

Parliament House and the House of Representatives Chamber

THE PARLIAMENT BUILDING

The present Parliament House is a provisional building, opened on 9 May 1927¹ by the Duke of York. It is situated about the middle of the 'Parliamentary zone' as indicated in the Parliament Act of 1974 and occupies an area of approximately 2.4 hectares. Extensions were made to the building in 1939, 1942, 1949, 1965 and 1972 to accommodate increases in the number of Members and staff and Ministers and their staffs.

The building provides office accommodation for more than 1200 people consisting of Members, Senators, Ministers, staff of Members and Senators, ministerial staff, parliamentary staff, and media representatives. Since 1974 a further 150 staff have been accommodated in the Parliamentary Annex (formerly the Hotel Canberra) located about one kilometre from Parliament House and a further 35 people are located at the former Hotel Kurrajong. The provisional Parliament House is now grossly overcrowded which affects adversely organisational arrangements and the work performance of its occupants.

The central core of the building houses the 2 legislative Chambers, the House of Representatives to the left and the Senate to the right of the main entrance. Separating the 2 Chambers on the main floor is the King's Hall, a large area bounded at the rear by the Parliamentary Library and dominated by Sir Bertram McKennel's statue of King George V who was the reigning monarch when the building was opened in 1927. Inset in columns which form a colonnade around the Hall are bronze plaques of leading Members of the 1st Parliament and other persons prominent in the development of Federation. Displayed in the Hall are paintings of Her Majesty Queen Elizabeth II, Governors-General, Prime Ministers, Presidents of the Senate and Speakers of the House of Representatives. Other items of special public interest such as Governor Macquarie's sword and one of the 3 surviving exemplars of the *Inspeximus* issue of the Magna Carta are also exhibited.²

King's Hall is normally open to the public except on special occasions such as the opening of Parliament and when special functions or receptions are taking place. It may also be closed to the general public for security reasons. In 1960 a large and noisy group of demonstrators entered King's Hall to voice their objections to the Crimes Bill which was then before the Parliament. Members were jostled and it was thought that the meeting of the House could be threatened. As a result of that event when a mass demonstration now occurs outside Parliament House the rule is that only a small deputation is permitted to enter King's Hall to make representations to Members. However, despite precautions, large noisy demonstrations have occurred in the Hall. For example in 1976 a sit-down demonstration by ship building industry workers occurred and in 1981 groups of women staged noisy demonstrations in King's Hall (see p. 160).

1 The Parliament previously sat at Parliament House, Melbourne, see Constitution, s. 125.

2 For an historical description of the Magna Carta see *The Parliament of the Commonwealth of Australia*,

Government Printer, Canberra, 1972; and see resolution of the Senate 27 November 1968, J 1968-69/358-9; H.R. Deb. (24.10.68)2292.

Gifts presented by foreign governments and parliaments to the Australian people, together with other historic paintings, are exhibited on the lower ground floor. Located on the same floor is a Post Office which remains open on sitting days until half an hour after the rising of either House.

The Chamber of the House of Representatives may be entered from the government lobby on the right of the Speaker's Chair and from the opposition lobby on the left of the Chair. Adjacent to these lobbies are the respective Leaders' offices, party rooms and the Whips' offices. Beyond the rear of the Chamber are the offices of the Speaker, Chairman of Committees and Clerk of the House. The remainder of the building on the House of Representatives' side is occupied by Ministers' suites, Members' rooms, committee rooms, departmental offices and the larger part of the Press Gallery.

NEW AND PERMANENT PARLIAMENT HOUSE

In December 1965 Parliament established a joint select committee to inquire into certain aspects of a new and permanent Parliament House.³ The committee was re-established in subsequent Parliaments and presented its final report in April 1970.⁴

The major matters on which the committee was asked to report were:

- the accommodation needs of:
 - the Senate, the House of Representatives, and the parliamentary staff in the Parliament building;
 - members of the public visiting the Parliament building, and
 - library facilities, and catering and other facilities and services in the Parliament building for Members of the Parliament and others, and
- whether, and, if so, to what extent or in what manner, the Executive Government, the press, and communication services should be accommodated in the Parliament building.⁵

The committee's final report contained 40 recommendations detailing accommodation requirements and other matters. It provided, in the form of proposals, the data necessary for the planning and design of the new and permanent Parliament House. One recommendation was that in all phases of planning and construction of the new building there be close liaison between planning authorities and parliamentary authorities and that for this purpose a 'client' committee be established consisting of representatives of Senators, Members and the parliamentary departments.

The site

Following debate over a number of years, Parliament determined in 1974 that Capital Hill should be the site for the new and permanent Parliament House. This decision was embodied in the *Parliament Act* 1974.⁶ The Act also prescribed that the area bounded by Commonwealth Avenue, the southern shore of Lake Burley Griffin, Kings Avenue and Capital Circle be designated the Parliamentary zone⁷, and that any proposal for the erection of buildings or other work within the zone must be approved by a resolution of each House of Parliament.⁸

3 VP 1964-66/495-6,512.

4 'Proposed new and permanent Parliament House for the Parliament of the Commonwealth of Australia', *Report of Joint Select Committee*, PP 32(1970); VP 1970-72/67.

5 VP 1964-66/495.

6 Act No. 165 of 1974.

7 *Parliament Act* 1974, s. 3.

8 *Parliament Act* 1974, s. 5. For example the erection of a viewing platform on the summit of Capital Hill, VP 1978-80/607. For other examples see VP 1977/268; VP 1978-80/481-2,1691.

Joint Standing Committee and the Parliament House Construction Authority

The 'client' committee recommended in the 1970 report was first appointed in June 1975⁹ as the Joint Standing Committee on the New and Permanent Parliament House which has been re-constituted in subsequent Parliaments.

The principal functions of the committee, as re-constituted in 1980, are:

- to act for and represent the Parliament, as the client for the new Parliament House, in all matters concerned with the planning, design and construction of the new Parliament House and all matters incidental thereto;
- to reconsider and, as necessary, amend the Parliament House Competition Stage 2 Brief, dated November 1979, which when revised shall be used as the basis for the design and construction of the new Parliament House, unless both Houses resolve to vary any section of the brief or have any section reconsidered by the committee;
- to consider and report on matters coming within the terms of section 5 of the *Parliament Act 1974* (erection of buildings or works within Parliamentary zone) as may be referred to it:
 - by the Minister responsible for administering the *National Capital Development Commission Act 1957*, or
 - by resolution of either House of the Parliament, and
- to provide, on behalf of the Parliament, all necessary information concerning the functional requirements for the new Parliament House and matters incidental thereto direct to the Parliament House Construction Authority as the authority responsible to Parliament to undertake or arrange for the planning, design and construction of the new building.¹⁰

The committee consists of the President of the Senate and the Speaker of the House of Representatives, acting as joint chairmen of the committee, the Minister responsible for administering the Parliament House Construction Authority Act, 6 Members and 6 Senators.¹¹

The first report of the committee was tabled on 3 May 1977, and recommended that stage 1 of the new and permanent Parliament House, including all associated site works and approach areas, be completed for occupation by 26 January 1988, the bicentenary of European settlement in Australia.¹² The second report, tabled on 3 November 1977, informed the Parliament of the progress of the committee in preparing a design brief.¹³

The third report, tabled on 30 May 1978, included the conclusions reached by the committee as to the procedure which should be adopted in selecting a designer for the building. The committee, having examined a number of alternative methods of obtaining an architectural design, concluded that a 2-stage competitive selection process would be the most suitable for the project. The committee also recommended that the announcement of the competition and invitations to all architects registered in Australia to participate should take place no later than November 1978 with the winning design being selected by independent assessors. To achieve the occupation of stage

9 VP 1974-75/794-5,870.

10 VP 1980-81/56-7, 69. The Committee's title became 'The Joint Standing Committee on the New Parliament House'.

11 VP 1978-80/48-9,60,639,658.

12 VP 1977/98; H.R. Deb. (3.5.77)1445-6; PP 69 (1977).

13 VP 1977/396; H.R. Deb. (3.11.77)2786; PP 275 (1977).

1 of the project by 1988 the committee recommended that the Senate and the House of Representatives each consider a resolution in the following terms:

That the Joint Standing Committee on the New and Permanent Parliament House should authorise the conduct of a two-stage competitive selection process, commencing no later than November 1978, for the design of the new and permanent Parliament House, and proceed to take all necessary steps in accordance with the design selection process set out in the Committee's Third Report.¹⁴

On 22 November 1978 the Prime Minister announced in the House that the design and construction of the new Parliament House would proceed and that the Government intended to create a statutory authority, to be known as the Parliament House Construction Authority, to control the design and construction of the new Parliament House. However, at each major stage in the design and construction of the new building, the Parliament itself would be the authority to approve the next step to be taken. The joint standing committee would continue in existence in the role of 'a watch dog' on behalf of the Parliament.¹⁵ The Parliament House Construction Authority Bill 1979 was introduced into the House of Representatives by the Prime Minister on 8 March 1979¹⁶, and passed both Houses during the same month.¹⁷

On 5 April 1979 the fourth report of the joint standing committee, concerning the design brief to be supplied to competitors in stage 1 of the design competition, was tabled.¹⁸ On the same day the House, in accordance with the provisions of section 8 of the *Parliament House Construction Authority Act* 1979, declared the conducting of a design competition to be a declared stage in the design of Parliament House and authorised the commencement of work on that stage.¹⁹ A similar resolution was agreed to by the Senate.²⁰ On 7 April 1979 the commencement of the competition was announced by the Parliament House Construction Authority. The 5 finalists chosen from stage 1 to proceed to stage 2 of the competition were announced in the House by the Minister for the Capital Territory on 9 October 1979.²¹

The Parliament House Construction Authority announced the winning design for the new Parliament House on 26 June 1980 and the report of the authority on the winner's design was tabled in the House on 19 August 1980.²² The assessors selected the design concept submitted by the firm of Mitchell Giurgola and Thorp of New York as the winning entry.²³ In its report the authority supported the assessors' decision and recommended that the Government and the Parliament endorse proposals to proceed with design and construction. Following the presentation of the report the House declared the preparation of a detailed design of Parliament House (including specifications and tender documents), and the preparation and excavation of the site, to be declared stages in the design of Parliament House.²⁴ A similar resolution was agreed to by the Senate.²⁵ On 19 August 1980 the Speaker presented the fifth report of the joint standing committee which supported the winner's design as functionally efficient and one which had simple but commanding symbolism and exhibited outstanding empathy with Walter Burley Griffin's planning concept for the National Capital. The committee

14 VP 1978-80/262; H.R. Deb. (30.5.78)2737-8; PP 151 (1978)36.

15 VP 1978-80/584; H.R. Deb. (22.11.78)3192-5.

16 VP 1978-80/671; H.R. Deb. (8.3.79)792-4.

17 H.R. Deb. (28.3.79)1243-60; S. Deb. (29.3.79) 1130-9; Act No. 22 of 1979.

18 VP 1978-80/732; H.R. Deb. (5.4.79)1563; PP 67 (1979).

19 VP 1978-80/736; H.R. Deb. (5.4.79)1631-5.

20 VP 1978-80/734.

21 VP 1978-80/1043-4; H.R. Deb. (9.10.79)1757-60.

22 VP 1978-80/1547; 'Parliament House design competition'. Report by Construction Authority on Winner's Design, July 1980, PP 204 (1980).

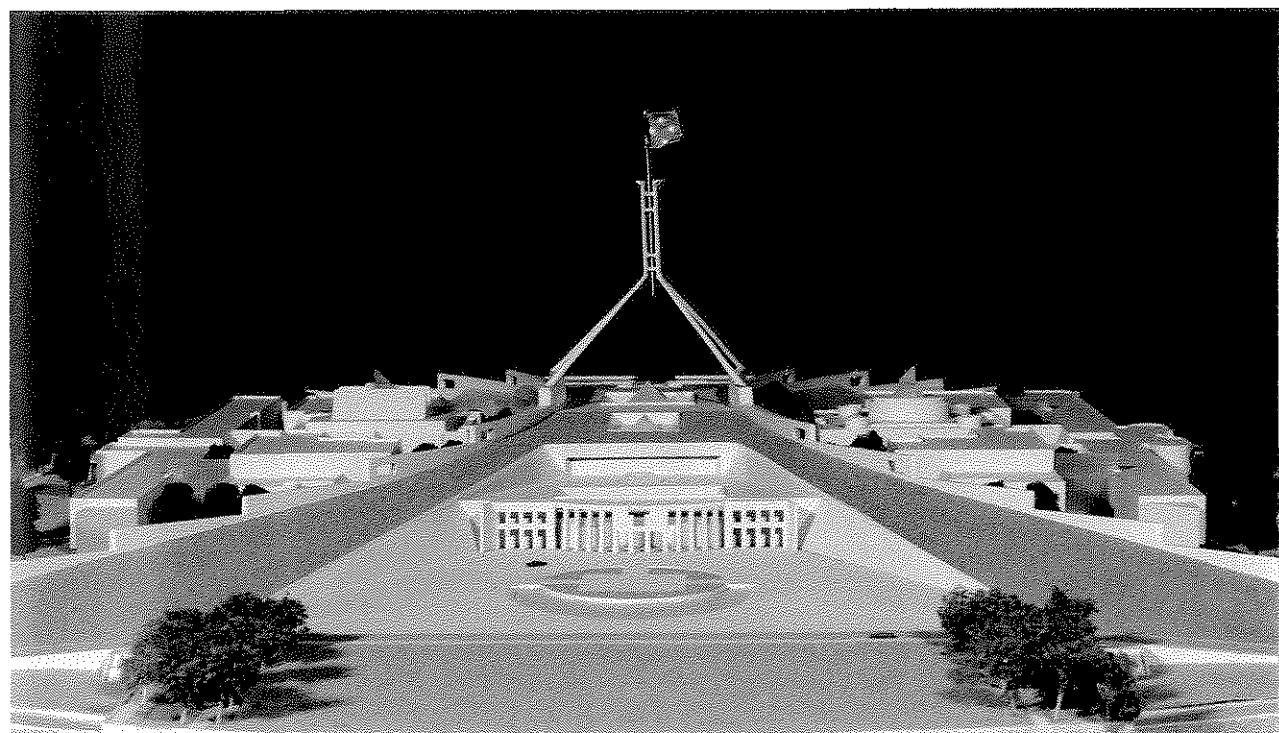
23 The assessors' final report was tabled on 21 August 1980; VP 1978-80/1575; 'Two stage design competition for Parliament House, Canberra', *Assessors Final Report*, June 1980, PP 203 (1980).

24 VP 1978-80/1547; H.R. Deb. (19.8.80)27-8.

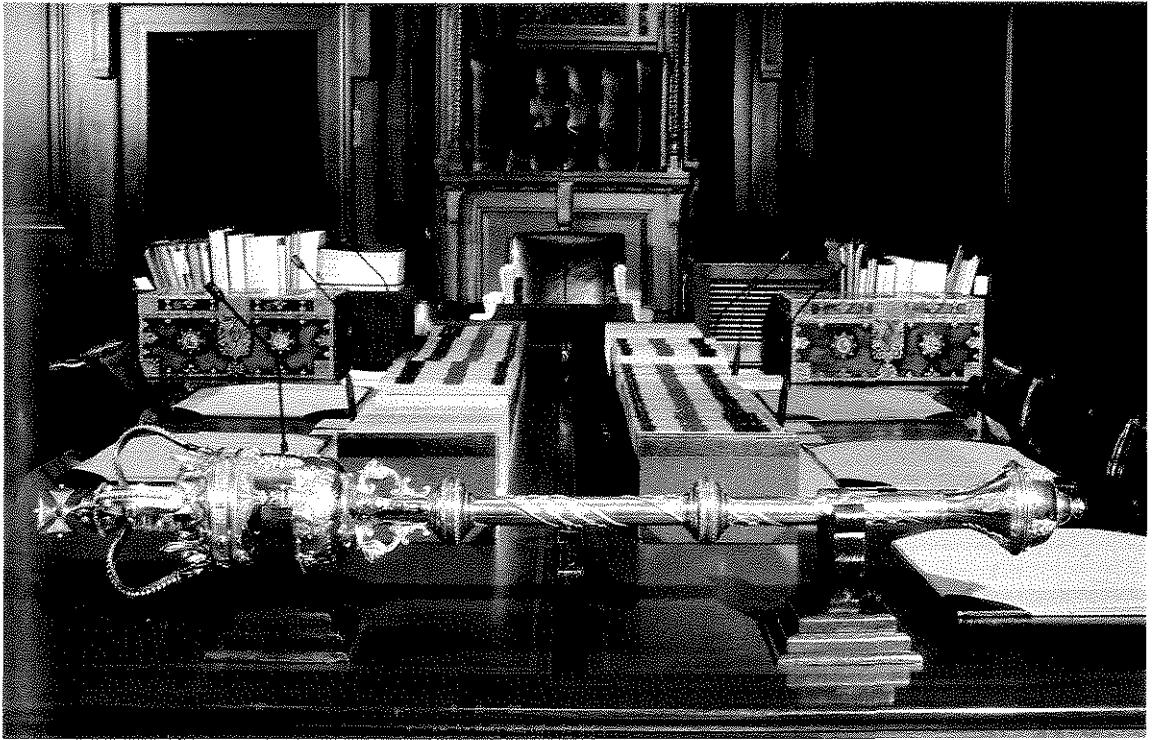
25 VP 1978-80/1574.



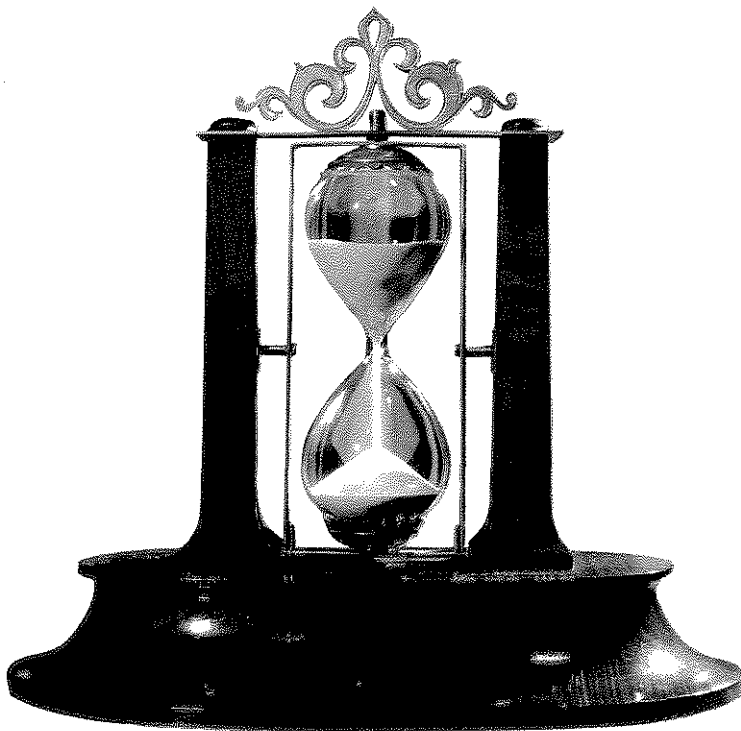
'Provisional' Parliament House



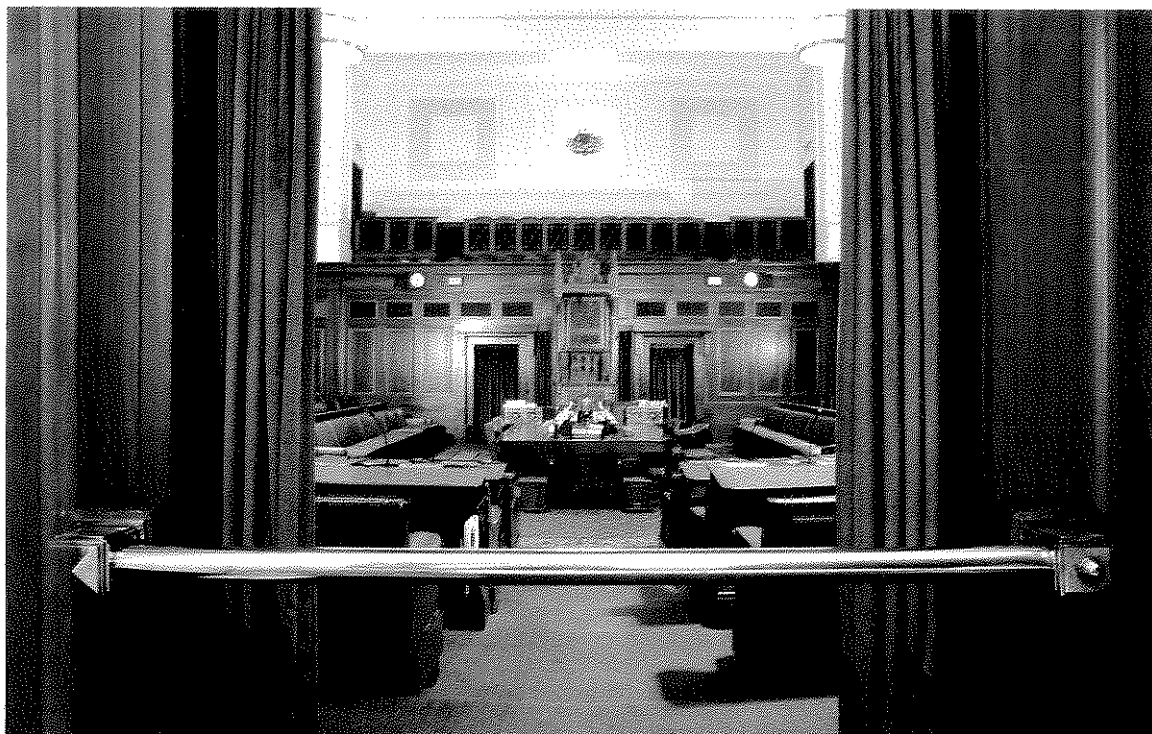
The proposed new Parliament House



The Mace, Table and Despatch Boxes



The two-minute Sandglass

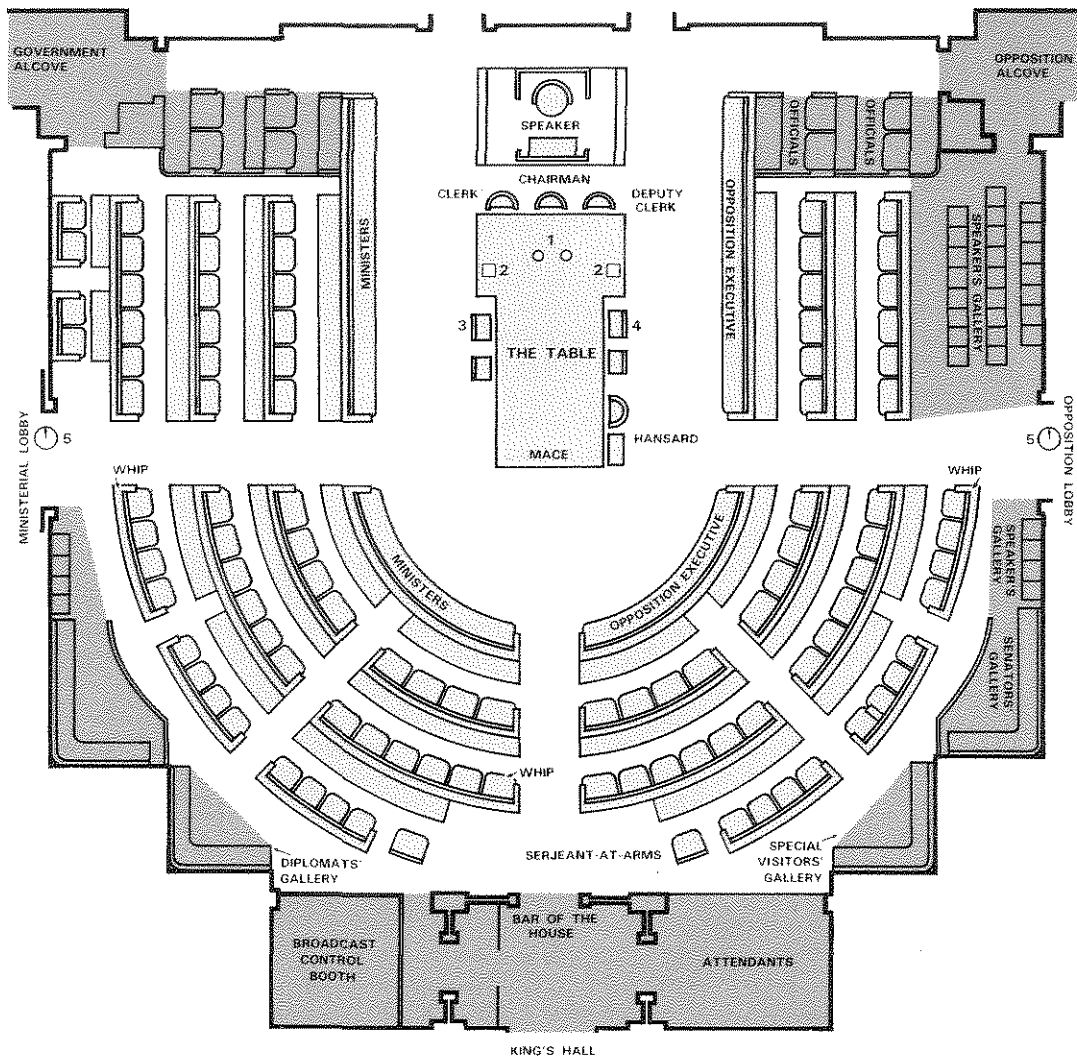


The Bar of the House, lowered



A public hearing of a parliamentary committee

House of Representatives Chamber



Plan applicable for the 32nd Parliament

1. Sandglasses
2. Despatch Boxes
3. Prime Minister or Minister in charge
4. Leader of the Opposition or Member of the Opposition Executive
5. Timing clocks (above lobby)

Note: Area not shaded grey defined as 'area within the seats allotted to Members'

time fixed for the commencement of each sitting³³ and before the time fixed for the resumption of a sitting following a meal break or after a suspension. Before any division or ballot is taken, the Clerk rings the bells for 2 minutes as indicated by the sandglass kept on the Table for that purpose. A one-minute sandglass is used when successive divisions are taken and there is no intervening debate after the first division.³⁴ The bells are ordinarily rung for a maximum period of 2 minutes for the purpose of establishing a quorum.³⁵ In March 1973 the length of time for the ringing of the bells for divisions and quorums was extended from 2 to 3 minutes as a temporary measure because alterations being made to the building necessitated many Members being temporarily accommodated some distance from the Chamber.³⁶

Electronic speech timing clocks, installed in 1963, are set on the Chamber walls below each side gallery. The hand is moved by remote control by the Deputy Clerk to indicate the number of minutes allowed for a particular speech.³⁷ The clocks automatically return to zero and one minute before the time expires a small amber warning light is illuminated on each clock face until the time for the speech expires.

Two despatch boxes, with elaborate silver and enamel decorations, are situated on the Table in front of the Clerk and Deputy Clerk, respectively. These were a gift from King George V to mark the opening of Parliament House in Canberra in 1927.³⁸ The despatch boxes, which are purely ornamental, are exact replicas of those which lay upon the Table of the House of Commons prior to their loss when the Chamber was destroyed by bombs in 1941. The Prime Minister, Ministers and members of the opposition executive speak 'from the despatch box'. The origin of the boxes is obscure, the most accepted theory being that in early times Ministers, Members and the Clerk of the House of Commons carried their papers in a box and, thus, one or more boxes were generally deposited on the Table.

The Mace

The Mace of the House of Representatives was presented by a delegation of the House of Commons on 29 November 1951 (*see* p. 150) after King George VI had directed 'that a Mace, a symbol of the Royal authority, should be presented, on behalf of the Commons House of the Parliament of Great Britain and Northern Ireland, to the House of Representatives of the Parliament of the Commonwealth of Australia to mark the Jubilee year of the Commonwealth's foundation'.³⁹

The Mace of the House of Representatives is the symbol not only of the Royal authority but of the authority of the House. The authority of the Speaker and of the House being indivisible it also symbolises the authority of the Speaker.⁴⁰ It is perhaps, above all, a revered link with Westminster, the 'Mother of Parliaments', and all that that system of free, democratic, parliamentary government stands for.

Seating

In the Chamber the Members of the governing party or parties sit on the right of the Chair and the Members of the Opposition on the left. However on occasions when the Government has a large majority there may be a 'spill-over' of government Members to the opposition side. The 2 chairs on the right of the Table are, by practice, reserved for

33 S.O. 41.

34 S.O.s 12(g), 13(g), 199, 200A, 391.

35 S.O.s 46, 48.

36 VP 1973-74/27-8.

37 S.O. 91 (time limits for speeches).

38 VP 1926-28/349.

39 VP 1951-53/242.

40 *See* Ch. on 'The Speaker and Officers of the House' for a full description of the significance and uses of the Mace: *see also* A.R. Browning, *The Mace*, AGPS, 1970.

the Prime Minister and the Deputy Prime Minister but are also occupied by other Ministers when they are in charge of the business before the House. Similarly, the 2 chairs on the left of the Table are reserved for the Leader and Deputy Leader of the Opposition but may be occupied by Members leading for the Opposition in the business before the House. A bench seat and a round backed seat at the end of the Table on the opposition side are used by officers of the Parliamentary Reporting Staff (Hansard). The front benches nearest to the right hand of the Speaker are reserved for Ministers.⁴¹ Members of the opposition executive sit on the front benches on the Speaker's left. Any question arising regarding the seats to be occupied by Members is determined by the Speaker.⁴²

Bar of the House

Situated at the point of entry to the Chamber from the main entrance directly opposite the Speaker's Chair is the Bar of the House consisting of a cylindrical brass rail which can be lowered across the entrance. It is a point outside which no Member may speak to the House or over which no stranger may cross and enter the Chamber unless invited by the House. Historically, the Bar is the place to which persons are brought in order that the Speaker may address them on behalf of the House.

In the event of any Member or other person being arrested by the Serjeant-at-Arms and that fact having been reported to the House, the House fixes a time for the Member or person to be brought to the Bar to be dealt with by the House.⁴³ A witness before the House or a committee of the whole is examined at the Bar.⁴⁴ In theory a person (witness) may be brought to the Bar by the House to receive thanks, to provide information or documents, to answer charges or to receive punishment. Neither the standing orders nor the practice of the House allow an organisation or a person as of right to be heard at the Bar but an organisation or a person could be heard if the House so ordered by passing a resolution initiated on motion moved by a Member. A proceeding, preliminary, but not requisite to such a motion, would be the presentation of a petition praying that a person be heard at the Bar. The standing orders provide that messages from the Senate are received at the Bar by a Clerk-at-the-Table while the House is sitting.⁴⁵ In practice, however, they are received by the Serjeant-at-Arms.

The only occasion when persons have appeared at the Bar of the House of Representatives was in 1955 when Mr Raymond Fitzpatrick and Mr Frank Browne, having been adjudged by the House to be guilty of a serious breach of privilege, were ordered to attend at the Bar. On 10 June 1955 accompanied by the Serjeant-at-Arms each of them was heard separately at the Bar 'in extenuation of his offence' and later that day, again accompanied by the Serjeant-at-Arms bearing the Mace, appeared to receive sentences of imprisonment for 3 months.⁴⁶ During the examination of Mr Browne who addressed the House at length, the Speaker ordered him to take his hands off the Bar.⁴⁷

In 1921 the Prime Minister put forward a proposal that the House grant leave to a Senate Minister to address the House on the administration of his Department and that he be heard from the floor of the House. The point was then made that, if the proposal was agreed to, the Senator should address the House from the Bar. The Speaker stated:

... I know no authority whatsoever which will permit anyone who is not a member of this Chamber to address honorable members from the floor of the House. It is competent for anyone, with the permission of honorable members, to address the House from the Bar . . .⁴⁸

41 S.O. 32.

42 S.O. 33; *see also* Ch. on 'Members'.

43 S.O. 311.

44 S.O. 363.

45 S.O. 372.

46 VP 1954-55/269-71. For full details of this case *see* Ch. on 'Parliamentary privilege'.

47 H.R. Deb. (10.6.55)1625.

48 H.R. Deb. (2.12.21)13 585.

Following debate on the matter the Prime Minister did not proceed with the proposal (*see also* p. 149).

In 1967 the Leader of the Opposition unsuccessfully moved an amendment to a motion to take note of a ministerial statement (Royal Australian Air Force V.I.P. Flights) in the following terms:

That the following words be added to the motion: 'but considers that the Government has failed to give any proper explanation or excuse for its inaccurate statements on V.I.P. aircraft and orders accordingly that—

- (a) the Secretary of the Department of Air be called to the Bar of the House, by summons under the hand of the Clerk of the House, to give evidence upon the circumstances relating to the preparation of an answer to question 1660 asked by the honourable Member for Grayndler on 31 March 1966 and to produce all relevant records in his possession, custody or control; and
- (b) the calling to the Bar of the House of the Secretary of the Department of Air be fixed for 10.30 a.m. on Thursday, 9 November 1967'.⁴⁹

In 1971 the Leader of the Opposition moved for the suspension of standing orders to enable him to move a motion in the following terms:

that Mr Alan Ramsey, who misconducted himself in the Press Gallery of the House, be brought before the Bar of the House when the House meets tomorrow.⁵⁰

This action followed an incident when a journalist interjected with the words 'you liar' while the Prime Minister was speaking. The motion to suspend standing orders was withdrawn after debate (*see also* p. 149).

A number of witnesses have appeared before the Senate, some at the Bar and some being admitted into the Chamber. In 1931, Sir Robert Gibson, Chairman of the Commonwealth Bank Board, was called before the Bar to give evidence in relation to the Commonwealth Bank Bill and was admitted within the Bar to a place at the end of the Table.⁵¹ A number of witnesses were summoned to appear before the Bar of the Senate in July 1975 to answer questions and produce documents relating to the Government's overseas loan negotiations.⁵² On this occasion witnesses were seated at a table placed just inside the Bar. In May 1971 the Senate reprimanded 2 newspaper editors who had been adjudged by the Senate to be guilty of a breach of privilege. They stood slightly inside the Bar which was not lowered.⁵³

Galleries

Within the Chamber there are several areas, including some at floor level, to which various groups of people may be admitted. One of the several difficulties which arise from having visitors' seats on the floor level of the Chamber is that the 4 walls of the Chamber cannot operate as a definite area for deciding, for example, whether a Member is present for the purpose of determining a quorum. Until May 1963, former standing order 45 (now 47) provided that, when a quorum is called, no Member shall leave 'the Chamber until the House has been counted'. In an endeavour to overcome this lack of definition the wording was changed to provide that no Member shall leave the 'area within the seats allotted to Members until a quorum is present or two minutes have elapsed'.⁵⁴

49 VP 1967-68/308.

50 VP 1970-72/465; H.R. Deb. (9.3.71) 689-92.

51 J 1929-31/275-6; and *see Odgers* pp. 538, 568.

52 *See Odgers*, pp. 555-63.

53 *See Odgers*, p. 649.

54 *Standing Orders Committee Report*, H of R 1 (1962-63) 17; VP 1962-63/455; and *see* Ch. on 'Business of the House and the sitting day'.

This wording came under close scrutiny during the inquiry by the Privileges Committee into the matter referred to it on 7 September 1971 relating to a count-out of the House on 26 August of that year.⁵⁵ The position, in practice, is that any Member who is sitting in the Speaker's gallery, the diplomatic galleries or the officials' seats, or is behind the Bar, or in either of the side alcoves, is not counted for the purpose of a quorum, as he is not 'within the seats allotted to Members'.⁵⁶ However, if he were to rise from any of the visitors' seats and move into one or other of the passage ways of the Chamber he would then be counted and he would not be permitted to leave the Chamber or return to the area in which he had been seated until the quorum count was completed. The standing orders were amended on 22 February 1978 in order to express the position more positively and to reflect this practice.⁵⁷

The public may view the proceedings of the House from the 2 public galleries situated above the Chamber floor which seat 114 persons. During the 31st Parliament almost 120 000 people used these galleries. Every Member may each day, by written orders of the Serjeant-at-Arms, admit 2 visitors to the public gallery⁵⁸, and members of the public may obtain tickets from the Principal Attendant.

Admission to the galleries is a privilege extended by the House and people attending must conform with established forms of behaviour. People visiting the House are presumed to do so to listen to debates, and it is considered discourteous for them not to devote their attention to the proceedings. Thus, photographs are not permitted to be taken in the Chamber, and visitors are required to refrain from reading, writing, conversing, applauding, eating, and so on.⁵⁹ Successive Speakers of the House have upheld these rules. Visitors in the galleries are not permitted to display signs or banners.⁶⁰ In the past a person taking notes has been ordered to attend the Speaker's chambers forth-with⁶¹ but a more lenient attitude is taken today.

Behind the Members' seats on each side of the House is the Speaker's gallery to which the Speaker alone has the privilege of admitting visitors. Also on the same level are 3 other galleries. A small diplomatic gallery is reserved for the use of heads of overseas missions or their nominees. A second small gallery known as the special visitors' gallery is provided for certain distinguished visitors and other visitors attending at the personal invitation of the Speaker. The adjacent Senators' gallery may be used by Senators at any time.⁶²

Press galleries are located above the Chamber floor behind the Speaker's Chair, and above the opposition benches. These galleries may be used only by journalists who are accredited to the parliamentary press gallery and ministerial press secretaries or principal private secretaries. Misconduct by members of the press gallery has resulted in passes being withdrawn⁶³ (see pp. 149 and 151).

Strangers

The term 'stranger' refers to any person present in the Chamber who is neither a Member nor an officer of the House of Representatives performing official duties. Officers of the Parliamentary Reporting staff, as servants of the Parliament, are not

55 'Article published in the *Daily Telegraph* 27 August 1971', *Report of Committee of Privileges*, PP 242(1971).

56 S.O.s 46A, 47. This definition is also used in relation to the words 'in any part of the Chamber appropriated to the Members of the House' in S.O.s 310 and 315 (strangers).

57 VP 1978-80/19-20; S.O. 46A.

58 S.O. 313.

59 H.R. Deb. (14.5.52)324; H.R. Deb. (21.4.55)79; H.R. Deb. (14.5.69)1748.

60 H.R. Deb. (20.5.75)2513.

61 H.R. Deb. (29.10.52)3908-09.

62 S.O. 312.

63 H.R. Deb. (23.4.31)1274; J 1940-43/211; H.R. Deb. (3.6.42)2187; H.R. Deb. (29.5.73)2738. For recent comment by the Speaker on the use of the press gallery see H.R. Deb. (13.5.80.)2693-4.

normally regarded as strangers (*but see below*). Any Member may at any time draw the attention of the House to the fact that strangers are present and the Chair shall immediately put the question 'That strangers be ordered to withdraw' which question shall be decided without debate.⁶⁴

On 3 occasions during World War II strangers were ordered to withdraw⁶⁵ to enable the House to discuss in private certain matters connected with the war.

On 20 August 1941 after the Prime Minister took notice that strangers were present, the House ordered strangers to withdraw. The Speaker ruled that Senators would be regarded as strangers but that the House could invite them to remain. A motion that Senators be invited to remain was agreed to by the House. The Speaker then informed the House that members of the official reporting staff were not covered by the resolution excluding strangers, whereupon the Prime Minister moved 'That officers of the Parliamentary Reporting Staff withdraw'. The motion was agreed to after debate, and the recording of the debate was suspended.⁶⁶ On an earlier occasion in committee, the Chairman of Committees stated that he did not regard Senators as strangers.⁶⁷

There have been numerous occasions when the question 'That strangers be ordered to withdraw' has been put to the House usually as a delaying or disruptive tactic. On 2 May 1963 such a question was put despite an attempt by the Prime Minister to have the question ruled out of order under standing order 87 as an attempt to obstruct the business of the House. The question was negatived on division on party lines.⁶⁸

On 28 July 1920 a large number of people gathered outside Parliament House, Melbourne. The Deputy Speaker, in the absence of the Speaker, issued an instruction that, while there was any probability of a disturbance outside, all strangers should be excluded from the galleries of the Chamber.⁶⁹

During World War II special meetings of Members of the House of Representatives and Senators were held in secret and strangers were not permitted to attend. On 20 February 1942 the Prime Minister moved:

That a Joint Meeting of Members of the Senate and of the House of Representatives be convened for 4 o'clock p.m. this day for the purpose of discussing in secret the present war and hearing confidential reports in relation thereto.

The motion was agreed to after debate and the sitting of the House was suspended from 3.13 p.m. to 10.05 p.m.⁷⁰ Similar motions were agreed to on 3 September 1942⁷¹ and 8 October 1942.⁷² A regulation was gazetted providing that no report of such a meeting should be published except an official report made by the Prime Minister and that no person should divulge any information made known at such a meeting.⁷³ The purpose of the meetings was to enable both Houses to be fully informed on all circumstances in relation to the current position of the war and to enable Members to freely express their views.⁷⁴ The meetings were held in the House of Representatives' Chamber and certain departmental heads were present. The Serjeant-at-Arms remained in the Chamber.

Disturbances

Strangers are under the control of the Serjeant-at-Arms and any stranger who misconducts himself in that part of Parliament House controlled by the Speaker may be taken into custody by the Serjeant-at-Arms.⁷⁵

64 S.O. 314.

65 VP 1940-43/72,123,166; H.R. Deb. (29.5.41)55; H.R. Deb. (20.8.41)11-12.

66 VP 1940-43/166; H.R. Deb. (20.8.41)12-14.

67 VP 1940-43/72.

68 H.R. Deb. (2.5.63)1015-16; VP 1962-63/461.

69 H.R. Deb. (29.7.20)3078-9.

70 VP 1940-43/275.

71 VP 1940-43/393.

72 VP 1940-43/441.

73 National Security (Supplementary) Regulations, SR 78 of 1942.

74 H.R. Deb. (20.2.42)6-7.

75 S.O. 310.

The occupant of the Chair may, whenever he thinks fit, order the withdrawal of strangers from any part of the Chamber.⁷⁶ This power is normally exercised by the Chair in circumstances when strangers in the gallery are creating a disturbance. Significant recorded incidents when the House has been disturbed, and action taken by the Chair, are summarised in the following table:

TABLE 5 DISTURBANCES IN THE CHAMBER

Several women interjected from the public galleries and threw broad-sheets into the Chamber. Speaker ordered galleries to be cleared and suspended sitting for 10 minutes. (VP 1920-21/205; H.R. Deb. (14.7.20) 2683)
Interjection from gallery—Temporary Chairman warned that if person offended again he would be removed. (H.R. Deb. (24.7.30) 4629)
Attention called to the presence of a stranger in the Chamber. Chairman ordered Serjeant-at-Arms to remove stranger. (H.R. Deb. (9.7.31) 3662)
Speaker ordered Members not to talk and laugh with people in visitors' galleries. (H.R. Deb. (29.2.52) 628)
On previous day exchanges between government Members and strangers in Speaker's gallery having occurred, Speaker stated that if incidents involving persons sitting in gallery were drawn to his notice they could be dealt with immediately. If abusive remarks from Members to strangers brought to the attention of the Chair, appropriate action could be taken. (H.R. Deb. (13.4.61) 800, 805)
Speaker stated that anyone interjecting from gallery would be dealt with. (H.R. Deb. (8.11.67) 2816)
Interjections from gallery from women who had chained themselves to railings and sitting suspended for 37 minutes. (VP 1970-72/209; H.R. Deb. (11.6.70) 3361)
Interjection from journalist from press gallery. Journalist removed from gallery and pass withdrawn. (VP 1970-72/465, 467; H.R. Deb. (9.3.71) 687, 689-92)
Continual interjections from the gallery. Deputy Speaker ordered attendants to take appropriate action. Sitting suspended for 8 minutes. (VP 1970-72/691-2; H.R. Deb. (7.9.71) 853)
Deputy Speaker ordered person clapping in gallery to desist or he would be removed. (H.R. Deb. (29.8.73) 580)
Audible hissing coming from press gallery during Question Time. Speaker stated he would refer the matter to the President of the Press Gallery and take appropriate action. (H.R. Deb. (19.9.73) 1229-30)
Chairman ordered signs being displayed in gallery to be removed by attendants. (H.R. Deb. (20.5.75) 2513)
An incident having occurred in the gallery, Deputy Speaker ordered the removal of a man. (H.R. Deb. (26.8.76) 611)
Interjections from gallery by people dressed in skeleton outfits. Interjectors removed from gallery. (H.R. Deb. (4.5.78) 1818)
Egg thrown onto Chamber floor from gallery and an interjection made. Person removed from gallery. (H. R. Deb. (28.5.81) 2745)

⁷⁶ S.O. 314.

In an incident, in 1970, a group of women chained themselves to the railings of the public galleries in protest against the Government's national service policy. When the women disturbed proceedings in the Chamber by calling out, the Speaker ordered the Serjeant-at-Arms and the police to remove the protesters. The sitting of the House was suspended when it became apparent that the protesters were chained to rails in the gallery and could not easily be removed. The House resumed after 37 minutes after bolt cutters had been obtained to cut the chains.⁷⁷ The protesters were escorted from Parliament House but were not charged.

Another serious disturbance was caused by a journalist (Mr A. Ramsey) who interjected from the press gallery with the words 'you liar' while the Prime Minister was speaking. The Leader of the Opposition later moved for the suspension of standing orders to enable him to move a motion to bring the offender before the Bar. The Prime Minister having received an apology the motion was withdrawn. The Speaker stated that he had ordered the journalist's removal from the press gallery and the withdrawal of his pass. The Speaker later reported that he had received a letter from Mr Ramsey apologising for his conduct and that his pass had been restored.⁷⁸

No Member may bring any stranger into that part of the Chamber set aside for Members while the House or committee of the whole is sitting.⁷⁹ In 1920 the Senate proposed a change in the standing orders of both Houses to enable a Minister of either House to attend the other House to explain and pilot through any bill of which he had charge in his own House.⁸⁰ The proposal lapsed at prorogation in 1922 without having been considered by the House of Representatives.

In 1974 the Standing Orders Committee recommended that, subject to the concurrence of the Senate, and for a trial period, Ministers of both Houses be rostered to attend the other House for the purpose of answering questions without notice.⁸¹ The report was tabled in the House on 19 March 1974⁸² and consideration of the report was made an order of the day for the next sitting. The House was dissolved on 11 April 1974 without the report having been considered.

Distinguished visitors

Distinguished visitors to Parliament, such as foreign and State Parliamentarians, United Nations' officials and delegates to international conferences, may be invited by the Speaker to be seated in his gallery. When such visitors are present in the gallery Speaker Snedden has adopted the practice of interrupting the proceedings of the House and informing Members of the presence of distinguished visitors in the gallery. The visitors are then welcomed by the Chair on behalf of the House.⁸³

Other distinguished visitors, such as foreign heads of State and Government, and visiting Presiding Officers, may be invited by the Speaker to take a seat on the floor of the House.⁸⁴ Such an invitation is regarded as a high honour. It is customary for the Speaker to exercise this right only after formally seeking the concurrence of Members. The general practice is for the Speaker to inform the House that the visitor is within the precincts and, with the concurrence of Members, to invite the visitor to take a seat on the floor. The Serjeant-at-Arms escorts the visitor to a chair provided immediately to the right of the Speaker's Chair. A private citizen, Captain Herbert Hinkler, a highly

77 VP 1970-72/209; H.R. Deb. (11.6.70)3361.

78 VP 1970-72/465,467; H.R. Deb. (9.3.71) 687, 689-92,739.

79 S.O. 315.

80 VP 1920-21/163.

81 *Standing Orders Committee Report*, PP 63(1974)5-6.

82 VP 1974/57.

83 VP 1970-72/81; VP 1974-75/405,900 (Chairman); VP 1976-77/348,386,405,484.

84 S.O. 312; VP 1970-72/31,187,351,380,1207; VP 1978-80/91.

distinguished Australian aviator, was accorded the honour in 1928 after his record breaking flight from England to Australia.⁸⁵ The only other recorded invitation to a private citizen was in 1973 when the Australian writer, Patrick White, who had been awarded the Nobel Prize for Literature, was invited to take a seat on the floor of the House in recognition of his achievement. Mr White wrote to the Speaker declining the invitation.⁸⁶

On 29 November 1951 a delegation from the House of Commons presented a new Mace to the House of Representatives to mark the Jubilee of the Commonwealth Parliament. The presence of the delegation, consisting of 3 Members and a Senior Clerk of the House of Commons, was reported to the Speaker by the Serjeant-at-Arms. The Speaker, with the concurrence of Members, directed that the delegation be invited to enter the Chamber and be received at the Table. Members of the delegation were provided with seats on the floor of the House at the foot of the Table. The Speaker welcomed the visitors and invited the leader of the delegation to address the House. The Mace was presented by the delegation and was laid on the Table. The Speaker acknowledged the acceptance of the gift and the Prime Minister moved a motion of thanks which was supported by the Leader of the Opposition, and agreed to by all Members present rising in their places. The delegation then withdrew from the Chamber.⁸⁷ This is the only occasion when a stranger has been invited to address the House from the floor.

Chamber proceedings

Microphones in the Chamber are used for the broadcasting of the proceedings of the House and for sound reinforcement purposes. Broadcast control and announcements take place from a booth at the back of the Chamber. Each Member's desk in the Chamber is fitted with a small amplifier in order that speeches may more easily be heard by Members. Members requesting further assistance may arrange for a supplementary hearing device to be fitted to their desk. Only the microphone of the Speaker or Chairman is live all the time. The nearest microphone to a Member is switched on when he is making a speech. Proceedings of both Houses are relayed to all Members' rooms and to certain other offices in the building.

The Chamber is primarily a debating forum. Therefore, it is not practical for Members to show films or slides in the Chamber. However, Members have, on occasions, brought exhibits into the Chamber to emphasise points in debate. The Speaker has ruled that, providing such exhibits have no relation to disloyalty or were not contrary to the standing orders, the Chair was not in a position to act. This ruling was made when a Member displayed a flag on a staff in the House which he used to illustrate a point in the course of asking a question without notice.⁸⁸

In 1968 a proposal to install an indicator panel in the Chamber which would display the name and electoral Division of the Member speaking was considered by the Speaker but was not proceeded with. The installation of an electronic voting system has been considered from time to time but has been rejected on the grounds of the relatively small size of the House, the high cost of installation, the advantage it would give to the Government over the Opposition (that is, the Opposition could not employ the time delaying action of physically dividing the House) if the Government should attempt to force legislation through the House with little or no debate, and the loss of 'cooling down' time on occasions of tension.⁸⁹

85 VP 1926-28/512.

86 H.R. Deb. (7.11.73)2882; H.R. Deb. (29.11.73)4081.

87 VP 1951-53/242; H.R. Deb. (29.11.51)3088-93.

88 VP 1970-72/331; H.R. Deb. (25.9.70)1697-9. It is not in order for a Member to display a large sign which uses an unparliamentary word, H.R. Deb. (21.8.80) 582.

89 See also Ch. on 'Business of the House and the sitting day'.

PHOTOGRAPHS, FILM AND TELEVISION

Approval for the taking of photographs or filming in Parliament House rests finally with either or both Presiding Officers. Over recent years restrictions on the taking of photographs and filming have to some extent been relaxed by the Presiding Officers, the view having been taken that the general viewing, screening, publication and distribution of photographs and films of the Parliament, properly administered and supervised, may lead to a better public understanding of its activities and functioning.

Presiding Officers, however, in protecting the rights of Members and Senators, have always ensured that they are not harassed by visitors and the media seeking to take their photographs and that they are not photographed without their knowledge or at times when they would not wish to be photographed. Members may be photographed or filmed at any time in their own rooms in Parliament House provided it is done with their prior approval.

On occasions either or both Presiding Officers have sought the views of party leaders before making a decision on a request as it is considered that no photograph or film should be made to the disadvantage of any political party or Member.

The photographing or filming of Members in their party rooms is considered undesirable. However, any request to do so is determined by the whip of the party concerned.

While press gallery photographers and television camera crew may take photographs or film on invitation in private rooms in Parliament House, the taking of photographs or film elsewhere in the building is prohibited except with the specific permission of the Presiding Officers. Radio journalists may similarly make tapes on invitation in private rooms but taping elsewhere in the building is prohibited except with the specific permission of the Presiding Officers.

Any breach of these rules by journalists may result in the withdrawal of their press gallery accreditation by the Presiding Officers. In 1976 the accreditation of a press gallery photographer was withdrawn for 2 weeks because he photographed the Leader of the Opposition in his office after the Leader had given instructions that no photographs were to be taken.⁹⁰

No photograph or film of any part of the proceedings of the House of Representatives is permitted without the prior approval of the Speaker. If approval is given for part of the proceedings to be photographed or filmed, the Speaker will inform party leaders and whips of the arrangement and will specify the times between which such photographs or film may be taken or made.

The provisions of the Parliamentary Proceedings Broadcasting Act⁹¹ must be complied with and no sound recording of the proceedings of the Senate or the House of Representatives or of any joint sitting may be made for use with any photograph or film prepared, unless specifically approved by the Joint Committee on the Broadcasting of Parliamentary Proceedings.

Permission is usually granted for television filming of the opening of Parliament and in 1974 the first Joint Sitting of the 2 Houses in the House of Representatives' Chamber was televised.

The Presiding Officers do not normally grant permission for television interviews to be filmed in the corridors and the public areas of Parliament House. In 1971 the Speaker stated that it had long been a practice and a policy to reject all requests for permission to conduct television interviews in King's Hall.

⁹⁰ VP 1976-77/77-8; H.R. Deb. (18.3.76)781-2; J 1976-77/74-5.

⁹¹ *Parliamentary Proceedings Broadcasting Act* 1946.

There is a general prohibition on visitors to Parliament House taking photographs in the building. However approval may be given for photographs for personal use to be taken in the empty Chamber if no person is included in the photograph. If the photograph is intended for publication, the Speaker may give approval for such a photograph to be taken under the supervision of a parliamentary officer. Approval may be granted by the Speaker for an official photograph to be used in a publication provided that the source of the photograph is acknowledged but under no circumstances may photographs or films taken in the House be sold or used to promote any commercial product through newspaper, television or other advertising media.⁹²

There is no objection to the taking of photographs in committee rooms, provided that no Members or other persons are included in the photographs unless their prior approval has been obtained. In the case of a parliamentary committee meeting permission to take a still photograph is a matter for the chairman to decide.

The filming or sound recording, whether for television or otherwise, of formal proceedings of a committee is not permitted, as in the House itself, and a committee should formally suspend proceedings to allow any filming or sound recording to take place. It is unlikely that protection offered by the Parliamentary Proceedings Broadcasting Act extends to committee hearings and, for the protection of all concerned, the sound recording of actual committee proceedings for broadcasting should not occur. Where a press reporter is unable to write shorthand notes and seeks and obtains the approval of the chairman of a committee, a tape recording of the proceedings may be taken to assist the reporter in the preparation of his report. Approval is given on the clear understanding that the tape recording must not be used for any other purpose.

In May 1963, in a letter to the President of the Senate, the Attorney-General stated that there was no statute specifically authorising or forbidding the telecasting of the proceedings of a committee of the Senate. He was of the opinion that the Parliamentary Proceedings Broadcasting Act did not extend to telecasting as distinct from aerial reception only and in the circumstances saw the question as to whether a committee should be authorised to permit a telecast of any part of its proceedings as one for the Senate itself to decide.

On 15 March 1977 the Senate adopted standing order 36AA in relation to Legislative and General Purpose Standing Committees, which provides, inter alia, that:

- (21) The Standing Committees may authorize the televising of public hearings of the Committees, at the discretion of each such Committee, and under such rules as the Senate may adopt.⁹³

The Standing Orders Committee of the Senate has draft rules under consideration.⁹⁴

The question of televising the proceedings of the House has been discussed for a number of years. Officers of the House favour such a course. The Clerk of the House in January 1980 put the view that it was time 'that the Australian public had the opportunity to observe the House proceedings, to watch events of special significance such as the annual presentation of the budget, and to observe the performance of Government and Opposition alike'. Also, with the knowledge that television was likely to be a normal feature of the proceedings when the Parliament moved to its new permanent building in 1988, it was desirable that experience in televising arrangements was gained beforehand. While of the opinion that the proceedings of standing, select, legislation, or

92 See Ch. on 'Parliament and the citizen' for discussion on broadcasting, televising, the press and the public: see also 'Advertisement in *The Canberra Times* and other Australian newspapers on 18th August, 1965', *Report of Committee of Privileges*, PP 210(1964-66).

93 J 1977/23.

94 'First Report for 59th Session, 1978', *Senate Standing Orders Committee*, PP 27(1978)6.

estimates committees should not initially be included in any television coverage, the Clerk recommended that:

... an all-party committee of the House of Representatives, under the chairmanship of Mr Speaker, should be appointed to plan and coordinate the introduction of the televising of the proceedings of the House of Representatives . . .⁹⁵

THE PARLIAMENTARY SERVICE

The Parliamentary Service is comprised of 5 parliamentary departments, namely, the Department of the Senate, the Department of the House of Representatives, the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff (Hansard), and the Joint House Department. The Presiding Officers are the parliamentary heads of these departments, their authority and administrative responsibility being acknowledged by the Public Service Act.⁹⁶ The Speaker is responsible for the administration of the Department of the House of Representatives⁹⁷, and the President for the Department of the Senate. The 2 Presiding Officers are jointly responsible for the administration of the Departments of the Parliamentary Reporting Staff, the Parliamentary Library and the Joint House Department. The Clerk of each House is the Permanent Head of his Department. The other 3 departments each have their own Permanent Head who, like the Clerks, are First Division officers of the Australian Public Service.

Joint House

The Joint House Department, administered by the Secretary, is primarily an administrative body which provides certain services and facilities to Members of both Houses. Its areas of responsibility include the refreshment rooms, engineering services, housekeeping and cleaning staff, attendants and guides, and security. In the operation of these services the Presiding Officers are assisted by the recommendations of the House Committees of the Senate and of the House of Representatives, generally sitting together as the Joint House Committee.⁹⁸ This committee is not required to submit reports on its work to either House. Its duties and functions have not been prescribed but have developed by usage. The committee has no executive power over the branches of the Joint House Department and it has a purely advisory role to the Presiding Officers.⁹⁹

Parliamentary Reporting Staff¹⁰⁰

The functions of the Department of the Parliamentary Reporting Staff, administered by the Principal Parliamentary Reporter, are to report:

- the debates and associated proceedings of the Senate and House of Representatives and to prepare an index thereto;
- the evidence taken by parliamentary committees, and
- conferences of Federal and State Ministers.

⁹⁵ J.A. Pettifer, 'Televising of proceedings of the House of Representatives', *The Parliamentarian* LXI, 1, 1980, pp. 24-8.

⁹⁶ *Public Service Act* 1922, s. 9.

⁹⁷ The role and functions of the Department of the House of Representatives, under the Speaker, are discussed in the Ch. on 'The Speaker and Officers of the House'. The role and functions of the Department of the Senate, under the President, are similar.

⁹⁸ See also Ch. on 'Parliamentary committees'.

⁹⁹ VP 1926-28/385.

¹⁰⁰ For a history of Hansard see *Commonwealth Hansard — Its Establishment and Development 1901 to 1972*, PP 286(1972).

The manual reporting system used by Hansard for debates in the House has been regarded as the neatest, quickest, and the cheapest way of producing an acceptable transcript of parliamentary debates for the purpose of a daily publication. However, in 1978 a stenotype machine was first used in the Chamber¹⁰¹ and they are now in common use for reporting purposes. In general, the proceedings of parliamentary committees are recorded and transcripts are produced from tapes.

The Principal Parliamentary Reporter allots a team of reporters and sub-editors to each House. The reporters work at the foot of the Table, near the place of the Mace. A supervisor sits between the reporter and the seat allotted to the Leader of the Opposition. At the commencement of a day's proceedings, each reporter, in rotation, takes a 5 minute turn, the purpose being to have everyone working in both the reporting and printing areas with the least possible delay. After the initial round, the reporters have turns of 10 minutes each. When one House rises, the teams of both Houses are merged and the duration of the turns is reduced to 5 minutes in order to speed up the delivery of copy to the Government Printer.

Each Member is provided with a carbon copy of the transcript of his question or speech. The copy, commonly known as 'the green' because of the colour of the paper, is placed on the Member's desk in the Chamber or delivered to a Minister's room for correction. Pneumatic tubes are used between the Hansard offices and both Chambers and the Government Printing Office to facilitate the return and despatch of copy.

A tape recording of a maiden speech is presented on request to the Member who made it, and tapes of speeches on condolence motions are offered to the family of the deceased person. A Member is entitled to 100 printed copies of a speech he makes or of a question he asks and the Minister's reply. Each Member has a complimentary mailing list on which he may place 50 names, of whom 10 may receive a copy of the daily proof issue. A Member is provided with a set of the bound volumes of the *Parliamentary Debates* when they become available. Approximately 800 sets, each consisting of 9 or 10 volumes, are produced annually.

The daily issue of the *Parliamentary Debates*, in proof form, is provided free but the circulation is restricted to Members and Senators, government departments, newspapers, the diplomatic corps, State Premiers, and persons and organisations nominated by Members and Senators and placed on their complimentary mailing lists. Approximately 4000 pamphlets of the House of Representatives and Senate debates are issued.

Approximately 8500 copies of the weekly editions of the *Parliamentary Debates* of each House are distributed to Members and Senators, departments, public libraries, educational institutions, debating societies with more than 50 members, branches of political parties, subscribers, persons and organisations overseas and those persons nominated by Members.¹⁰²

Parliamentary Library

The Department of the Parliamentary Library is administered by the Parliamentary Librarian. The Parliamentary Library is an information and research department for all Members of the Parliament. Its aim is to provide a service shaped to the special needs of Parliament, including those of parliamentary committees, and to the particular interests and needs of individual Members. Its holdings emphasise what is current and its working processes emphasise speed of response to requests and confidentiality.

¹⁰¹ H.R. Deb. (10.10.78) 1596.

¹⁰² See Ch. on 'Papers and documents' for details of the practice and procedure relating to the Hansard record. The following parliamentary committee reports are relevant: 'The Hansard of the House of

Representatives', Report from Select Committee, H of R 1(1954-55); 'The distribution and pricing of parliamentary publications', *Report of Joint Committee on Publications*, PP 153(1971).

The Library has very close working relations with the National Library of Australia which has, as one of its main functions, the provision to Parliament of material from its collection of more than 1.5 million volumes. Therefore, as a matter of deliberate policy, the Parliamentary Library's collection of monographs is modest. However, great emphasis is placed on current newspapers, periodicals and government publications. The Library receives approximately 140 Australian newspapers, 38 overseas newspapers, 4500 periodicals and annuals, and 5000 government publications of a serial nature.

The Presiding Officers are assisted in policy-making and other matters by the Library Committees of the Senate and of the House of Representatives generally sitting together as the Joint Library Committee.¹⁰³ Like the Joint House Committee it does not normally submit reports or have executive power and fills a purely advisory role.

Library services for Members and Senators are provided from 2 main groups—the Library, Reference and Information Service and the Legislative Research Service. A selection of about 20 000 monographs and reference tools is shelved in the Reading Room. A small collection of fiction is included. Displays of publications on current topics of general interest are arranged, and annotated reading lists are prepared for many of these topics. The current issues of about 600 periodicals are displayed, and grouped according to subject to facilitate browsing by Members. New books are similarly displayed.

Reader Services and Reference staff handle Members' requests for information and discuss their information needs. These cover a very wide range of subjects, including not only matters of Australian Government responsibility but those of purely electorate or constituent interest. Prompt responses to requests for information relating to general topics are answered by the Reader Services and Reference staff.

The subject reference staff deal with inquiries where an extensive reading list or bibliography is requested, or where not only a thorough search of the literature but also a summary of the relevant facts is required. Answers are mainly based on published information but may be supported by information supplied by government departments and organisations in the community. Subject specialist librarians, that is, those with specialised knowledge of the literature on a subject, are used in order to achieve maximum efficiency and quality in the reference services provided.

The current information section has been developed to meet a demand from Members and Senators for speedy access to current material on practically every subject of concern to Parliament. A Hansard reference service is also maintained by the section, and tape-recordings of radio and television current affairs programs are made. Members may listen to tapes or request that a typed transcript be prepared.

The technical services section is responsible for selection, acquisition and cataloguing of material. Its staff prepare an annotated fortnightly *Select list of Acquisitions*, which is available to all Members and Senators to inform them of additions to the collection. In addition, the section's 'Alert' service provides a selective dissemination of information and a broad current awareness service to Members in their areas of special interest. To facilitate this a fortnightly *Index to Current Information* is produced for the information of Members and Senators.

Research for Members of Parliament is undertaken by the Library's Legislative Research Service. The service is staffed by subject research specialists who undertake the analysis and interpretation of material on a wide range of subjects covering as far as possible the responsibilities of the various government departments. The service is divided into the following groups: Defence; Science, technology and environment; Education and welfare; Finance, industries, trade and development; Foreign affairs; Law and government; and Statistics.

¹⁰³ See also Ch. on 'Parliamentary committees'.

Within practical limits the staff of the Research Service meet Members' requests for written papers or for consultations on any matter of concern to Parliament. The rules of the Library, however, do not permit staff to do work for constituents or to write speeches for Members. Research service staff will provide not only facts, but interpretation, analysis, pro and con arguments, and alternative policy options if so requested. It is emphasised, however, that any opinions or recommendations expressed by the Member are his own, and are not to be attributed to the Library, or to the research officer. It is a matter of Library policy that all requests from Members be treated as confidential.

PARLIAMENTARY PRECINCTS AND THE EXERCISE OF AUTHORITY

There is no precise definition of the precincts of Parliament over which exclusive jurisdiction is exercised by the Presiding Officers. One definition advanced is that any place *de facto* occupied by Members for their parliamentary duties is part of the precincts of the parliamentary building. In practice, the Presiding Officers exercise jurisdiction over the actual Parliament House building, the front steps, open verandahs and the enclosed gardens situated on either side of Parliament House.

These arrangements have been applied but not without difficulty as illustrated by the following comment made by the Joint Select Committee on the New and Permanent Parliament House in its 1969 report:

At present various Commonwealth Departments are concerned with aspects of the Parliamentary area and several statutes have application to it. Over time, much correspondence has flowed between the Parliament and the Departments in the matters of traffic control, parking facilities, police activities, control of demonstrations, public access to the building, roadway design, etc. It is felt that many of the problems which have arisen could have been avoided by having the whole area placed under the control of the Parliament through its Presiding Officers.¹⁰⁴

The circumstances in which the issue of parliamentary precincts becomes relevant are:

- the exercise of authority by the House, and by the Speaker or the Serjeant-at-Arms in the name of the House, within the precincts of the House. For example, the House of Commons has treated as a contempt:
 - misconduct by Members or strangers within the precincts, and
 - service of legal process within the precincts¹⁰⁵;
- the sale of alcoholic refreshments within the precincts which is exempted from the operation of the licensing laws. In Parliament House the liquor laws of the Australian Capital Territory are specifically excluded in their application¹⁰⁶;
- limitation of the powers of the police operating within the Parliament and its precincts, and
- the application of security arrangements for the Parliament.

The land on which Parliament House is erected and the building itself are the property of the Commonwealth. By notification in the Gazette in 1927¹⁰⁷ the Governor-General under the Seat of Government (Administration) Act¹⁰⁸ vested in the Federal

104 'Alternative sites of the Capital Hill and Camp Hill area for the New and Permanent Parliament House', vol. 1, *Report of Joint Select Committee*, PP 14(1969)12.

105 See also Ch. on 'Parliamentary privilege'.

106 *Liquor Ordinance* 1975, s. 5(l)(d).

107 Gazette 86 (15.8.27).

108 *Seat of Government (Administration) Act* 1924, s. 15.

Capital Commission all the Commonwealth land in the Australian Capital Territory other than the land as shown in a Schedule attached to the notice. The Schedule set out the site allotted for Parliament House. Apart from the building area itself, an area on Camp Hill was also reserved for Parliament together with the 2 parliamentary gardens on each side of the House, the boundaries of which were delineated by a hedge. These areas were at no time passed over to the Parliament for its control. No instrument sets out the precise area over which the Executive Government has given Parliament exclusive jurisdiction or the conditions under which that jurisdiction is to be exercised.

The House of Commons has exercised its authority over what it regarded as its de facto precincts from the earliest times, the House having adjudicated in connection with cases of disturbances, assaults, offensive language, and so on. These cases, extending back to the 17th century and other more recent examples¹⁰⁹, make it clear that the House has treated as its precincts such premises as may be occupied corporately by its Members for the purposes of their parliamentary duties.

Following the Commons' precedents, the 2 Houses and their chief officers, the President and the Speaker, for most practical purposes, have exclusive jurisdiction in Parliament House so as to enable the Parliament to conduct its business without interference or pressure from any outside sources. This principle was expressed in 1931 by the Prime Minister:

Mr Speaker's power, however, extends beyond this chamber . . . Under the ordinary law and practice which clothes all presiding officers with certain powers . . . The presiding officer of this House has control over the precincts of the chamber, and over this building, except that portion of it which is the Senate's, and that is controlled by the President of the Senate. Mr Speaker has control over the officers and the offices of this House. Who has control over the accommodation provided and over the conduct of persons passing in and out? No one but Mr Speaker . . . The honourable Member for Fawcner contended that, if Mr Speaker's action is upheld, he will be given power over all strangers who pass in and out of this House. As a matter of fact, that is exactly a power which Mr Speaker, and he only, exercises today. Of course, if he were to abuse it, the House could remove him after considering the matter on its merits . . . Strangers have no rights or privileges in this House; they merely have permission to enter this building, and every one knows that that permission is freely given.¹¹⁰

Some uncertainty has been expressed as to whether the steps and verandahs of the present Parliament House are included in the precincts. To exclude them from what constitutes the precincts, as the steps and verandahs are the only means by which Members may enter the building to perform their parliamentary duties, would seem to be an untenable proposition. This view would seem to be supported by the view of the Committee of Privileges of the House of Commons in 1945¹¹¹ when the committee gave as its opinion that the House had jurisdiction to keep order and maintain decorum within its precincts **including the curtilages thereof**.¹¹²

The view that precincts are determined by the control exercised by the House over an area rather than the **location** of an area was supported in an unsuccessful attempt to proceed in court against the Kitchen Committee of the House of Commons for maintaining unlicensed premises.¹¹³ It was held that the House of Commons was acting collectively in a matter which fell within the area of control of the House and therefore

109 *Report from House of Commons Committee of Privileges*, HC 31(1945-46) (Case of service of summons on officer) and *Report from House of Commons Committee of Privileges*, HC 36(1946-47) (Case of Mr Piratin, M.P., and Mr Lucy).

110 H.R. Deb. (24.4.31)1293-4; and see Ch. on 'The Speaker and Officers of the House'.

111 HC 31(1945-46), p. vi.

112 Report agreed to by the House, CJ 1945-46/198.

113 *R. v. Graham-Campbell ex parte Hobart* (1935 1 K.B. 594).

outside the jurisdiction of the courts. The issue appears to have turned upon control by the House rather than the location of the bar; the word 'precincts' is not mentioned in the judgments although it appears in the headnote to the report.

It would seem to follow from the precedents of the House of Commons that if, for example, additional accommodation areas were erected in the parliamentary gardens for the use of Members, these areas would constitute a precinct and come under the exclusive jurisdiction of the Presiding Officers. The garden areas, although preserved for the use of the Houses and under the control of the Presiding Officers, through the Joint House Department, could not, it seems, be regarded as part of the precincts because it could not be claimed that the areas are occupied or used by Members for their parliamentary duties. Similarly all the roads around the building are outside the precincts and not subject to the absolute control of the Presiding Officers (*and see below*).

The Senate Committee of Privileges stated in a report in May 1978:

... there is no generally accepted definition of the parliamentary precincts. It is the firm view of the Committee that legislative provision should be made which would express clear and appropriate boundaries for the precincts of the Parliament ...¹¹⁴

The question of the desirability of Parliament having control and ownership of the building and surrounding land was referred to by the Joint Select Committee on the New and Permanent Parliament House in its 1969 report:

Down through the years it has been an embarrassment to the Parliament to lack control or be unsure of the extent of its control over the area of land surrounding the building ... and in recommending that the building be on Camp Hill, recommends also that the area of land shown as the 'Parliamentary Zone' in the Commission's study No. 16, be an area in which all alterations and developments are subject to the approval of the Parliament.

It recommends further that the desirability of having this power incorporated in a statute be considered at an early date. This would not be a novel course. For instance, Public Law 570, 79th Congress, approved 31 July 1946, re-defined the boundaries of the Capitol Grounds in Washington to include as a part of the Capitol Grounds the areas immediately surrounding the Senate and the House Office Buildings and certain border streets and sidewalks.¹¹⁵

A parliamentary zone has since been declared by the Parliament when it passed the Parliament Act in 1974 (*see p. 138*).

If the Parliament is confronted with a situation where its functioning is hindered by events outside the area normally considered to be its precincts, it may be able to take action under its privilege power. The House has the right to the attendance and services of its Members and if, for example, a large gathering of people in the front of the building was preventing Members from entering the House, the Speaker, under the privilege power of the House, could order the police to clear a passage.

In the United Kingdom both Houses, at the commencement of each session, order that during the session of Parliament the commissioner for police of the metropolis shall keep the streets leading to Parliament House free and open and ensure that no obstruction is permitted to hinder Lords or Members in approaching the House.¹¹⁶ This order does not claim authority over the streets surrounding Parliament House, but facilitates the privilege of Members to have free access to attend the Parliament without molestation.¹¹⁷

The Australian Parliament similarly does not claim authority over the streets surrounding Parliament House although it does claim the privilege of access for its Members to attend the Parliament. In 1975 a judgment in the Supreme Court of the

114 'The appropriate means of ensuring the security of Parliament House', *Report of Senate Committee of Privileges*, PP 22(1978)1.

115 PP 14(1969)12-13.

116 *May*, p. 220.

117 *See May*, p. 148; *see also* Ch. on 'Parliamentary privilege'.

Australian Capital Territory on an appeal against a conviction for a parking offence held that:

Parliament enjoys certain privileges designed to ensure that it can effectively perform its function and there are some aspects of conduct concerning the operation of Parliament into which the courts will not inquire. Certain courtesies are customarily observed. Parliament, through the President of the Senate and the Speaker of the House of Representatives, and the officers of the Parliament, controls the use of the buildings which it has for its purposes. Doubtless, it can also control the use of the immediate precincts of those buildings, but arrangements about such matters are made in a sensible and practical way, bearing in mind the reasonable requirements of Parliament. The fact is that there is no general abrogation of the ordinary law. It is not necessary for the effective performance by Parliament of its functions that there be any such abrogation. On the contrary, it must be very much in the interests of members, in their corporate and individual capacities, that the ordinary law should operate.

... The fact is that the law respecting the privileges of Parliament is itself part of the ordinary law. Part of that law is found in the Bill of Rights 1688. In a well-known passage, Stephen J. said (in *Bradlaugh v. Gossett* (1884) 12 QBD271 at 283): "I know of no authority for the proposition that an ordinary crime committed in the House of Commons would be withdrawn from the ordinary course of criminal justice".¹¹⁸

The need to embrace the whole of the parliamentary building and its steps in the precincts of the Parliament for the purposes of control by the Presiding Officers is beyond question, but it is a moot point as to whether (in the present Parliament building, at least) it is advisable by legislation, Crown grant or resolution to take steps to enlarge the precincts to include the roads and gardens.

Within the building the Presiding Officers determine matters in relation to the allocation of space¹¹⁹, for example, allocation of seats in the Chamber and rooms to Members. As far as possible the Speaker would meet the wishes of the Executive in allocating space within that section allotted by the Speaker to the Executive.

Powers of police in Parliament

For most practical purposes, Parliament House is regarded as the only place of its kind and one in which the 2 Houses through their Presiding Officers have exclusive jurisdiction. Thus the powers of the police are subject to limitations designed to enable Parliament to conduct its business without interference or pressure from any outside source.¹²⁰

In the United Kingdom, the Houses of Parliament are situated in the Palace of Westminster. The control, use and occupation of the Palace and its precincts are entrusted by the Crown to the 2 Houses of Parliament, each of which is responsible for its own part of the building. In those parts of the Palace of Westminster, when in occupation by the respective Houses, the powers of the police are strictly limited by the powers and privileges of the respective Houses.

As already stated, the land on which Parliament House in Canberra is erected and the Parliament House building itself are the property of the Commonwealth. The Commonwealth has to a certain extent, either expressly or by usage, permitted Parliament, or either House of Parliament, jurisdiction over Parliament House and its precincts. As a result of this, the powers of the police in Parliament House are similarly limited by the powers and privileges of the respective Houses.¹²¹

118 See *Rees v. McCay* [1975] 7 ACT R7.

119 H.R. Deb. (28.8.52)692; see also Ch. on 'The Speaker and Officers of the House'.

120 Advice of Attorney-General's Department, concerning powers of police within the precincts of Parliament House, 1967.

121 Advice of Attorney-General's Department, concerning powers of police within the precincts of Parliament House, 1967; and opinion of Solicitor-General, dated 30 September 1926.

The powers of police within the precincts of Parliament House are not laid down in standing orders or sessional orders of the Houses. Certain principles of operation are however determined by the Presiding Officers.

Police have no power to enter Parliament House in the ordinary course of their duties without the consent of at least one of the Presiding Officers. Police who are within the House with the consent of the President or the Speaker, or both, are there to assist in the maintenance of order in the building but would ordinarily be expected to take action only when they are authorised to do so by the President or the Speaker when expressed in person or through their responsible officers. In most cases these officers would be the Usher of the Black Rod or the Serjeant-at-Arms, but, in some circumstances, the permanent heads of the parliamentary departments may become involved.

The Presiding Officers have authorised the police to take action in emergencies to prevent violence or serious disturbance or physical injury to people or to prevent the doing of anything which could reasonably be expected to lead to violence or serious disturbance or physical injury to people. Circumstances of emergency are explained as being circumstances where violence, and so on, could only be prevented if the police officer acted immediately without awaiting specific authorisation.

Action in this way is not taken against Members or officers of the Parliament except on the express direction of the Presiding Officer, or in the unlikely event of a grave emergency, where serious physical violence was being, or was about to be, committed by such a person.

Police may not enter Parliament House for the purpose of interrogating anyone or executing a warrant without the express consent of the Speaker or President.

In 1965 a police constable arrested a person in King's Hall. A conviction was recorded against that person for using insulting words in a public place. It seems doubtful that King's Hall is in fact a public place for the purposes of the Police Offences Ordinance. The Speaker stated that 'the constable acted properly, and with authority, in protection of the Parliament and its members'.¹²²

In May and June 1981 groups of women, accompanied by small children, staged noisy demonstrations in King's Hall. On the first occasion the Presiding Officers declined to take any action which would have resulted in the forcible removal of the demonstrators. On the second occasion, the demonstrators having refused to leave the building when requested to do so, they were removed by the police at the direction of the Presiding Officers.¹²³

The Australian Federal Police interviewed the Leader of the Opposition in his Parliament House office on 27 August 1980 concerning a leaked government document, a Minister having instructed the police to do so. In a similar incident on 15 September 1980, a Member was interviewed by police officers in his Parliament House office. The Speaker commenting on the latter incident the following day stated:

To avoid any misunderstanding as to the powers of the police in this building, I draw to the attention of the House that it is accepted as part of the Parliament's privileges and immunities that the police do not have a right to enter the Parliament building without the prior knowledge and consent of the President and/or the Speaker. The police officers who visited the honourable member yesterday sought my permission to do so before coming to the building. I gave that approval on two bases: First, yesterday was not a sitting day; and second, the honourable member for Reid had indicated agreement to receiving the police officers.¹²⁴

¹²² H.R. Deb. (19.11.65)2989.

¹²³ H.R. Deb. (26.5.81) 2507; S. Deb. (2.6.81) 2403-05; S. Deb. (4.6.81) 2615-16.

¹²⁴ VP 1978-80/1662; H.R. Deb. (16.9.80)1293.

The actual charging of people creating a disturbance inside Parliament House is difficult. While such disturbances may well be breaches of privilege, it is not normally appropriate for the House to deal with such matters in this way. There is no Commonwealth Act which applies to people creating a disturbance in Parliament House. The provisions of the *Public Order (Protection of Persons and Property) Act 1971* could not be held to apply. Any number of people exceeding 20, meeting or assembling in the open air for any unlawful purpose at any place within 90 metres from any part of Parliament House may be arrested by a police officer or other officer authorised by the Speaker, President or the Attorney-General.¹²⁵

Ordinary criminal laws concerned with serious offences apply within Parliament House. The police on instruction from the Serjeant-at-Arms, Usher of the Black Rod or authorised people have the authority to eject people from Parliament House and if they continue to create a disturbance outside the House in a public place may make an arrest.

The security of the parliamentary buildings

Responsibility for the maintenance of security in Parliament House rests with the Presiding Officers. This jurisdiction is based on custom and practice and the inherent powers vested in the Presiding Officers to maintain proper arrangements for the functioning of Parliament. New measures to improve the security of Parliament House were introduced in 1978¹²⁶ following a number of potentially serious incidents in Parliament House over previous years¹²⁷ (e.g. see p. 148) which impressed on the Presiding Officers the need for security arrangements to be kept under constant review. On occasions King's Hall and the other parts of the building that are normally open to the public have been closed for security reasons (see p. 137).

Security brings into conflict 2 principles basic to Parliament's traditions and usage. On the one hand, there is the undeniable right of people in a parliamentary democracy to observe their Parliament at work and to have reasonable access to their representatives. On the other hand, Members and Senators must be provided with conditions which will enable them to perform their duties in safety and without interference. This is basic to the privileges of Parliament and a balance must be struck between these 2 important principles.

Some Members and Senators expressed concern that the 1978 arrangements for security may become excessively elaborate and that the rights of Members, Senators and the public to gain access to, and to move freely within, Parliament House may be unnecessarily restricted. On 4 April 1978 the Senate referred 'the matter of the appropriate means of ensuring the security of Parliament House' to its Committee of Privileges.¹²⁸ In its report the committee emphasised the view that an effective protection system was necessary for Parliament House and its occupants. It stressed that measures taken provided the basis for an effective system and were not, in the committee's opinion, in any way inconsistent with the privileges of Members of the Senate.¹²⁹

An important responsibility of the Presiding Officers is to ensure the safety of people who work in the Parliament or who visit it on legitimate business or simply to see it in operation. Many Members and Senators are prepared to accept that public office brings with it increased personal risk and are not overly impressed by the need for

125 *Unlawful Assemblies Ordinance 1937*.

126 H.R. Deb. (2.3.78)335-6.

127 H.R. Deb. (1.5.73)1474.

128 J 1978-80/88-9.

129 PP 22(1978).

special arrangements for their own security. However, it would seem that most acknowledge the responsibility of the Presiding Officers for the safety of others in the parliamentary precincts.

Implementation of security arrangements raises a range of legal issues. Although it is generally accepted that the Presiding Officers have exclusive jurisdiction in the parliamentary 'precincts', as moves toward stricter security measures are taken jurisdictional issues may need to be resolved especially in relation to 'border areas' in the near vicinity of the Parliament buildings.

A pass system controls entry into the non-public areas of Parliament House, that is, all areas other than King's Hall, the lower floor display areas, and the public galleries of the Chambers. No person other than a Member or Senator is permitted to enter the non-public areas without a pass. People permanently employed in the building and others who need to enter Parliament House regularly are issued with photographic identity passes. Visitors granted entry to the non-public areas are issued with day passes as the need arises. Passes must be worn by the pass holders. Members and Senators are not required to wear a pass.

Goods and certain baggage brought into the building are checked by electronic means. Senators and Members are expected to check their own baggage if it has been out of their control. On entering Parliament House the public must pass through electronic detection equipment similar to that used at airports. The outside doors on the lower floor of the building, other than the manned points of entry, are deadlocked or fitted with alarm systems. At night the patrol of the building by nightwatchmen is supplemented by an alarm system. Australian Federal Police maintain constant surveillance of the exterior of the building. Security measures which existed prior to 1978 and which were compatible with the new arrangements, such as the scrutiny of mail by detection machines, have been continued.