

# Calls to change Parliament's opening

Several prominent submissions to the House of Representatives Procedure Committee have called for changes to the way in which Parliament is opened after each Federal election. Former Governor-General Sir Ninian Stephen, the current Clerks of the House of Representatives and the Senate, as well as Senator Aden Ridgeway, have all suggested reforms to the existing procedures.

Sir Ninian Stephen has told the Procedure Committee that the existing practice of Members of the House of Representatives being called to the Senate to hear the Governor-General's speech has always seemed inappropriate to him. Noting that this tradition derives from the practice of the UK Parliament, Sir Ninian argues that the "class distinction that once prevailed between Britain's two Houses has never had any application to Australia".

Instead, Sir Ninian supports the proposal for Members and Senators to gather in the Great Hall of Parliament House for the Governor-General's speech. That proposal also has the support of Ian Harris, Clerk of the House of Representatives, who suggests that the Great Hall is a "neutral meeting point" in respect of the two Houses. Mr Harris points out that the Great Hall was in fact the location in which the Queen opened Parliament House in 1988.

Senate Clerk, Harry Evans, agrees on changing the venue for the Governor-General's speech. However, Mr Evans goes even further by arguing that the format of the speech should be changed to overcome a constitutional anomaly.

According to Mr Evans, the Governor-General's opening speech, which sets out the government's program, "involves the Governor-General, who is otherwise supposed to be a politically neutral head of state, in speaking as if he or she were the actual head of government and in making contentious and partisan political statements."

Mr Evans has proposed that the current opening speech should be substituted with a statement by the Prime Minister, made in both Houses, setting out the government's

program. "If it is desired to have the Governor-General participate in the opening in some way, this could be done by way of an address to assembled Senators and Members in the Great Hall or the Members' Hall. The address could refer to the activities of the Governor-General and would be strictly non-partisan, with the statement of the government's program left to the prime ministerial statement."

On the other hand, former Senator and member of Queenslanders for a Constitutional Monarchy, Dr Glenister Sheil, believes that,

constitutionally, the Governor-General holds executive power and should continue to make the speech. Dr Greg Taylor from Adelaide University suggests that, as everyone understands that the speech is entirely the government's work, the Governor-General remains impartial by being automatically partial to the government of the day.

Another former Governor-General, Bill Hayden, has voiced strong opposition to the proposal to move the Governor-General's speech out of

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*Submissions to the Procedure Committee have argued for the opening of Parliament to be held in the Great Hall of Parliament House, where the Queen opened the building in 1988. Photo: courtesy of the Parliament House Guide Service*



# Refugee fee: the \$1,000 question

Is \$1,000 too much or not enough in the case of appeals by unsuccessful applicants for refugee status? The question may be simple, but the answer is not.

The Joint Standing Committee on Migration found this out recently when it reviewed the \$1,000 fee for people whose claim for refugee status has been refused and who then appeal to the Refugee Review Tribunal and are again refused. That fee was introduced under Migration Regulation 4.31B.

The Migration Committee first reviewed the \$1,000 fee in May 1999. As a result of that review the fee was due to cease on 30 June 2001. Earlier this year, the Minister for Immigration and Multicultural Affairs asked the Committee to re-examine the fee in the light of experience since 1999 and report to Parliament before the 30 June sunset clause took effect.

Most of the 28 submissions to the Migration Committee claimed that \$1,000 was too much and the fee was not achieving its prime purpose, which was to discourage

applications to the Tribunal by people who wanted to use the process to prolong their stay in Australia. Some also said that the fee should be removed because it added to the worries of people seeking refugee status.

Others, including migration agencies such as the Migration Institute of Australia; Justice, Migration and Visa Services; and Morris Migration Services, argued that the fee was a deterrent and should be increased.

The Committee held public hearings in Sydney and Canberra so that Members and Senators on the Committee could benefit from direct discussion of the issues with organisations and individuals with relevant experience. These included the Refugee Review Tribunal, the International Commission of Jurists, the Refugee Advice and Casework Service, the Migration Institute of Australia and the Department of Immigration and Multicultural Affairs.

The Committee's report was tabled in Parliament on 18 June 2001. The majority of the Committee concluded that there was abuse of the review system and that, on balance, the fee did discourage applicants whose cases had little merit. Importantly, the Committee also concluded that the fee did not discourage bona fide applicants for review. The Committee recommended that the sunset clause be extended to 1 July 2003 and be reviewed again prior to that date.

However, not all Committee members agreed. The dissenting view was that the fee was not needed and should expire as planned on 30 June 2001.

#### For a copy of the report

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the Senate. "The Great Hall," says Mr Hayden, "lacks the aura, the prestige and solemnity for an occasion such as the address by the Governor-General for the opening of Parliament that is provided for by the exclusive environment of the Senate".

One of Mr Hayden's arguments against using the Great Hall is that it would be like meeting in "no man's land". In advocating the continued use of the Senate Chamber, Mr Hayden refers to the importance of ceremony to people, including Members of Parliament, and suggests that doing things in a way in which they have been done in the past can impart meaning and emotional appeal.

Another proposal for change is to incorporate Indigenous protocols into the

opening ceremony. New South Wales Senator, Aden Ridgeway, on behalf of the Australian Democrats, suggests that "recognition of Indigenous culture and identity would be an appropriate and positive gesture of reconciliation that would reinforce the Parliament's unanimous Motion of Reconciliation from August 1999".

Other suggestions received by the Procedure Committee include televising the opening live, involving young Australians in the ceremony, reviewing archaic dress and language, and introducing a distinctive "Aussie" style.

But one submission has sounded a note of warning. Dr Chris Gourlay from Queensland argues that ceremonies are more meaningful if they evolve over time. "I would not like to

see an artificially devised ceremony which was disconnected from its historical roots."

"By all means consider changes to the ceremony," says Dr Gourlay. "However, I ask that the opening ceremony be meaningful, connected to its history, relevant to the community, and accessible to all."

#### To access the submissions and for more information on the opening of Parliament inquiry

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