

Received 2/6/08
J.

D. J. MORRIS

P.O. BOX 43
SOUTH HOBART, TAS. 7004

6 May 2008

Submission No. 2

Ms Julie Owens, MP
Chairman
Standing Committee on Procedure
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Madam Chairman

I make this submission to the current inquiry by your Committee reviewing the arrangements for Opening Day of Parliament. I cannot find on the website when the deadline for submissions has been set, so I hope this is received in good time.

It is my strong view that the current basic arrangement for the Opening Day of a new Parliament is sound. Some, particularly Members of the House of Representatives, have grumbled in the past about having to attend the Governor-General's Speech in the Senate Chamber, but it is a symbolic, but valuable, part of our parliamentary heritage that the Speech is delivered in the Senate. The representative of the Crown, after the confrontation between King Charles I and the House of Commons in 1642, should never be present in the people's house, in our case the House of Representatives. This historical remnant now serves to remind those of us with the Westminster system of the separation of powers between the Executive (the Crown) and the Parliament. Whilst it could not be said that the Senate is akin to the House of Lords, it is nevertheless the house of review and for the Crown, as the third organ of Parliament, to outline the government's legislative plans in the Senate Chamber seems most appropriate.

There have been suggestions in the past that the Governor-General should make his or her speech in the Great Hall, or in some other 'neutral' part of Parliament House. I think this would severely downgrade the significance of the Governor-General's Speech. It is proper that the only people present on the floor of the Chamber should be the Governor-General, Senators, Members of the House of Representatives and parliamentary officers. If the Great Hall were used, the Opening would be taking place in a venue which is used for all sorts of purposes, from official meals to concerts to cocktail parties. This suggestion would greatly demean the occasion and has no merit.

There is, however, one reform that I would strongly suggest be adopted. At present the Governor-General appoints a Deputy (the Chief Justice of Australia) to actually declare open the Parliament and then to preside over the swearing in of Members. This at present involves the Deputy summoning all Members to the Senate Chamber purely to inform them that the Governor-General would be attending the Parliament later in the day to declare the purposes of calling the Parliament together.

Whilst I hold parliamentary tradition in high regard, I think this particular one has become a 'dead letter'.

Option 1

There is no reason why the Clerk of the House of Representatives should not be empowered to announce that the Governor-General's Deputy is in the precincts, and then the Deputy would enter the Chamber of the House, take the Speaker's Chair and preside over the swearing in of Members. This would remove the need for Members to process twice to the Senate Chamber, but would preserve the other important elements (even the 'theatre') of Opening Day, such as the Usher of the Black Rod being sent to summon the Speaker and Members to the Senate Chamber to hear the Governor-General's speech, being initially denied entry, etc.

Option 2 (preferred)

Indeed, if it were thought better not to involve the Deputy at all, the Standing Orders could be changed to provide that the Clerk would first swear in the Member with the longest unbroken service who is not a Minister or a member of the Opposition Executive, and that Member would then take the Chair (with the same authority as if he or she were Speaker) and preside over the swearing in of Members and the election of the new Speaker.

This approach has worked well in the United Kingdom House of Commons since 1971 when it was established to avoid again putting the Clerk (who had previously chaired the House during the election of the Speaker) in an invidious position when the election was contested and debate ensued. Should the Committee and the House adopt this approach, I am sure the Chief Justice could occupy his morning with better pursuits.

Thank you for the opportunity to make this submission.

Yours sincerely

(Don Morris)