

# House of Representatives

# Supplementary Order Paper

Thursday, 6 April 2023

## Severe Weather Emergency Recovery Legislation Bill

### *Proposed amendment*

Chris Penk, in Committee, to move the following amendment:

#### *Clause 19*

Replace *clause 19(2)(c)* (page 14, lines 4 and 5) with:

- (c) the Minister has received confirmation in writing from the leaders of parties represented in Parliament sufficient to establish that the Order in Council has the support of at least 75% of all of the members of the House of Representatives.

### **Explanatory note**

This Supplementary Order Paper (SOP) amends the Severe Weather Emergency Recovery Legislation Bill. This SOP relates to a situation in which the Minister is seeking to bring additional Acts within the ambit of this Bill, which is a clear example of a “Henry VIII power”. The language used in that provision within the Bill as introduced is unclear. It states that the Minister must be “satisfied that there is unanimous or near-unanimous support for the order” from political party leaders in Parliament. The concept of near-unanimity exists in the dealings of Parliament’s Business Committee but even in that context does not enjoy a clear and readily ascertainable meaning. Using political party leaders’ views equivalent to at least 75% of Parliament’s seats is consistent with the (orthodox) interpretation of a “super majority” needed to amend other constitutionally important legislative provisions.