

News and notes

Although this is a magazine with a new name and a new cover, *Australasian Parliamentary Review* is very much the successor of *Legislative Studies*. It will maintain the volume sequence of its forerunner. The cover, though new, is recognisably similar to that of its predecessor. The practice of alternating the traditional parliamentary colours of red and green will continue.

The early editors of *Legislative Studies* had the difficult task of simply establishing the magazine and attracting sufficient articles to support publication on a twice-yearly basis. The recent editors have made notable progress in building its reputation as an academic publication, with supporting procedures for appraisal and peer review of articles.

Most new editors, on appointment, have various ambitions for development of a magazine during their time in the chair. My aims are to build a strong review section dealing with publications about parliament and legislative processes, and also about constitutional, electoral, accountability and ethical matters relevant to political life and the workings of parliaments. Scrutiny of government will be a prominent theme. Likewise, political history and biography will have a recognised place in *APR* coverage.

Another objective of *APR* will be to provide prompt reports on recent events of major significance. The aim will be to reach beyond the type of coverage available in newspapers. For this reason it is intended to include reports on general elections for parliaments in the various jurisdictions covered by the readership of *APR* and, where possible, elsewhere. In this number, for instance, not only has it been possible to secure analyses of the Western Australian and Queensland state elections, there is also an on-the-spot report from Jerusalem on the recent prime ministerial election in Israel as well commentary on electoral aspects of Fiji's political troubles. Reports about other matters will also be sought, including, as in this issue, of conference proceedings

A related educational task will be correcting misinformation. In this number, Scott Bennett seeks to correct the widespread view, frequently repeated in both print and electronic media, that Aborigines secured the vote as a consequence of the 1967 referenda. As Bennett shows, Aborigines had won the right to vote in all jurisdictions at least five years earlier.

From time to time, major statements on parliamentary themes will be republished, either in whole or in part. This number includes Madam Speaker Boothroyd's valedictory

address to the House of Commons on 24 September 2000 as well as NSW Premier Bob Carr's speech on the evening of 1 January 2001, at an event in Centennial Park, Sydney, celebrating the centenary of the proclamation of the Commonwealth.

Publication of substantial research articles will continue to be a central responsibility of *Australasian Parliamentary Review*. The first number is most fortunate to be able to include Maurice Kelly's learned and elegant study of parliamentary privilege, a subject which, during its two decades, has been much addressed in this journal. Kelly's article is not alone among deeply researched contributions on subjects of continuing interest. In addition to those included in the group on the first national elections and first parliament, there is Malcolm Aldons' continuing and much needed analysis of the effectiveness of parliamentary committees.

As a publication whose primary focus is upon current parliamentary and political matters, it is an essential part of its operation to welcome and, indeed, to seek comment and discussion about current topics. Readers are encouraged to take issue, should they feel it warranted, with views expressed in *APR*, by way of letters to the editor or, better still, rejoinders to articles. Good debate is as much at the heart of effective analysis of parliamentary matters as it is at the heart of the practice of parliamentary politics. *APR* should be a major forum for such debates.

Centenary of first Commonwealth Parliament

An issue in Autumn 2001 coincides with the centenary of the first elections for the Commonwealth Parliament. One of the interesting features of the establishment of the Commonwealth is the order in which the great institutions of government came into existence. As the clock struck midnight on 31 December 2000, the public service came into existence with the transfer of customs and excise staff from the colonial administrations to the Commonwealth. Twelve hours later the Governor-General, the Earl of Hopetoun, took his oath of office, followed shortly by the ministry led by Edmund Barton taking their oaths of office. One of the first tasks was to organise elections for the Senate and the House of Representatives. These occurred on 29–30 March 1901. Nearly six weeks elapsed before the Parliament itself assembled in Melbourne and commenced the long task of laying the statutory and policy foundations for the new federal nation. Not until 1903 was the High Court called into existence.

This number of *APR* has the period from proclamation of the Commonwealth to the first meetings of the Parliament as its focus, a period commencing on 1 January 1901 and concluding on 9 May 1901.

Contemporary press coverage has been included to convey a sense of the progress of the Commonwealth during these formative months. Dr Marian Simms has written an illuminating account of the elections themselves deriving from a larger study which she is undertaking with funds from the Council for the Centenary of Federation. The first elections are, in many respects, the forgotten event of this critical period, the popular event which falls between the pageantry proclaiming the Commonwealth and the pomp of the opening of the Parliament itself.

As is well known, the Parliament met for its first twenty-seven years in Melbourne. Former speaker of the Victorian Legislative Assembly, Dr Ken Coghill, has contributed a description of the building which housed the Parliament during a period which saw a

dozen governments under eight different prime ministers and saw the political scene move from what Alfred Deakin called the 'three elevens' to the two-party type framework which has prevailed since 1923, with a conservative coalition on one side facing Labor on the other in the contest for office. In his article Dr Coghill quotes Winston Churchill's famous speech of 1943 on the style, size and shape of parliamentary chambers. Fuller extracts are included with the Statements in this issue. It is much to be regretted that Churchill's wisdom and insight on these matters were not brought to bear on the design of the two chambers of the new and permanent Parliament House in Canberra.

The flavour of those early years is engagingly portrayed in Richard Broinowski's article about his grandfather, a former Clerk of the Senate, based on his recently published biography, *Witness to History*, which Derek Drinkwater, Associate Editor of the *Biographical Dictionary of the Australian Senate*, volume 1, reviews in the book pages. Both these volumes are published by Melbourne University Press.

Significant publications

For those interested in parliament there will be few publications of so much interest as the first volume of the *Biographical Dictionary of the Australian Senate*. Edited by Ann Millar, and very much the product of her vision, scholarship, diligence and persistence, it is a handsome work of the highest quality, fully exemplifying the advantages of professional publication. These are not merely or even mainly aesthetic, but relate to ready accessibility to the text by readers. A key feature of professional publication, one which could usefully be emulated in other comparable works of reference, is a good index.

The year 2000 also saw the realisation of the ambition of chamber staff of the Canadian House of Commons to produce a treatise on procedure and practice to stand with the works of the other major parliaments of the Westminster tradition. *House of Commons Procedure and Practice* (Cheneliere/McGraw-Hill) is a major accomplishment which easily supersedes previous studies of Canadian practice, the first of which was published in 1884 when the Parliament was not yet two decades old. It also reflects the benefits of professional publication in the clarity of its layout and the excellence of the index.

Of the great treatises on Westminster practice, *Erskine May* (22nd ed., Sir Donald Limon and W. R. McKay, eds, Butterworths, 1997), *Parliamentary Practice in New Zealand* (2nd ed, David McGee, GP Publications) and *House of Representatives Practice* (3rd ed., Lyn Barlin, ed., Australian Government Publishing Service, 1997) are professionally published; the most recent edition of *Odgers' Australian Senate Practice* (9th ed., Harry Evans, ed., 1999), is an in-house product of the Department of the Senate; it is also available electronically. All are relatively current and new editions of several are pending. Currency is another important requirement of works of this character if they are to maintain their authority as principal expositors of doctrine for their respective chambers. This significant Canadian addition to the parliamentary canon will be reviewed in a future number of *APR*.

1951 simultaneous dissolution of the Senate and the House of Representatives

The centenary of the first elections for the Commonwealth Parliament is not the only anniversary of current interest in Australian political circles. 19 March 2001 marks the fiftieth anniversary of the 1951 double dissolution of the Commonwealth Parliament, the second such dissolution in its history. The dissolution was based on banking legislation and was sought by Prime Minister Menzies on the basis of 'failure to pass'. It occurred shortly after the High Court had held the Communist Party Dissolution Act invalid.

It is a double dissolution of wide-ranging interest beyond the immediate workings of section 57 of the Constitution which makes provision for dealing with disputes between the Houses about legislation. It was another step in adjusting the Parliament to the proportional/preferential method of electing Senators introduced in 1948, a process not completed until the 1955 premature elections for the House of Representatives and periodical elections for half the Senate. It was also the first double dissolution in a new era of the Commonwealth Parliament deriving from the new method of choosing Senators. In this new era it was, on the one hand, much more likely that the Senate and the House would be in dispute, but much less likely that such disputes would be resolved by a double dissolution under section 57. This era has been described as adversarial bicameralism. Of the four subsequent simultaneous dissolutions of the Senate and the House — 1974, 1975, 1983 and 1987 — only one has yielded a majority in the Senate and that was in the unusual circumstances of 1975 following dismissal of the Whitlam Government.

But for Menzies in 1951, the double dissolution was successful; the coalition had a majority of 4 in the Senate which emerged. But the rules for Senate elections meant that the next periodical elections fell due in two years time — the first occasion when there were periodical elections for half the Senate alone. The next general elections for the House took place in May 1954, only the second occasion when there were elections for the House alone (the previous occasion being 1929, following the defeat in the House of the Bruce-Page Government a year after its re-election in 1928). As already pointed out, elections for the Senate and the House were synchronised again at the end of 1955.

In the period from 1901 until 1949, governments usually had majorities in both the House and the Senate. The main, but not the only exceptions, were 1913-14, leading up to the first double dissolution in 1914; 1916-17, when Labor kept a slim majority in the Senate although it lost government following the split about conscription; and 1929-31, when the Scullin Government was in office but, unlike Cook in 1914 or Menzies in 1951, unwilling to orchestrate a double dissolution.

Rob Chalmers, Father of the Federal Press Gallery

Rob Chalmers, Father of the Federal Press Gallery in Parliament House, Canberra, is one of the few people in the building who can personally remember the 1951 double dissolution and the only one who has been there continuously. Indeed, 7 March 2001 marks the fiftieth anniversary of Chalmers' arrival in the Press Gallery. A journalist who learnt the business as a reporter on the police rounds in Sydney, Chalmers worked first for the Sydney *Daily Mirror*, owned by Ezra Norton, son of John, a leading

candidate at the 1901 elections for the Senate in NSW, and edited by Eric Baume. A few years after coming to Canberra he shifted to *The Sun* where the legendary Alan Reid was the main correspondent. In 1957 he joined Don Whittington, publisher of *Inside Canberra* and associated publications, and has remained with the business ever since, taking over as head from Whittington when he died in the mid-1970s.

On 7 March 2001 the Speaker, Mr Neil Andrew, addressed the House of Representatives in the following terms:

I take the opportunity offered by being Speaker to advise the House and note for the record that today marks the 50th anniversary of the start of Mr Rob Chalmers' service in the Press Gallery of the Federal Parliament.

I think I can safely say that none of us present as members of the House are likely to equal Billy Hughes's record of more than 50 years as a member – and I am not sure how many of us would want to! Equally, however, I think it is unlikely that Mr Chalmers' distinguished record of service to the nation for over half of its existence as a federation will ever be matched. None of us on either side of the chair is ever completely happy with everything that is reported about proceedings, but the Gallery does play a critical role in reporting, disseminating, analysing and sometimes explaining what is done and said in the Parliament. Rob Chalmers has been doing that with great professionalism since before many of us were born. On behalf of the House, I would like to extend to Rob our congratulations on his 50 years of service to the Gallery, to the media and, through them, to the people of Australia.

Insert photo here

Rob Chalmers in his Parliament House office

Ethics and conduct

Russell Cope's extensive analysis in the book pages of failings in the German polity, especially party funding activities involving former Chancellor Helmut Kohl, might seem to be sufficient attention to questions of ethics and conduct in the parliamentary and political realms. But if the centenary celebrations of the first Commonwealth Parliament had not commanded so much attention in this first issue of *APR*, attention might well have centred on the several cases of ethics and conduct which seem to have arisen in one jurisdiction or another with depressing frequency. There have been a number of instances where personal behaviour of ministers has been at issue; pecuniary interests have been central in other cases; and electoral rioting precipitated the elections in Queensland.

Sport and politics or, rather, the Olympic Games and politics, proved a controversial combination in New South Wales political circles, leading to another investigation by the Independent Commission against Corruption. It was also a very lively cocktail for the Senate in Canberra. E-mails from the secretary to the Senators' Interests Committee and subsequent advice on the matter at once evocative of the administrative doctrines of the *ancien regime* and the modern practice of ministerial responsibility gave rise to some vigorous journalism and, eventually, on 6 September 2000, a debate in the Senate itself featuring a number of leading figures from both the Government and Opposition benches together with cross-bench Senator Bob Brown. Interestingly, the Australian Democrats, did not participate; apparently they were at a party meeting.

The subject remains very much alive and, no doubt, when the time comes to prepare the next *News and Notes*, there will probably not only be further developments but even some more cases!

Constitutional amendment

Just a little short of a year after Australia voted down proposals to amend its Constitution by replacing the monarchy with a presidency, the French had a referendum, which passed, to reduce the term of the president from seven years to five. Since 1962 the President of the French Republic has been directly elected. Unlike Australians, the French have shown themselves relatively willing to amend their present Constitution which dates from 1958; it is, in fact, the third constitution of the twentieth century if the Vichy regime is not counted. The five year term for the president may bring a measure of instability to the Assemblée Nationale which has a four year term. It has been usually the case that newly-elected presidents immediately exercise their power to dissolve the Assemblée Nationale, taking advantage of the goodwill which goes with their own victory to secure a parliament well-disposed to themselves. Thus, the parliamentary term is usually about four years at the start of a president's term and slightly more than three in the second half. Under the new provision, assemblies elected some three or four years into a presidential term may find themselves back at the polls in less than two years.

Canadian general elections 2000

For those attracted by the two-term incumbency theory of contemporary democratic government, the 2000 Canadian general elections provides cause for caution. Jean

Chretien's Liberal Government, first elected in 1993, secured a third term with an increased majority. Chretien is the fourth Canadian prime minister to win three consecutive terms with majorities, following in the footsteps of Conservative Sir John A. Macdonald and fellow Liberals, Sir Wilfred Laurier and Mackenzie King. Two other prime ministers, John Diefenbaker and Pierre Elliot Trudeau, had three consecutive election wins but these included minority governments, twice for Diefenbaker, once for Trudeau.

The elections underlined, as Scott Bennett has shown in Parliamentary Library Research Note No. 17 of 2000–01, 5 December 2000, the deep divisions in Canadian politics: 'While the Liberals won nearly half the vote east of the Manitoba–Ontario border, they could only gain 25 per cent west of that line'. Conversely, the main Opposition, the Conservative Alliance, won 64 of its 66 seats west of Ontario.

Professor Robert Hazell

In an important initiative of the ASPG, Professor Robert Hazell, Professor of Government and the Constitution and Head of the Constitution Unit at University College, London, will be visiting Australia for the launch of *Australasian Parliamentary Review*. He will be delivering lectures in Canberra (under the auspices of the Parliamentary Library), Sydney, Melbourne and Wellington. Professor Hazell is no stranger to Australia, having spent nearly a year here and in New Zealand studying freedom of information law and practice when he visited on a Civil Service Travelling Fellowship in 1986–87.

In recent years he has been deeply involved in various programs to change several aspects of British Government including removal of the hereditary peerage from the House of Lords and devolution to Scotland and Wales. His visit will provide an opportunity to learn more about the business of modernising parliament and government in the light of recent first-hand experience in Britain.

Strong support for ASPG

Recent initiatives to develop the Group's twice-yearly periodical — now *Australasian Parliamentary Review* — and bring Professor Hazell to Australia and New Zealand has only been possible because of strong support for the Group and its objectives from new sources as well as from long-standing supporters. New sources include Macquarie Bank, the Department of Defence, the Parliamentary Library and the Department of the Parliamentary Reporting Service. In addition, the Group has received a substantial contribution from the earnings of J. R. Odgers, *Australian Senate Practice*, 6th edition, 1991, whose publication it had financially supported. ASPG is very grateful for this financial support and for the underlying interest in its activities and the fostering of quality in the parliamentary life of Australia's democracy. ▲