

HOUSE REVIEW



Selected features of House of Representatives business

Sitting period 26 July – 4 August 2022 (No. 48)

The first sitting fortnight of the 47th Parliament featured the opening of Parliament, changes to the standing orders, the use of new provisions for urgent bills, the passage of a private Member's bill, through both Houses, and the establishment of parliamentary committees and appointment of their members. Twenty-four of the 35 new Members of the House made their first speeches.

Opening day

The first sitting day of a new Parliament is defined by ceremony and tradition. The Constitution and the standing orders prescribe much of the proceedings. The swearing in of Members and the election of the Speaker were two features of opening day on 26 July that reflected constitutional requirements. Following his election, the new Speaker, Mr Milton Dick, presided over proceedings, including the election of the new Deputy Speaker, Ms Sharon Claydon, and the new Second Deputy Speaker, Mr Ian Goodenough.

The first sitting is the only one for which a Notice Paper, the formal agenda of the House, is not produced. Rather, standing orders (particularly standing orders 5 to 8) provide for proceedings, including an invitation to local Indigenous people to conduct a Welcome to Country ceremony prior to Members assembling in the Chamber.

During the day, Members attended the Senate on two occasions. The first occasion was to hear the declaration of the opening of Parliament by the Chief Justice of the High Court of Australia, as the Deputy of the Governor-General. The second was to hear the Governor-General's 'opening speech'—a formal declaration of the causes of the calling together of the Parliament as well as a brief review of the affairs of the nation and forecast of the Government's proposed program of legislation. While it may seem unusual for Members to attend the smaller Senate Chamber, rather than the other way around, this practice echoes the tradition of Westminster, where neither the Sovereign nor their representative has entered the House of Commons since 1642, when King Charles I, accompanied by armed guards, entered the Commons Chamber to try to arrest five of its Members.

The provision for 'formal business' in the standing orders also reflects tradition. After Members return from hearing the Governor-General's speech in the Senate Chamber, outlining the Government's proposed legislative program, the House asserts its independence from the Government by transacting some business which is not part of that program. This symbolic declaration by the House that it is master of its own program of business takes place before the Speaker formally notifies the House of the Governor-General's speech. As is custom, this year the formal business took the form of the presentation and first reading of a bill, the Customs Amendment Bill 2022.

Changes to the standing orders

During the fortnight, the House agreed to three sets of changes to the standing orders. These formal rules governing the proceedings of the House remain in effect until changed by the House.

Standing orders relating to committees

On opening day, the House agreed to amend three standing orders relating to committees, to change the name of certain committees and increase the membership of some committees by making

specific provision for a crossbench member. In these and other standing orders, the reference is now to ‘crossbench’ rather than ‘non-aligned’ Members.

Further amendments, a new standing order and a new sessional order

The following day, the House agreed to further amendments and adopted one new standing order and one sessional order. The standing orders now provide for a period of deferred divisions and quorums from 6.30 pm to 7.30 pm on Mondays, Tuesdays and Wednesdays (standing order 55). In proposing the amendments, the Leader of the House, referring to the *Set the standard* report, noted that the intention was to enable Members who were not scheduled to speak—particularly those with family responsibilities—to leave Parliament House without needing to make pairing or other arrangements.

Amendments to standing orders 82 to 85 provide for a new process for progressing urgent bills, allowing the second reading debate on bills declared to be urgent to continue until 10 pm (without counts for quorums or divisions, except divisions following a motion by a minister), with Members having shorter speaking times. The questions on any second reading amendment and the second reading are then decided on the next sitting before a limited consideration in detail process takes place, if required. The House agreed to an amendment moved by the Member for Warringah to provide that Members moving amendments may speak during the consideration in detail stage.

An amendment to standing order 47 relates particularly to motions to suspend standing orders moved without notice during question time. Under the new arrangements, a minister may require the motion to be considered at a later hour. This means that the motion would not be debated and voted on during question time but returned to later in the day.

Changes to standing order 34 mean that the House now commences at 9 am on Wednesdays and Thursdays. New standing order 50A provides for ministers to make statements on significant matters after prayers on these mornings, on notice, if they wish, with the Leader of the Opposition or Member representing them able to make a statement in reply.

The House also adopted a sessional order—that is, an order that will only remain in force during the current session of Parliament. Sessional order 65A sets out principles for allocation of the call, to provide for crossbench members to receive the call with regard to the crossbench proportion of the non-government membership of the House. This includes selection of topics proposed for the discussion of matters of public importance, with the Speaker subsequently selecting the matter proposed by the Member for Warringah when choosing between two matters on 3 August.

Federation Chamber

On 2 August, the House also agreed that the Federation Chamber would meet at 9.30 am on Wednesdays and Thursdays (standing order 192), half an hour earlier than previously, mirroring the earlier commencement time in the House on these days.

Legislation

Passing the House quickly

During the fortnight, the Government announced that it considered it important for the House to consider several bills quickly. It facilitated this in different ways.

Leave of the House

Normally, under the standing orders, after a minister has introduced a bill and made their second reading speech, the debate is adjourned to the next sitting. On 27 July, the Aged Care and Other Legislation Amendment (Royal Commission Response) Bill 2022 was introduced and leave was granted for debate on the second reading to continue. As there were only two Members speaking on the bill, the second reading debate was short. After the question on the second reading was put and passed, leave was granted for the third reading to be moved immediately. The question on the third reading was put and passed on the voices, on the same morning as the bill was introduced.

Contingent notice

On 4 August, the Government once again sought leave for debate to continue immediately after the second reading was moved for the Public Sector Superannuation Salary Legislation Amendment Bill 2022; however, leave was not granted. In accordance with a contingent notice, on the Notice Paper, the Leader of the House moved a motion to suspend any standing orders that prevented the bill being passed through all stages without delay. Motions to suspend standing orders on notice do not require an absolute majority, and the motion was carried on the voices. The bill then passed through its remaining stages.

New urgent bills procedure

On 2 August, the amended standing orders 82 and 85 were applied for the first time, with the Leader of the House declaring the Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022 urgent. After the question ‘That the bill be considered urgent’ was carried, debate on the second reading continued until 9.37 pm when, as no further Members rose to speak, the Speaker adjourned the House. The next day, the question on the second reading was put after Prayers, followed by an announcement of a message from the Governor-General recommending an appropriation for the purposes of the bill, before the question on the third reading was put and passed.

Suspension of standing orders

On 3 August, the Government moved a motion to suspend standing orders in relation to passage of the Climate Change Bill 2022 and the Climate Change (Consequential Amendments) Bill 2022. The Leader of the House noted at the time that the Government had decided to take this approach to allow more Members to speak on the second reading debate and a different process for consideration in detail than provided for under the amended urgent bills process. The motion allowed the second reading debate on the bills to continue until there were no further Members rising to speak or until at least 10 pm. It provided for shorter speaking times of 10 minutes, with a minister able to require the time to be shortened further, to five minutes, after 9 pm if in their opinion the number of speakers would mean the House sat unreasonably late—this occurred shortly after 9 pm. The House then adjourned at 9.27 pm that evening after no further Members rose.

The following morning, as set out by the terms of the suspension motion, the bills were called on together and the question was put on a second reading amendment moved by the Leader of the Greens. The amendment was defeated on division. A single question was then put on the second reading for both bills, and this was carried on division. During consideration in detail, nine sets of amendments were moved by crossbench Members, and the House divided on each set of amendments after debate. Seven sets of amendments were agreed to, before the bills, as amended, were agreed to and each bill was read a third time.

Passage of a private Member’s bill

A notable feature of the sittings was the consideration and passage of a private Member’s bill—the first since 2017. On 1 August, the Member for Solomon introduced the [Restoring Territory Rights Bill 2022](#) during the period of private Member’s business. It is practice for private Member’s bills which are to be voted on to be considered during government business time. For this reason, a motion to suspend standing orders was moved to enable the bill to be debated and questions put during government business time. The bill was then debated in the House and Federation Chamber, before being read a second and third time in the House. A ‘free’ vote (sometimes called a ‘conscience’ vote) was held on the third reading. Now that it has passed the House, the bill is transmitted to the Senate. If the Senate agrees to the bill, it will be only the 24th private Member’s or Senator’s bill to pass both Houses since Federation.

Parliamentary committees

On the first sitting, the House agreed to a series of motions proposing the establishment of various joint committees, including the re-establishment of a Joint Select Committee on Parliamentary

Standards. The establishment of this committee was recommended by the Human Rights Commission *Set the standard* report.

During the fortnight, members were also appointed to House and joint committees. Membership nominations are made in writing to the Speaker, usually by party whips. These nominations form the basis for the motions of appointment considered by the House.

Communication with the Senate

There was regular message traffic between the two Houses. Much of this related to the establishment of joint committees and the appointment of members to these committees by each House. On 3 August, the House also received a message from the Senate informing the House that the Senate had resolved to refer a matter to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs.

Three bills have passed both Houses so far in this Parliament. The Aged Care and Other Legislation Amendment (Royal Commission Response) Bill 2022 (the first bill to be passed by the House in the 47th Parliament) and the Public Sector Superannuation Salary Legislation Amendment Bill 2022 were both passed without amendment. The House agreed to Senate amendments to the Treasury Laws Amendment (2022 Measures No. 1) Bill 2022 on 4 August just prior to adjournment.

The House is scheduled to meet next on 5 September 2022.

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.