

THE AUSTRALIAN SPEAKERSHIP

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The Australian Speakership reflects its origins from Westminster, where the first Speaker to the United Kingdom House of Commons to be so designated was Sir Thomas Hungerford in 1377. Our first Speaker was Sir Frederick Holder, a former teacher, journalist, local Mayor and state Member of Parliament from South Australia. Upon his election to the role in 1901, Holder remarked: “I am quite sure that though honourable members will have to express their deep and earnest convictions on the various matters that come before the House they will express them with due respect to our standing orders. I rely, as I am sure I have a right to rely, upon the earnest support and assistance of every member of this House to assist me in maintaining order according to our regulations.” These sentiments were very well said and are as relevant today to the role of Speaker as they were in 1901. Unfortunately for Speaker Holder, he was to pass away 8 years later following a particularly challenging sitting marked by bitterness and unruly scenes, again not unusual these days in terms of the challenge of the sitting.

The Australian Speakership has evolved in a unique way, and now differs significantly from its heritage through the office of the Speaker of the House of Commons. From the beginning, the traditions of the Australian speakership could be distinguished from those of Westminster and the colonies which became the Commonwealth of Australia. The convention that, once elected as Speaker, United Kingdom Speakers abandon their party allegiances, do not participate in party politics and are not contested at elections is very important to the development of the speakership in the United Kingdom though it has not been absolutely followed. It has been the means by which the Speaker is seen to be completely independent in his or her administration of the chamber and the House.

In Australia the different approach has been to demonstrate impartiality in the chair. Most comparisons made between the speakerships of the House of Commons and the House of Representatives reflect adversely on the difference between the two. This is because critics fail to appreciate the very different parliamentary and political environment in which Australian Speakers must operate. A former Speaker, the Right Honourable Sir Billy Snedden, complained that the Australian system requires of its Speaker impartiality yet continued a system which obstructs it. He advocated the adoption of a carbon copy of a Westminster independent Speakership, arguing that it would address the inherent lack of

confidence in the impartiality of the Chair, and that a Speaker could effectively represent their constituents whether they were opposed at elections or not.

However, his push was unsuccessful in gaining the necessary support within the Parliament. An important factor in rejecting the UK approach I think was that the House of Representatives has fewer than one quarter the number of members of the House of Commons. The threat of a hung parliament is never absent and the concept of a Speaker standing aside from party politics is not consistent with this political reality. As a result, the Australian speakership has evolved in a different way, not with independence as central but, as stated by one of my predecessors, Speaker Neil Andrew, ‘the essence of the Australian Speakership is impartiality which is the formal expression of the Aussie “fair go”’.

Australia has a strong tradition that all Members, regardless of any office they might hold, continue to support their electorates. At a more practical level, a Speaker must remain politically active if he or she is to hope for re-election in the electorate—a challenge which is not part of the traditions of Westminster. In Australia, the Speaker remains a member of his or her political party. They are also entitled to do everything possible to ensure success in contesting their seat in an election. Most have achieved this. Since my election as Speaker, I have not attended routine party meetings. I consider that I should not attend routine party meetings to not only be, but be seen to be, above the day-to-day political hurly-burly.

The size and composition of the Australian Parliament also explain to some extent why we have never adopted a ‘pure’ Westminster-style independent speakership. Put simply, it is more feasible to draw an independent presiding officer from a 650 member chamber than from a chamber comprising just 150 members.

The difference between an appointed House of Lords and an elected Senate also plays a role. In Australian federal elections, running candidates in all House of Representatives seats – including those which you have little chance of winning – is an important means of drawing out the Senate vote in that state. Parties will not forego the opportunity to maximize its vote in the upper house by agreeing not to run a candidate in even one lower house seat. Interestingly, since the recent UK general election, the historical Westminster compact of an unchallenged Speaker requires the consent of an increasingly large number of political players. It will be interesting to see how Westminster fares in the years ahead in this regard.

The principal, and most visible, responsibility of the Speaker is to chair the proceedings of the House. I am always in the chair during Question Time, the time of the sitting day which receives the most attention. However, I am in the chamber at other times of the day – usually when the House opens and when it closes. I also often attend for significant debates. So chairing the House consumes a significant amount of my time in sitting weeks. In the Chair I must interpret and enforce the standing orders, respond to Members’ points of order and give rulings on procedure when necessary. For example, I am often called upon to decide whether remarks made in a speech about another Member are offensive, whether a Member’s speech is relevant to the motion or legislation being debated or whether a particular motion or amendment is allowed to be moved, and when it may be moved.

As I will note later, there are other, less visible, but more time consuming aspects of the role of Speaker.

The expectation when I am chairing the House is that I will allow debate to flow freely within the standing orders provided by the House. In interpreting the standing orders I always endeavour to do so consistently and fairly reflecting that stance of impartiality that I referred to earlier. I also seek to maintain order, dignity and decorum. This includes using the sanctions available to me to enforce the rules, to maintain order and to seek to have Members maintain a civility of discourse towards each other.

My view of the House of Representatives is that it is a chamber of vigorous debate. Robustness has always featured strongly, in times past as strongly as it is perceived to be today. On one occasion in 1910, a Member who was the target of an insulting comment by another, threatened that should the Member repeat the insult outside the Chamber he would “deal with him quick and lively”. During another particularly heated debate in the House in 1965, Gough Whitlam threw a glass of water at Paul Hasluck after Hasluck said: "You are one of the filthiest objects ever to come into this chamber".

Because the House is a combative place where the contest for ideas between the major political players should be allowed to play out, I give considerable tolerance to both sides to pursue their arguments. In return for this tolerance of free flowing debate I, and I sense very strongly the Australian community, expect that members from both sides of the House will work with the Chair to lift the standard of debate and the civility of discourse in the House. I have insisted that Members address each other by their proper parliamentary titles, thus immediately making debate less personal. I also am less tolerant of language that is outside the boundaries of what the community expects of its parliamentarians.

The Speaker is most visible to the public during question time, as that is the only part of proceedings normally broadcast on television. The Speaker’s task in the Chair during question time can be extremely challenging. Perhaps due in a large part to the fact that it is televised, this is the period when the intensity of partisan politics is clearly shown. Opposition questioners attempt to point out flaws in government administration, while Government questioners are tempted to give Ministers opportunities to put government policies and actions in a favourable light and to embarrass the Opposition. The sometimes emotional and unruly debate during question time can be unsettling to some observers, but others defend its spirited nature as a sign of a healthy democracy where disagreement takes the form of verbal rather than physical conflict. It must be stressed that question time is not representative of proceedings in the House generally. Most debate is rather tame in contrast—probably that is one reason that it receives less media attention, which I think is unfortunate.

Since 1994 the Speaker has had the power to direct a member engaging in disorderly conduct to leave the chamber for one hour. These short suspensions, under Standing Order 94A, are an alternative to the far more serious sanction of naming a member. This power is used frequently, particularly during question time when debate is at its most passionate. Given that, as I have said, question time is the most watched time of the parliamentary day,

there is an understandable interest in the number of ejections under SO94(a) and who is being ejected.

I do not concern myself overly with statistics. I do not apply an unofficial quota. My focus is simply to maintain order in the chamber. Ultimately my role in dealing with disorder in the chamber is about offering members a choice. Disorderly members are warned and then must choose whether to continue misbehaving and face ejection, or to take part in the debate in a more orderly fashion. It is entirely up to them.

The performance of the Speaker in the Chair is subject to question by Members and by people outside the Chamber. Rulings can be challenged and ideas often floated by Members and observers about changes that should be made to improve the way the House operates. The standing orders provide the rules governing the proceedings of the House, and of course it is up to the House itself to make changes to its standing orders. For example, the changes in 2010 to the standing orders relating to question time have been of some use in introducing time limits on questions and answers, tightening the relevance test on answers to require them to be directly relevant, and limiting points of order on relevance to only one per answer. Such changes make the task easier for a Speaker.

However, the public may judge that, as with most things, they come at a cost. Time limits on questions and answers have in many instances, become unnecessary targets. Many viewers tell me that not all questions need be 30 seconds in duration, and not all answers need be 3 minutes long. My job is simply to enforce these Standing Orders. What I think doesn't matter. I could not possibly comment!

Along with the standing orders, it is important to note that the practice and precedents of the House, developed over the many decades since 1901, provide guidance for the Speaker in carrying out his or her role and help to ensure consistency and the perception of impartiality. For example, I have made it clear that in the context of the very close numbers in the House of Representatives in this Parliament I will uphold the long established principles, inherited from the United Kingdom House of Commons, for the exercise of the Speaker's casting vote in the event of a tied vote in the House.

The principles are that:

- the casting vote should be exercised to enable further discussion on a question where that is possible;
- where no further discussion is possible, decisions should be taken by majority; and
- when the question relates to an amendment to a bill, the cast vote should leave the bill in its un-amended form.

Taken together, the principles could mean that on a crucial piece of legislation, when it comes to a final vote and it is tied, I would vote to defeat the bill as it is not supported by a majority.

There is another important dimension to the Speaker's role. The Presiding Officers of the Parliament – that is, the Speaker of the House and the President of the Senate – are jointly responsible for management and administration of the parliamentary precincts. In this we represent the interests of members of all political persuasions and of the House as an institution.

The parliamentary precincts comprise an area of approximately 35 hectares inside Capital Circle, the inner ring road around Parliament House. The precincts include, of course, Parliament House as well as areas of open space, gardens and bushland, car parks, playing fields and other facilities associated with the building.

In practical terms this means, for me, overseeing the operations of the Department of the House of Representatives and, jointly with the President, the Department of Parliamentary Services and the Parliamentary Budget Office. This represents a workforce of over 1000 staff and a budget of around \$350m in 2016-17.

The departments have a hugely diverse set of responsibilities, ranging from supporting the chamber and committees to providing library and research services; ICT services; security services; building, gardening and design integrity services; audio visual and Hansard services; art services; visitor services and educational programs; food and beverage services; and retail, health, banking, and childcare services.

Maintaining and securing Parliament House as a national institution and a workplace is a substantial, complex task. It involves undertaking regular maintenance as well as special one off projects. It is also necessary to undertake long term planning to ensure the building meets the needs of contemporary users and adapts well to future needs.

To give you an idea of the scale of the work involved in regular maintenance of the building, in 2016-17 almost 60,000 square metres of painting was carried out, 19,000 square metres of parquetry floor polished and almost 5,000 square metres of carpet replaced. The regular maintenance also includes an extensive program of capital works, in recognition of the need to preserve the fabric of the building, which is now almost 30 years old.

The capital works program currently includes projects to improve car parking facilities, renovate and replace lifts and electrical services, replace boilers and chillers forming part of the building's vast heating and ventilation system, and refurbishment of the various kitchens around the building.

In the current environment, as you might expect, security considerations are at the forefront of many of the one-off projects and some of this work attracts considerable attention. A good example is the current project to erect a new security fence around the perimeter of the building, judged necessary following advice from the police and other agencies to strengthen the physical security of the building.

We had three priorities as part of the fence project. First, the fence had to be designed and constructed in such a way as to ensure it provided an appropriate level of security. Second, the design of the fence had to be consistent with the architects' original vision for the building. Third, we had to be respectful of the public expectation – an entirely reasonable one – that the building will remain open and accessible to visitors.

Construction of the fence is now underway. It is fair to say the commencement of this work has not been universally welcomed. Australians love Parliament House. They are protective of the building, visit in huge numbers and value the principle that debate in the national legislature should be open and accessible to all citizens. I completely agree with these sentiments.

But, at the end of the day, the President and I bear ultimate responsibility for the security of people and buildings in the precincts– about 1 million people, including 100 000 schoolchildren, visit each year – and the current environment is such that we must take these matters very seriously. I am confident that we are taking the right approach and that the public will find the visual impact of the fence is in fact quite low once it is completed.

All this suggests that the Speakership is a balancing act both inside and outside the House. In the House it is about allowing the free flow of debate and ideas, but recognising the rules impose constraints and the House must maintain an appropriate level of order, dignity and civility. Outside the House, the Speaker equally is balancing the various interests that seek to influence the way that the Parliament is administered. Individuals will make their own judgments about whether any Speaker has the balance right, but in doing so they should have regard to the totality of a Speaker's actions and not particular actions with which they may not agree.