

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 21-31 May 2018 (no. 12)

This fifth issue for 2018 considers the continuing impact of s.44 of the Constitution; the Budget debate, Budget-related and other significant legislation; and the condolence motion following the death of Sir John Carrick AC KCMG.

Constitution s. 44(i)—resignation and by-elections

After Question Time on 21 May the Speaker informed the House of the resignation of Ms Sharkie, the former Member for Mayo. The Speaker referred to his previous statement that he would consult the Australian Electoral Commissioner and party leaders on possible dates for by-elections following this and four other resignations. If the writs were issued on 21 May the earliest by-election date would be 23 June. The Speaker stated that the Electoral Commissioner had advised him in light of the issues relating to s. 44, the cause of four of the five coming by-elections, the Government was considering changes to regulations regarding the nomination process to ensure that candidates are aware of their obligations.

On 24 May after Question Time the Speaker informed the House he had had further consultations with the Electoral Commissioner and party leaders in circumstances that were very unusual because of the multiple by-elections and the issues to do with citizenship qualifications under s. 44 that had given rise to four of the five resignations. As a matter of principle, he said, Speakers generally seek to issue writs as soon as electorally practicable so as not to leave electors without a representative any longer than necessary. The Speaker advised the House that for two reasons it was not possible on this occasion to issue the writs at the earliest opportunity. New citizenship regulations relating to the requirements to be made of candidates were soon to be submitted to the Governor-General and these would take a little time for the Australian Electoral Commission (AEC) to implement. The Joint Committee on Electoral Matters in its recent report on the impact of s. 44 had recommended unanimously that the requirements should be implemented prior to the forthcoming by-elections. In addition, the AEC had advised that school holidays should be avoided because of the more limited opportunities in by-elections for voters to exercise alternative ways of voting if they were travelling. These two factors meant that the earliest date for the five by-elections would be 28 July.

First speech—Member for Batman

On 21 May, the new Member for Batman, Ms Kearney, made her first speech. Because she was elected at a by-election, the usual vehicle for first speeches, the Address-in-Reply debate, could not be used. The Address-in-Reply debate is convenient because the speech time limit is 20 minutes, rather than the 15 allowed during second reading debate on a bill and because Members are not required to be relevant to the question under discussion. On this occasion, at 4pm on the 21st, debate on the Appropriation bills was adjourned and a Minister moved by leave to suspend standing orders to allow the Member to make a statement then, without limitation of time. When the question was agreed, and the Chair reminded all Members about the usual courtesies extended to Members making their first speech, the new Member spoke to the House for the first time.

Budget debate

When the House met last, the final item of business on 10 May was the reply by the Leader of the Opposition to the Treasurer's second reading speech on Appropriation Bill (No. 1) 2018-2019. On 21 May when debate on the question for the second reading was resumed, the House agreed to allow a cognate (combined) debate on the second reading stage with Appropriation Bill (No. 2) 2018-2019, Appropriation (Parliamentary Departments) Bill (No. 1) 2018-2019, Appropriation Bill (No. 5) 2017-2018, and Appropriation Bill (No. 6) 2017-2018. After 21 May, debate on the appropriation bills continued in the Federation Chamber where the second reading stage on Appropriation Bill (No. 1) was concluded on 30 May and consideration in detail began (*see below*).

Legislation

Introductions

On 24 May, fourteen bills were introduced, including the Treasury Laws Amendment (Accelerated Depreciation for Small Business Entities) Bill 2018 (to extend the period during which small business entities have access to expanded accelerated depreciation rules), the Treasury Laws Amendment (APRA Governance) Bill 2018 (to enable the Governor-General to appoint a second Deputy Chair of APRA), and the Treasury Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2018 (to increase the Medicare levy low-income threshold for certain individuals and families in line with movements in the Consumer Price Index).

The Export Legislation Amendment (Live-stock) Bill 2018 was introduced by the Agriculture Minister on 24 May with the aim of protecting animals carried on livestock export voyages by strengthening offences and penalties for those who ignore export standards. Debate was resumed on 30 May, a second reading amendment moved and a detail amendment foreshadowed by the Shadow Minister and, on 31 May, the House agreed to the Leader of the House's motion that debate on the bill be adjourned and made an order of the day for the next sitting. On 30 May two bills were introduced, one of which was the Space Activities Amendment (Launches and Returns) Bill 2018. This bill seeks to amend the *Space Activities Act 1998* and broaden the regulatory framework and reduce barriers to participation in the space industry.

Passing the House

On 23 May the Treasury Laws Amendment (Personal Income Tax Plan) Bill 2018 passed the House after a long second reading debate. The second reading amendment proposed by the Shadow Treasurer, the Member for McMahon, was defeated on division. A division was also called on the question on the second reading but did not proceed to a count because only three Members were on the side for the 'Noes'. The Member for McMahon then proposed two groups of detail amendments and each group was defeated on division. A division called for on the conclusion of the detail stage did not proceed to a count because, again, only three Members were on one side. The question on the third reading was agreed on the voices.

After a long second reading debate, on 29 May the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and the National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018 passed the House, with the questions on the second and third reading carried on the voices. The bills represent the response of the Commonwealth and participating State and Territory governments and non-government institutions to the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. They establish a scheme, to operate from 1 July 2018 for ten years, to provide financial payments, access to counselling and psychological support, and a personal response from the relevant institution to survivors.

A package of five Road Vehicle Standards bills passed the House on 30 May, as did the Communications Legislation Amendment (Regional and Small Publishers Innovation Fund) Bill 2017.

The Treasury Laws Amendment (Black Economy Taskforce Measures No. 1) Bill 2018 was passed on 30 May with a Government detail amendment agreed on the voices. The Water Amendment Bill 2018 also passed on 30 May. The Water bill will amend the *Water Act 2007* to allow the Water Minister to direct the Murray-Darling Basin Authority to prepare an instrument that has the same effect as a Basin Plan amendment that has been disallowed by either House of Parliament. The Authority will not be able to propose amendments to a disallowed instrument without going through an extensive consultation process set out in the Water Act. The bill is intended to overcome the effect of an instrument disallowed by the Senate in February 2018. Questions on the second and third reading were carried on the voices.

Debate was resumed on the Private Health Insurance Legislation Amendment Bill 2018 on 31 May. A second reading amendment was moved by the Shadow Minister. When the second reading debate concluded this amendment was defeated on division and the questions on the second and third reading were agreed on the voices. After the third reading was made and before the next bill was called on, a motion to suspend standing orders was moved by the Manager of Opposition Business. It related to animal welfare and live exports. The motion was defeated on division and the next two bills were then called on, in turn, and the second and third reading questions carried on the voices, without further debate. (A motion to suspend standing orders moved without notice must be relevant to business under discussion or be moved in-between items of business.)

Consideration of bills in the Federation Chamber

On 21 May a Minister moved by leave to suspend standing orders to enable the Federation Chamber to meet at additional times between 22 May and 21 June for consideration of the appropriation bills. The Chief Government Whip then declared that at the adjournment that evening, Appropriation Bill (No. 1) 2018-2019, Appropriation Bill (No. 2) 2018-2019, Appropriation (Parliamentary Departments) Bill (No. 1) 2018-2019, Appropriation Bill (No. 5) 2017-2018 and Appropriation Bill (No. 6) 2017-2018 were referred to the Federation Chamber for further consideration.

From 22 May, meetings of the Federation Chamber were dominated by second reading speeches on the appropriation bills, until 30 May, when the second reading debate was completed and the question on the second reading of Appropriation Bill (No. 1) 2018-2019 was carried. Later in the day consideration in detail of the bill began, with backbench Members having the opportunity to question and debate the detail of portfolio expenditure with responsible Ministers.

Private Members' business

On 21 May three bills were introduced by private (backbench) Members, including the Live Sheep Long Haul Export Prohibition Bill 2018, introduced by the Member for Farrer. This bill seeks to restrict the long haul export of live sheep and lambs during the northern hemisphere's summer months for a five year transitional period and then completely restrict the export. The motion for the second reading was seconded by the Member for Corangamite and debate was adjourned, as is the custom. The Selection Committee has allocated time for a resumption of debate on the second reading of the bill on 18 June in the Federation Chamber.

Committees

During the fortnight seven reports were presented to the House. On 24 May the House agreed to a motion by the Minister for Social Services to establish a House Select Committee on Intergenerational Welfare Dependence to inquire into and report on matters relating to welfare dependence of families and outcomes for children. On 30 May, the House agreed to a motion to amend the resolution of appointment of the House Select Committee on Regional Development and Decentralisation. This amendment will extend its time to report from 31 May to 28 June 2018.

Condolence motion—death of the Hon. Sir John Leslie Carrick AC KCMG

On 22 May the Prime Minister referred to the death of the Hon. Sir John Carrick on 18 May, a Senator for NSW from 1971-1987 and a former Minister. The Prime Minister moved that the House record its regret at the death and the motion was seconded by the Leader of the Opposition. Both their speeches referred to Sir John's life of service and the principles he lived by after being a prisoner of war in World War II. After all Members had risen in silence, the Leader of the House moved that debate be adjourned and the resumption be made an order of the day for a later hour. He then moved, by leave, that the order of the day be referred to the Federation Chamber for further debate. On 30 May debate on the motion continued in the Federation Chamber and Members present again signified their support by rising in silence. The motion was returned to the House and agreed to later that day.

Matters of public importance discussions

Topics discussed were: infrastructure investment, the Government's economic plan, hospitals and healthcare, housing, the Government's accountability to the Australian people, and an ABC budget cut.

Parliamentary privilege—person named in speech

On 22 May in the Federation Chamber, the Member for Canning, who is also Chair of the Joint Committee on Intelligence and Security, spoke in the second reading debate on the appropriation bills. Debate on the second reading of the Main Appropriation Bill is excluded from the usual requirement of relevance to the question. Instead, debate is required to be about public affairs. During his speech the Member referred to the history of political institutions and was given leave to present two documents, a US State Department cable and an indictment provided by the Southern District Assistant, United States Attorneys, referring to an offence involving a well-known Australian and bribery offences by a United Nations official. The Member named a person he said was referred to in the indictment as 'CC-3', a co-conspirator. The speech was the subject of questions to the Prime Minister during Question Time the following day. The traditional privilege of freedom of speech is preserved in the *Parliamentary Privileges Act 1987* and this means that Members are protected from legal consequences (criminal and civil) over what they say during proceedings in Parliament.

Interaction with the Senate

During the fortnight the Senate did not sit. Instead its eight legislation committees conducted hearings on estimates of Government expenditure. Issues raised during those hearings were reflected in the House during Question Time and during some discussion and debate.

The next issue of House Review will be published after the House sits next: 18-28 June 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 during the week
[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](#) 6 ed, 2012, for the most authoritative guide to House procedure