



## LEGISLATIVE COUNCIL FACT SHEETS

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### FACT SHEET 10: THE OPENING OF PARLIAMENT

Traditionally, the ‘opening’ of a new Parliament or a new session of Parliament takes place in the Council chamber.

There are two types of openings: official openings, involving the presence of the Governor or infrequently the Monarch, and commission openings, where the Governor appoints commissioners to open the session of Parliament on his or her behalf.

#### **Commission openings**

It has become common practice for the opening of the first session of a new Parliament following an election to be conducted by commissioners appointed by the Governor. There are two reasons for this. First, the incoming or re-elected government may not be in a position to have the Governor present its legislative program in a comprehensive fashion within the timeframe for the initial meeting of the new Parliament. Secondly, the swearing in of new members and the election of the President and the Speaker, which take place following the opening of the first session, may be lengthy and may lead to unpredictable outcomes.

For a commission opening of Parliament, the House meets at the time appointed by proclamation of the Governor and the Clerk reads the proclamation convening Parliament to meet. The Clerk then announces the names of commissioners appointed by the Governor to open Parliament. The commissioners – usually three ministers in the Council are appointed commissioners to open Parliament – take their place on the dais. A commissioner then directs the Usher of the Black Rod to request the attendance of the Assembly in the Council chamber to hear the commissioners’ message on the opening of Parliament. When Assembly members are present in the House, the Clerk reads the commission appointing the commissioners to open Parliament and to deliver messages to both Houses. A commissioner, usually the Leader of the Government in the Council, then reads a message from the Governor informing members that after the swearing in of new members, the Council must elect a President and the Assembly must elect a Speaker. Assembly members then return to their chamber.

Following the departure of Assembly members, new members make a pledge of loyalty, as required by law, before the commissioners and sign the roll of the House (SO 6(j)).

The Clerk then proceeds with the election of the President. Once the President is elected, the Leader of the Government informs the House of the date and time at which the Council will proceed to Government House to present their President to the Governor. Depending on the time set by the Governor to receive the Council, the House may proceed directly to Government House, adjourn or transact business.

It is common for a variety of other matters to be dealt with at the first sitting. The House, under standing order 15, elects a member to be Deputy President and Chair of Committees. A ministerial

statement is usually made by the Leader of the Government about the new administration, and party leaders and whips are announced. Standing orders have sometimes been suspended to allow the adoption of sessional orders and the appointment of committees.

It is also customary that, following the opening of each new session of Parliament, a ‘pro forma’ bill is read for the first time.

This custom arises from the practice of the House of Commons and House of Lords, since the 17th century, of asserting the right of each House to deliberate on any matter it wishes to discuss, rather than being bound to give first consideration to the causes for the summons of the Parliament by the Crown.

The practice of reading a ‘pro forma’ bill in the Council at the beginning of the session commenced in 1856.<sup>1</sup> Since 1901, the ‘pro forma’ Law of Evidence Bill has been used.

Debate on the bill is out of order, but the bill is recorded as having been read a first time. No date is fixed for the second reading, and nothing more is heard of the bill until it is read a first time at the start of the next session.

### **Official openings**

Following the prorogation of the first session of a Parliament, subsequent openings in an existing Parliament may take the form of either an official opening or a commission opening.

An official opening takes place in the presence of the Governor of New South Wales or, on rare occasions, the Monarch.

The official opening takes place in the Council chamber since, by convention, the Monarch or the Monarch’s representative does not enter the lower House. This convention reflects the historical development of the House’s right to freedom of speech and uninterrupted debate.

Official openings in the Council chamber commence with the President taking the Chair at the appointed time and the Clerk reading the proclamation of the Governor convening Parliament. Official guests are also seated in the Council chamber. Following the arrival of the Governor and announcement to the House, the Governor directs the Usher of the Black Rod to summon the members of the Assembly to the Council chamber. When Black Rod arrives at the Assembly chamber, the doors are shut and barred. The Usher of the Black Rod raps three times on the door with the Black Rod and awaits the Speaker’s invitation to enter the chamber. The Usher of the Black Rod then delivers the message summoning the members to the Council chamber. Led by the Usher of the Black Rod, the Sergeant-at-Arms and the Speaker, members of the Assembly walk in procession to and assemble in the Council chamber. The Governor then delivers the official opening speech which declares the causes of calling Parliament together. The speech, which is composed by the executive, is the centrepiece of an official opening. It reviews current policy issues and outlines the government’s broad legislative program for the upcoming session. On conclusion of the speech by the Governor, the President and the Speaker each receive a copy of the speech from the Governor to report to their respective Houses. The Governor then retires from the chamber.

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<sup>1</sup> See the Infants Real and Personal Estate Bill, *LC Minutes* (23/5/1856) 5.

At the next sitting of the House following an official opening, the first item of business is the presentation of the 'pro forma' bill (discussed above). The President then reports receipt of a copy of the Governor's speech, whereupon by tradition a backbench member of the government moves a motion for the Address-in-Reply debate and presentation of address to the Governor.

The procedure for the address-in-reply is set out in standing order 8. The President reports to the House the speech of the Governor, following which a motion for an address-in-reply may be made forthwith or on a future day. The motion for the address-in-reply must be seconded. Consideration of the Governor's speech is dealt with as government business. Once the address-in-reply motion is agreed to, a motion is made that it be presented to the Governor, and the President, ministers, members and officers of the House proceed to Government House to formally present the motion agreed to by the House. The President then reports to the House the presentation of the address and the reply of the Governor.

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