

## PARLIAMENTARY TERMS and SESSIONS

### BACKGROUND

Before 1856 Tasmanian Legislative Councils did not have set time limits as they were not fully elected bodies. The 1854 Constitution Act which created the House of Assembly within the present bicameral Parliament set a maximum term of five years. Today the term is four years.

In 1972 Premier Reece (ALP) claimed an electoral mandate to return to five-year terms, but the Council amended this to four years. The final compromise was for one five-year term, with all subsequent terms to be four years. A two-thirds majority is required to alter the section of the *Constitution Act 1934* that sets the maximum four-year term of the House of Assembly.

**Term:** the length of time for which a Parliament is elected in the House of Assembly - since 1976 set at four years.

**Session:** the period beginning with the Governor's proclamation and ending with prorogation, which suspends parliamentary activity (by tradition sessions have been roughly twelve months).

**Sitting:** the (usually two) periods of parliamentary activity during the year.

### PARLIAMENTARY TERM

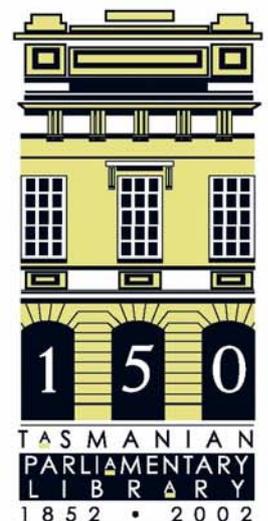
The term, or duration, of State Parliament is part of a constitutional process controlled by law and conventions (past practice). The State Governor issues a proclamation upon the advice of the State Premier and has the authority under section 12(2) of the State *Constitution Act* to dissolve the House of Assembly for a general election. There is no power to dissolve the Legislative Council.

By special proclamation, the Governor dissolves a Parliament and at the same time sets dates for the issuing and return of writs, which are the written commands for the election of a new Parliament. After an election is held and a result is obtained, the Chief Electoral Officer returns the writs. The formal length of a Tasmanian Parliament runs from the return of these writs to its dissolution, not election day to election day. However it is often not possible for Parliament to meet immediately so the Constitution sets limits on the first meeting of the new Parliament: it must meet within 90 days or a maximum of 120 days after an election.

### OPENING OF PARLIAMENT

For centuries the monarch called into session the meetings which have come to be known as Parliament. Today the formal ceremonial opening of Parliament is performed by the Governor before invited guests but only in the Legislative Council Chamber. This is because the monarch (and the Governor as the monarch's representative) is historically 'barred' from entering the lower House.

In Tasmania, on the date appointed by proclamation, a formal group consisting of the Governor, accompanied by the Usher of the Black Rod, the heads of the armed services in Tasmania, the Governor's aide-de-camp and the Official Secretary to the Governor enter the Legislative Council Chamber. The Governor then instructs the Usher of the Black Rod to summon Members of the House of Assembly to the Chamber, and when they are seated he delivers the opening speech. This speech, which is traditionally prepared by the Premier and the Cabinet, outlines the Government's legislative program for the session.



After the speech the Governor departs, and the Members of the House of Assembly return to their own Chamber so that each House may commence the process of debating its response to the speech. This debate is known as the Address-in-Reply, which is transmitted to the Governor at the conclusion of the debate.

During 1999 the ALP Government announced that it would alter the traditional opening ceremony of the Tasmanian Parliament. The Governor would perform the formal opening of a new Parliament, but not open each session. This means that at the end of the Spring Sitting, usually in November or December, a date is set for the return of Parliament the following year, at which time the Parliament meets again and resumes business where it left off.

### SWEARING IN OF MEMBERS

At the first session of Parliament following an election each newly elected MP must, according to section 30 of the *State Constitution Act*, take an oath or offer an affirmation to the State Governor, or a delegated person, which declares that they '... do swear that I will be faithful and bear true allegiance' or that they do 'solemnly, sincerely and truly declare and affirm allegiance' to the Crown.

The *Promissory Oaths Act 1869* contains the correct wording of these oaths but it is possible to affirm, i.e. declare, rather than swear allegiance to the Crown. Members of the Legislative Council were first able to make an affirmation as long ago as 1910 and in the Assembly the first affirmations occurred in 1964.

New Members are also required to agree to a Code of Ethical Conduct and Code of Race Ethics which govern certain standards of speech and behaviour; these form part of the Standing Orders of the House of Assembly. They must also complete a Declaration of Pecuniary Interests.

### SESSIONS

A session is called together by a proclamation of the Governor and only ceases when another proclamation prorogues Parliament, which closes a session and ceases parliamentary processes e.g. debate on a Bill. Debate must then be formally resumed in the next session. All the breaks in between these dates are only adjournments or parliamentary recesses and do not affect the program of business. As noted above the dissolution of the House of Assembly marks its formal termination.

Common usage gives names to the different sittings during a parliamentary session:

Budget Sitting (or Session)  
Feb/March/April/May/June/July

Spring Sitting (or Session)  
Aug/Sept/Oct/Nov/Dec.

Every day Parliament sits three flags are flown above Parliament House—the Australian flag in the centre, and a Tasmanian State flag on either side and on other days one flag.

### SPECIAL SITTINGS

To call a special sitting of Parliament the Governor, upon the advice of the Premier, must issue a special proclamation. A minimum of six days must elapse before the sitting.

### JOINT SITTINGS

Under section 15 of the Commonwealth Constitution both Houses must meet together to fill a casual vacancy for the Senate (caused by death or resignation); the elected person will hold the place until the expiration of the term of the departed Senator.

During the full term of a Parliament it may hold as many sessions or meetings as desired, but under section 11 of the *Constitution Act* no more than twelve months may pass between sessions.

