



Parliament Brief



OFFICERS OF THE HOUSE

Some members of Parliament and officials have specific formal duties in the House of Representatives. They are known as officers of the House. Their titles and functions are set out below.

THE SPEAKER

The Speaker presides over the meetings of the House and rules on points of procedure. It is a role of great significance in a parliamentary democracy and it has a colourful past.

Historical context

The Speaker's role has evolved over centuries of British parliamentary history. Its origin in 14th-century England is expressed in the title 'Speaker' being one who speaks for the House and represents the House to the Crown (King or Queen). While early Speakers were often viewed as agents of the Crown, the role became pivotal in times of struggle between the Crown and the House of Commons, captured in essence in 1642 when Charles I entered the House of Commons to arrest five members for treason. The Speaker refused to give the members' whereabouts, saying 'I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me.'

It is a common myth that Speakers have been executed in the course of carrying out their duties. While it is true that between 1399 and 1535 nine people who had once held the office of Speaker were executed or suffered violent deaths, those demises can be attributed to causes (such as armed conflict) other than carrying out the function of Speaker. Their premature ends must be viewed in the context of the times, especially the period of the Wars of the Roses. However, the responsibilities still weighed heavily in uncertain times when free speech could not be taken for granted.

Current New Zealand context

New Zealand's Speaker still has a formal role in representing the House to the Sovereign, such as presenting the Address in Reply,¹ but the main visible

function is to chair the meetings of the House and to rule on procedure. To illustrate the importance of the role, the Speaker is numbered third in New Zealand's official order of precedence after the Governor-General and the Prime Minister.



The Speaker, Hon Margaret Wilson MP (rear), and the Clerk, David McGee QC (front), in the Debating Chamber.

The Speaker is elected from among members at the first meeting of the House after a general election. There was a longstanding tradition of showing some resistance to taking up this position, perhaps due to the execution myth (see above), but this no longer occurs in New Zealand. Candidates must nominate themselves. To be confirmed in office and to lay claim to the privileges of the House, the Speaker-elect then calls on the Governor-General. The Speaker remains in office for the term of the Parliament.

The Speaker maintains some links with his or her political party, unlike the United Kingdom where all links are severed after becoming Speaker. The Speaker is, however, expected to act impartially and does not participate in debate in the House, but can participate in debate in committee of the whole House.² The Speaker has an ordinary vote in the House but no casting vote. The Speaker's vote is included in the collective vote of the party he or she was elected to represent. This ensures party proportionality determined at the general election is maintained. If a personal vote is held (for conscience issues, for instance), the Speaker votes individually, like any other member.



The Speaker in procession to the debating chamber, preceded by the Serjeant-at-Arms with the mace.

In addition to presiding over the House, the Standing Orders (procedural rules) of the House confer upon the Speaker a number of functions to be carried out on behalf of the House. These include issuing a summons for a witness to appear before a committee or for the production of documents and considering matters of privilege raised by members.

The Speaker has some statutory functions (specific functions established in law) such as those in relation to the Electoral Act 1993. These include the official declaration of a vacancy in the membership of the House of Representatives.

The Speaker chairs three select committees. Two of these, the Business Committee and the Standing Orders Committee, deal with procedural matters. The third, the Officers of Parliament Committee, recommends the annual appropriations (supply of

funds) for the Ombudsmen, the Auditor-General, and the Parliamentary Commissioner for the Environment.

The Speaker also has functions in relation to parliamentary administration and the parliamentary precincts. There are five public organisations known as either 'non-public service departments' or 'Offices of Parliament', because their responsibilities are direct to Parliament rather than to Ministers.³ The Speaker is accountable to the House for those offices and also chairs the Parliamentary Service Commission, which oversees the Parliamentary Service (a non-public service department that provides support to members and manages the parliamentary complex). For the purposes of the Trespass Act 1980, the Speaker is the legal occupier of the parliamentary precincts.

DEPUTY SPEAKER AND ASSISTANT SPEAKERS

The House appoints a Deputy Speaker and up to two Assistant Speakers from among its members. The Deputy Speaker, in the Speaker's absence, can perform any of the duties and exercise any of the authorities conferred upon the Speaker in relation to parliamentary proceedings. The Assistant Speakers can do this only when actually presiding over the House; they cannot, for instance, carry out the Speaker's functions set out in the Electoral Act 1993.

CLERK OF THE HOUSE

Unlike the presiding roles described above, the Clerk of the House is a permanent non-political officer who remains in office regardless of which party (or parties) controls the House. The Governor-General appoints the Clerk on the Speaker's recommendation. A Deputy Clerk is similarly appointed.⁴

The Clerk provides a secretariat to the House and its committees and advises on parliamentary law and procedure. When the House sits, the Clerk is seated immediately in front of the Speaker, noting the proceedings, calling the business items and the votes, and advising members as required.

When the House first meets after a general election, the Clerk, under a commission from the Governor-General, administers the oath or affirmation of allegiance required of members.⁵ The Clerk also presides over the election of the Speaker.

The Clerk is the chief executive of the Office of the Clerk of the House of Representatives, which is established to support the discharge of the Clerk's functions. The Office of the Clerk employs over 100 staff and has three main divisions:

- House Office – services to the House, inter-parliamentary relations, parliamentary education

- Select Committee Office – services to select committees
- Reporting Services – *Hansard* (verbatim record of debates), Māori interpretation and translation, and broadcasting.

SERJEANT-AT-ARMS

The most visible role of the Serjeant-at-Arms is the ceremonial function of carrying the mace while leading the Speaker in and out of the debating chamber. The Serjeant is responsible for ensuring rules of conduct in the precincts of the debating chamber are observed while the House is sitting. If the Speaker were to issue a summons, it would be the Serjeant-at-Arms who would ensure it was served.

The office of Serjeant-at-Arms in England dates back to 1415 when a King's serjeant was first appointed to serve the House of Commons when in session. Today in New Zealand, like the Clerk of the House, this is a permanent non-political appointment.



The Serjeant-at-Arms places the mace on the Table in the Debating Chamber.

The mace carried by the Serjeant-at-Arms symbolises the Speaker's authority. The Serjeant carries it into the debating chamber ahead of the Speaker and on any other ceremonial occasions such as delivering a formal address to the Governor-General.

WHERE DOES BLACK ROD FIT IN?

The Usher of the Black Rod is not an officer of the House, but is included here for completeness. In a Parliament where there is an upper house (such as Australia's Senate or the British House of Lords), the Usher of the Black Rod has a similar role in the upper house to that of the Serjeant-at-Arms in the lower house.

The 'Black Rod' itself is the ceremonial staff of office. New Zealand's upper house (the Legislative Council) was abolished in 1950. However, the position of Usher of the Black Rod in New Zealand has been retained to enable the Governor-General to

have a messenger for ceremonial communications with the House, such as conveying the request to members of the House summoning them to the Governor-General's presence to hear the Speech from the Throne. This is done in a traditional manner, with entry to the House being barred until the Usher of the Black Rod knocks three times on the door. Only then will entry be permitted. This procedure developed in Britain to prevent a repeat of the unwelcome foray by Charles I into the House of Commons in 1642.

FURTHER READING

Laundy, Philip, *The Office of the Speaker*, London, 1964.

McGee, David, *Parliamentary Practice in New Zealand*, 3rd edition, Wellington, 2005.

Endnotes

- ¹ After the Speech from the Throne – delivered by the Governor-General – to the elected members at the opening of Parliament, the House debates the speech and determines a suitable reply, which is delivered to the Governor-General with some formality.
- ² Committee of the whole House is a process, normally associated with bills, where the House forms itself into a committee. (See *Parliament Brief*, 'The Legislative Process'.)
- ³ Office of the Clerk of the House of Representatives, Parliamentary Service, Office of the Ombudsmen, Office of the Auditor-General, and the Parliamentary Commissioner for the Environment.
- ⁴ Clerk of the House of Representatives Act 1988.
- ⁵ Section 11 of the Constitution Act 1986.