

Chapter 24 Visitors

There are a number of standing orders and statutory provisions in relation to visitors to the Legislative Assembly and the Parliamentary precincts. Prior to the adoption of the current standing orders in September 2006 all persons who are neither members nor officers of the House were referred to as strangers. They are now known as visitors.¹ The term "strangers" is purely a technical one in its Parliamentary connotation and is not intended in any way to reflect any Parliamentary attitude towards members of the public.

Traditionally the House retains the right to exclude visitors from the galleries. If, during a sitting, the attention of the Speaker is drawn to the fact that visitors are present, a question may be put without debate, "That visitors be ordered to withdraw".² The power in the Chamber lies also in the Speaker to direct the withdrawal of visitors from any part of the Chamber or from the Parliament's precincts (S.O. 260).³ Officers of the House are not deemed to be visitors when withdrawal is ordered. In addition, unless the Speaker directs otherwise, the Parliamentary Reporting Staff are not considered visitors (S.O. 259).

A member may not take a visitor into any part of the Parliamentary building exclusively set aside for the use of members (S.O. 261).

In addition to the standing orders noted above, the *Parliamentary Precincts Act 1997* gives the Speaker, and any officers of the Parliament authorised by the President or the Speaker, authority to remove visitors from the precincts of the Parliament. If persons fail to comply with an order to leave the precincts or to provide their names and addresses, the Speaker, or an authorised officer, may arrest them to be dealt with according to law.⁴ This power has been conferred on the Speaker by statute⁵, as the Parliament has no inherent power to arrest, punish, fine or imprison a person.⁶

Proceedings have on occasion been interrupted by persons in the galleries. On one occasion the Public Gallery was cleared by direction of the Speaker and was kept closed for several weeks.⁷ On another occasion because of disorder, the Ladies (now "Northern") Gallery was cleared by direction of the Speaker.⁸ At times the Speaker has directed that specific persons be removed from the Public Gallery without closing it to all members of the public. For example, on one occasion after disorder in the Public Gallery, the Speaker ordered that it be cleared of all persons except the "school children and their masters." The Speaker left the Chair until the

¹ PD 05/10/1967, p. 2113; The public was first admitted to the debates in 1838, as the result of representations from certain magistrates, landholders and other free inhabitants, under regulations which were framed by a sub-committee and presented on 31 May 1838. Short Address delivered to Members of the Royal Australian Historical Society by W.K. Charlton, Clerk of the Parliaments, 22 July 1944, p. 5.

² VP 19/03/1930, p. 302.

³ On one occasion, a member raised the presence of a stranger sitting on the Government benches as a matter of privilege. The Speaker later advised the House that he had accepted the apology of the stranger and was of the view that no untoward motive was intended as a discourtesy to the House. As the business of the House was not impeded he intended to take no further action. VP 20/06/2001, pp. 1283, 1287; VP 25/06/2001, p. 1321.

⁴ Memorandum of Understanding with Police Commissioner entered into under the Act, VP 17/09/1998, p. 862.

⁵ See Part 4 of the *Parliamentary Precincts Act 1997*.

⁶ *Barton v Taylor* (11 AC 197); However, the *Parliamentary Evidence Act 1901* gives the Assembly power to punish a witness for refusing to answer a lawful question.

⁷ PD 13/07/1905, p. 804.

⁸ VP 10/08/1938, p. 65.

ringing of one long bell in order that the gallery was cleared in accordance with his order.⁹ On another occasion visitors in the gallery were directed by the Speaker to remove a sign they had displayed, and failing to do so, they were then removed from the gallery.¹⁰ Should there be any problem in removing members of the public who are disorderly, the Speaker can direct that the entire public gallery be cleared.¹¹ Speakers have argued that it is the responsibility of members to ensure that those they invite to sit in the public gallery maintain decorum at all times.¹² Speakers have also noted that it is a long-standing tradition that there be no communication between members of the House and persons in the gallery.¹³

On another occasion, following demonstrations outside the Chamber, Speaker Ellis stated that it was his duty to take whatever procedures were necessary within his power to prevent any persons not prepared to behave in a commonly accepted manner from entering the precincts of Parliament. Speaker Ellis ruled that until such time as the House otherwise directed, in future when a demonstration occurred outside the House, the gates would be closed to visitors. Strangers (now referred to as visitors) permitted to enter would be limited, and subject to certain conditions.¹⁴ In 2001, a demonstration was held by members of a construction union which effectively blockaded the Parliament building. Members of the public including members of the construction union, were not allowed access to the Public Gallery.¹⁵

24.1 Media representatives and the televising of proceedings

Press Gallery passes are issued to accredited representatives of registered newspapers, radio and television stations and those representatives are also allotted rooms within the Parliamentary precincts. The Speaker has control over the gallery and the press rooms. Any representative may be admitted to or excluded from the press gallery or rooms by the Speaker (S.O. 263).

In 1993 the House passed a resolution agreeing in principle to the desirability of audio and television broadcasting of the proceedings of the Legislative Assembly.¹⁶ Prior to this the House had agreed to permit the televising of proceedings at certain times for the purpose of television stations obtaining file footage.¹⁷ The resolution agreed to by the House in 1993 provided for the trial of a single television camera to operate in the House. Following consideration of the matter by the Standing Orders and Procedure Committee it was agreed the trial arrangements were to continue after Question Time until the dinner break or 6.15 p.m. in cases where there were no

⁹ PD 20/04/1971, p. 40.

¹⁰ See for example, PD 27/10/1993, p. 4524.

¹¹ See also PD 30/11/1994, p. 6066 where the Speaker ordered the removal of a particular person from the public gallery due to disorderly behaviour. When the person did not leave the gallery, the Speaker left the Chair until the public galleries were cleared.

¹² See ruling of Speaker Rozzoli, PD 30/11/1994, p. 6006.

¹³ See PD 21/05/1993, p. 2625 where the Speaker warned persons in the gallery that they should desist from further communication with members in the House.

¹⁴ PD 22/08/1972, p. 116.

¹⁵ PD 19/06/2001, p. 14765-6.

¹⁶ VP 12/05/1993, p. 218. See also VP 07/09/1993, p. 295 where the Speaker advised the House that a single television camera would operate in the House for the duration of Question Time for two weeks on a trial basis.

¹⁷ VP 07/05/1992, p. 321.

private members' statements or no dinner break.¹⁸ Such recording is at the discretion of the Speaker¹⁹ and authorised by standing orders 368, which provides:

The House authorises, on such terms and conditions as may be determined by the Speaker from time to time:

- (1) The filming of its proceedings and the proceedings in public of its committees; and
- (2) The broadcasting and re-broadcasting of such proceedings or extracts thereof in any form, both within and outside the Parliamentary precincts, by any medium.

Since 1993 the Speaker has entered into agreements with television stations regarding the video taping of proceedings, whereby the Assembly contracts a company to record the proceedings of the House, with costs being recovered from the media outlets. The Speaker has approved still photography in the Chamber when proceedings are being video taped and at other times with permission.²⁰

In 1995, the Parliament installed an in-house television system and the live video feed of proceedings is available throughout the precincts.²¹ Information identifying the member speaking and the item of business being conducted (titling) was added to the live video broadcast in 1997 and since February 2002 the proceedings of the House have been broadcast live over the Internet from the Parliament's website.²²

24.2 Lobbyists

Up until 2009, the Parliament had a system to allow registered lobbyists to have access to some non-public areas of the Parliamentary precincts. Essentially, an individual lobbyist could apply for registration to access Parliament House by submitting an application form for approval by the Presiding Officers. The application was required to be sponsored by at least three members.

This system was dispensed with in 2009 when the NSW Government establish a Register of Lobbyists, which is administered by the Department of Premier and Cabinet. A code of conduct for lobbyists underpins the register. The Code provides that Government representatives (Ministers, Parliamentary Secretaries, Ministerial Staff, staff working for a Parliamentary Secretary, and persons working in public sector agencies) must only be lobbied by a professional lobbyist who is registered and has their details on the Register. It should be noted that private members (i.e. non-Ministers) are not referred to in the Code.

24.3 Addresses made to the House by visitors

Distinguished visitors may, by resolution, be invited to take a seat on the floor of the Chamber.²³ The President of Ireland, the President of the Seoul Metropolitan

¹⁸ VP 09/11/1993, p. 493.

¹⁹ See VP 28/04/1992, p. 243 where the Speaker ruled that television and audio recording not be permitted for the day's session.

²⁰ VP 23/05/1995, p. 34; VP 06/06/1995, p. 119.

²¹ VP 19/09/1995, p. 203.

²² See VP 26/02/2002, p. 4.

²³ VP 13/04/1875, p. 66; VP 30/11/1875, p. 25; VP 21/11/1878, p. 164; VP 11/12/1885, p. 62; VP 08/09/1921, p. 23; VP 09/11/1921, p. 110; VP 23/09/1947, p. 4; VP 09/12/1947, p. 117; VP 28/04/1948, p. 197; VP 20/09/1950, p. 25; VP 10/10/1950, p. 50; VP 15/10/1953, p. 99; VP 02/03/1955, p. 193; VP 22/09/1955, p. 65; VP 01/10/1957, p. 69; VP 31/08/1965, p. 25; VP 15/10/1974, p. 157.

Council, the First Secretary of the National Assembly of Wales and the President of the Hellenic Republic have all addressed the House.²⁴ Prior to the start of the Paralympic Games held in Sydney, the House suspended standing and sessional orders to allow the interruption of proceedings for two paralympic competitors to address the House.²⁵

Members of the Upper House, who have been the Treasurer, have been admitted to the floor of the House to deliver the Budget speech.²⁶ Resolutions have also been passed to enable Members of the Legislative Council to attend in the Legislative Assembly Chamber.²⁷

Since 1996, visitors have sometimes been invited to address the House on specific issues from the floor including an occasion when two people were invited to address the House, each representing the opposing side of the issue about to be debated by the House.²⁸

²⁴ VP 08/09/1998, p. 826; VP, 21/05/1997, p. 912; VP 02/06/2000, p. 546; VP 07/06/2002, pp. 280-1.

²⁵ VP 11/10/2000, p. 782.

²⁶ VP 10/10/1995, p. 259; VP 21/05/1996, p. 149; VP 06/05/1997, p. 831; VP 02/06/1998, p. 671; VP 02/06/1999, p. 152; VP 06/06/2006, p. 72.

²⁷ Legislative Council members have attended in the Chamber when distinguished visitors have addressed the House. VP 02/05/2000, p. 546, VP 07/06/2000, p. 560.

²⁸ Euthanasia, VP 16/10/1996, p. 471; Aboriginal "stolen generation", VP 18/06/1997, p. 1017; Republic Referendum, VP 27/10/1999, p. 177; Paralympians VP 12/10/2000, p. 9189.