

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 5-15 February 2018 (no. 8)

This eighth issue, the first for 2018, focuses on the continuing impact of s.44(i) of the Constitution; and statements on the Royal Commission into Institutional Responses to Child Sexual Abuse; the Closing the Gap report; and the 10th anniversary of the apology to Australia's Indigenous Peoples. The statements, in particular, emphasise the House's role as a principal forum for consideration of national issues.

Matters related to section 44(i) of the Constitution

On the morning of Monday 5 February, immediately after the Acknowledgment of country and Prayers, the Speaker announced he had received a return to the writ he issued on 13 November 2017 for the division of Bennelong. The writ had been issued to fill the vacancy caused by the resignation of Mr Alexander for reasons connected to section 44(i). The endorsement on the writ certified that Mr Alexander had been elected. Mr Alexander then made and signed the oath of allegiance.

On 5 February the Speaker presented a letter dated 8 December 2017 and court notice from the Principal Registrar of the High Court. The notice referred to the High Court's sitting as the Court of Disputed Returns on 19 January 2018 for a directions hearing on the questions relating to section 44(i) referred by the House on 7 December 2017 regarding the Member for Batman. The Speaker also announced he had received a letter from Mr Feeney resigning his seat as Member for Batman. On 7 February the Speaker informed the House he had issued a writ for the election of a Member for Batman, with the polling date of 17 March 2018.

On 7 February after Question Time the Member for Longman, Ms Lamb, made a statement by indulgence regarding citizenship.

Statements by indulgence on the Royal Commission into Institutional Responses to Child Sexual Abuse

On 8 February immediately after the Acknowledgment of country and Prayers, the Prime Minister made a statement by indulgence to update the House on the Royal Commission. He noted that the Commission's report was delivered to the Governor-General on 15 December 2017 after five years of work. It contained 409 recommendations to ensure the protection of children in the care of Australian institutions. The Prime Minister reported on progress in implementing the recommendations and the need for participation by the states. He also acknowledged the suffering and courage of survivors and the work of the Commissioners. The Leader of the Opposition then spoke, acknowledging the courage of survivors who gave evidence, the leadership of former Prime Minister Gillard in establishing the Commission, and the work by Commissioners and Commission staff.

Ministerial statement on Closing the Gap

On 12 February the Prime Minister made a Ministerial Statement, by leave, on the Closing the Gap report and presented Closing the Gap: Prime Minister's Report 2018. The Prime Minister noted as he

presented this tenth Closing the Gap report that three of the seven targets were on track but work needs to continue on these as well as on those targets where progress was inadequate. The Leader of the Opposition also made a statement. The House agreed that resumption of debate on the motion that the House take note of the report would take place in the Federation Chamber. That debate began on 13 February.

Statements by indulgence on the 10th anniversary of the apology to Australia's Indigenous Peoples

On 13 February immediately before Question Time the Prime Minister and Leader of the Opposition made statements by indulgence to mark the 10th anniversary of the apology to Australia's Indigenous Peoples. The Prime Minister acknowledged the remaining challenges and stated that 'acknowledgement is the seed from which hope and healing grow'. The Leader of the Opposition thanked the Prime Minister and former Prime Minister Rudd and referred to closing the gap 'so that the next generation of Aboriginal children do not get the deal that their parents, grandparents and great-grandparents have had'. The House agreed to the motion by the Leader of the House that further statements be permitted in the Federation Chamber.

Question Time

During the second sitting week a number of questions during Question Time focused, as they not infrequently do, on Ministerial standards and the Statement of Ministerial Standards which is issued by the Prime Minister and applies to Ministers and Assistant Ministers. A revised version of the Statement was published by the Department of Prime Minister and Cabinet on 15 February.

Deferred divisions and quorums

Standing orders provide that divisions called for on Mondays between 10am and 12noon are to be deferred until 12noon. On Tuesdays, divisions called for before 2pm are deferred until after the Matter of Public Importance discussion that day (after Question Time). In both cases a division can still be called on a motion moved by a Minister during those periods (10-12 Monday and 12-2 on Tuesday). Quorums called during these times are also deferred. These two periods allow Members a degree of certainty that they will not need to attend a division during these times and so they can commit, for example, to attend other meetings and events.

On the morning of 5 February, a Minister moved, by leave, to suspend standing orders to enable the period of deferred divisions and quorums that day to be extended. The motion was carried on the voices. The Prime Minister, Leader of the Opposition and a number of Members attended the State Memorial Service for the Hon. Barry Cohen AM (a Member from 1969 to 1990 and Minister from 1984 to 1987), that was held at Old Parliament House that day. That evening, the Prime Minister, the Speaker, President of the Senate, Leader of the Opposition and other Members and Senators attended the Last Post Ceremony at the Australian War Memorial.

Deaths and condolence motion

On 5 February, just before Question Time, the Speaker informed the House of the deaths of Mr Bryan Joseph Conquest, a former Member, and Lady Florence Bjelke-Peterson, a former Senator. Members then stood in silence as a mark of respect. The House agreed that statements by indulgence be permitted in the Federation Chamber. The Prime Minister moved a motion of condolence on the death of the Hon Barry Cohen AM and the Leader of the Opposition spoke in reply. Members stood in silence and the motion was referred to the Federation Chamber for further debate. When the Federation Chamber's debate on the motion was reported in the House, the motion was agreed to.

The Prime Minister and Leader of the Opposition also spoke by indulgence on the death of journalist Mr Michael Gordon on 5 February. The House agreed that further statements be permitted in the Federation Chamber and these were made on 7 February. Also on 7 February, before Question Time, the Prime Minister and Leader of the Opposition made statements by indulgence regarding the death of Mr Ron Walker AC CBE. The House agreed to the motion that further statements be permitted in the Federation Chamber and these were made on 8 February. The actions of the House and the [Hansard](#) records of Members' speeches and statements during the week form a permanent tribute to the lives and work of these prominent Australians.

Legislation

Introductions

Twenty-seven government bills were introduced, including the Additional Estimates Appropriation Bills: Appropriation Bill (No. 3) 2017-2018 (for ordinary annual services of government) and Appropriation Bill (No. 4) 2017-2018 (for other services), introduced on 8 February. The Appropriation bills were the subject of a cognate second-reading debate in the second week. The normal requirement for speeches to be relevant to the question (in this case, that the bill be read a second time) does not apply to appropriation bills for the ordinary annual services of government. Instead, public affairs may be debated. This enabled a wide-ranging debate.

Passing the House

During the fortnight twenty-one bills passed the House. On 5 February the second reading debate was resumed on the Treasury Laws Amendment (Banking Executive Accountability and Related Measures) Bill 2017. This bill establishes the Banking Executive Accountability Regime (BEAR) to impose accountability and other obligations on certain institutions and roles and provide the Australian Prudential Regulation Authority with additional powers. The question on the second reading (in principle) stage was carried on the voices and during consideration in detail the Shadow Treasurer proposed a detail amendment that was agreed by the Government—quite an unusual circumstance. The bill, as amended, passed the House on 5 February and the Senate on 7 February.

Consideration of bills in the Federation Chamber

Debate on several bills was progressed in the Federation Chamber, often after the first Opposition speaker had spoken in the House when debate on the second reading was resumed. As always, the final stage of the process took place in the House after progress in the Federation Chamber was reported, that the bill had been fully considered and agreed to with/without amendment. In each case, after the question that the bill be agreed to was carried, a Minister moved the third reading immediately (by leave of the House).

Committees

The culmination of inquiries by committees is the presentation of a report to the House. At this stage the report is published. When the House is not sitting, so that there isn't undue delay in completed reports being made public, they may be sent to the Speaker who may direct the reports be published. These reports must be presented to the House or Federation Chamber as soon as possible after this. During the fortnight a number of committee reports were presented, some after being sent to the Speaker and published during the Christmas period. Those that hadn't been sent to the Speaker when the House was not sitting were made public for the first time after presentation to the House. Further debate on a number of the reports took place in the Federation Chamber. On 12 February the Chair of the House Employment, Education and Training Committee made a statement to the House to discharge the Committee's obligation to report on a bill—rather than present a written report on a bill that was

referred to the Committee for inquiry and report. This measure is enabled by the Standing orders but has not been used since 2013.

On 14 February during Question Time an Opposition Member asked the Chair of a House committee about progress on an inquiry by the committee. Standing orders enable Committee Chairs to be questioned about the business of a committee for which they are responsible. They also provide that committee proceedings, evidence and reports remain confidential to the committee until they are reported to the House or the committee authorises their publication.

Interaction with the Senate

On 6 February, a message from the Senate was reported, returning the Regional Investment Corporation Bill 2017 with amendments. The bill had passed the House on 17 August 2017. A Minister moved that the amendments be agreed to and the motion was carried. A message from the House, agreeing to the amendments, was reported in the Senate on 7 February.

On 13 February a message from the Senate was reported returning the Social Services Legislation Amendment (Cashless Debit Card) Bill 2017 with an amendment. The House had passed the bill on 6 February. A Minister's motion that the Senate's amendment be agreed to was carried on division.

The great majority of bills that pass the Parliament begin their life being introduced by a House Minister. Those bills that have been first introduced and passed in the Senate come to the House with a formal message from the Senate. For example, on 8 February, three messages from the Senate were reported, transmitting for the concurrence of the House, the Great Barrier Reef Marine Park Amendment (Authority Governance and Other Matters) Bill 2017, the Broadcasting Legislation Amendment (Digital Radio) Bill 2017, and the Australian Capital Territory (Planning and Land Management) Amendment Bill 2017. As each message was reported, the bill was read a first time and the second reading made an order of the day for the next sitting.

The next issue of House Review will be published after the sitting period 26 February to 1 March.

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
 - [Bills and legislation](#) for bills, explanatory memoranda, amendments, speeches, and tracking facility
 - [Citizenship Register](#) for Members' statements on citizenship
 - [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
 - [Votes and Proceedings](#) for all the decisions of the House, available the next business day
 - [House of Representatives Practice](#) 6 ed, 2012, for the most authoritative guide to House procedure
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