

# Parliament House and the House of Representatives Chamber

## THE PARLIAMENT BUILDINGS

### Meetings in Melbourne and the provisional Parliament House in Canberra

The first Commonwealth Parliament was opened in the Exhibition Building, Melbourne, on 9 May 1901 by the Duke of Cornwall and York, later King George V, the Constitution having provided that the Commonwealth Parliament would sit at Melbourne until it met at the Seat of Government which was to be determined later by the Parliament. The Commonwealth Parliament continued to meet in Melbourne for 26 years using the State's Parliament House. The Parliament of Victoria met in the Exhibition Building during this period.

The Seat of Government which, under the Constitution, was to be in New South Wales but not within 100 miles of Sydney, was finally determined in 1908<sup>1</sup> and the Federal Capital Territory came into being on 1 January 1911.<sup>2</sup> In that year a competition for the design of the new capital took place and was won by the American architect Walter Burley Griffin. However, work on the capital progressed slowly. In July 1923 the House agreed to a motion requesting the Governor-General to summon the first meeting of the 10th (next) Parliament at Canberra.<sup>3</sup> In the same month the House further resolved that a provisional building (with an estimated life of 50 years) be erected, rather than the nucleus of a permanent Parliament House.<sup>4</sup> The first sod was turned on the site on 28 August 1923. The provisional Parliament House, designed and built by the Department of Works, was opened on 9 May 1927 by the Duke of York, later King George VI.

The Parliament met in the provisional Parliament House for 51 years. To accommodate increases in the numbers of parliamentarians and staff the building was extended and altered over the years but nevertheless by 1988 it had been grossly overcrowded for a long period. A description of the provisional building was given in chapter 6 of the first edition of this work.

### The permanent Parliament House

In December 1965 Parliament established a joint select committee to inquire into certain aspects of a new and permanent Parliament House.<sup>5</sup> The committee's final report made some 40 recommendations on matters such as the accommodation needs of Members and staff, the needs of visitors, accommodation of the Executive Government and the press, and communication services in the building.

1 *Seat of Government Act 1908*. The Act repealed the *Seat of Government Act 1904* which had determined an area near Dalgety. This choice however proved to be unacceptable to the Government of New South Wales and the matter was reconsidered. The results of the final ballots in each House were influenced by the State Government's indicated willingness to cede land in the Yass-Canberra district. H.R. Deb.

(8.10.08) 936-40; S. Deb. (6.11.08) 2100-8.

2 By proclamation of the Governor-General pursuant to the *Seat of Government Acceptance Act 1909*.

3 VP 1923-24/74; H.R. Deb. (28.6.23) 460-85, (12.7.23) 1048-61.

4 VP 1923-24/96; H.R. Deb. (26.7.23) 1668-78.

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

## 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*.<sup>6</sup> 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 zone<sup>7</sup>, 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.<sup>8</sup>

## Design and construction

A Joint Standing Committee on the New and Permanent Parliament House was first appointed in June 1975, to act for and represent the Parliament as the client in the planning, design and construction of a new Parliament House. The first report of the committee recommended that stage one of a new building be ready for occupation by the 1988 bicentenary of European settlement in Australia.<sup>9</sup> The committee presented further reports relating to the design brief<sup>10</sup> and the selection of an architectural design.<sup>11</sup>

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 continued in existence in the role of 'a watch dog' on behalf of the Parliament.<sup>12</sup> The Parliament House Construction Authority Bill 1979 was passed in March 1979. Later that year a competition for the design of the building was organised, the winning design being announced by the Authority in June 1980. The assessors selected the design concept submitted by the firm of Mitchell Giurgola and Thorp of New York.<sup>13</sup>

The joint standing committee 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.

On 28 August 1980 the House authorised the commencement of work on the preparation of a detailed design, and the preparation and excavation of the site.<sup>14</sup> A similar resolution was agreed to by the Senate.<sup>15</sup> On the same day the House approved the construction on Capital Hill of a new and permanent Parliament House.<sup>16</sup> On 18 September 1980 the Prime Minister turned the first sod on the site

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.

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

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

11 VP 1978-80/262; H.R. Deb. (30.5.78)2737-8; PP 151 (1978)6.

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

13 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).

14 VP 1978-80/1575,1604; H.R. Deb. (21.8.80)661-6; H.R. Deb. (28.8.80)959-70.

15 VP 1978-80/1575.

16 VP 1978-80/1604; H.R. Deb. (28-29.8.80)970-1.

of the proposed building. Construction progressed by a 'fast-track' method over the next eight years. The new Parliament House was opened on 9 May 1988 by Queen Elizabeth II. The first sittings in the new building took place on 22 August 1988.

### **The layout of the building**

The building has a floor area of some 250 000 square metres, covering four levels. An 81 metre high flag mast rises over the centre of the building.

The main public and ceremonial entry to Parliament House is from the forecourt through the Great Verandah and the Foyer. On either side of the Foyer are stairs and lifts providing access to the public areas on the first floor and a number of private entrances to the office and other working zones of the building.

Directly beyond the Foyer is the Great Hall, the venue of parliamentary ceremonies and receptions, banquets and other occasions of national significance. On the first floor level the Great Hall is overlooked by the Great Hall Gallery at the northern end, and public balconies on either side.

Beyond the Great Hall is the Members' Hall, located at the centre of the site between the Chambers and at the intersection of the north-south and east-west axes of the building. The public are not normally permitted entry to the Members' Hall but may observe it from first floor galleries.

Glazed walkways connect the Members' Hall to the Chambers on either side, the House of Representatives Chamber on the left and the Senate Chamber on the right. Beyond the Chambers on their respective sides of the building are the House of Representatives and Senate wings, providing accommodation for Members and Senators and their staff and the staff of the Departments of the House of Representatives and Senate. Hansard is also accommodated on the Senate side of the building, as are members of the Press Gallery.

On the south side of the Members' Hall on the ground floor is the entrance to the executive government area and the Cabinet room. Also on this level is a newspaper reading room and access point for the services of the Parliamentary Library. On the first and second floors are the main committee rooms, to which public access may be gained from the Members' Hall Gallery. On the second floor is the main area of the Parliamentary Library. Beyond the Cabinet room on the ground floor are the Prime Minister's office and office accommodation for Ministers and their staff. There is further ministerial accommodation on the first floor. The ministerial offices are built around a courtyard, which provides an entrance for the Prime Minister.

Unlike the situation in many Parliaments following the Westminster model, Ministers' main offices are in Parliament House rather than in the principal buildings of the executive departments they administer. Originally an historical accident (a shortage of suitable office accommodation in Canberra when the provisional Parliament House was first occupied) the presence of substantial ministerial offices in Parliament House became the accepted practice over the years and was institutionalised in the new Parliament House, where offices for the Prime Minister, Ministers and ministerial staff and other government officers are consolidated into a clearly defined zone of the building with its own identity and formal entrance. Accommodation of the national capital representatives of a number of media organisations has, for similar historical reasons, become institutionalised within Parliament House, despite the fact that much of the work of these persons and organisations does not relate to the proceedings of the Parliament.

Consistent with the concept of the building as a 'people's building' considerable attention has been given to providing facilities and services for visitors and tourists. A large proportion of the first floor is devoted to the public circulation system from



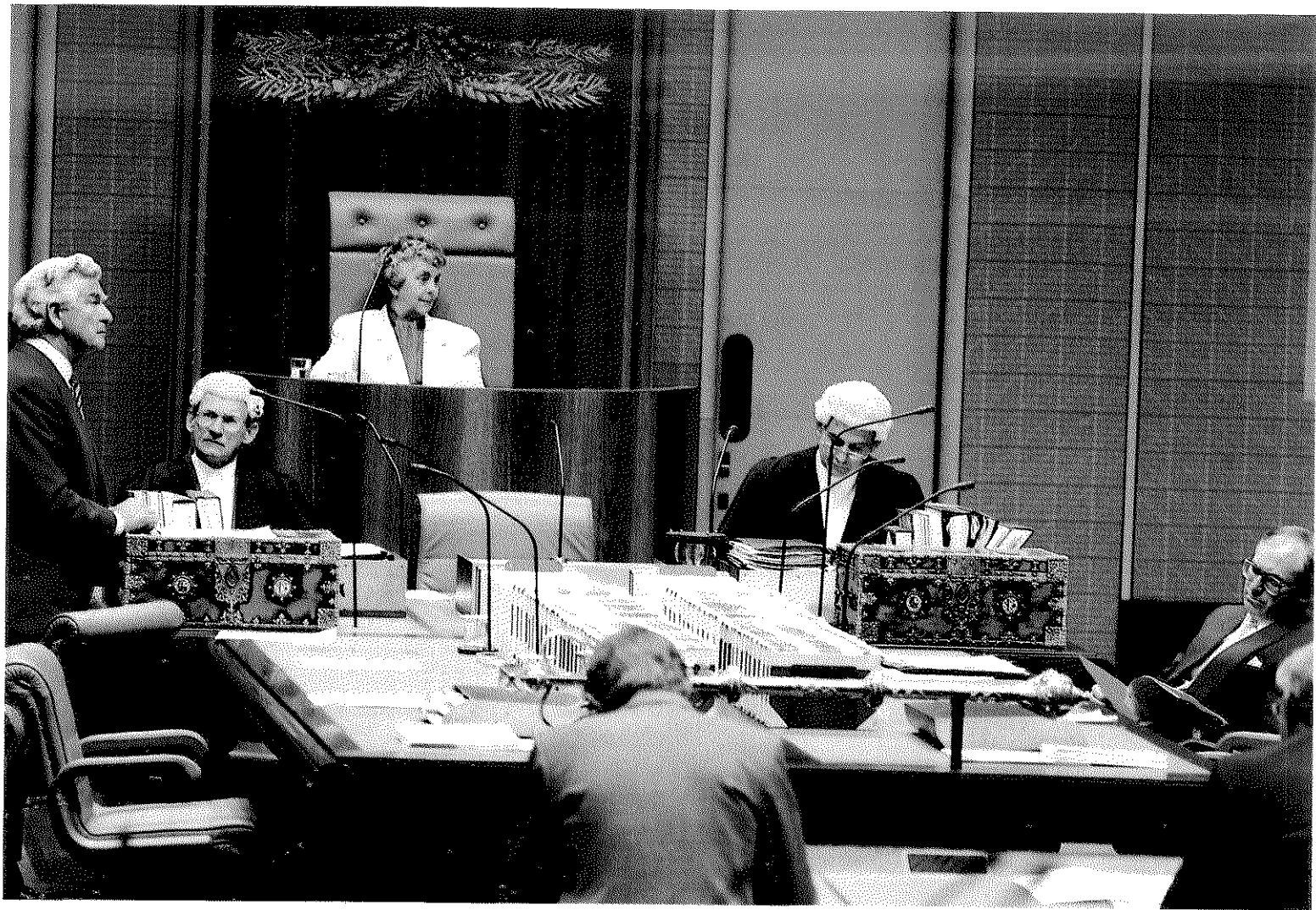
*Aerial view of Parliament House, January 1989*



*Opening of the new Parliament House by Her Majesty the Queen in the Great Hall on 9 May 1988*



*The Chamber of the House of Representatives*



*The Speaker's Chair and the Table with (from left to right) the Prime Minister, the Clerk of the House, the Speaker, the Deputy Clerk of the House, and the Leader of the Opposition on 22 August 1988, the first sitting day in the new building*



*A meeting of the Procedure Committee, November 1988*

which visitors have access to the galleries of the Great Hall, the Members' Hall and the Chambers. From the first floor the public also has access to the committee rooms, a sizeable terrace and to the public facilities at the front of the building, comprising a theatre, exhibition area, post office and cafeteria. A bookshop is situated in the foyer near the main entrance. Lifts provide access to the public viewing platform directly below the flagpole.

## THE CHAMBER

The Chamber, like the Chamber of the House of Commons and like the Chamber of the provisional Parliament House, is furnished predominantly in green. The derivation of the traditional use of green is uncertain.<sup>17</sup> The shades of green selected for the new Chamber were chosen as representing the Australian landscape.

High on the Chamber wall above the Press Gallery is the Australian Coat of Arms. Facing the main Chamber entrance from the Members' Hall is the Speaker's Chair, which was specially designed for the new Chamber.<sup>18</sup> Two large Australian flags are located at floor level at each side of the eastern end of the Chamber.

Immediately in front of the Speaker's Chair are three chairs, the one in the centre being used by the Chairman of Committees during proceedings in committee of the whole House, and the others by the Clerk of the House and the Deputy Clerk. Set into the Clerk's desk is a button which enables the division bells to be activated with associated flashing green lights in all rooms and lobbies of the building. A similar system operates from the Senate using red flashing lights. The bells are rung for five minutes before the time fixed for the commencement of each sitting<sup>19</sup> 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 whatever period is specified by standing or sessional order, as indicated by the sandglasses 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.<sup>20</sup> The bells are also rung to summon Members to the Chamber for the purpose of establishing a quorum.<sup>21</sup>

Electronic speech timing clocks 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.<sup>22</sup> The clocks automatically return anti-clockwise 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 the provisional Parliament House in Canberra in 1927 and the inauguration of the sittings of the Parliament in the national capital.<sup>23</sup> 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'.

17 J.M. Davies, 'Red and Green', *The Table* XXXVII, 1968, p. 33.

18 The original Speaker's Chair, described in detail in the first edition, remained in its place in the provisional building.

19 S.O. 41.

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

21 S.O.s 46, 48.

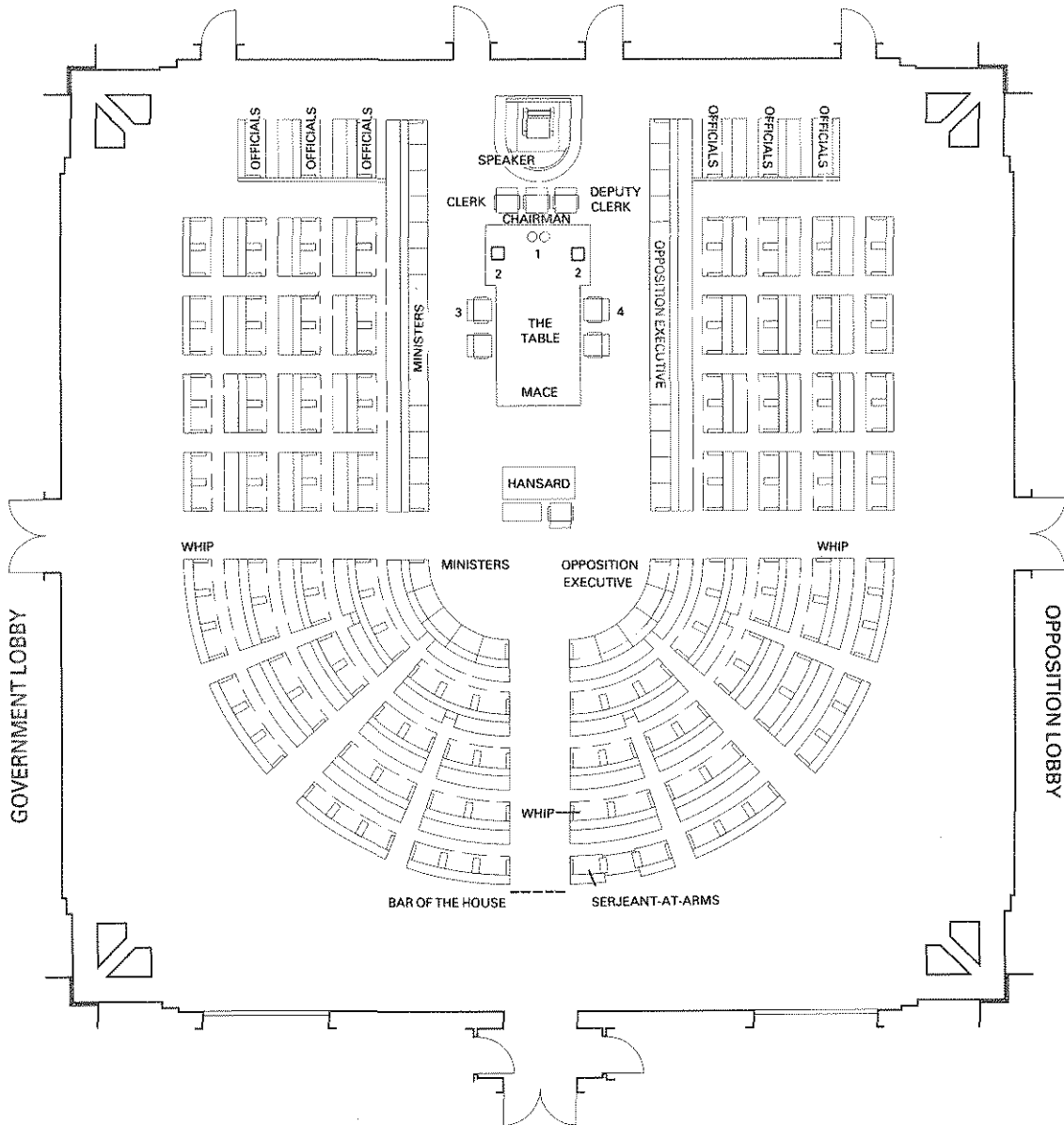
22 S.O. 91 (time limits for speeches).

23 VP 1926-28/349.



## House of Representatives Chamber

Plan applicable for the 35th Parliament



1. Sandglasses
2. Despatch Boxes
3. Prime Minister or Minister in charge of business
4. Leader of the Opposition or Member of the Opposition Executive.

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 Chamber of the House of Representatives is used only by the House itself. Occasionally during non-sitting periods in the provisional building the Chamber was used for parliamentary conferences, Premiers' Conferences and Loan Council meetings. The National Economic Summit Conference of 1983 and the National Tax Summit of 1985 and, earlier, two South East Asia Treaty Organisation (SEATO) Council meetings, were also held in the House of Representatives Chamber of the provisional building.

### 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. 154) 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'.<sup>24</sup>

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.<sup>25</sup> 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.

The Mace, designed at Australian request to resemble the Mace in use in the House of Commons, is made from heavily gilded silver and embodies much symbolic ornamentation.

The Mace is present in the Chamber at all times the House is sitting, including during suspensions of sittings, and is placed on the Table whenever the Speaker is in the Chair. When the House is in committee the Mace is placed on brackets below the Table.

### Seating

The Chamber is designed to seat up to 172 Members with provision for an ultimate total of 240 to be accommodated. Should additional seats be required, for example, as in the case of a joint sitting of the Houses, temporary seating can be added around the Chamber perimeter. Seats are also provided on the floor of the Chamber for the Serjeant-at-Arms and for a number of government and opposition officials and advisers. The Chamber has a horseshoe shaped seating arrangement. This presumably reflects satisfaction with a Chamber of this configuration in the provisional Parliament House, during the planning stages of which the decision was taken to depart from the Westminster style Chamber that had served the House in Melbourne.

Members of the governing party or parties sit on the right of the Chair and the Members of the Opposition on the left. The two chairs on the right of the Table are, by practice, reserved for the Prime Minister and the Deputy Prime Minister

24 VP 1951-53/242.

25 *See* Ch. on 'The Speaker, the Chairman of Committees and Officers' for a full description of the significance and uses of the Mace; *see also* A.R. Browning, *The Mace*, AGPS, 1970.

but are also occupied by other Ministers when they are in charge of the business before the House. Similarly, the two 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. The separate small table and three seats at the end of the main Table are used by officers of the Parliamentary Reporting Staff (Hansard). The front benches on the right hand of the Speaker are reserved for Ministers.<sup>26</sup> 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.<sup>27</sup>

### Bar of the House

Situated at the back row of Members' seats at the point of entry to the Chamber from the main entrance facing the Speaker's Chair is the Bar of the House, consisting of a cylindrical bronze 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. In parliamentary history, the Bar is the place to which persons are brought in order that the Speaker may address them on behalf of the House or at which they are orally examined.

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.<sup>28</sup> A witness before the House or a committee of the whole is examined at the Bar.<sup>29</sup> In theory a person may be brought to the Bar of 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. 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.<sup>30</sup> 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 and received sentences of imprisonment for three months.<sup>31</sup> During the examination of Mr Browne who addressed the House at length, the Speaker ordered him to take his hands off the Bar.<sup>32</sup>

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 . . .<sup>33</sup>

26 S.O. 32.

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

28 S.O. 311.

29 S.O. 363.

30 S.O. 372.

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

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

33 H.R. Deb. (2.12.21)13585.

Following debate on the matter the Prime Minister did not proceed with the proposal (*see also* p. 153). On two occasions proposals that persons be brought or called to the Bar have been unsuccessful.<sup>34</sup>

A number of witnesses have appeared before the Senate, some at the Bar and some being admitted into the Chamber.<sup>35</sup>

## Galleries

There are open galleries on all four sides of the Chamber from which proceedings can be observed. The gallery facing the Speaker's Chair and the side galleries are visitors galleries which can seat 528 persons. There is also special provision for handicapped persons to be accommodated. The seats on the left hand side of the central gallery (when viewed from the Speaker's Chair) are known as the Speaker's Gallery, to which the Speaker alone has the privilege of admitting visitors (although in practice Members make bookings through the Speaker's office for guests in this gallery). The front row of seats is reserved for special visitors and diplomats. Seats in the front row on the right hand side (viewed from the Speaker's Chair) are reserved for Senators. The remainder of the seats in the three visitors' galleries form the public galleries. Every Member may each day, by written orders of the Serjeant-at-Arms, admit two visitors to the public gallery<sup>36</sup>, and members of the public may obtain tickets directly from the booking office.

Admission to the galleries is a privilege extended by the House and people attending must conform with established forms of behaviour and, for security reasons, are subject to certain conditions of entry (*see* p. 160). 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.<sup>37</sup> Successive Speakers of the House have upheld these rules. Visitors in the galleries are not permitted to display signs or banners.<sup>38</sup> In the past a person taking notes has been ordered to attend the Speaker's chambers forthwith<sup>39</sup> but, in more recent times, such persons are allowed to remain in the galleries provided they cease their note-taking. Persons using the second floor closed galleries (*see* below) are permitted to take notes.

The Press Gallery, seating 102 persons, is located behind the Speaker's Chair. This gallery may be used only by journalists with Press Gallery passes. It is the Presiding Officers' right to control access to Parliament House by representatives of the media. This point was reiterated in the House in 1980 when members of the Parliamentary Press Gallery, in the context of an industrial dispute involving journalists, declared certain journalists not to be members of the Federal Parliamentary Press Gallery and asked for their passes to be withdrawn. The Speaker stated that he held the view very strongly that the democratic process required that the House be available for observation by all who could fit into the public galleries and by all who could come into the media gallery for the purpose of reporting its proceedings: under no circumstances would he take action to prevent any media representative whom he judged to be qualified and competent to report the proceedings of the House from coming there to report them.<sup>40</sup> Misconduct by members

34 VP 1967-68/308; VP 1970-72/465; H.R. Deb. (9.3.71)689-92.

35 *See Odgers* pp. 538,555-63,568,649.

36 S.O. 313.

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

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

39 H.R. Deb. (29.10.52)3908-9.

40 H.R. Deb. (14.5.80) 2694.

of the press gallery has resulted in passes being withdrawn.<sup>41</sup> For example, in 1971 a serious disturbance was caused by a journalist 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 the journalist apologising for his conduct and that his pass had been restored.<sup>42</sup>

Breaches of the rules by journalists outside the Chamber may also lead to the withdrawal of press passes (*see* pp. 155-6).

At second floor level on the three sides of the Chamber above the visitors' galleries are enclosed soundproof galleries which can seat some 150 people. These galleries enable the operations of the Chamber to be described to visitors without disturbing the proceedings.

### Strangers

The term 'stranger' refers to any person present in the Chamber and its galleries 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 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.<sup>43</sup>

On three occasions during World War II strangers were ordered to withdraw<sup>44</sup> to enable the House to discuss in private certain matters connected with the war. On one of these occasions the Speaker ruled that Senators would be regarded as strangers but that the House could invite them to remain and a motion that Senators be invited to remain was agreed to. The Speaker then informed the House that members of the official reporting staff were not covered by the resolution excluding strangers, whereupon a motion was moved and agreed to 'That officers of the Parliamentary Reporting Staff withdraw', and the recording of the debate was suspended.<sup>45</sup> On an earlier occasion in committee, the Chairman of Committees stated that he did not regard Senators as strangers.<sup>46</sup>

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.<sup>47</sup>

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.<sup>48</sup>

41 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 more recent comment by the Speaker on the use of the press gallery *see* H.R. Deb. (13.5.80)2693-4.

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

43 S.O. 314.

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

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

46 VP 1940-43/72.

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

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

During World War II joint secret meetings of Members of the House of Representatives and Senators were held in the House of Representatives' Chamber and strangers were not permitted to attend, although certain departmental heads were present. The Clerks and the Serjeant-at-Arms remained in the Chamber.<sup>49</sup>

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.<sup>50</sup>

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.<sup>51</sup> 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.<sup>52</sup> The House was dissolved without the report having been considered.

In 1982 the matter of the attendance of Senate Ministers to answer questions in the House was referred to the Standing Orders Committee<sup>53</sup>, but the committee did not report before the 32nd Parliament was dissolved. In 1986 the Standing Committee on Procedure considered the rostering of Ministers between the Houses during its inquiry into the rules and practices which govern the conduct of question time. In its report<sup>54</sup> the committee stated that it did not support the proposal, being of the opinion that all Ministers should be Members of and responsible to the House of Representatives. The committee noted that the standing orders and practices of both Houses had complementary provisions for Members and Senators to appear before the other House or its committees as witnesses but stated its belief that, as far as the accountability of Ministers at question time was concerned, Ministers who were Members of the House should be responsible to the Parliament and the people through the House of Representatives only.

### Distinguished visitors

Distinguished visitors to Parliament, such as foreign Heads of State or Government and Presiding Officers and parliamentary delegations, may be invited by the Speaker to be seated in the special visitors' gallery or the Speaker's Gallery. When such visitors are present in the gallery Speakers have sometimes adopted the practice of interrupting the proceedings 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.<sup>55</sup> There have also been occasions when former Members have been acknowledged. While this may be an appropriate gesture in very special circumstances, for example, if the person concerned has been seriously ill, it is important that the standing and dignity of the House itself is considered and respected. Such acknowledgements may be thought to be inconsistent with the role and function of the House, standing as it does at the centre of national public affairs.

In the provisional building, some distinguished visitors, such as foreign heads of State or Government, and visiting Presiding Officers, were invited by the Speaker to take a seat on the floor of the House.<sup>56</sup> Such an invitation was regarded as a

49 VP 1940-43/275,393,441.

50 S.O. 315.

51 VP 1920-21/163.

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

53 VP 1980-83/748.

54 PP 354(1986)25.

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

56 S.O. 312; VP 1970-72/31,187,351,380,1207; VP 1978-80/91; VP 1985-87/1073.

high honour. It was customary for the Speaker to exercise this right only after formally seeking the concurrence of Members. The usual practice was for the Speaker to inform the House that the visitor was within the precincts and, with the concurrence of Members, to invite the visitor to take a seat on the floor. The Serjeant-at-Arms escorted the visitor to a chair provided immediately to the right of the Speaker's Chair. A private citizen, Captain Herbert Hinkler, a highly distinguished Australian aviator, was accorded the honour in 1928 after his record breaking flight from England to Australia.<sup>57</sup> 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.<sup>58</sup> This practice has fallen into disuse, perhaps as the House has developed a greater consciousness of its own standing and significance.

Only once has a stranger been invited to address the House from the floor. On 29 November 1951 a delegation from the House of Commons presented a new Mace to the House to mark the Jubilee of the Commonwealth Parliament. The Speaker, with the concurrence of Members, directed that the delegation, which consisted of three Members and a Clerk, 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 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.<sup>59</sup>

### 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. Amplifiers are provided in the Chamber 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 or she is making a speech. Proceedings of both Houses are relayed to rooms throughout the building.

The Chamber is primarily a debating forum. It is neither practical nor desirable for Members to show films or slides in the Chamber. However, Members have, from time to time, brought exhibits into the Chamber to emphasise points in debate. Although Members have, on occasions, been instructed by the Chair to remove such items<sup>60</sup>, it has been 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.<sup>61</sup>

57 VP 1926-28/512.

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

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

60 H.R. Deb. (16.5.85) 2547, 2552 (two petrol

cans); H.R. Deb. (13.11.86) 3036-7 (score cards).

61 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.

In 1968 a proposal to install an indicator panel in the Chamber in the provisional building 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 (in the provisional building), the advantage it was considered would flow 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.<sup>62</sup> However, necessary conduits have been provided, and Members' desks have been designed so that control switches can be installed should a decision be taken by the House to install electronic voting in the future.

### 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. With the move to the new building in 1988 the Presiding Officers permitted the taking of photographs and video footage for private purposes in the areas of the building open to the public other than the chamber galleries when the House is sitting and committee rooms.

Presiding Officers have always sought to ensure that Members and Senators are not harassed by visitors and media representatives 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. Requests to photograph or film Members in their party rooms are considered by the whip, or other Members, of the party concerned.

While press gallery photographers and television camera crews may take photographs or film on invitation in private rooms in Parliament House, the taking of photographs or film by media personnel elsewhere in the building is prohibited except with the specific permission of the Presiding Officers. The Presiding Officers do not normally grant permission for television interviews to be filmed in the corridors and the non-public areas of Parliament House. Requests to film in public areas are usually approved provided it is considered other building occupants and visitors will not be disturbed or inconvenienced. 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

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<sup>62</sup> See also Ch. on 'Business of the House and the sitting day'.



press gallery photographer was withdrawn for two 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.<sup>63</sup>

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 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 Act<sup>64</sup> 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 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 two Houses in the House of Representatives' Chamber was televised. Since 1984 the whole or a part of the Treasurer's Budget speech and the reply of the Leader of the Opposition have been televised.

Approval may be granted by the Speaker for official photographs of the Chamber, or other areas of the building under the Speaker's control, to be used in a publication provided that the source of the photograph is acknowledged. Under no circumstances may photographs or films taken in the Chamber or elsewhere in the building be sold or used to promote any commercial product through newspaper, television or other advertising media without approval; permission is not normally given.<sup>65</sup>

There is no objection to the taking of photographs in committee rooms or private dining 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 committee 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. Where a press reporter seeks and obtains approval, a tape recording of the proceedings may be taken to assist the reporter in the preparation of a report. Approval is given on the clear understanding that the tape recording must not be used for any other purpose.

The subject of the broadcasting and televising of proceedings is covered in detail in the Chapter on 'Parliament and the citizen'.

## PARLIAMENTARY PRECINCTS AND THE EXERCISE OF AUTHORITY

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

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

64 *Parliamentary Proceedings Broadcasting Act 1946*.

65 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).

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 precincts<sup>66</sup>;
- 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 application<sup>67</sup>;
- limitation of the powers of the police operating within the Parliament building and its precincts, and
- the application of security arrangements for the Parliament.

Until 1988 there was no precise definition of the precincts of Parliament over which exclusive jurisdiction is exercised by the Presiding Officers. One definition advanced was that any place de facto occupied by Members for their parliamentary duties is part of the precincts of the parliamentary building.

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 examples<sup>68</sup>, 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.<sup>69</sup>

Following the Commons' precedents, the two Houses of the Commonwealth Parliament and their chief officers, the President and the Speaker, for most practical purposes, traditionally exercised exclusive jurisdiction in the provisional 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 Fawkner 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.<sup>70</sup>

In practice, in the provisional Parliament House the Presiding Officers exercised jurisdiction over the provisional Parliament House building, the front steps, open verandahs and the enclosed gardens situated on either side of Parliament House. These arrangements were applied but not without difficulty, as illustrated by the

66 See also Ch. on 'Parliamentary privilege'.

67 *Liquor Ordinance 1975*, s. 5(1)(d).

68 *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).

69 As a royal palace, the Palace of Westminster was ultimately under the control of the monarch

although each House, while in occupation of the part assigned to it, had the custody and service of it. On 26 April 1965, with the consent of the Queen, control of the Palace passed to the two Houses of Parliament, with certain qualifications. See also *May*, p. 218.

70 H.R. Deb. (24.4.31)1293-4; and see Ch. on 'The Speaker, the Chairman of Committees and Officers'.

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.<sup>71</sup>

The question of the extent of the precincts of the provisional Parliament House was never resolved definitively, despite recommendations for an authoritative delineation. The Joint Standing Committee on the New Parliament House recommended in 1985 that the area of the parliamentary precincts for the new Parliament House be defined by legislation.<sup>72</sup> The *Parliamentary Precincts Act 1988*<sup>73</sup> provides as follows:

- The parliamentary precincts consist of the land on the inner side of the boundary defined below, and all buildings, structures and works, and parts of buildings, structures and works, on, above or under that land.
- The boundary of the parliamentary precincts is the approximately circular line comprising the arcs formed by the outer edge of the top of the retaining wall and in places where there is no retaining wall, arcs completing the circle. [Where there is no retaining wall, the circle is indicated by markers—see map at Schedule 1 of the *Parliamentary Precincts Act 1988*.]
- If the Presiding Officers certify in writing that specified property is required for purposes of the Parliament, the regulations may declare that the property shall be treated as part of the parliamentary precincts for the purposes of the Act.
- The precincts are under the control and management of the Presiding Officers who may, subject to any order of either House, take any action they consider necessary for the control and management of the precincts.
- In respect of the ministerial wing in Parliament House, the powers and functions given to the Presiding Officers are subject to any limitations and conditions agreed between the Presiding Officers and the responsible Minister.

A parliamentary zone was declared by the Parliament when it passed the Parliament Act in 1974 (see p. 145), which not only determined Capital Hill as the site for the new Parliament House but also defined the parliamentary zone within which no building or other work could be erected without the approval of both Houses of Parliament. After the Act came into effect it became the practice that all such proposals were referred to the Joint Standing Committee on the New Parliament House for consideration and report. The zone comprises the area bounded by State Circle, Commonwealth and Kings Avenues and the southern edge of Lake Burley Griffin. Parliament House also falls within a designated area for which land use planning, development and construction proposals must be referred to the National Capital Planning Authority for comment.<sup>74</sup>

71 '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.

72 'Precincts of the New Parliament House and the Parliamentary Zone', *Joint Standing Committee on the New Parliament House*, PP 395 (1985). See also 'Final report', *Joint Select*

*Committee on Parliamentary Privilege*, PP 219 (1984).

73 Act No. 9 of 1988. The main provisions commenced, by proclamation, on 1 August 1988.

74 Pursuant to interim arrangements under the *ACT (Planning and Land Management) Act 1988*.

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.<sup>75</sup> 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.<sup>76</sup>

The Australian Parliament similarly does not claim authority over the streets surrounding the parliamentary precincts 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 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".<sup>77</sup>

Within the building the Presiding Officers determine matters in relation to the allocation of space<sup>78</sup>, for example, allocation of seats in the Chamber and rooms to Members.

### **The security of the parliamentary precincts**

Responsibility for the maintenance of security in the parliamentary precincts is vested by the Parliamentary Precincts Act in the Presiding Officers. Before the passage of the Act this jurisdiction was based on custom and practice and the inherent powers of the Presiding Officers to maintain proper arrangements for the functioning of Parliament. Measures to improve the security of the Parliament were introduced in 1978<sup>79</sup> following a number of potentially serious incidents over previous years<sup>80</sup> which impressed on the Presiding Officers the need for security arrangements to be kept under constant review.

Security brings into conflict two 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 two important principles.

75 *May*, pp 223-4.

76 *See May*, p. 156; *see also* Ch. on 'Parliamentary privilege'.

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

78 H.R. Deb. (28.8.52)692; *see also* Ch. on 'The Speaker, the Chairman of Committees and Officers'.

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

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

In 1978 some Members and Senators expressed concern that the new arrangements for security might become excessively elaborate and that the rights of Members, Senators and the public to gain access to, and to move freely within, Parliament House might 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.<sup>81</sup> 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.<sup>82</sup>

Parliament has an important responsibility to ensure the safety of people who work in Parliament House 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 special arrangements for their own security. However, it would seem that most acknowledge the responsibility for the safety of others in the parliamentary precincts.

Day to day security is maintained by the Security Controller (who has a central co-ordinating role), the Usher of the Black Rod and the Serjeant-at-Arms (in their respective areas), the parliamentary security attendants under their control, and by the Australian Protective Service.

The parliamentary security attendants are primarily responsible for internal security, that is, the operation of electronic security screening devices, the physical checking of people entering the building and general corridor surveillance. The Australian Protective Service, on the other hand, is responsible for the physical security of the external precincts and the ministerial wing. The *Parliamentary Precincts Act* provides that the functions of protective service officers in relation to the precincts shall be performed in accordance with general arrangements agreed between the Presiding Officers and the Minister administering the *Australian Protective Service Act 1987*. The Australian Federal Police provides a policing response to major disturbances.

A pass system controls entry into the non-public areas of Parliament House. Members and Senators are not required to wear a pass. No other person 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. At times parts of the buildings that are normally open to the public have been closed for security reasons. When large scale demonstrations occurred outside the provisional Parliament House it was sometimes necessary to close the main doors of the building. When demonstrations occur a restricted number of demonstrators, by way of a delegation, may be allowed inside the building by appointment.

Goods, mail and baggage brought into the building are checked by electronic means. On entering Parliament House the public must pass through electronic detection equipment similar to that used at airports and further screening is carried out of people seeking to enter the public galleries. It is a condition of entry to the building and the public galleries that any person desiring to enter shall submit to a search of his or her person or effects if so required.

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81 J 1978-80/88-9.

82 PP 22(1978).

### Disorder and disturbances

To perform its functions the House must be protected from physical disruption, disturbance and obstruction and there is no doubt that the House has the power to protect itself from such actions. However, such actions, although they may technically constitute contempt, are in practice usually dealt with either through administrative action under the authority of the Presiding Officers or by remitting the matter to the authorities for criminal proceedings. If the House itself proceeded against some persons using its own powers and procedures with respect to contempts, it could find itself providing additional opportunities for self-publicity or the ventilation of grievances of those involved.

In the Chamber strangers are under the control of the Serjeant-at-Arms and any stranger who misconducts himself or herself in that part of Parliament House controlled by the Speaker may be taken into custody by the Serjeant-at-Arms.<sup>83</sup> The occupant of the Chair may, whenever thought fit, order the withdrawal of strangers from any part of the Chamber.<sup>84</sup> This power is normally exercised by the Chair in circumstances when strangers in the gallery are creating a disturbance. Such disturbances in the provisional building included persons interjecting, holding up banners or dropping objects, such as pamphlets, flowers and table tennis balls into the Chamber. On one occasion persons chained themselves to the rails of the gallery and the sitting was suspended until bolt cutters could be brought to cut them free.<sup>85</sup> On another occasion a person jumped from the main public gallery onto the floor of the Chamber.<sup>86</sup> Significant recorded incidents when the House has been disturbed, and the action taken by the Chair, are summarised in the following table.

TABLE 4 DISTURBANCES IN THE CHAMBER

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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)

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83 S.O. 310.

84 S.O. 314.

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

86 H.R. Deb. (23.9.87) 572.

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)

A woman walked onto floor of Chamber from Speaker's Gallery and addressed remarks to a Member and to Hansard reporter. Woman removed from Chamber. (19.2.76)

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)

Man interjected from the public gallery and threw sheets of paper into the Chamber. Man removed from gallery. (17.8.78)

A woman interjected from the public gallery and threw sheets of paper into the Chamber. Woman removed from gallery. (H.R. Deb. (20.9.78) 1188)

Placard held up in public gallery. Woman removed from gallery. (3.4.79)

Interjections made from public gallery. Persons removed from gallery. (21.11.79)

Egg thrown onto Chamber floor from gallery and an interjection made. Person removed from gallery. (H. R. Deb. (28.5.81) 2745)

Table tennis balls thrown into Chamber from public gallery. Persons removed from gallery at direction of the Chair. (H.R. Deb. (25.8.82) 892)

Pamphlets thrown into Chamber from public gallery. Man removed from gallery. (9.11.82)

Flowers and pieces of paper thrown into Chamber from public gallery. Persons removed from gallery. (H.R. Deb. (8.9.83) 550)

Sign displayed in public gallery. Person removed from gallery. (10.11.83)

Person interjecting from public gallery reprimanded by the Chair. (H.R. Deb. (15.11.83) 2662)

Banner unfurled into Chamber and interjections made from public gallery. Persons removed from gallery. (H.R. Deb. (29.3.84) 1039)

Person dressed as a chicken (assumed to be a Member, but not conclusively identified) entered the Chamber and sat down on the front bench. Chair ordered removal but person left Chamber and was not apprehended. (H.R. Deb. (25.11.85) 3619)

Persons in public gallery stood in succession, shouting slogans. Persons removed from gallery. (H.R. Deb. (18.3.86) 1464)

Scroll of letters dropped over edge of gallery and slogans shouted. Persons removed from gallery. (H.R. Deb. (4.6.87) 3987)

A man jumped onto floor of Chamber from main public gallery and addressed remarks to a Minister. Man removed from Chamber. (H.R. Deb. (23.9.87) 572)

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Persons considered to pose a threat to the Parliament, for example, because of a history of attempts to disrupt proceedings, have been barred from entry to the building for a period of time by order of the Presiding Officers. On the authority of the Serjeant-at-Arms, Usher of the Black Rod or authorised people, persons creating

a disturbance may be ejected from Parliament House and, if they continue to create a disturbance outside the House in a public place, may be arrested.

Although the ordinary criminal law applies within Parliament House, the actual charging of people creating a disturbance inside the building has in the past been difficult. For example, doubt had existed as to whether the Chambers were Commonwealth premises for the purposes of the Public Order (Protection of Persons and Property) Act and therefore protected against disturbances that caused no damage or injury. The person who jumped from the main public gallery onto the floor of the Chamber in September 1987 was not charged. In 1965 a police constable arrested a person in King's Hall and a conviction was recorded against the person for using insulting words in a public place. Although it seemed doubtful that King's Hall was 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'.<sup>87</sup>

The *Parliamentary Privileges Act 1987* made the legal position clearer by declaring 'for the avoidance of doubt' that a law in force in the Australian Capital Territory applies, subject to section 49 of the Constitution, 'according to its tenor in and in relation to any building in the Territory in which a House meets, except as otherwise provided by that law or by any other law'.

The *Parliamentary Precincts Act 1988* further clarified the situation by providing that the *Public Order (Protection of Persons and Property) Act 1971* applies to the precincts as if they were Commonwealth premises within the meaning of that Act. The *Parliamentary Precincts Act* also provides that the functions of the Director of Public Prosecutions in respect of offences committed in the precincts shall be performed in accordance with general arrangements agreed between the Presiding Officers and the Director of Public Prosecutions.

The *Australian Capital Territory (Self Government) Act 1988* provides that either House may by resolution declare that an A.C.T. law enacted following self government does not apply to that House or its members, or in the parliamentary precincts.

### **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 two Houses through their Presiding Officers have exclusive jurisdiction. Thus in Parliament House the police are subject to the authority of the Speaker and President and their powers are limited by the powers and privileges of the respective Houses.<sup>88</sup> Such limitations are not based on any presumed sanctity attached to the building as such, but on the principle that the Parliament should be able to conduct its business without interference or pressure from any outside source.<sup>89</sup>

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, in practice conveyed through the Serjeant-at-Arms, the Usher of the Black Rod or the Security Controller. The police have no routine security role within the building or precincts but may be requested to provide a policing response to major disturbances.

87 H.R. Deb. (19.11.65) 2989.

88 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.

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



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. There are a number of precedents of such consent being granted in the case of police wishing to interview Members. In commenting on one such incident the Speaker 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.<sup>90</sup>

The *Parliamentary Precincts Act 1988* provides that where, under an order of either House relating to the powers, privileges and immunities of that House, a person is required to be arrested or held in custody, the person may be arrested or held by a member or special member of the Australian Federal Police in accordance with general arrangements agreed between the Presiding Officers and the Minister administering the *Australian Federal Police Act 1979*.

## **Demonstrations**

In 1989 the Presiding Officers approved guidelines to be observed by the Australian Federal Police and the Australian Protective Service in managing demonstrations. The guidelines, incorporated in Hansard, include the provision that demonstrations by groups and persons shall not be permitted within the area of the parliamentary precincts bounded by and including Parliament Drive, provisions circumscribing the behaviour of demonstrators, the provision that any breach of the guidelines may be subject to police intervention and a map showing the 'authorised protest area'.<sup>91</sup>

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<sup>90</sup> VP 1978-80/1662; H.R. Deb. (16.9.80)1293.

<sup>91</sup> H.R. Deb. (2.3.89) 328-9.