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Paper for Presentation to a Conference on Constitutional and Parliamentary Reform

University of Adelaide, 17-18 August 2002

The Australian Federal Speakership – The First Hundred Years and some Future Directions

INTRODUCTION

I am privileged to contribute to the theme of reform from the perspective of Speaker of the Australian House of Representatives. My concept of the role of Speaker has been enriched by the contributions on this topic made by my colleagues at the conference of Presiding Officers and Clerks in Brisbane in June 2002. New South Wales Speaker John Murray's paper and the comments on that paper support my view that there is an Australian approach to the speakership that transcends personalities and political affiliations. This approach has been distinguishable from the approach of the United Kingdom House of Commons speakership from which it derives, since the earliest days of our legislatures, even though the distinction was not always recognised.

I will argue that the essence of the Australian speakership is impartiality which is the formal expression of the Aussie "fair go" and that there is an important distinction between impartiality as Australian Speakers seek that goal and the structural independence model which has evolved in the United Kingdom. Discussions at the recent conference confirmed my view that impartiality is the defining characteristic of the concept of speakership in Australia. While we may not always reach the ideal, aspiring to it (or asserting that we aspire to it) is the common thread linking successive Australian Speakers. I am aware that Presiding Officers in legislatures far and wide would make exactly the same claim in relation to their approach, but in Australia we have had to achieve the ideal despite the impossibility of establishing a truly independent basis for impartiality. Furthermore, impartiality in the Australian context is more than a necessary tool for chairing a meeting - it is deeply rooted in the national character.

This paper will commence with a consideration of the influences that have created the modern Australian speakership. I will then focus on the role of Speaker in the House of Representatives including the criticisms of that role and reflect on how it has developed during its first hundred years. The paper will conclude with a consideration of the potential for future reform, as Speakers strive to make legislatures responsive to changing technology and community expectations. While I will be focusing on the role of Speaker in the House of Representatives, my remarks will, I hope, be relevant to Presiding Officers in other legislatures in Australia and elsewhere.

INFLUENCES THAT HAVE SHAPED THE AUSTRALIAN SPEAKERSHIP

The context in which the federal speakership has developed over the one hundred years of its history includes the political, economic and social culture of the developing nation. The Australian Parliament (including the role of Speaker) both reflected and helped to shape the nation. Within this context a framework of particular significance for the creation of the speakership as it is today was

developing. This framework consists of three main factors: the Constitution; the standing orders; and parliamentary practice.

A Metaphor: I like to think of the framework which has created and shaped the speakership in terms of a metaphor, illustrating the relationship between the Constitution, the standing orders and the traditions and practices of the House of Representatives. In this metaphor, the Constitution is the corpus – the bones, sinews and organs of our democracy that shall not be amended without the consent of the people. If the Constitution embodies the corpus of the speakership, then the standing orders are the garments that clothe it and make it recognisable. The standing orders provide not only for the rules of debate but elaborate on the constitutional processes to ensure that the democratic will of the people, expressed through their representatives, is implemented. The standing orders attempt to promote the efficacy of debate by ensuring that debate is fair. Underpinning the standing orders and holding the whole garment together are the numerous traditions of the House that have developed according to the Australian experience. In my metaphor the traditions and practice of the House are the silk threads which hold together the standing orders. Our oldest traditions have their heritage in the United Kingdom House of Commons via the colonial parliaments. These traditions act like silk threads because they need to be strong in order to protect democracy yet flexible so that the House may reflect the changing will and expectations of the people.

The Corpus – the Australian Constitution: References to the Speaker in the Constitution are numerous. Given that we have a "rigid" Constitution that is not easily amended, the constitutional framework for the speakership provides a firm base for the development of the role. The Speaker has the responsibility under section 33 to issue writs for vacancies. He or she is elected under section 35. The Speaker can also be removed from office by a vote of the House under section 35. The Speaker is thus accountable to the House. Section 36 makes provision for the absence of the Speaker. Section 40 gives the Speaker a casting vote. Thus, the Speaker is given an explicit constitutional role to play and is accountable to the House in carrying out that role.

In addition to the above explicit references to the Speaker in the Constitution, other sections of the Constitution implicitly influence the speakership. Section 49 of the Constitution connects the Australian Parliament with the United Kingdom House of Commons in terms of the powers, privileges and immunities of the Senate and the House of Representatives. However, this connection was intended to diminish as the Houses of Parliament declared their own powers, privileges and immunities. This was accomplished in part by the *Parliamentary Privileges Act 1987*. Section 50 of the Constitution allows each House of the Parliament to make its own rules and orders with respect to the mode in which its powers, privileges and immunities may be exercised and upheld, as well as the order and conduct of its business and proceedings either separately or jointly with the other House. This provision provides the link between the Constitution and the standing orders.

These two provisions, which appear next to each other in the Constitution, clearly indicate an intention that the traditions of the Parliament were to be initially formed from its British heritage, but the Houses were free to develop in the Australian context. The traditions surrounding the Australian speakership therefore, were permitted, indeed encouraged, by the Constitution to diverge from the British model. In particular the British model of an "independent Speaker" was not incorporated into the Constitution when its founders had the opportunity to do so.

It has been suggested (including in relation to the Australian speakership) that the appointment of a Speaker from outside the body of elected Members would guarantee true independence. While some legislatures have adopted this model, in my view there is no evidence to support the proposition that an externally appointed Speaker is more independent (or more impartial). Indeed it is arguable that the reverse could be the case depending on the politics underlying the person's appointment. In our system it is usually an experienced parliamentary practitioner who is elected to the office of Speaker so the interests of impartiality are further served because the new Speaker is sensitive to the parliamentary environment that depends for its effectiveness on his or her impartiality.

The Garments – the Standing Orders: Clothing the body of the Constitution are the standing orders which enhance and give expression to the Speaker's constitutional role. As noted, they derive their authority from section 50 of the Constitution. They elaborate on the powers and responsibilities given to the Speaker under the Constitution. Dr Stephen Redenbach in his 1999 Ph.D. thesis on the Australian speakership noted that "the Speaker's most public and arguably pre-eminent role is to preside over the House of Representatives proceedings."[1] To fulfil this function the Speaker requires a detailed knowledge of the standing orders and their application. Standing order 99 gives the Speaker the authority to rule on points of order regarding the interpretation of the standing orders. The resulting Speakers' rulings are a formalised expression of many of the practices of the House.

Other standing orders provide the Speaker with a discretion. They relate to the rules of debate, including standing orders 75 and 76 prohibiting offensive words and personal reflections, standing orders 144 and 145 which set out the rules for questions and answers and standing order 82 which prevents the anticipation of discussion of items which appear on the Notice Paper. Under standing order 78 the Speaker is vested with authority to determine whether words used are offensive or disorderly. The standing orders have changed over time. In recent years a guiding principle underlying changes to the standing orders has been a desire to make the Chamber a more interactive place, allowing Members to play a more active role in representing the interests of their constituents. Recent Speakers have been able to play a significant role in supporting and initiating changes that try to respond to community interest in the House.

The Silk Threads – 100 years of tradition: The traditions of the House are the silk threads which give shape to the clothes of the standing orders and which stretch back over one hundred years in relation to the chair I occupy. Of course they have much more ancient roots. Some traditions such as the reluctance shown by the Speaker upon his or her election to office derive directly from British parliamentary traditions, while other traditions have been adapted to local conditions. These traditions, practices and precedents, as much as the "hard framework" of the Constitution and standing orders have been crucial to the development of the role of Speaker. The strength of some of the traditions is such that they are considered more solid than the standing orders (which of course, are changed from time to time). Conventions such as providing equal time in debates for both sides of the House where this is desired and alternating the call from side to side are so hallowed that it comes as a surprise to some to find that they are not part of the standing orders.

THE ROLE OF THE SPEAKER

Throughout the hundred years of the development of the Speaker's role, successive Speakers have been subjected to a variety of criticisms which, in turn, have moulded and fashioned the role itself. Much of the criticism has related to the connection between the Speaker and the government of the day and associated questions of impartiality and/or independence.

Redenbach argued that "many of the House's rules are designed to expedite government business, minimise debate and questions and assist the Executive to avoid censure".[2] It must be said that this is partly true, but it is counterbalanced by the "fair go" ethos. The standing orders may be used to disrupt government business as well as to facilitate it. If Redenbach's observation applied without qualification it would have a profound impact on the role of the Speaker and undermine any claims he or she might have to impartiality (let alone, independence). Reaching a conclusion on this issue is important since an understanding of the role of the Executive within the Legislature is fundamental to identifying and interpreting the role of Speaker. If the Legislature is the puppet of the Executive then the Speaker can hardly be expected to facilitate a "fair go" for Members or their constituents.

In my view Redenbach's assertion does not reflect the true nature of the standing orders, and is misleading about the sort of Parliament our Constitution created. On the other hand, the House of Representatives does have a close link with the Executive and this is reflected in the standing orders. The Constitution provides for a Westminster system (though the influence of the legislature of the

United States has prompted some to say it is more correctly identified as a Washminster system and I would argue that we have moved to an "Ausminster" model). Regardless of founding influences, the Constitution intended the Executive and Legislature to have a measure of balance, though the balance has not been simple or easy. Under section 64 all Ministers are to be Members of either the Senate or the House of Representatives either immediately or within 3 months. Within the balance referred to above, the Executive is a creature of (in that it is created within) the House of Representatives – the people's House – though it consists of Senators as well as Members.

It is simplistic to regard the House as the rubber stamp of the Executive. All those operating within the parliamentary environment, particularly those attending party meetings, are aware that there are much more subtle forces at work. Often the art of government is choosing the least undesirable of a number of unpleasant options. In the almost twenty years I have served in the House, I have observed governments of both major political persuasions take decisions that were unpopular at the time. However, I am convinced that they believed that such key decisions were in the best interests of "the advancement … of the true welfare of the people of Australia", which incidentally are the words from the prayer used at the opening of each day of sitting.

Furthermore, I would argue that it is not unreasonable for the standing orders (and therefore the Speaker) to recognise the importance of government business. This proposal, however, rests on the simultaneous recognition of the balance between the need to enact the Government's legislative proposals and the need to ensure that the Government is accountable to the Legislature. In my view, our standing orders make a real attempt to express this balance and therefore the Speaker has at his or her disposal the tools to enforce the balance. This underpins the potential for the Speaker to be impartial. Some of the criticisms of the Speaker's role in exercising impartiality in relation to the standing orders fail to recognise the contending forces that the Speaker endeavours to keep in balance.

In using the standing orders as a tool to support and enhance an impartial role, the Speaker has been assisted by the creation of the Main Committee. This second legislative chamber of the House of Representatives was introduced in 1994. The provision of additional chamber hours, made possible by the creation of a second chamber, has lessened the need to expedite government business through the main Chamber. The urgent bill and guillotine procedures are used sparingly. This illustrates the fact that the standing orders have adapted to meet the increased workload of the House while ensuring the continuing support for a fair go. Competing demands can be accommodated.

In focusing more closely on the tradition of impartiality in the execution of the Speaker's duties, I note that the successful achievement of the ideal has been hotly debated. Among the pessimists, Redenbach's thesis is that the Australian Speaker serves two masters, the party and the House. Redenbach concludes that the party wins this "contest". The solution to this problem is often cited as the adoption of an "independent" speakership. However, the British model may not be practicable in our smaller House. The House of Commons has over 650 members and majorities are likely to be in the hundreds. On the other hand, the Australian House of Representatives has only 150 members and majorities tend to be quite small. In such a circumstance, the loss of a Member to the speakership could prove the difference in a no confidence motion or censure motion. The situation in the South Australian Legislature highlights this point as the party in government is able to operate by having a non-party Speaker.

This paper began by alluding to the distinction between an "independent" Speaker and an "impartial" Speaker. The origins of the United Kingdom "independent" model predated the colonial legislatures. The eighteen years (from 1839) in which Charles Shaw-Lefevre was Speaker are seen as the period in which the modern British speakership was inaugurated.[3] The independence of the Speaker of the House of Commons has continued ever since.

In the context of the Australian speakership, the important distinction between impartiality and independence is not adequately drawn, and the terms "independent" and "impartial" are often used interchangeably. "Independent" refers to a structural aspect of the office that is clearly not adopted

by our Constitution. "Impartial" refers to a qualitative assessment of the actions of the Speaker, including the way rulings on the standing orders are given. This distinction is essential to an understanding of the traditions of the Australian speakership. The tradition of impartiality of the speakership has been an important theme in the minds of Australian Speakers over the last century and is the essence of the Australian approach to the speakership. While presiding officers in most jurisdictions would make a similar claim, I would argue that it would be difficult to point to another legislature in which this philosophy of speakership is so firmly grounded in the national psyche.

My view on this point is shared by the Speaker of the New South Wales Legislative Assembly, the Hon John Murray MP. At the 33rd Conference of Presiding Officers and Clerks held at Brisbane during July 2002, in a paper titled "The Role of Speaker and Political Reality", Speaker Murray addressed the perception that the Speaker is not independent but "merely a puppet of the Government of the day".[4] Speaker Murray, after noting the different historical development of the speakership in Australia and in the United Kingdom, identified the distinction I am making when he said "the fact that the Speaker is aligned to a political party is not significant, rather the fact that the Speaker is able to distinguish party allegiance and a duty to Parliament is the important point".[5] These comments reinforce the view that the tradition in Australia is not that the Speaker be independent, but that he or she must be impartial.

While impartiality in the Australian context has been evolving since earliest times, the difference between the sort of impartiality possible in Australia and impartiality based on independence from the political contest which has evolved in Britain has not necessarily been recognised throughout its development. Arthur Calwell once remarked:

> A Speaker ought to be fair; he ought to be just; he ought, at least, to try to attain to the attributes and the standard of the Speaker of the British House of Commons, and deal fairly with honorable members on both sides of the House.[6]

While the traditions of the Australian speakership have an implied constitutional nexus with the House of Commons through section 49 of the Constitution, it was anticipated that the House of Representatives would develop its own rules and traditions over time to replace those of the House of Commons. However, it is important to realise that the tradition of impartiality has been received through the colonial legislatures as well as by direct reference to the House of Commons. As I pointed out above, it was the unmistakable intention of our founders that the House would develop its own rules and style of debate that suited a young nation whose parliamentary traditions were yet to be written.

For a Speaker to be truly impartial he or she needs to focus on this ideal at all times. However, it is not just good will that is needed. The Speaker's potential for impartiality rests also upon having standing orders that are impartial. They need to provide for fair debate and appropriate opportunities for holding the Executive accountable. I consider that our standing orders are a good example of this ideal, but more can be done.

In interpreting the standing orders Speakers are guided by decisions of former Speakers. Reference to past practice supports consistency and thus the decisions of Speakers have augmented the standing orders and vice versa. In addition, the weight of precedence acts as a brake upon Speakers who might be tempted to act in an overtly partisan way. However, we should also be careful not to be too deferential to the "dead hand of the past", and I shall outline some proposals later in this paper that will ensure that the House continues to be a responsive, evolving body which is not held back by an over-reliance on precedence.

DEVELOPMENT OF THE SPEAKERSHIP

In considering the role of Speaker in the Australian Parliament it is important to take account of the development of the institution of the speakership in the colonial legislatures.

The first Members of the Commonwealth Parliament were more strongly influenced by the colonial experience of the speakership than they were by the British model. Redenbach argues that this "had major implications for the Speakership's subsequent development in the Australian House of Representatives".[7] Whatever the origins of the tradition, there has always been a tradition of fairness in the House of Representatives and an equal expectation that the Speaker should be impartial in the conduct of his or her office.

Our pre-federation history shows that colonial Speakers diverged from House of Commons practice and the Westminster model. The colonial speakerships were shaped by the conditions that operated in the small colonial parliaments. For example, the customs for the use of the casting vote which were adopted in Britain, were not always followed and the colonial Speakers showed a greater willingness than their United Kingdom counterparts to participate in debates. This was due to the fact that majorities were quite small and hung parliaments more frequent than in the House of Commons. [8] There was also a tendency for former colonial Speakers to resume their political careers on the floor of the House. In contrast, the British Speakers left the chair with a peerage and a seat in the House of Lords.[9]

Factional politics also meant that the speakership could not develop in accordance with the British "independent" model. In Britain, party discipline had strengthened considerably by the mid-nineteenth century. In contrast, until the late 1880s Australian politics had "a faction system akin to eighteenth century British practice, in which loyalties were often transient and revolved around the personalities of political leaders and a few of their 'hard core' followers".[10]

The speakership in the new House of Representatives followed the same path as the colonial speakerships in diverging from the British model. While the first Speaker of the House of Representatives – Sir Frederick Holder, Member for Wakefield (a seat which incidentally I now hold a hundred years later) - attempted to establish a degree of independence, this was not tolerated in later speakerships. The Commonwealth Parliament did not begin with a fully developed party system, even though there were three political alignments (Free Traders, Protectionists and Labor). Holder was not the choice of a single party only but had the unanimous support of the House. Redenbach noted that "Holder approached the task of remaining politically aloof very seriously and did not vote in the Committee of the Whole, nor participate in debate, unless the matter related to his administrative role".[11]

Unlike the election of Holder, the election of the second Speaker of the House – Dr. Carty Salmon – was not unanimous. After seven hours of debate, Salmon was elected, defeating two other candidates. After Salmon's election, it "became customary for the Speaker to be chosen solely by the governing side without any consultation with the Opposition".[12]

The last century saw the development of local traditions whereby the Speaker acts impartially in discharging an office that never became independent. Redenbach argues that the "high degree of Executive and party control of the office hindered incumbents' capacity to establish the level of mutual confidence and respect with Members from all sides that Holder helped to engender and which enhances the Speaker's effectiveness in serving Parliament's interests."[13] This contentious view is not supported by the history of the speakership, which instead supports the thesis that the degree to which a particular Speaker engenders trust from both sides of politics does not derive solely from affiliation to a political party. Rather it is a function of both competence and diligence in ensuring that proceedings remain fair. These values stem from the Speakers' individual traits rather than from their party position of what the speakership should be. There have been numerous instances of Speakers who have been perceived as fair by the Opposition and other instances where the lack of impartiality of certain Speakers has been criticised. John McLeay was re-elected three times without opposition (despite facing opposition when first elected). The Leader of the Opposition at his first re-election in 1959 praised the Speaker's "efficiency in the Chair" and "the spirit of fairness and tolerance that you showed during all the debates".[14] John McLeay embodied the tradition of impartiality, and this was recognised by all Members of the House. Even when the Speaker has

failed to uphold the tradition in practice, the proof of the existence of a tradition of impartiality can be seen in the criticisms made during the debate on the election of the Speaker. For example, Arthur Calwell once described Speaker Cameron as having "a disgraceful record of partiality".[15]

The attitude to the interplay between the Speaker, the standing orders and House practice is coloured by a recognition that today's Government could be tomorrow's Opposition. The Opposition expect ample opportunity to challenge the Government and express their opposition while the Government want to minimise the ability of the Opposition to use the standing orders – especially to attempt to suspend them – to delay proceedings. It is for the Speaker to ensure that both the Government and the Opposition are able fairly to achieve their divergent purposes in the Chamber. The old saying applies: "The majority must have their way, but the minority must have its say".

TOWARDS THE FUTURE

Finding the Right Fit – the Continuing Relevance of the House: Through the development of local traditions and practices combined with evolving standing orders, the House has tried to remain relevant in an age of technological and societal change. The challenge for the speakership is how to maintain the traditions, while taking an active part in the re-interpretation of the role of the House by both leading and supporting. It is fitting that a review of the first hundred years of the speakership should conclude by considering future directions. I have argued that the first hundred years saw the development of an Australian speakership that owed more to the Australian political and social context than its British origins. However, the development of the Speaker's role is a continuing process, not a finished product. Various themes are emerging which are relevant to the future development of the House and the speakership. These include a more interactive style within the Chamber, more community involvement in the life of the Parliament through changes to the ways parliamentary committees engage the community, through more direct involvement with the public through seminars and presentations and through better communication, both in publications and the use of the Internet.

An Interactive Chamber: Speaker Sinclair was particularly interested in making the Chamber a place in which interaction between Members could recapture some of the dynamism which some have thought had diminished with the move from the Old Parliament House. He introduced physical changes to the Chamber (the large flags and the chairs for distinguished visitors) to encourage a more intimate physical environment).

Amongst other things he was interested in moving the focus more towards the centre of the Chamber away from the far end where it tends to be because of the location of the Speaker's chair and the despatch boxes. It proved too expensive to move the Chair and the Chamber table towards the centre of the room. However, there is potential for a geographical shift of focus by moving the despatch boxes (at which Ministers and Shadow Ministers speak) to the end of the table nearest the centre of the Chamber. A consequential change would be to move the Hansard desk from its current position in the centre of the Chamber. I expect that this shift in focus would encourage Members to feel more directly involved in proceedings on the basis that more Members would be closer to "the action".

I am also interested in exploring how changes to procedures of the Chamber can extend this process. While it may be difficult for a Speaker to initiate procedural changes because of demands on his or her time and the desirability for the Speaker to reflect the will of the House rather than set the agenda, it is important that the Speaker take a leadership role in ensuring that the proposals for reform are given a fair hearing.

One proposal to improve the quality of debate is the creation of a procedure for interventions in the Main Committee. The proposal was recommended in a report of the Procedure Committee and will

be introduced on a trial basis for the remainder of 2002. The proposed wording for sessional order 84A is:

Interventions in the Main Committee

84A   During consideration of any order of the day in the Main Committee a Member may rise and, if given the call, ask the Chair whether the Member speaking is willing to give way. The Member speaking will either indicate his or her:

a) refusal and continue speaking, or

b) acceptance and allow the other Member to ask a short question immediately relevant to the Member's speech—

Provided that, if, in the opinion of the Chair, it is an abuse of the orders or forms of the House, the intervention may be denied or curtailed.

The Procedure Committee described the procedure in the following way:

> [T]he convention allows a Member to stand and request the Member speaking if he or she is willing to 'give way'. The latter must refuse or accede. If the request is acceded to, the intervention must be brief, to the point and in the form of a question.[16]

The report stated that this procedure had the advantage of stimulating "greater involvement by Members on both sides of debate" and yet preserved the ability of the Chair to prevent the wilful obstruction of government business.[17] The procedure is particularly suited to the Main Committee where the bills considered are generally of a non-controversial nature. Having argued that the Australian speakership has developed a distinctive style from its British origins, I have no hesitation in acknowledging that we have adapted "interventions" from the British procedure. A similar procedure of "yielding" applies in the United States Congress.

One function of the Main Committee is to test procedures which might be later introduced into the Chamber. If the trial of interventions proves worthwhile, the next step could be to introduce a more limited type of intervention in the Chamber, by allowing the last five minutes of second reading debate contributions to be a question and answer period. This proposal would not extend the time spent on government business because those participating in debate would have to make their contributions in 15 instead of 20 minutes.

It's Your House: In recent years the House of Representatives has encouraged the concept of community "ownership" of its Parliament by directly engaging with the community at a number of levels. Successive Speakers have tried to support and drive these initiatives. One aspect of the process has been to "take the House" out of the parliamentary precincts to tertiary institutions in a program called "House Calls". As part of the program Members of Parliament and senior House officials who can speak about the legislative and committee processes of the House and how they operate in practice, give lectures to university students. In recent months I have had the great pleasure of addressing groups of university students in Queensland and New South Wales to talk about the House and to engage in rigorous question and answer periods. The program aims, at one level, to improve links between the House of Representatives and Australia's tertiary institutions. It is also an attempt to take back from the media the responsibility for informing the community about the House. If we allow the public to develop an image of the House based on snatches of Question Time incorporated into news and public affairs programs, we have only ourselves to blame if the public has a distorted view of the Parliament.

The operation of parliamentary committees has also undergone considerable changes in recent years in terms of engaging with the public. Despite only having 150 Members, the House has a large number of committees that carry out a substantial proportion of the House's interactions with the community. Members of the public may make submissions or be invited to give evidence and the atmosphere at hearings is likely to be more informal and welcoming than in the past.

Technological advances present an opportunity to strengthen the democratic process. The development and spread of the Internet into Australian homes and businesses now means that the House is more able to reach out to citizens and communicate directly with them. House committees receive questions via e-mail from ordinary Australians suggesting questions that the Committee

might ask during the course of its inquiry. Thus, the House not only remains relevant to our system of democracy, but also is enhancing it and moving it forward into the twenty-first century. Furthermore, in response to the Procedure Committee's recent report *Promoting Community Involvement in the Work of Committees*, the Government has supported a recommendation to hold regular conferences of committee chairs, deputy chairs and secretaries to further the role of committees in better informing the community. In this outreach to the community the Speaker has an important role in encouraging and supporting staff and Members.

Question Time: Just as technology has strengthened the linkage between Australians and their House of Representatives, it has also brought our Members under closer scrutiny. Question Time remains one of the primary means by which individual Ministers and the Government collectively are held responsible. It is important in discussing parliamentary reform not to underestimate the importance of Question Time, which, for many, is the public face of Parliament. Dr John Uhr in a recent publication recognised that Ministers "generally have a lot to lose through mismanagement of their participation in question time" and that "it is an accountability arena with a considerable and often underestimated capacity to bring down ministers and possibly whole ministries."[18] If we accept that the Opposition has a lot to gain by seeking to embarrass the Government during Question Time, then it becomes apparent that part of the essence of Question Time is that it tends to be more heated and emotional than when other business is before the House. The Prime Minister highlighted this fact when he stated at the opening of the 40th Parliament that while the House aspires to reach a "parliamentary decorum and a character of debate that is better than the one that went before", debate "must represent and characterise the robustness and the directness of the Australian people."[19] Speakers on both sides of politics have recognised that Question Time should not be stifled by an unduly narrow interpretation of the standing orders. As Speaker I have tried to strike a balance between the need to keep order and decorum in the House in order to meet the high expectations that Australians have of their representatives, while not detracting from the essence of Question Time according to the unique Australian traditions that we value.

Setting limits on the time allowed for questions and answers has been suggested as a way of improving the quality and fairness of Question Time. A number of Procedure Committee recommendations support this proposal. The 1986 Procedure Committee Report entitled *Standing Orders and Practices which Govern the Conduct of Question Time* recommended that the standing orders be amended to require that questions be brief and confined to a single issue.[20] The1992 Procedure Committee Report entitled *The Standing Orders Governing Questions Seeking Information* recommended that the permissible length of a question be a matter for inclusion in a statement by the Speaker to the House.[21] The 1993 Procedure Committee report entitled *About Time: Bills, Questions and Working Hours* accepted that the length of answers was too long.[22]

The 1986 and 1993 reports did not support restrictions on the length of answers because of the need for flexibility where questions legitimately require more complex answers.[23] Furthermore, a discussion paper circulated in June 1995 highlighted further difficulties for the Chair in that a) the Chair would be placed "in the difficult position of having to discern whether or not an answer merited extension" and b) it would be "undesirable to give the Speaker a specific discretion to terminate lengthy answers".[24] Despite these objections, it is possible for the Speaker to use his or her common sense to ensure that the quality of questions and answers is improved by requiring them to be concise. The practice of limiting the time for questions and answers has been successfully implemented in the Senate. Whilst a concrete proposal has not yet received the support of the House it is worth considering on the grounds that limiting questions and answers in this way would make it easier to maintain order in the House and improve the public perception of Question Time.

Continuing with the theme of responding to community complaints about the staged nature of Question Time, the issue of reading questions and answers is pertinent. The period is supposedly for questions without notice. However, it is generally expected that on most occasions questions will be scripted and vetted by a party tactics committee. On occasions, a free opportunity is provided, and a question is in fact, without notice. For answers, the current practice under the standing orders is outlined under standing order 321, which states:

Quoting Documents

321   A document relating to public affairs quoted from by a Minister or an Assistant Minister, unless stated to be of a confidential nature or such as should more properly be obtained by address, shall, if required by any Member, be laid on the Table.

Currently, the practice is that where a Member believes that a Minister is quoting from a document the Speaker will first ask the Minister whether he or she is quoting from a document. If the answer is yes, then the Speaker will ask if the document is confidential. If the document is not confidential (and not "notes") then the Speaker will require the Minister to table the document. One problem with this procedure is that while the document may be tabled and placed on the public record, the spontaneity of debate is diminished. I would like to explore ways of discouraging reading material in the course of proceedings in the Chamber in an effort to re-invigorate Chamber life.

In exploring the possibility of procedural changes it is important not to lose sight of why such changes are desirable. The social context in which the House of Representatives operates is fundamentally different from that which applied one hundred years ago. Question Time, the public face of Parliament, is televised (on alternate days with the Senate). Those with a deeper interest may listen to the Parliamentary News Network on radio or follow proceedings on the Internet. The introduction of broadband television services will see the potential for the public to watch proceedings increase. A dynamic and human debating Chamber will lessen the perception that the House is "a rubber stamp", endorsing the program pre-determined by the Executive. While perceptions are important and the growing cynicism of the public of great concern, the challenge for Speakers in the next hundred years is to work for a real debating Chamber, and not just the perception of one.

In conclusion, I would like to return to the theme that the traditions of this House are the silk threads of our democratic system of government. Like silk strings our House traditions possess the important qualities of strength and flexibility. It is my firmly held view, based on my direct experience of and keen interest in the traditions of our House, that these two qualities of our House traditions (strength and flexibility) are not diametrically opposed. Without seeking to stretch the metaphor, our traditions help keep the House of Representatives taut against the twin pressures of the need to allow the electoral mandate of the Government to be implemented efficiently and the need to ensure the fairness of proceedings. As Speaker I am always seeking to find the balance between the two. In this sense the impartiality of the speakership needs to be understood as an impartial "facilitator" of the democratic system and not as a "servant of two masters".

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[1] Stephen C. Redenbach, *Servant of Two Masters?: An Exploration of the Speaker's Role in the Australian Commonwealth Parliament* (Ph. D Thesis), La Trobe University, Bundoora, 1999, p. 4.

[2] Ibid, p. 5.

[3] Philip Laundy, *The Office of Speaker in the Parliaments of the Commonwealth*, Quiller Press, London, 1984, p. 50.

[4] The Hon. John Murray MP, "The Role of the Speaker and Political Reality", *33rd Conference of Presiding Officers and Clerks*, Brisbane, 2002, p.1.

[5] Ibid.

[6] H.R. Deb. (15.2.1956) 9.

[7] Redenbach, op. cit., p. 37.

[8] Ibid, p. 51.

[9] Ibid, p. 39.

[10] Ibid, p. 38.

[11] Ibid, p 57.

[12] Ibid, p. 59.

[13] Ibid, p. 59-60.

[14] H.R. Deb. (17.2.1959) 8.

[15] H.R. Deb. (15.2.1956) 9.

[16] House of Representatives Standing Committee on Procedure, *The Second Chamber: Enhancing the Main Committee*, Parliament of the Commonwealth of Australia, Canberra, 2000, p. 36.

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[23] 1986 HPC Report, p. 41; 1993 HPC Report, p. 23.

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