate on any of the bills will occur if the Selection Committee chooses them for consideration in future private Members' business periods.

Question Time

The backbench Member for New England (Mr Joyce) was asked by an Opposition Member on 18 October about a private Member's motion he had placed on the Notice Paper. The questioner asked when the motion might be put to a vote. Standing orders enable questions to be asked not just of Ministers, but also other Members—provided the questions relate to a bill, motion, or other business

of the House or committee for which the Member asked is responsible. The question was allowed and the Member for New England replied.

Committees

Committees met and many conducted public hearings for their inquiries during the fortnight. Details of committee inquiries, reports, and hearings are available on the parliamentary [website](#). A number of reports were presented and a full list is available at [Last Week in the House](#). Reports presented this fortnight included the Parliamentary Joint Committee on Intelligence and Security's advisory report on the Office of National Intelligence Bill 2018 and a supporting bill (24 October); the House Standing Committee on Health, Aged Care and Sport's report of its inquiry into the quality of care in aged care facilities (22 October); the Joint Standing Committee on the National Capital and External Territories report on Commonwealth approvals for ACT light rail (22 October); the Joint Committee of Public Accounts and Audit's report on Commonwealth procurement (18 October); the Parliamentary Joint Committee on Human Rights scrutiny report 11 of 2018 (16 October); the Joint Standing Committee on Electoral Matters' second advisory report on the Electoral Legislation (Electoral Funding and Disclosure Reform) Bill 2017 (15 October); and the Joint Standing Committee on the National Broadband Network's progress report (15 October). On 25 October a motion by the Chair of the House Standing Committee of Privileges and Members' Interests that the House refer to the Committee certain matters relating to the development of a foreign influence transparency scheme to apply to parliamentarians. The motion was seconded by the Deputy Chair and carried.

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

Discussion topics included LGBTI students and school staff, investment in preschools, rural and regional Australia, payday lending, national-building infrastructure, and Medicare.

Interaction with the Senate

From 15 to 22 October message traffic between the Houses included the return of bills without amendment or request and information on Senate actions regarding joint committees. The Senate sat for the first week of the fortnight only, as its committees held [supplementary budget estimates](#) hearings from 22 to 26 October. The Senate will sit next from 12-15 November.

The next issue of House Review will be published after the House sits next, from 26 November to 6 December 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](#), 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