



LEGISLATIVE COUNCIL FACT SHEETS

FACT SHEET 11: THE PARLIAMENTARY CALENDAR

Initial meeting of each Parliament following an election

The *Constitution Act 1902* provides for the periodic election of one-half of the Council and the general election of the Assembly every four years. The date of the election is fixed as the fourth Saturday in March of the relevant year, unless the Assembly is dissolved sooner in the circumstances set out in section 24B of the Act.¹

Periodic elections for the Council and general elections for the Assembly are held pursuant to writs issued by the Governor. Amongst the matters specified in the writ is the date by which the writ must be returned to the Governor with the names of the candidates elected endorsed on the writ (approximately seven weeks after the election day).

The *Parliamentary Electorates and Elections Act 1912* requires that the Council and the Assembly meet not later than the seventh clear day after the date of the return of the writs.²

‘Parliaments’

The duration of a ‘Parliament’ is limited by section 24 of the *Constitution Act 1902* to four years. A Parliament commences on the date of the first meeting of the Parliament following a periodic election for the Council and a general election for the Assembly, and ends on the dissolution or expiry of the Assembly (on the Friday before the first Saturday in March in the fourth calendar year after the return of the writs for election of that Assembly).

The Parliament that commenced on 8 May 2007 after the return of the writs for the election held on 24 March 2007 was the 54th Parliament (since the establishment of responsible government in 1856).

A new Parliament commences by an ‘opening’ either by the Governor or Commissioners on behalf of the Governor, or on rare occasions by the Queen.

‘Sessions’

Within each Parliament there are a number of ‘sessions’. Section 11 of the *Constitution Act 1902* provides that there must be a session of the Council and Assembly once at least in every year, and that a period of 12 months must not intervene between the last sitting of the Council and Assembly in one session and the first sitting of the Council and Assembly in the next session.

¹ *Constitution Act 1902*, ss 22A and 24.

² *Parliamentary Electorates and Elections Act 1912*, ss 69 and 74B.

A ‘session’ of Parliament commences after every election and following a prorogation of Parliament. In this context a ‘session’ is the period between the meeting of Parliament and its subsequent prorogation, which brings a session to an end. There is no requirement in section 11 as to when a session is to commence following a prorogation. Like other Crown prerogatives, the timing of sessions of Parliament is, in practice, decided upon on the advice of the executive government.³

The period between the prorogation of a session of Parliament and its next meeting is termed a ‘recess’.

The duration of a session of Parliament is not fixed and a session may overlap calendar years. However, it has become common practice for the initial session of a Parliament to be relatively short, followed by a number of additional sessions, some of which may continue for more than 12 months. This is despite the wording of section 11 of the *Constitution Act 1902*, which seems to envisage annual sessions of Parliament. For example, the 52nd Parliament consisted of three sessions:

- First session: 11 May – 11 August 1999 (16 sitting days);
- Second session: 7 September 1999 – 20 February 2002 (141 sitting days);
- Third session: 26 February 2002 – 28 February 2003 (52 sitting days).

By contrast the 53rd Parliament consisted of just two sessions: the first began on 29 April 2003 and ended on 19 May 2006 and the second commenced on 22 May 2006 and ended on 15 January 2007.

‘Sitting periods’

Within a session of the Council, there are a number of ‘sitting periods’. Established practice is for there to be two major sitting periods each calendar year: an autumn sitting period and a spring sitting period. In recent years, the annual appropriations have been dealt with during the autumn sitting period, which has become known as the budget sitting period.⁴

During the course of sittings within a session, the House may adjourn itself. The periods between one sitting day and the next, between sitting weeks, and between the breaks in the major sitting periods are termed ‘adjournments’. The motion for the adjournment of the House is moved by a member of the government, either a minister under standing order 31(2) or a parliamentary secretary under standing order 25.

Where the House is to be adjourned to a date other than the next day of sitting, as determined in a sessional order adopted at the commencement of a session, a ‘special adjournment’ is required to fix the date and hour of the next sitting. Otherwise the House is required to meet on the next sitting day as set out in the sessional order.⁵ The timing of ‘sitting periods’ is usually a matter for determination by the executive government. However, under the standing orders the House can be recalled at the request of an absolute majority of members (SO 36(1) and (2)).

³ Note, however, that s 24B(5) of the *Constitution Act 1902* specifically retains the prerogative of the Governor to dissolve the Assembly despite the advice of the Premier or the Executive Council.

⁴ Sometimes inaccurately referred to as the budget ‘session’.

⁵ This typically occurs when it is desired that the House is to adjourn on a Thursday until Tuesday next, rather than the Friday or Monday specified in the sessional order.

‘Sittings’

A ‘sitting’ of the House is the period from the meeting of the House, after an adjournment, until it adjourns to a future date and time.

A sitting commences when the President takes the Chair. While the time for the meeting of the House on a particular day is fixed by sessional order, the time for the adjournment is not fixed and sittings are of variable length.

A sitting may continue beyond midnight into the next calendar day or beyond before adjourning. However, the simple fact of the continuation of the sitting beyond midnight does not constitute an additional sitting day.⁶

Sitting days and times

Standing order 35 provides that the days and times of meeting of the House in each sitting week will be determined by the House from time to time. At the commencement of each session, the House adopts a sessional order setting out the days and times of meeting. In recent years, the House has determined meeting times as 11.00 am on Mondays, Wednesdays, Thursdays and Fridays, and at 2.30 pm on Tuesdays.

It is common for the House to sit on Tuesdays, Wednesdays and Thursdays during sitting periods. It is less common for the House to sit on Mondays and Fridays.

The sessional orders do not prescribe the length of sitting days. During the period since 1988⁷ the Council has sat for an average of 51 days over 16 weeks per year, with the average sitting day being in excess of 9 hours 30 minutes. This compares with an average of 44 sitting days between 1956-1988, when the average sitting day went for 4 hours 40 minutes.

From time to time, there have been announcements of proposals to introduce ‘family friendly’ or ‘daylight’ sitting hours.⁸ Unlike some other Houses of Parliament in Australia, there has not yet been any restriction on night sittings or any formal restriction on the length of sitting days introduced in the Council.

⁶ Although a new sitting day may commence subsequently on the second calendar day.

⁷ No government has had a majority in the Council since 1988.

⁸ See, for example, ‘Parliament to douse the midnight oil’, *Daily Telegraph*, 16 September 1994, and ‘Parliament to abolish late-night sessions’, *Sydney Morning Herald*, 12 October 2007.