



The President of the Senate



The President of the Senate is the presiding officer of the Senate, whose chief function is to guide and regulate the proceedings in the Senate. The President is also responsible for the administration of the Department of the Senate, in much the same way as a government minister is responsible for the operation of a government department.

The President is a senator, usually with some years of experience, who is elected to the position by the members of the Senate.

Election of the President

It is provided by section 17 of the Australian Constitution that:

The Senate shall, before proceeding to the despatch of any other business, choose a senator to be the President of the Senate; and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President.

When the Senate meets and there is no President, the first item of business is to elect a President. Until the election is decided, the Clerk of the Senate acts as chair of the Senate, and has the powers of the President under the standing orders (rules of procedure and debate of the Senate) while doing so.

In electing its presiding officer the Senate differs from other upper houses of parliament in those democratic

countries with which Australia is often compared. The Vice-President of the United States of America is, *ex officio*, the presiding officer of the US Senate, while in Canada the Speaker of the Senate is appointed by the Governor-General.

The first debate to take place in the Senate on 9 May 1901 was on how to choose a President. After debate it was decided that a secret ballot was the best way of ascertaining the choice of the majority of senators. In the first election for President there were three candidates—senators Sir William Zeal, Sir Frederick Sargood and Sir Richard Baker.

Senator Baker, who had been the President of the South Australian Legislative Council from 1893 to 1901, received more votes than the two other candidates together, and so was elected on the first ballot. The only other time that three candidates have been nominated for the position of President

was on 17 February 1987 when senators George Georges, Donald Jessop and Kerry Sibraa faced the ballot. On this occasion two ballots had to be held before Senator Sibraa was elected—the youngest-ever President.

On many occasions since 1901, two candidates for President have been nominated in the Senate chamber. Where a vote between candidates for President is tied, and a second ballot produces the same result, the Clerk of the Senate determines by lot which candidate should be withdrawn. This has happened only once in the history of the Senate. In 1941 a tied vote between Senator John Hayes and Senator James Cunningham was determined by lot with the result that Senator Cunningham was declared elected.

Frequently, only one senator is proposed, in which case that senator takes the chair without a vote being taken.

Once elected, the successful candidate is conducted to the chair, by the senator or senators who proposed the candidate, to take the place as President of the Senate and to accept the many responsibilities which

go with the position. The President acknowledges the honour and receives the congratulations of senators. Immediately following the election, it is customary for the President, accompanied by some fellow senators, to be presented to the Governor-General.

The current convention is that presidents are elected from the governing party, with non-government senators agreeing to this arrangement even if, as is usually the case, the government does not have a majority in the Senate. Although the President remains a member of a political party, the duties of the office both inside and outside the chamber must be carried out in an impartial manner so, to some extent, the President is distanced from the day-to-day political activity of the party.

Section 23 of the Constitution provides that the President is on all occasions entitled to

a vote in the Senate. This provision ensures that the equal voting rights of each state are preserved. If the vote on a question is tied in the Senate, it is ‘resolved in the negative’; that is, it is lost. The President’s vote carries the same weight as that of any other senator. In contrast, the Speaker of the House of Representatives cannot vote in a division in that house unless the numbers are equal, in which case he or she has a casting, or deciding, vote.

In the early years of the Senate’s existence, presidents actively participated in debates, but they rarely participate in debate now unless on a matter concerning the Senate or the Parliament. One such example occurred in 1986, when the President took the unprecedented step of introducing a bill, the *Parliamentary Privileges Bill 1986*. In first tabling a draft of the bill for senators to examine before formally introducing the bill, the President said he was taking this step because of the fundamental importance to both houses of the matters dealt with by the bill, which included maintaining the absolute right of freedom of speech in Parliament.

The office of President becomes vacant:

- After a normal election for senators (a half-Senate election), when newly-elected senators take their seats
- If the President ceases to be a senator (including when the Senate is dissolved under section 57 of the Constitution)
- If the President resigns office
- If a vote of the Senate removes the President from office



The President with the Usher of the Black Rod

Parliamentary duties

The role of the President in the Chamber is an active one. The President is responsible for the proper conduct of the business of the Senate, which is guided by the standing orders of the Senate. The President interprets the standing orders, gives rulings when a difference of opinion arises, calls on senators to speak, maintains order and decorum in the Chamber, and ascertains and declares the will of the Senate either on the voices (the 'ayes' or 'noes') or as the result of a division (a formal vote). The President is the spokesperson and representative of the Senate in dealings with the Governor-General, the executive government, the House of Representatives and persons outside the Parliament. It is also the President's duty to see that the powers and privileges of the Senate, as provided by the Constitution, are observed.

The development of Senate procedures is a continuing task. This fact was recognised by the first President of the Senate, Senator Sir Richard

Baker, who, after being instrumental in formulating the Senate's original standing orders, continued to formulate and adjust procedures by way of rulings on matters not settled by the standing orders, a practice followed by successive presidents. These Rulings of the President, unless dissented from through a vote of the Senate, must be complied with. Thus, they are an important adjunct to the standing orders.

While in office the President is entitled to use the prefix 'Honourable', but on leaving office the title may be retained only if it is authorised by the Queen. Until 1910 all Presidents wore formal official dress: a black silk gown (similar to the gown worn by a Queen's Counsel) over a dark suit, lace accessories and a full-bottomed wig, but at the request of the majority of senators this practice was discontinued. In 1921, again at the request of the majority of senators, President Givens reverted to the original practice. Since April 1983 no President has worn a wig or official dress.

Deputy President and Chair of Committees

The Deputy President and Chair of Committees is the second officer of the Senate, and is elected by the Senate in the same manner as the President. The current convention is that a senator from the largest opposition party in the Senate holds this office.

The Deputy President relieves the President in the chair during sittings and may perform the duties of President during the President's absence. In the capacity of Chair of Committees, the senator elected to this position presides when the Senate is sitting as a committee of the whole Senate to consider legislation in detail. The Deputy President is, *ex officio*, Chair of the Senate Standing Committee on Procedure, which examines the procedures of the Senate and recommends to the Senate changes in procedures, where appropriate.

Temporary Chairs

Temporary Chairs of Committees are nominated by warrant of the President at the commencement of each Parliament. Usually about ten senators (government and non-government) are nominated and they provide relief for the chair in committee of the whole and, when both the President and Deputy President are temporarily absent, in the Senate.

Administrative duties

The President of the Senate has important departmental administrative responsibilities in relation to the Department of the Senate, as the executive head or 'minister' of that department. The President also chairs the Standing Committee on Appropriations and Staffing, which determines the annual budget and oversees the organisational structure for the Department of the Senate.

The President is also concerned with senators' accommodation at Parliament House, seating arrangements, entitlements of senators and the general operations of the Senate department.

Together the presiding officers (the President of the Senate and the Speaker of the House of Representatives) are jointly responsible to the Parliament for the Department of Parliamentary Services (DPS). DPS is responsible for the publishing of *Hansard* and the supply and maintenance of audio visual and information technology to the Parliament, the physical environment of Parliament House and the parliamentary precincts, including care of the building and gardens, and the Parliament House Art Collection. There is also a Parliamentary Library within DPS, which provides research and support for senators and members, independent of the executive government of the day.

The presiding officers together have statutory responsibility to appoint the Secretary of the Department of Parliamentary Services and the Parliamentary Librarian.

The President and the Speaker also have responsibility for security, parliamentary education and relations with other parliaments. The presiding officers are custodians of the parliamentary precincts under the *Parliamentary Precincts Act 1988*, and have other important responsibilities under the *Parliament Act 1974* and the *Parliamentary Service Act 1999*.



The President (2nd from right) with the Speaker of the House of Representatives (left) and members of the NATO Parliamentary Assembly 2008

Ceremonial and representational duties

The ceremonial duties of the President of the Senate include participation in the opening of Parliament and visits by foreign Heads of State. On these occasions, the longer-serving presiding officer is ranked in the higher (third) position in the Commonwealth Table of Precedence. In the event of the two presiding officers being appointed on the same day, the President is given precedence.

The President also represents the Parliament at international conferences and leads some parliamentary delegations to other nations. The President receives parliamentary delegations visiting Australia from other nations, and other distinguished visitors to the Senate.

Diary of a Typical Day for the President

Today the President of the Senate ...

- 8.30 am–9.10 am attended a meeting of the Joint House Committee and discussed new catering arrangements and landscaping at Parliament House;
- 9.10 am–9.15 am was briefed by the Deputy Clerk on the day’s proceedings in the Senate;
- 9.30 am–10.30 am presided at the meeting of the Senate—opening the day’s proceedings with prayers;
- 10.30 am–11.30 am was relieved in the chair by the Deputy President to enable the President to receive the Japanese Ambassador;
- 11.30 am–12.15 pm met with personal staff in the President’s office;
- 12.30 pm–1.30 pm had a working lunch in the office discussing the forthcoming Commonwealth Parliamentary Association Conference with organising officers;
- 1.30 pm–1.45 pm was briefed on procedural matters by the Clerk of the Senate;
- 2.00 pm–3.15 pm resumed the chair of the Senate for Question Time and the debate on a procedural matter which followed;
- 3.15 pm–4.00 pm met a group of school children from home town and attended afternoon tea with them in the school hospitality area;
- 4.00 pm–4.30 pm met with a delegation from another parliament;
- 4.30 pm–5.30 pm with the Speaker of the House of Representatives received a briefing by a senior parliamentary librarian on proposed new library services to senators and members;
- 5.30 pm–6.00 pm finalised a statement to be made to the Senate at 6.00 pm relating to the procedural matter discussed earlier in the day;
- 6.00 pm–6.30 pm made a statement to the Senate and presided over further debate;
- 6.30 pm–7.30 pm held discussions with the Usher of the Black Rod and the Security Controller relating to a security matter.
- [The Senate adjourned at 7.30 pm till tomorrow at 9.30 am]*
- 7.30 pm–8.00 pm chaired a meeting of the Senate Standing Committee on Appropriations and Staffing to consider the Senate’s proposed budget; and
- 8.00 pm gave an official dinner in honour of the visiting parliamentary delegation.

Presidents of the Senate since 1901

<i>Name</i>	<i>State or Territory</i>	<i>Party</i>	<i>Term of Office</i>
Baker, Richard Chaffey	SA	F.T.	09.05.01–31.12.06
Gould, Albert John	NSW	A.S.	20.02.07–30.06.10
Turley, Joseph Henry Lewis	QLD	A.L.P.	01.07.10–08.07.13
Givens, Henry Thomas	QLD	A.L.P.	09.07.13–30.07.14
		Nat. from 1917	08.10.14–30.06.26
Newlands, John	SA	Nat.	01.07.26–13.08.29
Kingsmill, Walter	WA	Nat.	14.08.29–30.08.32
Lynch, Patrick Joseph	WA	Nat.	31.08.32–30.06.38
Hayes, John Blyth	TAS	U.A.P.	01.07.38–30.06.41
Cunningham, James ¹	WA	A.L.P.	01.07.41–04.07.43
Brown, Gordon	QLD	A.L.P.	23.09.43–19.03.51
Mattner, Edward William	SA	Lib.	12.06.51–07.09.53
McMullin, Alister Maxwell	NSW	Lib.	08.09.53–30.06.71
Cormack, Magnus Cameron	VIC	Lib.	17.08.71–11.04.74
O’Byrne, Justin Hillary	TAS	A.L.P.	09.07.74–11.11.75
Laucke, Condor Louis	SA	Lib.	17.02.76–30.06.81
Young, Harold William	SA	Lib.	18.08.81–04.02.83
McClelland, Douglas	NSW	A.L.P.	21.04.83–23.01.87
Sibraa, Kerry Walter	NSW	A.L.P.	17.02.87–05.06.87 14.09.87–31.01.94
Beahan, Michael Eamon	WA	A.L.P.	01.02.94–30.06.96
Reid, Margaret Elizabeth ²	ACT	Lib.	20.08.96–18.08.02
Calvert, Paul Henry	TAS	Lib.	19.08.02–14.08.07
Ferguson, Alan Baird	SA	Lib.	14.08.07–25.08.08
Hogg, John	QLD	A.L.P.	26.08.08–

- 1 died in office as President
2 the first woman President

A.L.P.	Australian Labor Party
A.S.	Anti-Socialist Party
F.T.	Free Trade
Lib.	Liberal Party of Australia
Nat.	Nationalist Party
U.A.P.	United Australia Party

Further reading

Harry Evans (ed.), *Odgers' Australian Senate Practice*, 12th edn, Canberra, Department of the Senate, 2008; available on the Internet at <http://www.aph.gov.au/senate/pubs/odgers/index.htm>

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Internet address: <http://www.aph.gov.au/Senate/pubs/briefs/index.htm>

Email: research.sen@aph.gov.au

Post: Research Section, Department of the Senate, Parliament House, Canberra 2600

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