

Proposals

Introduction

4.1 As was noted in chapter 1, the Government responded to the committee's 1995 proposals in 1997 by stating that it did not intend to change the traditional procedures. The committee believes that in this, the year of the centenary of the Parliament of the Commonwealth of Australia, it is timely to revisit the matter of the Parliament's opening procedures. However there is little point in repetition. The committee proposes to advocate a new way of looking at the purpose of the opening procedures.

A new focus

4.2 The existing procedures and their historical background were described in chapter 2. Omissions, defects and anomalies were examined in chapter 3. Against this background the committee believes that the opening ceremony should be seen from a new perspective, one which accords more with the spirit of Australia's system of government in the twenty-first century.

4.3 The ceremony which was performed with little change through the twentieth century reflects British history. But too much of that history is early history. In particular, the ceremony fails to reflect changed power relationships over the centuries. As was outlined in chapter 1, the evolution of Parliament has proceeded on the successive transfer of power from an absolute monarch to representatives of the people. This is not evident in the opening procedures which still emphasise a flow of power

downwards and do not sufficiently recognise the pre-eminent role of the Australian people in determining their government.

- 4.4 The opening of Parliament is preceded by an election. The individual decision of each citizen who casts a vote determines who is sworn in as a new Senator or Member. The collective decision of the voters, expressed by which political party has the numbers on the floor of the House of Representatives, determines the shape of the legislative program which the Governor-General announces to the members of the new Parliament, and to the citizens who elected them.
- 4.5 The ceremony at the opening of a new Parliament should emphasise that:
- the people have spoken;
 - Parliament is an ancient but adaptable institution;
 - the Australian system of government is a unique mixture of inherited and home-grown elements; and
 - the Senate and the House of Representatives are equal partners in the Parliament of Australia.

How to proceed

- 4.6 It may not be feasible to implement a complete overhaul of the opening procedures in a single instance. To do so might mar the sense of continuity which is a vital aspect of parliamentary ceremonial. Moreover, there are measures involved which are beyond the House's ability to put in place acting on its own. Collaboration between all who are involved will be necessary.
- 4.7 The committee therefore wishes to submit an option for the future which may be considered by all who need to be involved and which could perhaps be adopted in stages. There are a number of more detailed points which the committee also wishes to address. Some are matters which the House can determine in its own right. Others may need to be addressed in a broader context.

An option for the future

- 4.8 The committee concedes that sudden radical change is not consistent with the manner in which the Australian Parliament has adapted, throughout

its one hundred years of existence, to its changing environment. In particular the House of Representatives, in most of its innovations, has preferred to proceed with caution. The committee also acknowledges that ritual and ceremony should not be tampered with lightly. Nevertheless the following outline of a revised opening ceremony is intended to suggest a way of overcoming perceived problems with the existing procedures; a combination of tradition and unique Australian qualities; a positive evolution.

- 4.9 It includes all elements of the existing opening ceremony, some of which should be retained without change, and is meant as a signpost for further consideration. More detailed comments follow the outline.

Outline of proposed opening ceremony

Summons by the Governor-General

The Governor-General issues a proclamation setting a day and hour for Parliament to assemble.

Forecourt ceremony

Senators and Members assemble at the forecourt of Parliament House where a brief ceremony—comprising an indigenous welcoming and a message from the Australian people—is conducted.

Procession of Senators and Members to their respective Chambers

Senators and Members proceed through the main entrance, foyer, Great Hall and Members' Hall to their Chambers and take seats.

Simultaneous declaration of opening of Parliament by Governor-General and a deputy

In each Chamber:

- the Clerk reads the Governor-General's proclamation summoning Parliament

In the Senate:

- the Governor-General declares the Parliament open

In the House of Representatives:

- the Clerk reads the Governor-General's instrument appointing a deputy
- the Governor-General's Deputy declares the Parliament open

Swearing of Senators and Members

In the Senate:

- if necessary, new Senators are sworn in before the Governor-General
- the Governor-General retires

In the House of Representatives:

- new Members are sworn in before the Deputy
- the Deputy informs Members that when their presiding officers have been elected the Governor-General will receive them in the Great Hall
- the Deputy retires

Elections of Presiding Officers

Senators (if necessary) and Members elect presiding officers including, in the case of the House of Representatives, the Deputy Speaker and the Second Deputy Speaker. A senior Member presides at the election of Speaker.

Presentation to Governor-General

The Speaker, Deputy Speaker and Second Deputy Speaker, and other Members proceed to the Members' Hall where they meet the Governor-General. Senators may also participate. Senators and Members then proceed into the Great Hall.

Governor-General's speech

The Governor-General delivers the opening speech in the Great Hall.

Formal business

The Speaker and Members return to the Chamber. A resolution of commitment to the Australian people is adopted. The ministry, party leaders and whips are reported to the House.

Address in Reply

The Speaker reports the Governor-General's speech to the House.

At the first or a later sitting a new Member moves the address in reply to the Governor-General's speech in the form of a resolution and makes his or her first speech. Another new Member seconds the motion and also makes a first speech. Debate ensues over a number days.

The proposal in detail

Summons by the Governor-General

- 4.10 The proclamation meets a constitutional requirement and the form of this stage should not be changed. Some thought might be given to whether it is necessary to specify the place where Parliament should assemble.

Forecourt ceremony

- 4.11 There would be two elements to this stage. The first is a brief welcoming ceremony by representatives of the traditional owners of the land. The form of the ceremony would be determined in consultation with local indigenous representatives.
- 4.12 The second element is an address by a representative of the people of Australia. It is proposed that the incumbent Australian of the Year would make a brief formal statement to the assembly along the following lines:

Senators and Members of the House of Representatives, you have been chosen by the people of Australia to undertake duties in the Parliament of Australia and to serve the interests of the people in those duties. On behalf of all Australians I commend you to carry out your duties to the best of your ability and wish you well in your endeavours.

- 4.13 The form of the statement would remain the same for each Parliament, with time developing an aura of formality and ritual.
- 4.14 The selection of the Australian of the Year as an appropriate person to speak on behalf of all Australians rests on a number of factors, most significantly:
- it is a non-political appointment of a person who has contributed significantly to Australian society; and
 - while not representing any particular group, over time the Australian of the Year is drawn from a diverse range of backgrounds and could therefore be seen to be representative of all elements of Australian society.

Procession of Senators and Members to their respective Chambers

- 4.15 This procession would be similar to processions featuring in the current ceremony with the Serjeant, Black Rod, Clerks and party leaders taking the lead and others following informally. Members and Senators would mix together until they reached the Members' Hall, reflecting the fact that Parliament is not yet properly constituted.

Simultaneous declaration of opening of Parliament by Governor-General and a Deputy

- 4.16 The Governor-General would appear in person in the Senate. The Deputy appearing in the House of Representatives should be the senior State Governor who would serve as Administrator if the Governor-General were absent from Australia at the time.

Swearing of Senators and Members

- 4.17 The existing procedure would be followed in the House of Representatives.
- 4.18 The committee has proposed that some thought should be given to the form of the oath and affirmation used by members of Parliament, and recommends that it include an acknowledgment of responsibility to the people of Australia. Such a change would require an amendment of the Constitution and might take longer to achieve than other elements of the committee's proposal.
- 4.19 It should be noted that another element of the proposed opening procedures, a new means of transacting formal business (described

below), embodies a collective expression of the House's commitment to the Australian people, not the individual commitment which would be contained in a modernised oath or affirmation. If the oath should be updated in this manner it would be wise to consider the two elements to ensure that they are complementary.

Elections of Presiding Officers

- 4.20 The existing procedure for the election of a Speaker would be followed in the House of Representatives with the exception that a senior Member—not being a Minister, Parliamentary Secretary, party leader or party whip—would preside. Appointment of the presiding Member would be determined by cumulative length of service in the House. The most eligible Member would not preside if he or she were a candidate and the next most eligible Member would be chosen. In any case an eligible Member would have the right to decline to preside and again the next most eligible Member would be chosen. If two or more eligible Members have equal seniority the presiding Member would be chosen by lot.
- 4.21 For the duration of the election the presiding Member would have all the powers of the Speaker except that he or she should be entitled to vote in the election of Speaker but not have a casting vote and in all other cases should have only a deliberative vote.
- 4.22 The election of the Speaker would be immediately followed by the election of the Deputy Speaker and Second Deputy Speaker, the Speaker presiding.

Presentation to Governor-General

- 4.23 The three newly elected presiding officers of the House would introduce themselves and accompanying Members to the Governor-General in the Members' Hall en route to the Great Hall to hear the Governor-General's speech. Senators may also wish to participate.

Governor-General's speech

- 4.24 The Governor-General would deliver the speech in the Great Hall.

Formal business

- 4.25 The traditional assertion of the House's right to order its own business would be retained by the adoption of a resolution of commitment to the Australian people. A motion to this effect would be moved by the Prime

Minister and seconded by the Leader of the Opposition. The question would be put immediately without debate.

4.26 A possible form for the resolution could be:

That this House:

- (1) recognises that the electors of Australia have determined its membership;
- (2) acknowledges the allegiance it owes to all Australian people;
- (3) affirms its commitment to work for the benefit of the nation and all Australians; and
- (4) calls on all Members to dedicate themselves to well and truly serve the people of Australia.

4.27 The resolution could be subject to broad consultation across the community to seek agreement to the proposed form or submission of alternative versions. This would help to ensure wide agreement and might highlight for many people the *raison d'être* of the Parliament and their connection with it.

4.28 A separate 'privilege' bill would not be introduced but other announcements (ministry, party leaderships, whips) normally made at this stage would be retained.

Address in Reply

4.29 As with the oath and affirmation, the committee urges consideration of the form of the address by those involved in its development to modernise it and recognise the place of the people in our democratic system.

4.30 The committee believes that the mechanism by which the address is initiated should be simplified. The appointment of a committee to prepare the address is redundant. However, the recognition of new Members to initiate the response to the Governor-General's speech should be retained.

4.31 A more modern formulation of the House's response to the speech would be moved by a new Member in the form of a resolution in a similar way to the procedure used in the United Kingdom House of Commons. The motion would be seconded by another new Member—both the mover and the seconder delivering their first speeches in the House, either on the opening day or at a later sitting. Both the Members would be selected by the Government as at present but a formal address in reply committee would not be appointed.

What the proposed opening ceremony achieves

- 4.32 The proposed ceremony preserves many of the traditional elements of the opening of Parliament and maintains links with the Westminster heritage. (for example: the swearing in ceremony; the introduction of the Speaker to the Governor-General; the Governor-General presenting the Government's legislative agenda for the Parliament; the conducting of formal business before the Governor-General's speech is reported; the address in reply to the speech).
- 4.33 In addition the proposed forecourt ceremonies add an element which is missing from current procedures—a recognition of the Australian people, indigenous and non-indigenous, and their importance for the parliamentary institution. This stage provides members of Parliament with an overt expression of their responsibility to serve the interests of all Australians. This commitment is emphasised by other proposals to change the form of the oath and the address in reply and in the proposed formal business resolution.
- 4.34 The involvement of Members and Senators together in the forecourt ceremonies, followed by their procession together towards their respective Chambers and the later presentation of the Governor-General's speech in the Great Hall emphasise the coequal status of the two Houses. This arrangement also gives Senators a greater involvement in the ritual and ceremonial parts of the proceedings—they will participate in processions, to their Chamber and to the Great Hall, and will be included in the forecourt ceremonies.