



Infosheet

A NEW PARLIAMENT

No. 9
March 2008

The period of time between the first meeting of the House of Representatives following a general election and its expiry or dissolution (ending) for the next election is called 'a Parliament' and lasts for a maximum of three years. A formal opening ceremony is conducted at the first meeting of each new Parliament. The Parliament commencing in February 2008, following the November 2007 general election, is the 42nd Parliament. This Infosheet describes the key features of the assembly and opening of a new Parliament.



Opening day in the House

Summoning the new Parliament

When the results of a general election have been determined the Electoral Commissioner certifies on the writs (formal documents ordering the election) the name of the successful candidate for each electoral division and returns the writs to the Governor-General, who in turn forwards them to the Clerk of the House.

The time and date for the new Parliament to assemble is fixed by the Governor-General by proclamation (a form of legal instrument), acting on the advice of the Government. The Parliament may meet as soon as the writs have been returned and, under the Constitution, it must meet no later than 30 days after the last day appointed for the return of the writs.

Proceedings on opening day Assembly of Members

On the day and at the time appointed for the first meeting of a new Parliament the bells ring throughout Parliament House to call Members and Senators to their respective Chambers. Before the bells cease the Serjeant-at-Arms places the Mace (a symbol of the authority of the House and the Speaker) below the Table, signifying that, as the House has not yet elected a Speaker, it is not properly constituted. When the bells stop, the Clerk of the House reads the proclamation calling Parliament together. Shortly afterwards the Usher of the Black Rod, the Senate's counterpart to the House's Serjeant-at-Arms, is admitted to the Chamber and announces a message from a Deputy appointed by the Governor-General inviting the attendance of Members in the Senate Chamber. Members proceed to the Senate Chamber to hear the Deputy formally declare the Parliament open. The Deputy appointed by the Governor-General for this purpose is normally the Chief Justice of the High Court. Members then return to the House of Representatives Chamber to be sworn in and to elect a Speaker.

Swearing in of Members

The Constitution provides that every Member shall make and subscribe an oath or affirmation of allegiance, the terms of which are also prescribed in the Constitution, before taking his or her seat. A Member may take no part in proceedings until he or she has done so.

Following the arrival of a justice of the High Court nominated by the Governor-General, who sits in the Speaker's Chair, the Clerk reads to the House the judge's authorisation to administer the oath or affirmation of allegiance and tables the returns to the writs which indicate the Member elected for each electoral division. Members are then called to the Table in groups to swear an oath or make an affirmation and sign the oath or affirmation form.

The oath prescribed by the Constitution is 'I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law. So help me God.'

The affirmation prescribed by the Constitution is 'I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.'

Election of Speaker

The Constitution states that before proceeding to any other business the House must choose a Speaker (its chair and spokesperson—see Infosheet no. 3 'The Speaker').

After Members have been sworn in the Clerk presides over the election of Speaker. The Clerk calls for nominations and the mover and seconder may speak in support of their candidate. The Clerk asks the nominee if he/she accepts nomination. If more than one nomination is received there may be further debate before a secret ballot is conducted.

The Member elected thanks the House before taking the Chair as Speaker. The Mace is then placed on the Table, signifying that the House is properly constituted. After the Prime Minister, the Leader of the Opposition and other Members have formally congratulated the new Speaker, the Prime Minister announces a time when the Governor-General will meet the Speaker, usually that afternoon. The sitting is then suspended. Members reassemble in the Chamber just before the appointed time and accompany the Speaker as he or she leaves the Chamber to be presented to the Governor-General in the Members' Hall.

At this presentation the Speaker is usually given an authority by the Governor-General to administer the oath or affirmation to Members not present earlier or to those who may be elected at by-elections during the course of the Parliament.

Governor-General's speech

When the Speaker and Members have returned to the House, the Usher of the Black Rod arrives from the Senate Chamber and, in keeping with tradition, knocks three times on the Chamber door. Black Rod is admitted and announces that the Governor-General requires the attendance of Members in the Senate Chamber. The Speaker, preceded by the Serjeant-at-Arms and accompanied by the Clerks and Members, walks in procession to the Senate where the Governor-General makes the 'opening

speech'. This is a formal declaration of the causes of the calling together of the Parliament and contains a brief review of the affairs of the nation and a forecast of the Government's proposed program of legislation.

At the conclusion of the speech, usually lasting about 20-30 minutes, a copy is presented to the President of the Senate and to the Speaker. At this point a 19-gun artillery salute is fired outside Parliament House. The Governor-General leaves the Senate Chamber and the Speaker and Members return in procession to the House of Representatives.

Formal business

The rules of the House specify that before the Governor-General's speech is reported to the House by the Speaker some formal business shall be transacted. This tradition is a symbolic declaration by the House that it is master of its own program of business. Since the Governor-General's speech outlines the Government's proposed legislative program, the House asserts its independence from the Government by doing some business which is not part of that program and before the Speaker has formally notified the House of the speech. Traditionally the formal business takes the form of the presentation and first reading of a bill. This bill is termed the 'formal' or 'privilege' bill. It is non-contentious and may not be proceeded with further. Announcements by the Prime Minister and Leader of the Opposition of the composition of the Ministry and party appointments, respectively, normally also take place at this point.

Reporting the Governor-General's speech—Address in Reply Committee

The Speaker then formally reports the Governor-General's speech to the House and a committee is appointed to prepare an 'Address in Reply', which is a resolution expressing loyalty to the Queen and thanking the Governor-General for the speech. The committee most commonly comprises the Prime Minister and two new or relatively new Members of the government party or parties. The committee subsequently reports the proposed terms of the Address to the House, either later that day or at a later sitting,

It is customary at this time for the sitting to be suspended to enable Members and their guests to attend an afternoon tea hosted by the Presiding Officers and attended by the Governor-General.

Other business

The House is then free to proceed to other business before adjourning for the day. Business conducted at this stage commonly includes the election of the Deputy Speaker and Second Deputy Speaker and condolence motions or references to the deaths of former Members or Senators.

Address in Reply debate

When the proposed Address in Reply is presented on behalf of the Address in Reply Committee (a formality—the terms of the Address do not change from Parliament to Parliament), a motion is moved that the Address be agreed to. By this means a major debate is initiated. A feature of the debate is that the normal rules of relevance do not apply, and Members may speak on any matter they wish, provided the other rules of debate are observed (see Infosheet no. 14 'Making decisions—debate and division'). The debate usually proceeds for several days and provides the opportunity for a wide-ranging debate at the very beginning of the Parliament.

New Members

Briefings

At the beginning of a new Parliament there are some Members who have been elected for the first time. It is essential for these Members to learn how to function as effectively as possible in their new environment and to gain some understanding of the operations and procedures of the House. Briefings, in the form of a seminar, are offered to assist them.

First speeches

The first speech made by a newly elected Member was traditionally called a 'maiden' speech. There is a convention in the House that a first speech is heard without interjection or interruption and the Chair will normally draw the attention of the House to the fact that a Member is making a first speech. In return for this courtesy it is considered that the Member should not be unduly provocative. Most new Members make their first speech during the Address in Reply debate. Many take the opportunity to outline their political views and goals, priorities for their work as a Member and particular issues affecting their electorate.

The life of a Parliament

Under the Constitution, the House of Representatives may continue for a maximum of three years from the date of its first meeting. However, the Governor-General may dissolve the

House by proclamation before the expiry of the three years. The period from the first sitting of the House after a general election until the expiry or dissolution of the House is called a Parliament.

Dissolution of the House of Representatives is by far the most common way for a Parliament to end and since Federation only one Parliament has run for its maximum length ('expired by effluxion of time'). On six occasions the Governor-General has dissolved the Senate and the House of Representatives simultaneously in accordance with provisions in the Constitution relating to disagreements between the Houses (see Infosheet no. 18 'Double dissolution').

Following the dissolution or expiry of the House a general election must be held and the Governor-General issues writs directing the Electoral Commissioner to conduct a general election for Members of the House (see Infosheet no. 8 'Elections for the House of Representatives').

When the House expires, or is dissolved in normal circumstances, the Senate continues to exist. Senators representing the States are elected for a fixed period of six years, with half the membership of the Senate standing for election every three years, their new terms beginning on 1 July. It is usual, but not necessary, for elections for half the Senate to be held at the same time as general elections for the House and this may be some months before 1 July. If the new Parliament then commences before 1 July, the existing State Senators will be present at the opening, and for sittings of the Senate before 1 July, rather than the Senators just elected.

Sessions of Parliament and prorogation

The life of a Parliament may be divided into sessions and may consist of one session or a number of sessions. A session is ended by expiry or dissolution (in the case of the final session of a Parliament) or by a proclamation of the Governor-General proroguing (suspending) the Parliament. The effect of a prorogation is to immediately stop all business of both Houses until the Parliament is summoned to meet again by the Governor-General when any uncompleted business must be reintroduced. Members and office holders remain in place and no election is held. In the last 50 years Parliaments have usually consisted of only one session. On three occasions, in 1954, 1974 and 1977, the Parliament was prorogued in order to allow the Queen, who was visiting Australia at the time, to open a new session of the Parliament in person.

Opening a new session after prorogation

On the opening day after a prorogation there is no need for Members to be sworn in or to elect a Speaker. The Governor-General makes an opening speech and proceedings for this are the same as for an opening after a dissolution and general election.

Proposals for change to opening procedure

In 2001 the House of Representatives Standing Committee on Procedure reported on the procedures for the opening of Parliament, making recommendations aimed at recognising the importance of the Australian people in the institution of Parliament and adapting the ceremony to Australian circumstances while still reflecting Westminster heritage. Proposed arrangements included an indigenous welcome and a message from the Australian people, the delivery of the Governor-General's speech in the Great Hall and a resolution of commitment to serve the people of Australia. The recommendations were not adopted as at the end of the 41st Parliament (September 2007) so proposals requiring amendments to the standing orders could not be instituted for the opening of the 42nd Parliament (February 2008). However, there was a "welcome to country" indigenous ceremony at the opening of the 42nd Parliament—a change which did not require any amendments to the standing orders. The Procedure Committee in the 42nd Parliament is again considering proposals for change.

Historical note

The opening of a new Parliament is marked by ceremony and traditional practices derived from those of the United Kingdom Parliament.

Some of these practices reflect the historical need to establish and protect the Parliament's right to conduct its business free of interference from the Sovereign. One such practice is that of conducting formal business before reporting the Governor-General's speech. Another is the custom that the Parliament is declared open and the Governor-General's speech delivered in the Senate Chamber. This occurs in spite of the fact that the House of Representatives is the people's house and the 'house of government', because according to tradition neither the Queen nor her representative, the Governor-General, enters the House of Representatives Chamber during proceedings. In 1642 King Charles I went to

Westminster accompanied by armed guards. He entered the Chamber of the House of Commons and attempted to arrest five of its Members. He was unsuccessful and the Members escaped. Since then no Sovereign has entered the House of Commons Chamber during proceedings and this tradition has continued in the Commonwealth Parliament.



The indigenous "welcome to country" ceremony at the opening of the 42nd Parliament.

For more information

House of Representatives Practice, 5th edn. Department of the House of Representatives, Canberra, 2005. pp 211-35.

House of Representatives Standing Committee on Procedure, *Balancing tradition and progress: Procedures for the opening of Parliament*, August 2001. Available from the committee's Internet site at www.aph.gov.au/house/committee/proc