CHAPTER 22

THE PHYSICAL SETTING

THE PARLIAMENT BUILDINGS AND GROUNDS

The Parliament occupies the northern wing of the former General Hospital, built between 1811 and 1816 under Governor Macquarie. Dubbed the ‘Rum Hospital’, because the building contractors were granted a three-year monopoly on rum imports to the Colony, the hospital originally consisted of three buildings facing Macquarie Street and formed the core of Macquarie’s civic precinct. The larger central wing was demolished in the 1870s to make way for the building of the present Sydney Hospital, but the two smaller wings remain, one as the Mint building further south along Macquarie Street, the other (the former Principal Surgeon’s Quarters) as the colonnaded facade of the present Parliament building. The chambers of the Houses were added to this building in the mid-19th century (discussed below), while further additions were made in the later 19th and early 20th centuries.

Given these origins, the Parliament building was long viewed as temporary accommodation to be replaced by a more efficient and purpose-built structure. Many schemes for its replacement were proposed over the years. For example, in 1888 during the centenary celebrations, the Governor, Lord Carrington, laid a foundation stone for new Parliament buildings on the site now occupied by the State Library. Notably, in 1897, the Government Architect, Walter Liberty Vernon, prepared a grand classical scheme for a new Parliament House, featuring a dome and cupola over a central hall and two octagonal chambers under smaller domes in the wings. This scheme, however, like all schemes before it, was ultimately rejected owing to a shortage of funds and more modest modifications had to be made to the existing structures instead. In 1906 the foundation stone for the unrealised new Parliament was removed, 18 years after it was laid, to enable construction of the Dixson Wing of the State Library to proceed.

It was not until the 1970s that a plan for a new Parliament House was developed which was ultimately put into effect. This plan provided for the retention of the old Rum Hospital buildings, the chambers on each side, and some of the ancillary buildings, which were to be expertly researched and conserved with due regard to
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each significant phase of the history of the development of Parliament House. It also provided for a new multi-storey building to the rear of the existing building facing the Domain, to house offices, service areas, a new library, and other facilities for members and staff. The new building was designed so that it would not be seen from Macquarie Street, maintaining the historic relationship of the Rum Hospital to Sydney’s ‘premier’ street with its extensive sequence of heritage public buildings. The old and new sections of the complex were to be linked by an extensive central lobby built around an open atrium providing natural light to the adjacent areas. Given the restrictions imposed by the need to use the existing site, a roof garden was to be the only external recreation space.

Work on the construction of the new project began in 1975. It was officially opened in 1984. Restoration of the historic buildings was completed in 1985. Most parts of the heritage section, including the chambers and their lobbies, are open to the public during business hours and parliamentary sittings, as is the central lobby which is regularly used for exhibitions and events, while access to the modern building accommodating members, dining rooms, library and plant rooms is controlled.

Since the completion of the new complex in the 1980s, the need for adequate accommodation has again become an issue, in line with developments such as the expansion in the number of parliamentary committees, which has necessitated the leasing of additional premises off-site. The provision of adequate space to meet the evolving needs of the Parliament remains a constant challenge, within the constraints imposed by the heritage precinct of Macquarie Street.

Further discussion of the parliamentary precincts and the control of the precincts is provided in Chapter 3 (Parliamentary Privilege).

THE COUNCIL CHAMBER

History of the chamber

At its inception in 1823, the first Legislative Council of five members sometimes met at Government House, then on the corner of Bridge and Phillip Streets, and sometimes at the residence of the Chief Justice, also in Bridge Street and later in Bent Street.

An increase in the number of members of the Council to between 10 and 15 members in 1828 necessitated larger premises to conduct business. On 3 January 1829, Governor Darling approved use of part of the northern wing of the General Hospital, then occupied by the Principal Surgeon, for this purpose. The newly appointed Government Architect and ex-convict, Francis Greenway, was asked to report on the quality of the new construction. Short cuts had been taken with the construction and Greenway condemned it saying that it ‘must soon fall into ruin’.1

The Council had use of six of the eight rooms of the Surgeon’s Quarters. It met for the first time in its new chamber, the northern room on the ground floor of the Surgeon’s Quarters, on 21 August 1829. This room adjoins the present day Assembly chamber and is known as the Assembly Library.

When the Council was increased to 36 members in 1843 with 24 elected and 12 nominated members, a new chamber was built on the northern side of the former hospital building to house the increased number of members. This chamber forms part of the present Assembly chamber.

With the introduction of responsible government from 1856, the need for more accommodation to house the new bicameral Parliament became an imperative.

On 7 August 1855, the Council appointed a select committee to investigate accommodation for the new Houses of Parliament. On 11 August 1855, the Colonial Architect was requested to attend a meeting of the select committee. Three proposals were put forward for accommodation for the new Parliament. The first involved the rent or purchase of suitable premises in the immediate neighbourhood. Efforts to rent Burdekin House, a mansion on the opposite side of Macquarie Street, subsequently fell through. The second proposal involved a new suite of buildings at the rear of the 1843 chamber fronting the Domain, however, a plan could not be agreed on and this proposal also lapsed. The third suggestion, which was ultimately pursued, was to enlarge the present building by the erection of a new chamber at the southern end of the hospital building. It was originally intended that this new chamber house the Legislative Assembly and the old Council chamber was to be appropriated for the upper House. The proposal, which involved a suite of 10 or 12 rooms for offices and committees and a new library, was to cost £10,000.

On 12 September 1855, the Colonial Architect was again requested to attend the select committee and explain the defects in the plans for additions at the southern end of the building. The inquiry heard of a state of disorganisation and inefficiency within the government building authority. The outcome of the inquiry was the dismissal of the Colonial Architect, William Weaver. It was also realised that virtually no progress had been made on the urgent and necessary preparation of the new building design.

To cope with this emergency the Governor and Executive Council authorised the purchase of a prefabricated iron store and dwelling house with ornamental cast iron front from James Dean of Melbourne. The building, made in Scotland by the engineering firm, Robertson & Lister, was one of many prefabricated buildings that were shipped by this company to colonial establishments in Australia and other parts of the then British Empire. Ironically this company of smiths, engineers, millwrights, iron roof constructors and iron house builders occupied offices at 340 Parliamentary Road, Glasgow. Their ‘portable iron houses and stores for exportation’, predominantly designed by local architects Bell & Miller, were available in ‘the most classic as well as plain designs’.  

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2 Personal communication: Prof M Lewis, Faculty of Architecture, University of Melbourne.
In December 1855 the Colonial Architect issued tenders to transport and erect the building by 1 May 1856. On 28 February 1856 a tender was accepted to transport the iron building from Melbourne at a cost of £1,760. The building was transported to Sydney on the ship *Callender*, leaving Melbourne on 13 March 1856. The packing crates used to transport the building from Melbourne were reused as internal boarding on the walls and roof of the new chamber. Today, visitors may view a section of the original cast iron frame and wall covered in the packing timber, hessian and wallpaper through a small door cut into the northern wall of the chamber.

On 18 April 1856, two days after tenders closed, the Sydney firm Spence, Dawson and Reilly was contracted to erect the new parliamentary chamber on the southern end of the former Surgeon’s Quarters, together with adjacent rooms and offices, and to provide internal fittings, for the sum of £4,475. Although the building was not entirely completed the new chamber was sufficiently advanced to allow for the opening of the first bicameral Parliament on Monday, 22 May 1856.

The original proposal for the new chamber to house the Assembly did not proceed and the iron chamber has been the temporary meeting place for the Council to the present day.

On the opening of the first bicameral Parliament on 22 May 1856, a writer in the *Empire* described the chamber in detail:

> The front or western face of the building presents the appearance of having two storeys ... The exterior of the building is painted of a light stone colour. The design can scarcely be said to come under the designation of any order, and may be best described as being in the Italian style of architecture.3

As with other cast iron fronted buildings, the side and rear walls were of corrugated iron running horizontally between cast iron stanchions and with bow string trusses holding the building together.

The new gas-lit chamber, like the building to which it was attached, had its faults, particularly in terms of ventilation, lighting and acoustics. Within two years of construction there were complaints that the original curved corrugated iron roof covered in Duchess slate was leaking, there were ventilation problems, the chamber was too hot in summer and the rain beating on the roof caused serious acoustic problems. In 1859, the iron roof was replaced with a timber trussed pitched roof of slate. This also necessitated modifications to the curved pediment iron façade.

In 1892-1893, the chamber was enlarged when the façade was moved three metres closer to Macquarie Street.

By the 1920s the building was showing signs of imminent collapse due to the deterioration of the southern outer corrugated iron wall. Large wooden props

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3 *The Empire*, Sydney, 22 May 1856, p 4.
were installed in the chamber to support the ceiling, while others buttressed the south wall against Sydney Hospital. The southern wall, which faces the hospital, was reconstructed in the 1930s obviating the use of the wooden props.

In 1974, when the 20-year-old worn carpet of the chamber was removed before replacement, it was discovered that a colony of white ants had been feasting for some time on the floor joists and floorboards. This resulted in replacement of the whole floor and of the council chamber and lower gallery. All manner of interesting things were found beneath the floor: ‘heavy, roughly hewn timbers from the veranda roof had been used as floor joists; original sandstone columns lay where they had been toppled over into the rubble below the chamber and much of the veranda surface was still in position’.\footnote{Jeckeln LA, ‘Renovation of the New South Wales Legislative Council Chamber, 1974’, The Table, Vol XLIII, 1975, p 72.} The sandstone columns were subsequently used in the restoration of the Mint building.

Before the floorboards were re-laid, numerous items were placed below for future generations to discover. At the same time, when the members’ benches were stripped by the upholsterer it was discovered that, although their cedar scroll work had been doctored and covered up, they were the original benches from 1856. One of these benches was restored to its appearance in 1886 and may now be seen, and indeed sat on, in the Council vestibule.

The chamber was further renovated in the period 1974-1980 to appear as it did in photographs of 1892 as part of the restoration work undertaken for the new Parliament complex described earlier in this chapter. At the time, some of the original wallpaper and paint was found behind the ghastly whiteness of ‘public works’ paint of later eras. The wallpaper was used to determine the decoration of the renovated chamber.

While the Council chamber has been bandaged, propped up, eaten by white ants, painted and finally restored to its 1890s internal appearance, the original prefabricated iron building remains the meeting place of democracy after 150 years. Today, only the façade, eastern and northern walls remain of the original cast iron building – the remainder is brick and timber.

**Modern adaptations**

The historic significance and heritage value of the Council chamber have imposed constraints on the extent to which the efficiency and functionality of the chamber can be enhanced in line with developments in technology. Despite these limitations, a number of improvements to the chamber have been made. In the 1980s, for example, when the recreation of 19th century bracket lights around the walls proved to be more decorative than functional, modern downlights were incorporated into the ventilation grille around the chamber’s perimeter. The ceiling lights were replaced by four central halogen lights to replicate the original gas
lighting in the chamber. In the same period, sound amplification was installed by
the use of subminiature microphones and loudspeakers mounted in the ceiling
over the public gallery and in the Hansard reporters’ desks. These later proved to
be inadequate, necessitating the installation of additional speakers in the backs of
the members’ benches and audio loops in the public galleries. More recent
developments have included the installation of an electronic timing system reflect-
ing the introduction of time limits for certain debates in the House, the integration
of network cabling and data outlets for laptop computers, and an in-house video
system with video titling feeding to live internet broadcasts of the proceedings of
the House.

**Significant visual elements**

A number of the visual elements in the chamber have historic or symbolic
significance.

The predominant use of red in the chamber’s colour scheme is one of the many
traditions inherited from the Westminster system, red being the colour of the
House of Lords. Many second chambers in bicameral Parliaments throughout the
world have red as the dominant colour scheme, including the Australian Senate.
There are various accounts of the origins of the colour scheme, but the use of red
in the House of Lords is documented at least back to the beginning of the 15th
century and seems to arise from the traditional use of red or scarlet as royal
colours.5

The State Coat of Arms above the dais identifies the Head of State, the Queen,
who is represented in the State by the Governor. This is a reminder of the history
and traditions on which the current workings of the system of parliamentary
government in New South Wales are based.

The Royal Coat of Arms, rather than the State Coat of Arms, originally sat above
the dais in the Council chamber. In 2004 a member of the House gave notice of a
motion to replace the Royal arms with the State arms in the chamber ‘in com-
pliance with the spirit’ of the *State Arms, Symbols and Emblems Act 2004*,6 but the
motion lapsed in 2006. The notice was subsequently revived and the motion
ultimately passed by the House on 29 September 2006.7 The Royal Coat of Arms
was replaced by the State Arms of New South Wales above the dais in the cham-
ber on 9 October 2006.8 The Royal Coat of Arms was later placed in the Jubilee
Room.

5 The use of red in the House of Lords is discussed in Davies JM, ‘Red and green’, *The Table,
Vol XXXVII*, 1968, pp 33-34.

6 The *State Arms, Symbols and Emblems Act 2004* provides for the use of the State arms, rather
than the Royal arms, where arms representing the authority of the Crown or the State are
to be used, including in ‘a Parliament building’, but does not specifically refer to the
display of arms in the parliamentary chambers.


8 *LC Minutes* (17/10/2006) 253 (statement by President).
Around the walls of the chamber there are seven busts of prominent former Presidents and members. Most are the work of Italian-born Sydney-based sculptor Achille Simonetti (1838-1900).

On the wall of the overhanging public gallery are plaques with the names of the Presidents of the Council since 1856. This was an initiative of President Willis. There have been only 18 Presidents in the 150 years since the establishment of responsible government.

Seating

The constraints imposed by use of a heritage building are also reflected in the seating arrangements which largely retain their original 19th century configuration and have precluded developments to be seen in some other chambers, such as individual seats with dedicated desks.

Seating consists of two tiers of benches along the northern and southern sides of the chamber, and a row of benches across the western side, facing the Chair. There are no fixed seat allocations. However, as in the Houses of the British Parliament, Government members sit on the benches to the right of the Chair while opposition members sit to the left. The front benches are normally reserved for ministers and the government whip on the one side, and leading opposition members and the opposition whip on the other, although other members sit there as well.

Minor party and independent members traditionally sit on the benches across the western side, which are referred to as the ‘cross-benches’. In recent years, to accommodate increasing numbers of such members, those benches have been expanded, and the front benches on the northern and southern sides have been divided towards the western ends. Some cross-bench members also make use of the back benches on the northern and southern sides, where there are pull out tables and data outlets for the use of laptop computers.

Although members sometimes speak standing in their place, particularly when asking questions during Question Time, they mostly speak from the table, which is equipped with microphones and speakers’ lecterns. Ministers and senior opposition members usually speak from the table.

The President’s chair and desk

The President’s chair is at the eastern end of the chamber on a dais affording a view of the entire chamber. The chair originally used by the Speaker of the Council when the Council met in what is now the Assembly chamber is now the chair of the Speaker of the Assembly upholstered in green leather. The Council

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9 The term ‘cross-benches’ traditionally refers to the benches in the House of Lords at right angles to the government and opposition benches, and facing the Speaker, where Lords not affiliated to any party sit.

10 Stapleton, above n 1, p 154.
acquired a new President’s chair in 1856. However, that chair is today used as the Vice Regal Chair. The current President’s chair dates from at least 1871. The President’s desk was also replaced in 1990 by a new desk constructed from red cedar by Jack Evans of Tamworth.

The Vice Regal Chair

The Vice Regal Chair is on a raised platform behind the President’s chair flanked by the Australian flag and State flag of New South Wales. The Chair is used by the Monarch or Governor when present in the chamber, which is usually at the opening of a new session of Parliament when the Governor reads a speech outlining the Government’s legislative program. The position of the Chair reflects the layout of the House of Lords where the Throne stands on a platform behind the Woolsack.

The Chair was built in 1856 by the Sydney firm of John Hill and Son, and as indicated was originally intended as the President’s chair. It is made of Australian red cedar, ornately carved in Louis XIV revival style, and upholstered in crimson velvet. The back of the chair features the Prince of Wales’ ‘feathers’ surmounted by the royal coat of arms. Beside the Vice Regal Chair are two small tables, also constructed from red cedar by Jack Evans of Tamworth in 1990.

The Table

The Table of the House stands between the government and opposition benches a short distance in front of the President’s chair. When the House is sitting, the Clerk and Deputy Clerk or other table officers on duty sit at the ends on the table’s eastern side closest to the President. The Clerks provide procedural advice to the President and other members as required and keep official records of the proceedings. The Chair of Committees sits between the two Clerks during committee of the whole. The Usher of the Black Rod sits at the opposite end, with the Black Rod resting on the Table. Along the northern side there are three chairs for the Leader of Government, the Deputy Leader and the next senior member. On the southern side are chairs for the Leader and Deputy Leader of the Opposition.

The eastern end of the Table was originally curved and used by the Chair of Committees with the Clerks sitting at the curved eastern end of the northern and southern sides. However, a rectangular extension to the eastern end was later built from red cedar by Jack Evans to match the 1856 table where the Clerks and Chair of Committees now sit. This extension incorporates shelving for reference material and working papers, data and network cabling for laptop computers, an electronic timing system and video titling system.

Items on the Table include speakers’ lecterns, microphones, telephones, reference books on parliamentary practice and a bills box containing multiple copies of the bills expected to be discussed during the sitting.
The original table is constructed in sections and can be dismantled and removed when necessary. For example, before the opening of a new session of Parliament by the Governor, the Table is removed to accommodate seating for members of the Assembly on the floor of the chamber. For joint sittings of both Houses the table remains in place, with members of the Assembly being accommodated on the floor and in the lower galleries.

The Black Rod

The Black Rod is the symbol of the authority of the office of the Usher of the Black Rod and reflects the history of that office in England. The origin of the office can be traced to the 14th century when an usher appointed by the sovereign had functions connected with the Order of the Garter. The parliamentary association of the office dates from the reign of Henry VIII when the Gentleman Usher of the Black Rod kept the doors. From at least the early 17th century, the duties of the office encompassed summoning the House of Commons to attend the sovereign in the House of Lords. In that period of conflict between the Commons and the King the tradition developed of closing the door of the Commons in the face of the Usher who had to knock three times with the Rod for admission, a ritual which is still re-enacted at the opening of Parliament today.

The Council possesses three Black Rods, the earliest dating from 1856 and the second from Federation in 1901. The current Black Rod was presented to the House by the Bank of New South Wales on 15 October 1974 to commemorate the 150th anniversary of the first meeting of the original Legislative Council on 25 August 1824. It was manufactured by the Royal Jewellers Garrard and Company Ltd and is modelled on the Black Rod in the House of Lords. The Black Rod is made of black enamelled ebony topped by a silver gilt lion supporting an enamelled shield featuring the State Coat of Arms. The Prince of Wales’ ‘feathers’ badge is affixed near the top, marking Prince Charles’ attendance in the House on 15 October 1974 on the occasion of the 150th anniversary of the first meeting of the Council in 1824. The centre knob is embossed with waratahs, the State’s floral emblem. The base knob is similarly embossed and bears the donor’s inscription at the base.

During non-sitting times the three black rods are on display in a case in the Council foyer. At the beginning and end of a sitting, the Usher of the Black Rod carries the Rod on the right shoulder into and out of the chamber. During a sitting
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the Rod is placed at the end of the Table in front of the Usher with the crest pointing towards the government benches. The Usher also carries the Rod when executing orders of the House or directions of the President to remove members or other persons from the chamber.

The Bar of the House

The Bar of the House is the boundary which persons who are not members may not cross when the House is sitting and beyond which members may not speak or vote. Traditionally it is considered to lie at the western end of the chamber which is marked by a horizontal brass bar with two gates, but it also includes the northern entry point to the chamber from the members’ lounge and the two eastern entry points to the chamber – marked by a rope barrier – where in a number of cases persons attending at the Bar have stood.¹⁶ Unlike the western end, the northern and eastern entry points are only physically barred during a division, following the direction of the Chair to ‘Lock the doors’, a practice which is designed to ensure that the counting of the votes is not confused by members entering or leaving the chamber during the process of the count.

The Bar of the House plays a role in various parliamentary procedures. Persons who have committed an offence against the House may be ordered to attend at the Bar to be reprimanded or admonished, unless the offender is a member of the House, in which case he or she may be ordered to attend in their place. Witnesses to be examined by the House also attend at the Bar although again it is practice for members to attend in their place. Chapter 18 (The Inquiry Power) provides a detailed discussion of witnesses before the Bar of the House.

The Galleries

The President’s gallery

The President’s gallery is located behind and to either side of the President’s Chair. When the House is sitting, the President may admit distinguished visitors to the gallery. The gallery is also often used by government and opposition advisers, most notably during Question Time, in order to assist members and ministers with briefing material and advice.

The Press and Hansard galleries

The Press and Hansard Galleries are located on an upper level of the chamber above the Vice Regal Chair and are reserved for accredited members of the media and Hansard staff.

¹⁶ On two occasions in 1998 persons attending at the Bar stood near the eastern entry point to the chamber on the Opposition side. However, in cases where counsel has attended at the Bar on behalf of petitioners on a bill, counsel has been admitted to a table inside the Bar at the western end.
While the galleries form part of the original fabric of the chamber certain changes have been made over the years, namely, wiring from the acoustic system to enable the use of headphones by Hansard staff, and ergonomic modifications to the desks for shorthand writers and writers using Computer Assistance Transcription.

**The Visitors’ galleries**

The visitors’ or public galleries are at the western end of the chamber on two levels. Both levels were enhanced in 1954 to accommodate additional visitors for the opening of the House by Her Majesty Queen Elizabeth II. Visitors may attend in the galleries during a sitting of the House (SO 196(1)). The galleries were also reconstructed and new benches constructed as part of the refurbishment of the chamber in the 1980s.

**The Members’ lounge**

The members’ lounge is adjacent to the Council chamber and opens off the northern entry point to the chamber. It is part of the fabric of the original ‘Rum Hospital’ building to which the Council chamber was added in 1856. The members’ lounge is available to members as a place to meet and confer privately while the House is sitting.

**The Lobby**

The Legislative Council lobby is adjacent to the chamber and connected by a corridor to the Legislative Assembly lobby. As it is open to the public, it provides a convenient space where members can meet with constituents, advisers and others when the House is sitting without having to return to their offices in remoter parts of the building. The Council attendants’ desk is located in the lobby from which they control public access to the chamber and members’ offices. The furniture in the lobby includes many historic pieces including one of the original 1856 benches from the chamber and the display case for the three black rods.

**Other uses of the chamber**

With prior approval of the President, the chamber is sometimes used for purposes other than sittings of the House. For example, it is sometimes used for committee hearings when no other hearing rooms are available, and for school visits and public tours. In recent years, it has been the venue for the plenary sessions of summits established by resolutions of the Houses on drug and alcohol abuse, and for summits established by the executive government on other public policy issues. It has also been used for various special events.18

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17 Stapleton, above n 1, p 46.
18 For example: launch of New South Wales Youth Week, Australian Schools Debating Championship, forums of the New South Wales Centenary of Federation.
COMMITTEE ROOMS

Committees meet in various rooms at Parliament House, or in premises at 139 Macquarie Street, which have been leased to provide additional accommodation for committee staff. The rooms are also used for other purposes, such as party meetings, staff meetings and training.

For committee hearings, the tables in the room are usually arranged in a square or rectangular formation, with the Chair at one end, the witness at the other and members of the Committee in the remaining places. The Clerk to the committee usually sits next to the Chair. Additional seats are normally provided behind the witness for the public, the media and any advisers.

The public proceedings of committees are recorded by Hansard or external contractors. While there are fixed cameras in one of the rooms, there is little established infrastructure for recording or broadcasting the proceedings and the necessary equipment generally needs to be set up for each hearing.

MEMBERS’ OFFICES

Members’ offices are located in the modern wing of Parliament House behind the historic buildings fronting Macquarie Street. Ministers also have offices at Parliament House which are mainly used when the House is sitting.

The location of members’ offices within Parliament House has been designed to minimise travel time to the chambers. Hence, the offices of the Premier, Deputy Premier and ministers are on lower levels, closer to the chambers, while backbench members are on the higher levels. Originally, the offices of members of the Council were on level 12, the highest level. In 1998, with the changing nature of the House and the expanding role of its members, the offices of Council members were swapped with Assembly members to level 11 where there is more extensive accommodation for members’ staff.

Offices for individual Council members are allocated by the President in consultation with the government and opposition whips and members of the cross-bench. Offices are equipped with a range of facilities broadly determined by the Parliamentary Remuneration Tribunal and detailed in the Members’ Guide.