2019

The Parliament of the Commonwealth of Australia

SENATE

Presented and read a first time

# **Parliamentary Participation (Overhaul) Bill 2019**

## No. , 2019

(Lieselta) (Written by Tobycool2001\_1)

A Bill for an Act to regulate the parliamentary participation of elected representatives, and for related purposes.

## Contents

Part 1—Preli	minary	1
<b>Division</b> 1	—Preliminary	1
	1 Short title	1
	2 Commencement	2
	3 Authority	2
	4 Act binds the Crown	2
	5 Object of this Act	2
Division 2	—Definitions	3
	6 Definitions	3
Part 2—Parti	cipation Requirements	4
	7 Expectations and procedures for suspected non-voting elected representatives etc.	4
	8 Transitional previsions	5
Schedule 1—	Repeals	6
Senate	r and Member Participation Requirement Act 2017	6
Parlia	mentarian Participation Requirement Act 2017	6
Parlia	mentary Participation Requirement Amendment (Better	
Debat	es) Act 2018	6
Legisl	ation Clean-up (Omnibus) Amendment Act 2019	6

No. , 2018

Parliamentary Participation (Overhaul) Act 2019

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- **A Bill for an Act to regulate the parliamentary**
- <sup>2</sup> participation of elected representatives, and for
- <sup>3</sup> related purposes.
- <sup>4</sup> The Parliament of Australia enacts:
- 5 Part 1—Preliminary
- 6 Division 1—Preliminary
- 7 **1 Short title**

8

This Act is the Parliamentary Participation (Overhaul) Act 2019.

No. , 2018 Parliamentary Participation (Overhaul) Act 2019

1

Section 2

1 2 Commencement

(1)	Each provision of this Act specified in column 1 of the table
	commences, or is taken to have commenced, in accordance with
	column 2 of the table. Any other statement in column 2 has effect
	according to its terms.

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	Royal Assent	Royal Assent
Note:	This table relates only to the provision enacted. It will not be amended to deal	
	this Act.	
Inform		is not part of this Act. nn, or information in it
Inform may b	this Act. Information in column 3 of the table nation may be inserted in this colum	is not part of this Act. nn, or information in it
Inform may be Authority	this Act. Information in column 3 of the table nation may be inserted in this colum	e is not part of this Act. nn, or information in it of this Act.
Inform may be Authority	this Act. nformation in column 3 of the table nation may be inserted in this colum e edited, in any published version of Act is made under section 38 of the	e is not part of this Act. nn, or information in it of this Act.

18This Act aims to implement activity requirements for members of19parliament, and clean up existing legislation surrounding activity20requirements.

Parliamentary Participation (Overhaul) Act 2019

No. , 2018

### **Division 2—Definitions**

#### 2 6 Definitions

3 In t	this Act:
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4	Chair means the Speaker of the Australian House of
5	Representatives or the President of the Australian Senate, or, when
6	the Speaker or President is unavailable, their respective deputies.
7	Debate means to speak formally on any *official business in order
8	to convey or message or argue about a topic.
9	<i>Elected representative</i> means an elected member of the Australian
10	House of Representatives or the Australian Senate who has either
11	become a sitting member by swearing in, or has failed to swear in
12	after 7 days upon being requested to.
13	Judiciary means a member of the High Court of Australia.
13	Junctury means a memoer of the ringh court of Musitana.
14	<i>Official business</i> means any item before the chamber that requires
14	Official business means any item before the chamber that requires
14 15	<i>Official business</i> means any item before the chamber that requires a *vote or allows for *debate, excluding:
14 15 16	<ul> <li>Official business means any item before the chamber that requires a *vote or allows for *debate, excluding:</li> <li>(a) the election of the Chairs;</li> </ul>
14 15 16 17	<ul> <li>Official business means any item before the chamber that requires a *vote or allows for *debate, excluding:</li> <li>(a) the election of the Chairs;</li> <li>(b) the appointment of members of the Judiciary;</li> </ul>
14 15 16 17 18	<ul> <li>Official business means any item before the chamber that requires a *vote or allows for *debate, excluding:</li> <li>(a) the election of the Chairs;</li> <li>(b) the appointment of members of the Judiciary;</li> <li>(c) Consideration in Detail;</li> </ul>
14 15 16 17 18 19	<ul> <li>Official business means any item before the chamber that requires a *vote or allows for *debate, excluding:</li> <li>(a) the election of the Chairs;</li> <li>(b) the appointment of members of the Judiciary;</li> <li>(c) Consideration in Detail;</li> <li>(d) Consideration in Committee.</li> </ul>

No. , 2018

Parliamentary Participation (Overhaul) Act 2019

3

Section 7

1	Part 2–	-Participation Requirements
2 3	7 Expecta	tions and procedures for suspected non-voting elected representatives etc.
4 5 6 7	(1)	*Elected representatives must *vote on or *debate any *official business they are required to in the respective chamber of the Australian Parliament in which they sit, or, if required, any other chamber.
8 9 10 11	(2)	A log of the *vote and *debate history of an *elected representative shall be maintained from the time they become an elected representative until the time they cease to be an elected represented.
12 13 14	(3)	An *elected representative may excuse themselves from subsection (1) if the *Chair of the respective chamber exempts them from doing so.
15 16 17 18	(4)	<ul> <li>An *elected representative who has not been excused under subsection (2), and:</li> <li>(a) has failed to *vote at least 8 times consecutively on any *official business;</li> </ul>
19 20		<ul> <li>(b) has failed to *debate at least 8 times consecutively on any official business;</li> </ul>
21 22 23 24 25		<ul> <li>(c) has failed to vote on at least 33.3% of any consecutive grouping of 12 items of official business requiring a vote;</li> <li>(d) has failed to debate at least 25% of any consecutive grouping of 12 items of official business requiring debate; or</li> <li>(e) has failed to vote on or debate at least 25% of any</li> </ul>
26 27		consecutive grouping of 12 items of any official business; must be referred to the *Judiciary by the respective *Chair.
28 29 30 31 32 33		Note: To avoid doubt, consecutive grouping of is only meant to refer to the items specified. For example, consecutive grouping of 12 items of official business requiring a vote would be a group of 12 votes that occurred after one another, regardless of other business. Further, for example, a grouping of 12 items of any official business would be a group of any 12 items of business that occurred after one another.

4

Parliamentary Participation (Overhaul) Act 2019

No. , 2018

### Section 8 Transitional

1 2 3		Note: If a breach is not noticed until after other official business has occurred, the elected representative can still be referred to the Judiciary.
4	(5)	The *Judiciary must determine whether to:
5	(5)	(a) expel the *elected representative;
		(b) warn the elected representative; or
6 7		(c) take no action.
7		(c) take no action.
8	(7)	The *Judiciary must begin to consider official referrals within 48
9		hours and provide a determination within 72 hours of the
10		commencement of consideration.
11	(8)	The *Judiciary, subject to statute or any other law, may request any
12		information that is relevant and that the Judiciary feels will assist
13		them in providing a determination.
14		Note: For the avoidance of any doubt, the Judiciary may consider the fact of
15		whether an elected representative has voted or failed to vote for any
16 17		official business in the chamber between the notice of referral and the handing down of the determination.
10	(0)	If a person ceases to be an *elected representative as per subsection
18 19	(9)	4(a):
20		(a) they will be incapable of being chosen for election for a
21		period of one month.
22		(b) a new, different elected representative shall be chosen per the
23		procedure outlined in the Australian Constitution.
24	(10)	Nothing within this section prevents the *Chair from referring the
25	~ /	*elected representative more than once, however, they may only do
26		so once per breach, and only after another item of official business.
27	8 Transiti	onal previsions
		-
28	(11)	If any referrals made under subsection 7(4) are made prior to the
29		assent of this Act and have not been decided on by the *Judiciary,
30		the Judiciary shall use the previous rules in making their decision.
31	(12)	Upon the assent of this Act, the log referred to in subsection 7(2)
32		shall be filled with the 7 most recent items of *official business
33		

No. , 2018

Parliamentary Participation (Overhaul) Act 2019

5

Part 2 Participation Requirements
Division 2 Definitions

Section 8 Transitional

1	Schedule 1—Repeals
2	Senator and Member Participation Requirement Act 2017
3 4	<b>1 The whole of the Act</b> Repeal the Act.
5	Parliamentarian Participation Requirement Act 2017
6 7	2 The whole of the Act Repeal the Act.
8 9	Parliamentary Participation Requirement Amendment (Better Debates) Act 2018
10	3 The whole of the Act
11	Repeal the Act.
12	Legislation Clean-up (Omnibus) Amendment Act 2019
13	3 Schedule 7
14	Repeal the Schedule.

6

Parliamentary Participation (Overhaul) Act 2019

No. , 2018