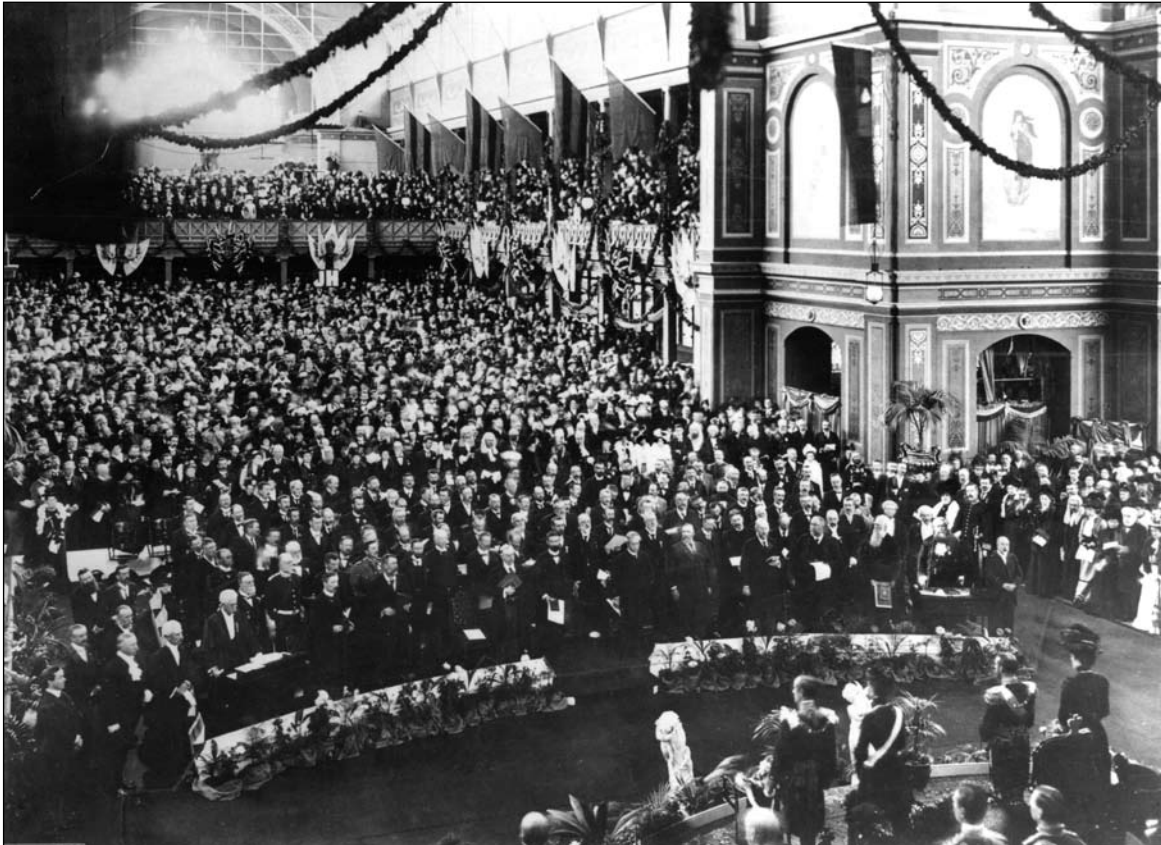




## The Opening of Parliament



*The First Commonwealth Parliament was opened by the Duke of York in the Exhibition Building, Melbourne, on 9 May, 1901*

Image: Senate Resource Centre

### Terminology

Each new Parliament begins with the opening by the Governor-General on the first day the two houses meet after a general election. The current Parliament is the forty-second since federation in 1901. The parliamentary term continues for three years after the date of the first sitting of the houses, unless it is ended earlier by the dissolution of the House of Representatives or by the double dissolution of both houses to resolve a deadlock or disagreement between them. Both types of dissolution are carried out by the Governor-General on the advice of the Prime Minister.

Within the term of each Parliament, there may be sessions. A new session is also opened by the Governor-General and begins on the first day of sitting following a prorogation of Parliament.

### Prorogation

To prorogue Parliament means to bring to an end a session of Parliament without dissolving either house and, therefore, without a subsequent election. The Constitution gives the Governor-General the power to prorogue Parliament, which is done on the advice

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of the Prime Minister. Prorogation has the effect of terminating all business pending before the houses, although in certain circumstances it can be resumed in a new session. Parliament does not meet again until the date specified in the proroguing proclamation, or until the houses are summoned to meet again by the Governor-General.

Parliament was frequently prorogued in the early years of federation, and always prorogued prior to the dissolution of the House of Representatives for the purpose of a general election. Between the opening of the first Commonwealth Parliament in 1901 and the end of 1925, it was prorogued sixty times. In the following sixty-seven years it was prorogued on only fifteen occasions, a session often lasting for the whole term of a Parliament. Between 1961 and 1993, Parliament was prorogued only four times, twice for the purpose of allowing openings by the Queen during her visits to Australia in 1974 and 1977. On another occasion, in February 1968, Parliament was prorogued following the disappearance in the sea of Prime Minister Harold Holt in December 1967. On the fourth occasion, Parliament met for one day in November 1969 following an election for the House of Representatives on 25 October and was prorogued until the following March.

The practice of proroguing Parliament prior to the dissolution of the House of Representatives for the purpose of a general election was restored by the Government in 1993.

The Constitution provides that, after a general election, the Parliament must be summoned to meet not later than thirty days after the day which has been appointed for the return of the writs; that is, the appointed deadline for the formal notification of election results to the Governor-General or State Governor who issued the writs or formal orders for an election to be held. (The one-day sitting in 1969 was held to conform with this requirement while postponing the substantive sitting until the following year.)

### **Why is Parliament opened by the Governor-General?**

Under the Australian Constitution, the legislative power of the Commonwealth is held by the Federal Parliament, which consists of the Queen, the Senate and the House of Representatives. The Governor-General is appointed by the Queen of Australia as her representative and exercises the constitutional powers

of the Queen, including powers to appoint times for holding sessions of Parliament, to prorogue Parliament and to dissolve the House of Representatives. These powers are exercised on the advice of the Prime Minister.

Although the Constitution does not require it, at the beginning of each new Parliament or each new session, the Governor-General makes an opening speech to Parliament setting out the government's proposed legislative program.

### **Opening day**

On opening day, set procedures are followed, the elements of which are laid down in the standing orders of both houses. Standing orders are the permanent rules which govern the conduct of business in each house. The opening day is fixed by the Governor-General's proclamation, again on the advice of the Prime Minister and bearing in mind the time limits contained in the Constitution.

The standing orders of both houses indicate that the formal opening of Parliament takes place in the Senate chamber. Like many aspects of parliamentary procedure, this practice is also derived from British custom.

The British House of Commons long asserted a right to keep the sovereign at arm's length. This tradition was greatly reinforced when, in 1642, Charles I, accompanied to the door of the House of Commons by an armed guard, took the Speaker's chair and demanded the surrender of five members accused of high treason, an action regarded by the House of Commons as a breach of its rights. To this day, British sovereigns have not entered the House of Commons; the opening of Parliament takes place in the House of Lords. In Australia, as a reflection of this practice, the opening takes place in the Senate.

### **The opening proceedings**

Proceedings on opening day vary according to whether there are new senators and members to be sworn in and whether it is necessary for either or both houses to elect a new presiding officer. Generally speaking, the office of the President of the Senate becomes vacant on the 30th of June following a half-Senate election, or on the date of a proclamation dissolving the Senate, while the Speaker of the House of Representatives is elected for the duration of a Parliament. Following

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a double dissolution, therefore, it will be necessary for both houses to choose a new presiding officer; but when Parliament is opened after an election for the House of Representatives, it may be necessary to choose only a Speaker. If there has been a half-Senate election as well, there may not be a requirement to elect a new President provided the opening takes place before the 30th of June on which the outgoing senators' terms expire.

During the course of a Parliament, any newly-elected or appointed Members of Parliament are sworn in by the President or Speaker, as appropriate. On opening day, however, there may be many new senators and members to be sworn in and no appropriate presiding officer in office. In this situation, the Governor-General appoints a Deputy, or Deputies, to do all things necessary for the opening of the session. The instrument of appointment, signed by the Governor-General, gives the Deputy, who is usually a Justice or Chief Justice of the High Court, the authority to declare open the Parliament. The Governor-General also gives the Deputies a commission authorising them to administer the oath or affirmation to newly-elected or re-elected senators and members. The chart on the following pages shows that Deputies have always been involved in the opening of the first session of a Parliament, but not necessarily in the opening of second and subsequent sessions.

Looking first at opening proceedings involving a Deputy, both houses gather at the time fixed by the proclamation, usually at 10.30 or 11.00 am. If there is a President in office, he or she takes the Chair and the Clerk of the Senate reads the Proclamation calling the Parliament together. The Usher of the Black Rod announces the arrival of the Deputy who then instructs the Usher of the Black Rod to request the presence of Members of the House of Representatives in the Senate chamber. When they have gathered, the Clerk of the Senate reads the Governor-General's authorisation for the Deputy to declare the Parliament open. Having done so, the Deputy then tells the assembled members that the Governor-General will declare in person in his opening speech the reasons for calling Parliament together.

Members of the House of Representatives return to their chamber where the Deputy administers the oath or affirmation to newly-elected or re-elected members who then proceed to elect a Speaker. In the Senate, the President swears in any new senators. The sitting of the Senate is then suspended until the time for the

Governor-General's opening speech, usually at 3.00 pm the same day.

If there is no President in office, the train of events is similar, except that the Deputy swears in new senators to enable the Senate to elect a new President, who is later presented to the Governor-General.

In the afternoon, the Governor-General's arrival is announced by the Usher of the Black Rod who escorts the Governor-General to the high-backed chair on the dais of the Senate chamber. Having vacated the Chair, the President of the Senate sits to the Governor-General's right. At the command of the Governor-General, the Usher of the Black Rod summons Members of the House of Representatives to the Senate chamber where the Governor-General delivers the opening speech. The speech sets out the government's program of legislation for the session. At its conclusion, copies of the speech are presented to the President and the Speaker by the Governor-General's Official Secretary.

When the Governor-General withdraws from the chamber, followed by the Speaker and Members of the House of Representatives, the President resumes the Chair. One of the President's first actions is to report the Governor-General's speech to the Senate. A motion for an address-in-reply to the Governor-General's speech may then be made or consideration of the speech deferred.

If there are serving presiding officers when a new session of Parliament is opened, there is no need for a Deputy to be appointed. In these circumstances, Parliament meets in the afternoon of the opening day, the Clerks read the Proclamation in each house and the Speaker or President, as appropriate, swears in any new senators or members. The Governor-General arrives, despatches the Usher of the Black Rod to summon Members of the House of Representatives to the Senate chamber, and then delivers the opening address.

### **The address-in-reply**

The address-in-reply is the formal answer of each house to the Governor-General's opening speech. The debate on the address-in-reply is the occasion for wide-ranging discussion on any matter which may properly be considered by Parliament, including the conduct of the government, the administration of government departments, any proposed legislation

which is to be introduced and the need for other legislative measures to be taken. In the Senate, the debate is often an occasion for new senators to make their first speeches.

Once it has been agreed to, the address-in-reply is formally presented to the Governor-General by the President who is accompanied by senators to Government House. The President later reports to the Senate on the presentation of the address and the reply of the Governor-General.

## The Opening of the First Federal Parliament

The First Parliament of the Commonwealth of Australia was opened at the Melbourne Exhibition Building on 9 May 1901. The new King of England, Edward VII, sent his son and heir, the Duke of Cornwall and York, to Australia as his representative. The Duke drove through Melbourne streets lined with cheering crowds to the Exhibition Building, where he declared the Parliament open in front of 12 000 guests.

At 11.30 am, the senators-elect assembled on a low platform in front of a dais in the Main Hall of the Exhibition Building. The Duke and the Governor-General, Lord Hopetoun, and their parties entered at

12 noon and ascended the dais. The elected members of the House of Representatives, waiting in the western nave, were called by the Usher of the Black Rod, and took their places next to the senators.

The Clerk of the Parliaments read the Letters Patent of King Edward VII empowering the Duke to open the first Parliament of the Commonwealth of Australia. The Duke then addressed the parliamentarians, saying that his father was moved by the generous aid offered by the Australian colonies in the South African war, and in service in China, and expressing the King's 'thankfulness and heartfelt satisfaction [at] the completion of that political union of which this Parliament is the embodiment.' The Duke declared the Parliament open; there was a fanfare of trumpets, and a cable message from the King was read out. Lord Hopetoun administered an oath of allegiance to each of the senators and members, while they remained in their places.

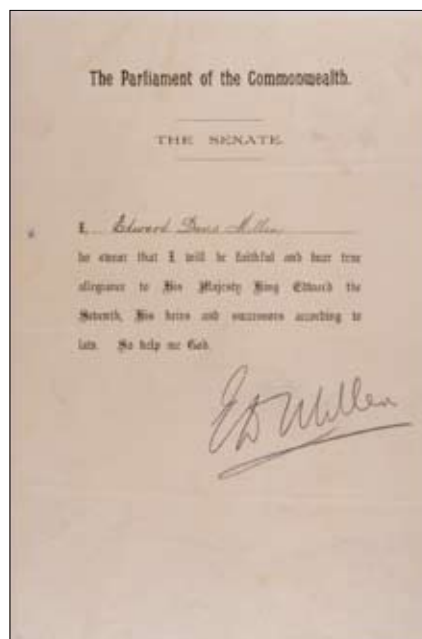
The senators and members proceeded by foot or in carriages to Parliament House in nearby Spring Street, where each house met in order to elect a presiding officer.

On the following day, 10 May 1901, the Governor-General, Lord Hopetoun, addressed the gathered

The Constitution provided the wording for oath and affirmation, made by every senator or member since 1901, before taking his or her seat:

*I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh, His heirs and successors according to law. SO HELP ME GOD!*

*I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh, His heirs and successors according to law.*



*Oath taken by Senator Millen, 9 May 1901*



*The Queen signs the visitor's book at the opening of New Parliament House in 1988*

Image: Overseas Information Branch, DFAT

senators and members in the Legislative Council Chamber of Parliament House, Melbourne. He outlined, on behalf of the Government, the matters that would receive the attention of the First Parliament.

On 9 and 10 May 2001, the Australian Parliament held historic meetings at the Exhibition Building and at Parliament House, Melbourne, to commemorate the first opening one hundred years before.

### **Openings of Parliament House**

For the first 26 years of federation, the Commonwealth Parliament met in Parliament House, Melbourne. The site of Canberra was eventually chosen and the Federal Capital Territory came into being on 1 January 1911. As work on developing the capital progressed slowly, the Parliament resolved that a provisional Parliament House should be built, with an estimated life of fifty years. The provisional Parliament House was designed and built by the Department of Works and opened by the Duke of York (later George VI) on 9 May 1927.

The opening of the building was a grand affair requiring months of planning. Details ranged from who would be entitled to an inside seat, to how many brushes, combs, pins and pin trays would be provided in the Leader of the Senate's room where the Duchess of York and her ladies could 'retire'. Dame Nellie Melba sang the first verse of the National Anthem on the steps of the building on the arrival of the Duke and Duchess of York. Melba requested, however, that the assembled crowd be asked by notice, leaflet or loud speaker to refrain from joining in while she sang.

Sixty-one years later, on 9 May 1988, Queen Elizabeth II opened the permanent Parliament House in Australia's bicentenary year. Planning for this event was no less extensive or meticulous than for the 1927 opening, but 1980s technology permitted millions to share the experience through live television broadcasts, video recordings and special colour supplements in major newspapers.

## Openings of Parliament since 1901

Parliament	Session	Opened	Opening Speech*	Deputy**
First	1st	9/5/01	Earl of Hopetoun	HRH, the Duke of Cornwall and York#
	2nd	26/5/03	Lord Tennyson	–
Second	1st	2/3/04	Lord Northcote	Griffith CJ
	2nd	28/6/05	Lord Northcote	–
	3rd	7/6/06	Lord Northcote	–
Third	1st	20/2/07	Lord Northcote	Griffith CJ
	2nd	3/7/07	Lord Northcote	–
	3rd	16/9/08	Earl of Dudley	–
	4th	26/5/09	Earl of Dudley	–
Fourth	1st	1/7/10	Earl of Dudley	Griffith CJ; Barton J
	2nd	5/9/11	Lord Denman	–
	3rd	19/6/12	Lord Denman	–
Fifth	1st	9/7/13	Lord Denman	Barton Ag CJ; Isaacs J
	2nd	15/4/14	Lord Denman	–
Sixth	1st	8/10/14	Sir Ronald Munro Ferguson	Griffith CJ; Barton J
Seventh	1st	14/6/17	Sir Ronald Munro Ferguson	Barton J; Isaacs J
	2nd	11/7/17	Sir Ronald Munro Ferguson	Isaacs J
Eighth	1st	26/2/20	Sir Ronald Munro Ferguson	Knox CJ; Isaacs J
	2nd	28/6/22	Lord Forster	–
Ninth	1st	28/2/23	Lord Forster	Knox CJ; Isaacs J
	2nd	13/6/23	Lord Forster	–
	3rd	10/6/25	Lord Forster	–
Tenth	1st	13/1/26	Lord Stonehaven	Knox CJ; Isaacs J
Eleventh	1st	6/2/29	Lord Stonehaven	Knox CJ; Isaacs J
Twelfth	1st	20/11/29	Lord Stonehaven	Knox CJ; Isaacs J
Thirteenth	1st	17/2/32	Sir Isaac Isaacs	Gavan Duffy CJ; Rich J
Fourteenth	1st	23/10/34	Sir Isaac Isaacs	Gavan Duffy CJ; Rich J
	2nd	17/6/37	Lord Gowrie	–
Fifteenth	1st	30/11/37	Lord Gowrie	Latham CJ; Rich J
	2nd	17/4/40	Lord Gowrie	–
Sixteenth	1st	20/11/40	Lord Gowrie	Rich Ag CJ; McTiernan J
Seventeenth	1st	23/9/43	Lord Gowrie	Latham CJ; McTiernan J
	2nd	17/7/44	Lord Gowrie	Rich J
	3rd	21/2/45	HRH Duke of Gloucester	–
Eighteenth	1st	6/11/46	HRH Duke of Gloucester	Latham CJ
	2nd	1/9/48	Sir William McKell	–
Nineteenth	1st	22/2/50	Sir William McKell	Latham CJ
Twentieth	1st	12/6/51	Sir William McKell	Latham CJ; Fullagar J
	2nd	10/11/53	Field Marshal Sir William Slim	–

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	3rd	15/2/54	<b>Queen Elizabeth II</b>	–
Twenty-first	1st	4/8/54	Field Marshal Sir William Slim	Taylor J
Twenty-second	1st	15/2/56	Field Marshal Sir William Slim	Fullagar J
	2nd	19/3/57	Field Marshal Sir William Slim	–
	3rd	25/2/58	Field Marshal Sir William Slim	–
Twenty-third	1st	17/2/59	Field Marshal Sir William Slim	Kitto J
	2nd	8/3/60	Viscount Dunrossil	–
	3rd	7/3/61	<b>General Sir Dallas Brooks###</b>	–
Twenty-fourth	1st	20/2/62	Viscount De L'Isle	Windeyer J
Twenty-fifth	1st	25/2/64	Viscount De L'Isle	Kitto J
Twenty-sixth	1st	21/2/67	Lord Casey	Barwick CJ
	2nd	12/3/68	Lord Casey	–
Twenty-seventh	1st	25/11/69	Sir Paul Hasluck	Barwick CJ
	2nd	3/3/70	Sir Paul Hasluck	–
Twenty-eighth	1st	27/2/73	Sir Paul Hasluck	Barwick CJ
	2nd	28/2/74	<b>Queen Elizabeth II</b>	–
Twenty-ninth	1st	9/7/74	Sir Paul Hasluck	McTiernan J; Menzies J
Thirtieth	1st	17/2/76	Sir John Kerr	Barwick CJ; McTiernan J
	2nd	8/3/77	<b>Queen Elizabeth II</b>	–
Thirty-first	1st	21/2/78	Sir Zelman Cowen	Barwick CJ
Thirty-second	1st	25/11/80	Sir Zelman Cowen	Barwick CJ
Thirty-third	1st	21/4/83	Sir Ninian Stephen	Gibbs CJ; Mason J
Thirty-fourth	1st	21/2/85	Sir Ninian Stephen	Gibbs CJ
Thirty-fifth	1st	14/9/87	Sir Ninian Stephen	Mason CJ; Wilson J
Thirty-sixth	1st	8/5/90	Mr Bill Hayden	Mason CJ
Thirty-seventh	1st	4/5/93	Mr Bill Hayden	Mason CJ
Thirty-eighth	1st	30/4/96	Sir William Deane	Brennan CJ
Thirty-ninth	1st	10/11/98	Sir William Deane	Gleeson CJ
Fortieth	1st	12/2/02	Right Reverend Doctor Peter Hollingworth	Gleeson CJ
Forty-first	1st	16/12/04	Major-General Michael Jeffery	Gleeson CJ
Forty-second	1st	12/2/08	Major-General Michael Jeffery	Gleeson CJ

\* All Governors-General, except those in bold type.

\*\* Justices (J), Chief Justices (CJ) or acting Chief Justices (Ag CJ) of the High Court, except in 1901.

# The Duke of Cornwall and York was not a Deputy, but King Edward VII's Commissioner who declared the first Parliament open and delivered a message from the King. The Earl of Hopetoun's opening speech was actually delivered the next day, on 10/5/01.

### General Sir Dallas Brooks was Administrator (in effect, Acting Governor-General) during the absence of Viscount Dunrossil between February and August 1961.

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## Further reading

Harry Evans (ed.), *Odgers' Australian Senate Practice*, 12th edn, Department of the Senate, Canberra, 2008, available on Internet: <http://www.aph.gov.au/Senate/pubs/odgers/index.htm>

Governor-Generals' opening speeches and the debates on the address-in-reply can be read in Commonwealth Parliamentary Debates, available on the Internet from 1996, at <http://www.aph.gov.au/hansard/hanssen.htm>

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