

# HOUSE REVIEW



## Selected features of House of Representatives business

Sitting period 20 – 30 March 2023 (no. 57)

The final fortnight for the Autumn sittings featured changes to standing orders and the introduction of a proposal to alter the Constitution.

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### **Changes to standing orders**

On the final sitting day for the fortnight, the Leader of the House moved to amend standing orders relating to quorums and divisions in the evenings. The Manager of Opposition Business moved an amendment, which was subsequently amended on motion by a crossbench Member. The motion as amended was then agreed to.

The effect of the changes to the standing orders is that divisions and quorum counts after 6.30 pm on Mondays, Tuesdays and Wednesdays and during consideration of urgent bills in accordance with standing order 85 will be deferred until the following day except on a motion to suspend standing and other orders moved by a Minister (previously this applied only from 6.30 pm to 7.30 pm and a division could take place on any motion moved by a Minister). In moving his original motion, the Leader of the House explained that he intended these changes to provide more certainty to Members, who might otherwise feel an obligation to remain in Parliament House. Other the changes mean that neither closure of question nor closure of a Member can be moved after 6.30 pm on Mondays, Tuesdays and Wednesdays. As questions on the closure are unable to be resolved during periods of deferred divisions, any closure motion moved during such a period would have had the effect of preventing further progress on a question or a Member from speaking further.

### **Marking the deaths of former Members**

On 29 March, by indulgence, the Prime Minister informed the House of the deaths of two former ministers, Hon John Kerin and Hon Stewart West, earlier that day. He noted that motions of condolence would be moved at a later date, once their families had been consulted.

### **Statements on indulgence**

Just before Question Time on 22 March the Prime Minister and Leader of the Opposition made statements by indulgence to welcome the Prime Minister of Samoa. On 29 March, the Member for Warringah made a statement by indulgence about the death of Emeritus Professor Will Steffen. On the final day of the sittings, the Prime Minister Mr Albanese (Prime Minister), by indulgence, made a statement his attendance at the coronation of King Charles III on 6 May 2023.

### **Motions to suspend standing and sessional orders**

On 21 March, following the acknowledgement of country and prayers, the Leader of the Australian Greens moved to suspend standing and sessional orders to allow him to move a motion relating to the sixth Intergovernmental Panel on Climate Change synthesis report. A division was called for and, in accordance with standing order 133, deferred until after the discussion of the matter of public importance. The motion was defeated 56:12.

On 22 March, the Leader of the Opposition moved to suspend standing and sessional orders to enable the shadow Attorney-General to introduce a private Member's bill and to allow its passage through all stages. The motion was defeated on division. A notice of intention to present the bill was

lodged subsequently, and the Selection Committee will consider it for introduction during the next opportunity for private Members' business.

On 29 March, the Member for Warringah moved a suspension motion to allow a private Member's bill standing in her name on the notice paper to be called on immediately and given priority over all other business for final determination of the House. The motion was defeated on division.

An absolute majority—that is, more than half the total membership of the House—is required to carry motions to suspend standing orders moved without notice and without leave.

### **Ministerial statements and statements on significant matters**

Two ministers made statements on significant matters during the fortnight. On the first Wednesday of the period, the Minister for Social Services made a statement in recognition of 10 years since the National Apology for Forced Adoptions. The shadow minister made a statement in response. The following Wednesday, the Minister for Youth made a statement in relation to the significance of Australia's youth and the Commonwealth Year of Youth, and the shadow minister then made a statement in reply.

Later the same day, the Minister for Resources made a ministerial statement relating to resources, before the shadow minister made a statement in response.

When the House has granted a Minister leave to make a ministerial statement or a Minister makes a statement on a significant matter, the Leader of the Opposition or relevant shadow minister is deemed to have leave to speak in response for an equal period.

### **Division procedure**

When a division is called, Members may leave the Chamber, unless they are the Members who have called for the division, before the doors are locked. After the doors are locked, no Member may enter or leave the Chamber until after the division. On 29 March, the Speaker made a statement about an incident the previous day when Members left the chamber after the order to lock the doors had been given. The Speaker stressed that this was a matter of safety as well as procedure and respect. The Members involved then apologised to the House. In response to a question, the Speaker made a further statement the following day regarding Members outside the Chamber when the order to lock the doors was given.

In addition to Members who call for a division to being required to remain in the Chamber, standing order 128 requires that they vote with those Members who, in the opinion of the Speaker, are in the minority. If the Speaker has called a question for the ayes and a division is called, those Members calling for the division must vote no.

### **Legislation**

#### *Introductions*

Twenty-one government bills (including one Senate bill) were introduced during the fortnight. This included the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023, introduced on 30 March. This bill proposes to alter the Constitution to recognise the first peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. A proposal to alter the Constitution can be introduced in either House and must be passed by an absolute majority. If a constitution alteration passes both Houses and a referendum is to be held, the bill must be submitted to the electors in each state and territory not less than two and not more than six months after its passage. Of interest, the short title of a bill proposing to alter the Constitution does not contain the word 'bill'.

Five private Members' bills were introduced. These related to: adding the right to disconnect outside of working hours to the National Employment Standards; amending the *Renewable Energy (Electricity) Act 2000*; declaring 26 January to be the national day; amending the *Online Safety Act 2021*; and amending the *Interactive Gambling Act 2021*.

### *Passing the House*

Nineteen bills passed the House this fortnight.

On Tuesday, 21 March, the House agreed to suspend standing orders to allow the second reading debate on the Safeguard Mechanism (Crediting) Amendment Bill 2022 to continue from 8 pm, following the usual adjournment debate, until no later than 10 pm. Debate continued until this time. The following Monday, the Minister summed up debate and the House divided on a second reading amendment, which was disagreed to. The bill was then read a second time. During consideration in detail, government amendments were agreed to, on division. Six sets of amendments were moved by crossbench Members and disagreed to on the voices, before the bill, as amended, was agreed to and read a third time.

Customs and excise tariff measures are not normally initiated by a bill, as timing and drafting considerations often mean a bill is not suitable vehicle for initiate the variety and number of proposals that come before the House. However, while collection of the relevant duties commences on the moving of the proposals, the duties must ultimately be levied by legislation. On Wednesday, 23 March the Minister for Home Affairs introduced the Customs Tariff Amendment (Incorporation of Proposals) Bill 2023, which was debated in the House and Federation Chamber before passing the House on 29 March. This bill incorporates the measures in five proposals and corrects references to new headings and subheadings.

### **Communication with the Senate**

Message traffic with the Senate related to legislation and committees.

The House received one bill from the Senate. The Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023 was read a first time on Thursday, 23 March. A minister moved the second reading on the following Tuesday. Debate was able to continue immediately as the mandatory provision requiring the adjournment of the debate after the Minister's second reading speech does not apply in relation to a Senate bill introduced on an earlier day. Debate continued over the following days before the bill was read a second and third time on Thursday.

On 23 March, the House considered and agreed to Senate amendments on the Referendum (Machinery Provisions) Bill 2022 on the voices, and on 29 March it considered and agreed to Senate amendments on the National Reconstruction Fund Corporation Bill 2023 on division.

Following Question Time on 30 March, before the discussion of a matter of public importance commenced, the Leader of the House moved to suspend standing orders so that a message from the Senate transmitting amendments to the Safeguard Mechanism (Crediting) Amendment Bill could be considered. When this was agreed to, the Speaker reported the message and the House resolved to consider the amendments immediately. After debate, the House divided and the amendments were agreed to.

During the fortnight the Speaker reported messages returning five other bills without amendments.

Also on 30 March, the House agreed to the establishment of a Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum to consider the proposed constitution alteration. Later that afternoon, the Speaker reported that the Senate concurred with the resolution of appointment. Each House appointed members to the committee on the same day.

The House is scheduled to meet next on Budget day, 9 May.

***Further information on the work of the House***

[Bills and legislation](#)—access bills, explanatory memoranda, amendments, speeches, information about key stages of a bill’s consideration, 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

[House of Representatives Standing and Sessional Orders](#), as at 2 August 2022—the House’s rules of procedure

[Procedural Digest](#)—a record of selected procedural events in the House of Representatives Chamber and the Federation Chamber. It includes Speaker’s rulings, precedents and unusual situations.