



Infosheet

THE SPEAKER

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The Speakership is the most important office in the House of Representatives. The House cannot operate without a Speaker. Section 35 of the Constitution states that:

The House of Representatives shall, before proceeding to the despatch of any other business, choose a Member to be the Speaker of the House.

The Speaker is the principal office holder in the House of Representatives. He or she is the House's representative or spokesperson, the chair of its meetings and its 'Minister' in respect of its support services. Because the Speaker chairs or presides over the meetings of the House he or she is commonly referred to as the House's Presiding Officer, the Senate counterpart being the President of the Senate.

The importance of the Presiding Officers is acknowledged by the position of the Speaker and the President in the Australian Order of Precedence (a formal list used to determine issues of protocol at official functions), where they rank directly after the Governor-General and State Governors, the Prime Minister, and a State Premier within that Premier's State.

The Speaker's authority is derived from the House, to which his or her duty lies and to which he or she is answerable. Just as the Speaker is elected by the House, he or she may be removed from office by a vote of the House.

The Speaker's representative role

The Speaker is the spokesperson for the House (hence the derivation of the name 'Speaker') in its relations with the other parts of the Parliament—the Senate and the Sovereign (represented by the

Governor-General), the other arms of government—the Executive and the Judiciary, and with other outside bodies and people. In this role Speakers are expected to maintain the authority of the House, and to protect its rights and privileges.

Official communications from and to the House are signed by and addressed to the Speaker. The

Speaker receives delegations from other Parliaments and special visitors on behalf of the House. On formal occasions the Speaker represents the House and plays a central ceremonial role.

In representing the House the Speaker represents and is responsible to the House and all of its Members, whether in government or opposition. He or she is not responsible to the Executive Government and seeks to preserve the House's independence from it.

In the Chair—the Speaker's procedural role

As Presiding Officer the Speaker chairs the meetings of the House and ensures they are conducted in an orderly manner and according to the provisions of the Constitution and the standing orders (written rules) of the

House. The duties performed in the Chair are probably the Speaker's most challenging.

At the start of each day's sitting the Speaker makes an acknowledgement of country and reads Prayers (both of which are set out in the standing orders), then calls on the various items of business in the order set down in the standing orders.

The Speaker must ensure that the rules of parliamentary procedure as embodied in the standing orders and practice of the House are applied. The Speaker interprets and applies the standing orders, responds to Members' points of order relating to them and gives rulings on procedure



The current Speaker is Mr Harry Jenkins MP, Member for Scullin, Vic., who was elected Speaker on 12 February 2008 and re-elected on 28 September 2010

when necessary. For example, the Speaker is often called upon to decide whether remarks made in a speech are offensive, whether a Member's speech is relevant to the motion being debated or whether a particular motion or amendment is allowed to be moved at a certain time.

The Speaker calls upon Members wishing to speak and in doing so seeks to allocate the call evenly between the government and non-government Members and, despite the greater responsibilities of Ministers and opposition frontbenchers, to ensure that backbenchers are not overlooked. An important part of the Speaker's task is to protect the rights of individuals and minorities in the House and make sure that everyone is treated fairly within the framework set by the rules.



The Speaker's Chair

The Speaker must maintain order during debate. While most proceedings pass routinely and without incident there are occasions when passions become inflamed, excessive interjection occurs and the House becomes noisy and unruly. The standing orders provide disciplinary powers to enable the Speaker to maintain order. These vary in their severity and allow the Speaker to deal with breaches of order in the most appropriate manner. For a minor infringement a Member may merely be called to order or warned. For a more serious offence, a Member may be ordered to leave the Chamber for one hour (sometimes unofficially referred to as 'sin binned') and, for a major offence or persistent defiance of the Chair, a Member may be 'named' by the Chair and a motion for the Member's suspension (usually for 24 hours) may be moved.

The Speaker supervises rather than participates in proceedings. He or she does not normally take part in debate and does not vote in the House except in the event of numbers being equal, in which case the Speaker has a casting vote. The Speaker makes statements or announcements to the House as necessary, and may be asked questions on matters of parliamentary administration. On occasion, committee and delegation reports are presented to the House by the Speaker.

The Speaker is responsible for calling the House together for its next meeting if the time fixed for the

meeting needs to be changed when the House is not sitting.

The Speaker, while spending a considerable part of each sitting day in the Chamber, is not present throughout all proceedings. The Deputy Speaker and the Second Deputy Speaker often take the Chair as do members of the Speaker's panel established especially to assist the Speaker in this way. Except in extraordinary circumstances, the Speaker always takes the Chair during Question Time and for more important occasions, such as the presentation of the Budget by the Treasurer and the Leader of the Opposition's speech in reply.

Impartiality of the Chair

Notwithstanding the fact that the Speakership in Australia has long been regarded as a political appointment, successive Speakers have striven to discharge their duties with impartiality. As a rule, Speakers have been sufficiently detached from government activity to ensure what can be justly claimed to be a high degree of impartiality in the Chair.

Members are entitled to expect that, even though the Speaker belongs to and is nominated to the position by a political party, his or her functions will be carried out impartially. At the same time, a Speaker is entitled to expect support from all Members regardless of their party.

The House's 'Minister'

The Speaker has ultimate responsibility for the administration of the House of Representatives and, with the President of the Senate, for the administration of services provided jointly to Members and Senators and the operation of Parliament House.

For many purposes the Speaker is in effect, 'Minister' for the Department of the House of Representatives, with a similar role to that of a Minister of State in relation to a government department. The Chief Executive Officer of the department is the Clerk of the House.

The Department of the House of Representatives provides the administrative machinery for the efficient conduct of the House of Representatives and its committees and a range of services and facilities for Members in Parliament House. These include the provision of office accommodation, printing and other associated support in Parliament House and the responsibility for the payment of Members' parliamentary salaries and allowances.

Jointly with the President of the Senate, the Speaker has the same 'ministerial' role in respect of the Department of Parliamentary Services. The department provides information and research services to Members and Senators and reports the debates and proceedings of both Houses (Hansard) and their committees. It also provides computer and

telecommunication services to Parliament House as well as radio and television broadcast and closed circuit facilities. It maintains Parliament House and its grounds, provides housekeeping and catering services as well as guide services for visitors.

The Parliamentary Precincts Act gives the Presiding Officers responsibility for control and management of Parliament House and its immediate surroundings (the precincts). They have overall responsibility for security services and may, subject to any order of either House, take any action they consider necessary for the control and management of the precincts. In respect of the ministerial wing these powers are subject to any limitations and conditions agreed between the Presiding Officers and the Executive Government. The Speaker exercises sole authority over the House of Representatives area in Parliament House.

Other functions and duties

At the beginning of each Parliament the Speaker is authorised by the Governor-General to administer the oath or affirmation of allegiance to any Member not present at the opening of Parliament and to Members elected during the course of a Parliament. (The majority of Members are sworn in by the Governor-General's deputy prior to the Speaker's election at the first sitting of the House after a general election).

The Speaker is responsible for the issue of writs for by-elections. In addition to this constitutional function the Speaker has a variety of specific duties laid down by a number of laws, and in particular by the Commonwealth Electoral Act.

The Speaker is the Chair of the Joint Committee on the Broadcasting of Parliamentary Proceedings, of the House Committee and of the Selection Committee. The House Committee usually sits with a similar Senate Committee as the Joint House Committee. With the President of the Senate, the Speaker is Joint President of the Commonwealth of Australia Branch of the Commonwealth Parliamentary Association, Joint President of the Australian Group of the Inter-Parliamentary Union and the Chairman and Joint President of the Australian National Group of the Asia Pacific Parliamentary Forum.

Election

The process for choosing the Speaker is set down in detail in the standing orders of the House. These provide for the Speaker to be elected by Members, if the election is contested, by secret ballot. The Speaker is elected for the duration of a Parliament. In practice the office of Speaker is normally filled by the nominee of the governing party or parties.

The Speaker remains a member of his or her political party, and may choose to attend party meetings. Speakers also need to contest their seat in an election. On taking office the Speaker continues to carry out his or her duties as an ordinary Member of Parliament and continues to represent and assist constituents.

An election for Speaker is conducted at the beginning of each Parliament even if the previous Speaker is still available. At the dissolution of the House before a general election Members of the House, including the Speaker, technically cease to be Members. However, so that important functions can be carried out the Speaker is deemed, by law, to continue in office for administrative purposes until the election of a new Speaker.

Title

A Member elected Speaker is entitled, while Speaker, to the title 'Honourable', which, with the approval of the Sovereign, may be retained for life. This privilege is usually only given to those who have served as Speaker for three years or more. Speakers may choose not to use the title.

Dress

In the Chamber and for ceremonial occasions the Speaker may wear a black academic gown. Traditionally, Speakers from the Australian Labor Party have chosen not to wear the formal dress while Speakers from other parties have chosen to do so.

Salary

The Speaker receives an additional salary and expense of office allowance (slightly more than those of the majority of Ministers) in addition to his or her salary and allowances as a Member of Parliament.

Deputy Speaker and Second Deputy Speaker

At the beginning of each Parliament after the Speaker has been elected, the House elects Members to the positions of Deputy Speaker and Second Deputy Speaker. The procedure is similar to that for the election of Speaker. The standing orders provide for the Second Deputy Speaker to be a non-government Member.

If the Speaker is absent the Deputy Speaker becomes the Acting Speaker and the Second Deputy Speaker the Acting Deputy Speaker. If both the Speaker and Deputy Speaker are absent the Second Deputy Speaker becomes Acting Speaker. The Speaker also appoints a panel of Members drawn from both sides of the House to serve in the Chair. The Deputy Speaker, Second Deputy Speaker and



Speaker's panel members are all able to take the Chair in the House at the request of the Speaker. In practice an unofficial roster is maintained to provide occupants for the Chair throughout a sitting. While in the Chair they have virtually the same procedural powers and functions as the Speaker.

The Deputy Speaker takes the Chair of the Main Committee. The Chair of the Main Committee has basically the same functions, and similar powers to regulate the conduct of business, and authority to preserve order (other than the power to 'name' a Member), in the Main Committee as the Speaker has in the House. The Second Deputy Speaker and members of the Speaker's panel assist the Deputy Speaker in this role.

Historical note

The office of Speaker is a very ancient one, dating back eight hundred years to 13th century England. It is an essential feature of the parliamentary system derived from Westminster. In early times Speakers were variously described as 'Parlour' (mouth), 'Prolocutor' (chairman) and 'Procurator' (agent). Essentially each acted as mouthpiece or spokesman and hence 'Speaker' on behalf of the House in communicating its resolutions to the Sovereign.

The office of Speaker was central in the centuries-long battle for supremacy between Parliament and the monarchy. Historically the role of the Speaker has sometimes been an unenviable one. The

chequered history of the Speakership shows a number of Speakers dying violent deaths by way of execution or murder while others were imprisoned, impeached or expelled from office.

Up to the 17th century Speakers were often agents of the Sovereign and subsequently, with the supremacy of Parliament, were usually associated politically with governments, sometimes holding government office. However, by the mid 19th century the convention of the Speaker being above party had become established in the United Kingdom.

In the House of Commons the Speaker abandons all party loyalties. When governments change, the current Speaker is re-elected to office, and at general elections a Speaker is usually unopposed by the major parties. This development has not been transposed to Australia, partly because with a much smaller Parliament and the possibility of a "hung" Parliament higher, each seat may be vital to the party seeking a majority. Nevertheless, from time to time it has been proposed that a similar arrangement should be introduced here.

For more information

House of Representatives Practice, 5th edn. Department of the House of Representatives, Canberra, 2005. pp 161–210. Philip Laundy, *The Office of Speaker in the Parliaments of the Commonwealth*. Quiller Press, London, 1984.

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Speakers of the House of Representatives since 1901

	<u>Date first elected</u>
HOLDER, Hon. Sir Frederick William, KCMG	9.5.1901
SALMON, Hon. Charles Carty	28.7.1909
McDONALD, Hon. Charles	1.7.1910
JOHNSON, William Elliot	9.7.1913
McDONALD, Hon. Charles	8.10.1914
JOHNSON, Sir William Elliot, KCMG	14.6.1917
WATT, Rt Hon. William Alexander	28.2.1923
GROOM, Hon. Sir Littleton Ernest, KCMG, KC	13.1.1926
MAKIN, Hon. Norman John Oswald, AO	20.11.1929
MACKAY, George Hugh	17.2.1932
BELL, Hon. Sir George John, KCMG, DSO, VD	23.10.1934
NAIRN, Walter Maxwell	20.11.1940
ROSEVEAR, Hon. John Solomon	22.6.1943
CAMERON, Hon. Archie Galbraith	22.2.1950
McLEAY, Hon Sir John, KCMG, MM	29.8.1956
ASTON, Hon. Sir William John, KCMG	21.2.1967
COPE, Hon. James Francis, CMG	27.2.1973
SCHOLLES, Hon. Gordon Glen Denton, AO	27.2.1975
SNEDDEN, Rt Hon. Sir Billy Mackie, KCMG, QC	17.2.1976
JENKINS, Hon. Dr Henry Alfred, AM	21.4.1983
CHILD, Hon. Joan, AO	11.2.1986
McLEAY, Hon. Leo Boyce	29.8.1989
MARTIN, Hon. Stephen Paul	4.5.1993
HALVERSON, Hon. Robert George, OBE	30.4.1996
SINCLAIR, Rt Hon. Ian McCahon	4.3.1998
ANDREW, Hon. John <u>Neil</u>	10.11.1998
HAWKER, Hon. David Peter Maxwell	16.11.2004
JENKINS, Harry	12.2.2008