

Opening of Parliament



The opening of parliament is a significant event in Queensland's parliamentary calendar. The proceedings are important constitutionally but are also colourful and dignified, with an accompanying sense of occasion that the event warrants. Judges, religious leaders and armed forces representatives, all wearing ceremonial dress, attend the opening of parliament. The opening of parliament is marked by ceremony and traditional Westminster practices which date back centuries.

When is an opening of parliament held?

An opening of parliament is always held on the first day the House meets following a general election. This usually occurs approximately six weeks after a general election. However, an opening may also be held between elections if parliament is 'prorogued', which means that the Governor issues a proclamation ending the current session and suspending all business. A parliament can consist of one or more sessions, depending on whether there is a prorogation. However, current practice in Queensland is to have only one session per parliament.

What are the guidelines for the opening of parliament?

The procedures for an opening of parliament are guided by legislation, parliamentary practice and parliamentary convention (unwritten rules that have developed over time to control the parliament's operations). In Queensland, formal guidelines are derived from the *Constitution of Queensland 2001*, the *Parliament of Queensland Act 2001* and *Standing Rules and Orders of the Legislative Assembly*.

There are three important steps which must be followed before the Assembly can resume work after a general election:

- summons by the Governor
- swearing in of members of the assembly and the election of a Speaker and
- opening of parliament by the Crown's representative, the Governor, with a speech delivered by the Governor.

At the appointed time and date for the first sitting of the new assembly, members assemble in Queensland's Legislative Assembly Chamber. Members are sworn in and the Speaker is elected. The assembly then convenes in the Legislative Council Chamber for the opening speech by the Governor.

The swearing in of new members, election of the Speaker and the opening speech by the Governor may either all occur on the same day or be held over two days.



Queensland's Governor arriving for an opening of parliament with mounted police escort.

Summons by the Governor

In Queensland, when a general election is to be held, the Governor (on the advice of the Executive Council) issues what is known as a writ. A writ is a document commanding an electoral officer (in Queensland, the Electoral Commissioner of Queensland) to hold an election, and contains dates for the close of rolls, the close of nominations, the polling day and the return of the writ. After the general election, the Electoral Commission of Queensland must return the writ to the Governor with the names of the successful candidates by no later than 84 days after it was issued.

The writ is then forwarded to the Clerk of the Parliament for tabling in the assembly on the first sitting day of the new parliament. This usually happens before the summoning of parliament occurs. Once the writ has been returned to the Governor, a proclamation (a formal announcement) summoning the Legislative Assembly is issued. This is forwarded to the Clerk of the Parliament, and the Speaker then writes to all members notifying them of the time and date of the first sitting. It is interesting to note that the Speaker of the former parliament remains in the position until midnight of the night before the first sitting day of the new parliament, unlike other former members and ministers who vacate their positions on or soon after the election.

Swearing-in of members of the assembly and the selection of the Speaker

The Governor appoints commissioners for the opening of parliament. Typically, the Premier and Deputy Premier serve as commissioners, however, other senior ministers, such as the Treasurer and the Leader of the House, may also be appointed. The commissioners undertake the duties required in relation to the opening of parliament, such as swearing in new members.

Why are commissions to open parliament issued?

The practice is derived from the House of Commons of the United Kingdom. The Sovereign is not present at the very opening of a new parliament at Westminster. Instead, they commission five Lords to do in the Sovereign's name all things that are required to be done in relation to the opening. The Sovereign usually appears on a subsequent day when the causes of summoning parliament are then declared. This cannot happen until the House of Commons has been constituted – that is, a Speaker elected by the House and members sworn.

In Queensland, the Governor also does not attend until the Queensland Legislative Assembly is constituted and therefore appoints a commissioner or commissioners to open the session of the Legislative Assembly and 'to do in my name and on my behalf anything required to be done in the name of the Monarch or of the Governor in relation to the opening and holding of the session'.

Can Ministers be sworn in as members before the opening?

Yes.

Until 2004, Queensland ministers were sworn in as members before the first sitting day. It is not known why, but the practice dates back prior to 1941. The Governor would administer the oaths or affirmations (usually at the Executive Building). The roll of members would be taken to the Executive Building by the Clerk of the Parliament for the ministers to sign.

In 2004, the premier agreed to streamline the swearing in process by having all members sworn in on the first sitting day.

Election of the Speaker

Under the *Parliament of Queensland Act 2001*, members of the assembly are required to elect a member to be Speaker immediately on sitting after every general election. This is required to be done as soon as members present have been sworn in. The Clerk calls upon the longest continuously serving member who is not a minister, to take the chair as the presiding member. This member has traditionally been known as the "Father of the House" or "Mother of the House". Members then put forward their nominations for Speaker. All nominations must be seconded by another member. If there is only one nomination, the member is declared Speaker and is called to the Chair.

If there is more than one nomination, a secret ballot is conducted. The member who receives the majority of votes becomes Speaker. However, if no member has received a majority of votes, the name of the member who has received the least number of votes is withdrawn, and another ballot is conducted.

This procedure continues until one member obtains a majority of the votes of members present, and the member obtaining the majority of votes is declared elected, and is called to the Speaker's Chair.

If there is a draw between the nominated members, another ballot is taken. If another draw occurs, the presiding member determines which member has won by drawing a 'lot'. When a member has been elected Speaker, the nominator and seconder escort the Speaker elect to the Speaker's Chair. Traditionally, the Speaker pretends to resist being escorted. This tradition arose from the conflict between the Sovereign and the parliament in Britain in the 15th and 16th centuries, when the Speaker was often responsible for conveying messages back to the King or Queen, which at times were met with a hostile reception, sometimes even an early death! This meant that, in the past, some Speakers required some persuasion to accept the post. After being escorted to the Speaker's Chair, the Speaker elect acknowledges the House for the honour conferred and takes the chair. The Clerk destroys all ballot papers as soon as the House adjourns.

In 2020, the Speaker of Parliament, Hon Curtis Pitt MP; the Queensland Governor, Hon Paul de Jersey AC; and the Sergeant-at-Arms, Mr Michael Watkin.



Presentation of the Speaker to the Governor: 'Royal Approbation'

The House's choice of Speaker becomes valid and effectual after they have been presented to the Governor. Presenting the Speaker to the Governor is also referred to as the 'Royal Approbation' in Westminster tradition. In Queensland, this significant ceremony takes place at Government House prior to the Governor delivering their opening address to the new parliament.

The Speaker is accompanied to Government House by the Clerk, Deputy Clerk, the Sergeant at-Arms carrying the mace and the members who nominated and seconded the appointment. All other members of parliament are also invited to attend the ceremony. The Speaker informs the Governor that they have been elected to the Office of the Speaker and the Governor then formally congratulates them on their appointment.

This ceremony also has its origins in the practice of the House of Commons of the United Kingdom where the Speaker has historically sought confirmation of their appointment by claiming, in obedience to the Monarch's command, the exercise of 'all their ancient and undoubted rights and privileges' and that they now present and submit 'with all humility to the Monarch's gracious approbation'.

In reply the Lord Chancellor, on behalf of the Monarch, would assure the Speaker of the Monarch's sense of sufficiency, and that 'the Monarch most readily approves and confirms the Speaker-elect as the Speaker'.¹

In Queensland, pursuant to Standing Rules and Orders, the Speaker will report their approbation to the House at the next sitting of parliament by stating that the Governor was pleased to congratulate them on their election to the Office of the Speaker.



Opening of parliament by the Crown

After the election of the Speaker and presentation of the Speaker to the Governor, members assemble with their partners and other guests for the ceremonial opening of the parliament by the Governor. The Governor, as the Monarch's representative in Queensland, exercises the Crown's constitutional powers in this State. Even though in practice the Governor acts on the Executive's advice, technically the parliament's opening is at the Governor's prerogative. Consequently, the Governor is a central figure in the opening ceremony and is the person who formally declares the parliament open.

The official opening takes place in the Legislative Council Chamber. The Governor arrives with much pomp and ceremony, with armed forces bands welcoming them outside Parliament House. The Governor inspects a guard of honour before entering Parliament House. Once the Governor has entered Parliament House, the Speaker reads prayers and it has become practice for an address to be given by an eminent Queensland Indigenous elder. After the national anthem, the Governor delivers the opening speech from the Governor's Chair.

In practice, the Governor acts on the government's advice with their speech outlining the government's agenda and legislative goals for the term ahead. The ceremony is then followed by a garden party on the Speaker's Green.

Why does the ceremonial opening take place in the Legislative Council Chamber?

The use of the Legislative Council Chamber for the ceremonial opening is often attributed to an historical incident during the time of Britain's King Charles I. In 1642, King Charles I conducted an armed raid on the House of Commons in an attempt to arrest five of its members for treason. Since that time, the House of Commons has demonstrated its independence and right to free speech and uninterrupted debate by shutting the door on the Sovereign and representatives of the Crown. This tradition has been adopted in many Westminster style parliaments where the opening ceremony always takes place in the upper house as it is seen as inappropriate for the Crown's representative, the Governor, to enter the lower house.

Though the Queensland Legislative Council, Queensland's 'upper house', was abolished in 1922 the ceremonial opening continues to be held in the former Chamber.



The 2020 ceremonial opening in the Legislative Council Chamber.

1 I C Harris (Ed) House of Representatives Practice Fifth Edition, Department of the House of Representatives, Canberra 2005, p 171; Sir William McKay KCB (Ed) Parliamentary Practice, Twenty Third Edition 2004, Lexis Nexis: UK, p 281.