



**Legislative Assembly
Parliament of Victoria**

Fact Sheet 21

The Clerk

Introduction

Visitors to the Legislative Assembly can readily identify the Premier, the Speaker and other members of Parliament. Less familiar, however, are the black-gowned officers sitting at the table in front of the Speaker. These figures are the clerks, and this Fact Sheet is primarily about the most senior of them, the Clerk of the Legislative Assembly, usually referred to as the Clerk.

Origins in the House of Commons

The Clerk is the most senior official of the Legislative Assembly, and the role is based on that of the Clerk of the House of Commons. The history of the Clerk of the House of Commons is a colourful one, with records stretching back as far as 1315. Originally, the title 'Clerk' referred simply to someone who could read and write. As such skills were not commonplace at the time, they were highly valuable.

The Clerk had to read out bills, petitions and other documents to the members, many of whom would not have been able to read. This is where the terms for the various stages of bills come from — first, second and third readings — as the Clerk would actually read the bills aloud. (See *Fact Sheet 2: Stages of a Bill* for information on these stages.) Those early clerks also recorded the proceedings in the House in a journal, and provided procedural advice to the Speaker and members. These responsibilities continue to this day, though they are now highly specialised and, in many ways, more complex.

The Clerk Today

The role of the Clerk of the Assembly today includes many of the original responsibilities as well as new duties. The Clerk's roles can be categorised into three groups:

- Duties inside the Chamber
- Procedural duties outside the Chamber
- The position of head of the Department of the Legislative Assembly.

The current Clerk of the Assembly, Mr Ray Purdey, also has the additional role of being Clerk of the Parliaments, explained below.

The Clerk is assisted by the Deputy Clerk and Assistant Clerk Committees, who sit at the table with the Clerk and the Assistant Clerk Procedure, who also sits in the Chamber. The Deputy and Assistant Clerks also give advice on parliamentary procedure. The Deputy Clerk oversees the day to day operations of the Department of the Legislative Assembly and, in the Clerk's absence, both inside and out of the Chamber, performs the duties of that office. The Assistant Clerk Committees has direct responsibility to the Speaker for the operations of the joint committees administered by the Legislative Assembly. The Assistant Clerk Procedure is also the Serjeant-at-Arms (see *Fact Sheet 19: Serjeant-at-Arms*).

Impartiality of Office

The Clerk cannot rule on any matter, even when chairing proceedings for the election of a new Speaker (see below). This reflects the requirement that the Clerk carries out duties independently according to the oath of office. The Clerk takes an oath of office before the Governor swearing to 'at all times and in all things discharge the duties of the Clerk of the Legislative Assembly to the best of my knowledge and ability without fear, favour or affection'.

Ceremonial Dress

The clerks at the table dress in a formal manner that reflects the origins and formality of their role. In earlier times it was customary for the clerks to wear full Windsor Court uniform and a wig. In the mid 1980s the Speaker indicated that the clerks should adopt a less ceremonial approach to their dress and wear a black gown over a black suit, and they have since dispensed with their wigs.

Procedural Responsibilities

When the Assembly is sitting, the role of the Clerk is most vital. The Clerk sits at the table in front of the Speaker, with the Deputy and Assistant Clerks. The Clerk is responsible for advising the Speaker and members of Parliament on procedural matters inside the Chamber, and must be able to interpret standing orders, the requirements of the Constitution, parliamentary precedents and Speakers' rulings. This is perhaps the most demanding aspect of the role, as issues can be complex and often must be resolved very quickly. Other responsibilities of the Clerk include:

- Certifying that bills have passed with the required procedure
- Tabling petitions (see *Fact Sheet 8: Petitions*) and documents (see *Fact Sheet 18: Documents Tabled in the Legislative Assembly*)
- Ringing the bells, for divisions and to obtain a quorum
- Chairing the election of the Speaker
- Recording the *Votes and Proceedings* of the House (the formal minutes), a duty shared with the other clerks at the table; the clerks have laptop computers on the table for this purpose (see *Fact Sheet 35: Votes and Proceedings*)

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- Advising the Speaker, Government, Opposition, individual members, the Privileges Committee and other committees on procedural matters including drafting of motions, amendments to bills, and other matters that arise immediately in the Chamber.

Head of the Department of the Legislative Assembly

As Department Head the Clerk administers the Department of the Legislative Assembly, under the general oversight of the Speaker similar to the way government departments operate under a secretary and minister. Staff members of the Department of the Legislative Assembly provide services, advice and support to the Speaker, House and committees, members of Parliament, the public and government departments.

The Clerk also liaises with the heads of the Department of the Legislative Council and the Department of Parliamentary Services on the administrative operations of the Parliament generally.

Clerk of the Parliaments

In the fourteenth century in England, the King identified a need for a special officer to keep a roll of the Parliament and to ensure that all Acts were recorded, and to be the King's administrative link to the Parliament. The present day role of the Clerk of the Parliaments, provided for in the *Parliamentary Administration Act 2005*, stems from this time. The Governor, on the recommendation of the Speaker of the Legislative Assembly and the President of the Legislative Council traditionally appoints, as Clerk of the Parliaments, the longest-serving of the Clerks of the Assembly and Council. The Clerk of the Parliaments is required to take an oath of office before the Governor.

The Clerk of the Parliaments has three main duties:

- To endorse every Act of the Parliament to certify that the legislation to be presented to the Governor for royal assent is, in fact, what passed through both Houses of Parliament.
- To maintain the Register of Members Interests, in accordance with the statutory requirement that states that members of Parliament must declare their financial and other interests. Although this is nominally the responsibility of the Clerk of the Parliaments, it has been delegated to the Clerk of the Legislative Council since 1978.
- To be the Honorary Secretary of the Commonwealth Parliamentary Association (CPA). The CPA is a professional organisation that enables members of Parliament to study parliamentary practices throughout the Commonwealth, and to further the functions of their own parliaments. The Clerk of the Parliaments in Victoria is the Honorary Secretary of the State's CPA branch. This role involves total administrative support for the branch, including liaison with other branches, the preparation of correspondence and management of programs for delegations.

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Fact Sheets

The Legislative Assembly Procedure Office has produced a series of Fact Sheets that explain parliamentary procedure and terminology. All Fact Sheets are available on Parliament's website www.parliament.vic.gov.au or through the Procedure Office.

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