

# HOUSE REVIEW



## Selected features of House of Representatives business

Sitting period 6 – 16 February 2023 (no. 55)

The first sitting fortnight for the year featured a condolence motion for a serving Senator and presentation of a report by the Parliamentary Leadership Taskforce. During the fortnight, the Member for Aston announced he would be resigning his seat and wrote to the Speaker following the sittings.

---

### Resignation of a Member

On the first Thursday of the fortnight, the Member for Aston made a statement on indulgence announcing his intention to retire at the end of the following week. The Speaker received the Member's letter of resignation on 17 February. Under section 37 of the Constitution, a Member's seat becomes vacant as soon as their letter of resignation is received. The Speaker has not yet issued a writ for the election of a new Member.

### Marking the death of a serving Senator and others

On Monday, 6 February, before Question Time, the Prime Minister moved a condolence motion on the death of Senator Andrew James (Jim) Molan AO DSC, who had been a serving senator. The Leader of the Opposition seconded the motion and spoke, before all Members present rose in silence as a mark of respect. The Leader of the House, by leave, referred the motion to the Federation Chamber for further debate. Debate continued there on the following days, before the motion was returned to the House and agreed to on Thursday, all Members present rising in silence.

Shortly afterwards, the Speaker reported that a condolence motion for Constable Rachel McCrow, Constable Matthew Arnold and Mr Alan Dare, moved in December last year, had been debated in the Federation Chamber and returned to the House. The motion was agreed to, all Members present once again rising in silence.

### Parliamentary standards

On the morning of Wednesday, 8 February, the Speaker presented the 2022 report of the Parliamentary Leadership Taskforce, established to oversee the implementation of the recommendations from Sex Discrimination Commissioner Kate Jenkins's *Set the Standard* report.

The Prime Minister then moved that the House endorse the draft behaviour standards and codes presented in the Joint Select Committee on Parliamentary Standards' final report and recognise the contribution of the Parliamentary Workplace Support Service to improving the culture at Parliament House. The codes proposed by the committee include the key themes of respect and diversity and also identify prohibited behaviours.

The Leader of the Opposition, the Leader of the Nationals, the Leader of the Greens and an independent Member all spoke to the motion before debate was adjourned. The item was then referred to the Federation Chamber, where it was debated further the following day before being returned to the House and agreed to that afternoon.

### Matter of privilege

On 6 February, the Speaker made a statement regarding a matter of privilege raised by the Member for Melbourne on 1 December. The Member for Melbourne, who had previously requested that the Speaker consider the Member for Cook's 'failure to inform the parliament of his appointment to a

number of ministries', had asked that the Speaker reconsider the matter in light of the inquiry undertaken by Justice Virginia Bell AC as well as the statement made to the House by the Member for Cook on 30 November.

While the Speaker outlined his concerns that the actions of the Member for Cook were not consistent with the principles of responsible government, he explained that standing order 51(d) requires that there should be *prima facie* evidence that the House has been misled. The Speaker was not satisfied that a *prima facie* case of contempt or breach of privilege had been made.

The Speaker noted that the House had already addressed the matter through debating and passing a motion of censure in November last year for the Member for Cook's failure to disclose appointments to administer multiple departments when he was Prime Minister.

### **Disallowance motion**

Certain legislative instruments are subject to disallowance. Within 15 sitting days of a disallowable instrument being tabled, any Member may give notice of a motion to disallow it. If the motion has not been withdrawn or otherwise dealt with (that is, passed or rejected) at the end of 15 sitting days after the notice was given, the instrument is deemed to have been disallowed.

On 7 February, the Leader of the House successfully moved to suspend standing orders so that Mr Robert's motion of disallowance relating to superannuation regulations could be called on during government business time. The suspension motion also provided for a time limit on debate on the motion. Later that afternoon, following the discussion of the matter of public importance, Mr Robert moved his motion. After debate, the question was put and a division called for. As it was after 6.30 pm, the division was deferred until the next sitting. When the House divided the following day, the disallowance motion was disagreed to (74:64). This meant that the instrument continued in effect. However, both Houses have the power of disallowance, and a motion to disallow the instrument was successfully moved in the Senate the next day.

### **Ministerial statements**

On 9 February, the Minister for Defence made a ministerial statement relating to securing Australia's sovereignty, and the shadow minister made a statement in reply. On 13 February, the Leader of the House presented a copy of the ministerial statement and moved that the House take note of it. After referral to the Federation Chamber, debate continued in the Federation Chamber.

On 13 February, the Prime Minister made a statement on the 15<sup>th</sup> anniversary of the national apology to Australia's Indigenous Peoples. The Leader of the Opposition made a statement in response, before the Leader of the House moved to take note of the document. The minister and shadow minister for Indigenous Australians both spoke, before the motion was referred to the Federation Chamber and debated.

Ministerial statements are made by leave of the House. When leave is granted for a ministerial statement to be made, the Leader of the Opposition or a Member representing is deemed to have also been granted leave to make a statement in reply for an equal amount of time.

### **Distinguished visitors**

The Speaker welcomed the Prime Minister of New Zealand and the New Zealand High Commissioner to the Distinguished Visitors' Gallery on 7 February, Timor-Leste's Prime Minister, Minister of Foreign Affairs and Cooperation and Ambassador on 8 February and the Prime Minister of Vanuatu on 15 February. On both occasions, the Prime Minister and the Leader of the Opposition made statements on indulgence. During the fortnight, the Speaker informed the House of a number of distinguished visitors in the gallery during Question Time: Ms Bridget Phillipson, the shadow secretary of state for education in the United Kingdom parliament; a delegation from the Empowered Communities Leadership Group; Commonwealth Games gold medallist Gretel Bueta; Youth Insearch, a peer led youth intervention organisation; a delegation from the Austria-Australia

bilateral parliamentary group; two former ministers, the Hon Peter Garrett AM and the Hon Chris Evans; His Excellency Mr Amir Maimon, the Ambassador of Israel; and the Hon Scott Stewart, the Queensland Minister for Resources.

On the final sitting day of the fortnight, proceedings of the House were briefly suspended shortly before Question Time to allow a photograph to be taken with Members, Senators and the Ambassador of Ukraine to Australia on the floor of the House.

### **Other statements on indulgence**

On the second sitting Thursday, the Member for Kennedy made a statement on indulgence regarding miners missing at the Dugald River mine. The Prime Minister and the Leader of the Opposition also made statements on indulgence on the same matter. All Members present then stood in silence as a sign of support.

### **Legislation**

Bills debated during the week covered a diverse range of matters, including an economic accelerator program, changes to paid parental leave, a requirement to publish instruments relating to ministerial appointments, and amendments to the *Therapeutic Goods Act 1989*.

#### *Introductions*

Four private Members' bills were introduced during the fortnight: a bill proposing to lower the minimum voting age to 16; a bill proposing to cancel Petroleum Exploration Permit 11 and prohibit further petroleum exploration or exploitation in the area; a bill to introduce measures to strengthen the transparency and accountability of political donations; and a bill to amend the character test in section 501 of the *Migration Act 1958*.

Nine government bills were introduced, including one Senate bill.

#### *Passing the House*

Sixteen bills passed the House during the fortnight.

When there are two or more related bills before the House, it often suits the House to allow their second reading to be debated together—in other words, the debate on the first of the bills also covers the related bills. At the end of debate, separate questions are put, as required, on each of the bills. On 7 February, a cognate debate on three bills relating to private health insurance concluded in the Federation Chamber. The question on the second reading was then put separately on each bill and each bill was agreed to before being returned to the House, where the bills were reported individually and the question on the third reading put on each in turn.

On 9 February, three bills relating to housing supply and affordability were introduced. A cognate debate on the second reading of the principal bill, the Housing Australia Future Fund Bill 2023, took place on 14 and 15 February, with two crossbench Members moving second reading amendments—that is, amendments to the question 'That the bill be now read a second time'. On 15 February, both amendments were defeated on division and the bill was read a second time. During consideration in detail, four Members moved amendments to the detail of the bill. None of the amendments were successful, and the bill was agreed to unamended and read a third time.

The second bill in the package was then called on, the question on the second reading put and passed and the bill considered in detail. One set of crossbench amendments was disagreed to, before a second set of amendments was agreed to on the voices. Two crossbench Members then moved further detail amendments. As it was after 6.30 pm, the divisions called for on these amendments were deferred until the following sitting. The following morning, the divisions were held and the amendments defeated. The bill, as amended, was agreed to and read a third time. The third bill was then called on. After the House agreed to the second reading, two sets of amendments were moved and negatived during consideration in detail. The bill was then agreed to and read a third time.

### **Parliamentary committees**

On Wednesday, 8 February the House agreed to arrangements regarding the powers and proceedings of the Parliamentary Joint Committee on the National Anti-Corruption Commission. The following week, after the House was informed that the Senate concurred with the resolution, six Members were appointed to the committee.

On 13 February, the Chair of the Joint Standing Committee presented its advisory report on the Referendum (Machinery Provisions) Amendment Bill 2022. The bill was introduced to ensure alignment between the *Referendum (Machinery Provisions) Act 1984 (Referendum Act)* and the *Commonwealth Electoral Act 1918 (Electoral Act)* prior to a referendum being held on the proposal to enshrine a First Nations Voice to Parliament in the Constitution. The committee made three recommendations.

In total, 11 committee reports were presented during the fortnight. A list of reports, with hyperlinks, is published in [Last Week in the House](#) each week.

### **Communication with the Senate**

In the first week, as mentioned above, the House received one Senate bill. Messages relating to committee membership and bills were also received. On 9 February, the House considered and agreed to Senate amendments to the Higher Education Support (2022 Measures No. 1) Bill 2022.

The Senate did not sit in the second week, as its legislation committees were holding supplementary budget estimates hearings.

The House is scheduled to meet next on 6 March.

---

### **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.