

**Constitution Act 1900.
Covering Clause 9.**

The Constitution of the Commonwealth of Australia.

SECTION 5.

Section 5; Sessions of Parliament, prorogation and dissolution.

The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

Summoning Parliament

After any general election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs.

**The Annotated Constitution make the following comments;
May Appoint such Times.**

This is the first section in the Constitution in which a specific power to perform executive acts is vested in the Governor-General. It will be noticed that the section states that the Governor-General may perform these acts, and there is no reference to his so acting by the advice of the Federal Executive Council. The powers conferred on the Governor-General by this, and other sections similarly worded, may be here summarized for the purpose of comparing them with other powers conferred on the Governor-General in Council.

STATUTORY POWERS OF THE GOVERNOR-GENERAL.

All the statutory powers of the Governor General are not included in this part.

The Governor-General may appoint the times for the holding the sessions of Parliament (sec. 5).

The Governor-General may prorogue Parliament (sec. 5). The Governor-General **may dissolve the House of Representatives** (sec. 5).

The Governor-General shall notify to the Governor of a State interested the happening of a vacancy in the Senate (sec. 21).

The Governor-General may recommend to Parliament the appropriation of revenue or money (sec. 56).

The Governor-General **may dissolve the Senate and the House of Representatives simultaneously** (sec. 57). (The Whitlam and Turnbull saga)

The Governor-General **may convene a joint sitting of members of both Houses** (sec. 57).

The Governor-General may assent in the Queen's name to a proposed law, or withhold assent, or reserve the law for the Queen's pleasure (sec. 58).

The Governor-General as the Queen's representative has the command-in-chief of the naval and military forces (sec. 68).

Prorogue. (suspend Parliament)

Prorogation (an act of suspending Parliament).

Prorogued (suspend a Parliamentary session).

Prorogue . (to direct suspension of proceedings of parliament; or to terminate a session).

STATUTORY POWERS OF THE GOVERNOR-GENERAL IN COUNCIL.

On the other hand there are numerous sections in which authority to do executive acts is vested expressly in the Governor-General in Council

The executive powers referred to, however, must not be confounded with the authority vested in the Governor-General to assent to a proposed law or withhold his assent or to reserve it for the Queen's pleasure. **This is not an executive, but a legislative power entrusted to him as the Queen's representative and one which he may exercise “according to his discretion.”** That is the only section in which a discretionary power is clearly and unequivocally given to the Governor-General; it is in reference to matters of legislation and not matters of administration.

Holding the Sessions of the Parliament.

It is by the act of the Crown alone that Parliament can be assembled. The only occasions on which the Lords and Commons have met by their own authority, were previously to the restoration of King Charles I (Restored in 1649)., and King James II at the Revolution in 1688. In the same manner, the first Act of the reign of William and Mary declared the Convention of Lords and Commons to be the two houses of Parliament, as if they had been summoned according to the usual form; and the succeeding Parliament recognized the legality of their Acts.”

Dissolve.

This section confers upon the Governor-General the power to dissolve the House of Representatives before the expiration of the three years for which it is elected. By section 57 the Governor-General, in the circumstances therein specified, is further authorized to dissolve the Senate and the House of Representatives simultaneously.