

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—Preliminary	1
Division 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—Participation Requirements	4
7 Expectations and procedures for suspected non-voting elected representatives etc.	4
8 Transitional provisions	5
Schedule 1—Repeals	6
<i>Senator and Member Participation Requirement Act 2017</i>	6
<i>Parliamentarian Participation Requirement Act 2017</i>	6
<i>Parliamentary Participation Requirement Amendment (Better Debates) Act 2018</i>	6
<i>Legislation Clean-up (Omnibus) Amendment Act 2019</i>	6

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

4 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*.

Section 2

1 **2 Commencement**

2 (1) Each provision of this Act specified in column 1 of the table
3 commences, or is taken to have commenced, in accordance with
4 column 2 of the table. Any other statement in column 2 has effect
5 according to its terms.
6

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	Royal Assent	Royal Assent

7 Note: This table relates only to the provisions of this Act as originally
8 enacted. It will not be amended to deal with any later amendments of
9 this Act.

10 (2) Any information in column 3 of the table is not part of this Act.
11 Information may be inserted in this column, or information in it
12 may be edited, in any published version of this Act.

13 **3 Authority**

14 This Act is made under section 38 of the Australian Constitution.

15 **4 Act binds the Crown**

16 This Act binds the Crown in each of its capacities.

17 **5 Object of this Act**

18 This Act aims to implement activity requirements for members of
19 parliament, and clean up existing legislation surrounding activity
20 requirements.

1 **Division 2—Definitions**

2 **6 Definitions**

3 In this Act:

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 ***Elected representative*** 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.

14 ***Official business*** means any item before the chamber that requires
15 a *vote or allows for *debate, excluding:

- 16 (a) the election of the Chairs;
17 (b) the appointment of members of the Judiciary;
18 (c) Consideration in Detail;
19 (d) Consideration in Committee.

20 ***Vote*** means to declare that you vote for, against or abstain on any
21 official business.

1 **Part 2—Participation Requirements**

2 **7 Expectations and procedures for suspected non-voting elected**
3 **representatives etc.**

- 4 (1) *Elected representatives must *vote on or *debate any *official
5 business they are required to in the respective chamber of the
6 Australian Parliament in which they sit, or, if required, any other
7 chamber.
- 8 (2) A log of the *vote and *debate history of an *elected representative
9 shall be maintained from the time they become an elected
10 representative until the time they cease to be an elected
11 represented.
- 12 (3) An *elected representative may excuse themselves from subsection
13 (1) if the *Chair of the respective chamber exempts them from
14 doing so.
- 15 (4) An *elected representative who has not been excused under
16 subsection (2), and:
17 (a) has failed to *vote at least 8 times consecutively on any
18 *official business;
19 (b) has failed to *debate at least 8 times consecutively on any
20 official business;
21 (c) has failed to vote on at least 33.3% of any consecutive
22 grouping of 12 items of official business requiring a vote;
23 (d) has failed to debate at least 25% of any consecutive grouping
24 of 12 items of official business requiring debate; or
25 (e) has failed to vote on or debate at least 25% of any
26 consecutive grouping of 12 items of any official business;

27 must be referred to the *Judiciary by the respective *Chair.

28 Note: To avoid doubt, consecutive grouping of is only meant to refer to the
29 items specified. For example, consecutive grouping of 12 items of
30 official business requiring a vote would be a group of 12 votes that
31 occurred after one another, regardless of other business. Further, for
32 example, a grouping of 12 items of any official business would be a
33 group of any 12 items of business that occurred after one another.

1 **Schedule 1—Repeals**

2 *Senator and Member Participation Requirement Act 2017*

3 **1 The whole of the Act**

4 Repeal the Act.

5 *Parliamentarian Participation Requirement Act 2017*

6 **2 The whole of the Act**

7 Repeal the Act.

8 *Parliamentary Participation Requirement Amendment*
9 *(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.