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Debate on the election of Speaker

Background — the Clerk's 'uncomfortable duty'

1.1   Current standing order 11(g) does not permit debate to take place on the election of Speaker unless there is more than one candidate. This provision was the same in the former standing orders.

1.2   The first extract below from the Hansard of 12 February 2002 gives an example of an uncontested election of Speaker proceeding in accordance with the standing orders. The mover and seconder of the motion 'That the honourable Member for Wakefield do take the Chair of this House as Speaker' did not speak in support of their candidate.

1.3   The second extract from the Hansard of 16 November 2004, at the start of the current Parliament, shows events not proceeding in accordance with the standing orders. The mover on this occasion spoke in support of the candidate, prompting the following intervention from the Clerk:

> 'It is my uncomfortable duty to remind the House that it is
> strictly not in order to speak in favour of the candidates
> unless the election is contested.'

1.4   This advice was promptly ignored by the seconder, who proceeded to also speak in support of the candidate, although briefly.

Examples from last two elections of Speaker

1.5   The following extracts from Hansard show examples of where the standing orders were and were not followed.

1) Standing orders followed — 12 February 2002

SPEAKER
Election

The Clerk—Honourable members, the next business is the election of a Speaker.

Mr McArthur (Corangamite) (11.16 a.m.)—Mr Clerk, I would like to propose the honourable member for Wakefield as Speaker of the House of Representatives. I move:

That the honourable member for Wakefield do take the chair of this House as Speaker.

The Clerk—Is the motion seconded?

Mr Forrest— I have the great honour and privilege to second that motion.

The Clerk—Does the honourable member for Wakefield accept the nomination?

Mr Andrew—Mr Clerk, I do.

The Clerk—Is there any further proposal? There being no further proposal, the time for proposals has expired. I declare that the honourable member proposed, the member for Wakefield, has been elected as Speaker.

Honourable members—Hear, hear!

The SPEAKER (Hon. Neil Andrew)—I wish to express my gratitude and thanks to the House for the high honour that has been conferred upon me.

The Speaker having seated himself in the chair—

Mr Howard (Bennelong—Prime Minister) (11.18 a.m.)— . . .

2) Standing orders not followed — 16 November 2004

SPEAKER
Election

The Clerk—Honourable members, the next business is the election of a Speaker.

Mr McArthur (Corangamite) (11.16 a.m.)—It is my great privilege to nominate David Hawker, the member for Wannon, as the new Speaker for the 41st Parliament. I move:

That the honourable member for Wannon do take the chair of this House as Speaker.

As members would be aware, David Hawker has represented the seat of Wannon for 21 years. He first joined this parliament in 1983 upon the by-election caused by the retirement of former Prime Minister Malcolm Fraser. By way of history, the former Prime Minister was the member for Wannon for 28 years. He won the election in 1955, having lost the election in 1952 by a handful of votes. So the former Prime Minister understood the necessity of winning the last few votes—even down in Wannon, which is now a safer seat under David Hawker. Former Prime Minister Malcolm Fraser and David Hawker have represented the seat of Wannon for 49 years.

I remind the House that the centre of political gravity has moved to western Victoria for these few fleeting moments, because the member for Corangamite will be escorting the new Speaker, supported by the member for Mallee. I want to ensure that this parliament understands where the real political decisions will be made in the next few moments.

By way of political historical perspective, former Speaker Neil Andrew joined this parliament as the member for Wakefield in 1983, David Hawker joined this parliament as the member for Wannon in the by-election in 1983, as I said, and Stewart McArthur joined this parliament as the member for Corangamite in February 1984. We became very good friends in the ensuing years. Friends are sometimes hard to find in this parliament, as some members would know. The three of us spent 13 long years in opposition and during that time we became quite well versed in electing Leaders of the Opposition. We learnt a lot about politics and about the parliament as three good friends on the opposition benches during those 13 long years. We would hope that current members of the opposition will stay on the opposition benches for a longer period.

David Hawker is a very good local member for Wannon. Wannon encompasses a number of regional cities and towns. He claims that Hamilton, the centre of Wannon, is the wool capital of the world. Some of us would challenge that particular view. Warrnambool, Ararat and many other smaller towns are in Wannon. As members on both sides would know, in these big rural electorates the electors think you have to be everywhere all the time. David Hawker has been a very outstanding local member. He has been everywhere. He has served the people. He has done an outstanding job as their

representative. He has even represented my home town of Camperdown in quite a good manner, although I am really the de facto member of that particular town.

Some of you may not recall that in the middle 1980s David Hawker was an advocate for the free market of domestic wheat—and some of you may think that a fairly difficult topic. The advocacy of David Hawker, with the assistance of the then government, freed up the domestic wheat market. That was a very big debate and David Hawker was the No. 1 advocate on the opposition side. I put on the record his remarkable contribution to that at times quite acrimonious debate. David Hawker, as Chairman of the House of Representatives Standing Committee on Economics, Finance and Public Administration, has brought the Reserve Bank and the Reserve Bank Governor to the parliament and to the Australian people. That has exposed that very important policy-making group to open parliamentary debate. David Hawker comes to the Speaker's job having had experience on the Speaker's panel.

David Hawker, by any measure, is a fair and honourable man. He is supported very strongly by his wife, Penny, who is in the chamber, along with his family. This is a very historic moment for David Hawker, who has spent many years in the parliament representing the seat of Wannon and his people. It is my very great pleasure on behalf of all members to propose David Hawker as the Speaker of the House of Representatives in the 41st Parliament.

Honourable members—Hear, hear!

The Clerk—It is my uncomfortable duty to remind the House that it is strictly not in order to speak in favour of the candidates unless the election is contested. Is the motion seconded?

Mr Forrest—I have heard your injunction, Mr Clerk. I have the great honour and privilege to second that motion. I would like the chamber to recall the fact that the motion was moved by the member for Corangamite and supported by the member for Mallee, the two nearest electoral neighbours to the member for Wannon. A very important aspect to today, as the member for Corangamite has said, is the significance of this region of Victoria. It is a great honour to second the motion. David Hawker is an honourable man. I am looking forward now to continuing order in this place under the stewardship of this candidate.

The Clerk—Does the honourable member for Wannon accept the nomination?

Mr Hawker—Mr Clerk, I do—with some reluctance.

The Clerk—Is there any further proposal? There being no further proposal, the time for proposals has expired. I declare that the honourable member proposed, the member for Wannon, has been elected as Speaker.

Honourable members—Hear, hear!

The SPEAKER—I wish to express my grateful thanks for the high honour that the House has chosen to confer on me today.

The Speaker having seated himself in the chair—

Mr Howard (Bennelong—Prime Minister) (11.24 a.m.)— . . .

Discussion

1.6 The committee commends the Clerk for attempting to apply the standing order during the most recent election for Speaker. However, the committee sees no necessity for the restriction imposed by the standing order.

1.7 The reason for the restriction is presumably that the time of the House does not need to be taken up if no decision is to be made.

1.8 However, the committee sees no harm and some benefit in the mover and seconder introducing their candidate to the House. Most elections for Speaker take place at the start of a Parliament when newly elected Members are likely not to be familiar with the Member being nominated. This also applies to visitors in the galleries and to members of the television or radio audience.

1.9 A short opportunity for proposers to introduce their candidate would also suit the ceremonial aspect of proceedings at the opening of a Parliament. If no-one speaks in support the election is over in the blink of an eye, as can be seen from the 2002 example.

Recommendation 1

The committee recommends that standing order 11 be amended to permit movers and seconders to speak in support of their nominated candidate for Speaker in all cases, even when there is only one nominee.

The use of the word 'question' in standing order 11

1.10 In the above recommendation the words 'speak in support of their nominated candidate' were deliberately chosen. Especially in the case of two (or more) nominees, there is a technical difficulty with the notion that the movers and seconders are speaking to a motion or question before the House.

1.11 The word 'question' is used in two different senses in this standing order. In paragraph (d) 'question' is used in its everyday sense of

request for information. Elsewhere the word is used in its technical sense—although in the committee's opinion not always appropriately—meaning motion proposed to the House for decision.

1.12   If more than one Member is nominated there are in effect two or more motions for the House to consider simultaneously. The rule of debate that only one question can be before the House at the one time is sidestepped in practice by no question being proposed by the Chair on the motions nominating candidates, and no question being put by the Chair for decision. Instead paragraph (g) provides that Members may 'speak on the election'.

1.13   Paragraph (h) provides the closure motion 'That the question be now put'. In practice, even if the closure is agreed to, no question is in fact put (as no question exists). Instead a ballot occurs to select the preferred candidate.

1.14   To aid clarity, the committee has suggested that this opportunity be taken to make changes in the wording of paragraphs (d) and (h). We propose that in paragraph (d) the word 'question' is best avoided. In paragraph (h) we propose that the standard closure motion 'That the question be now put' be replaced by the motion 'That the ballot be taken now'—this achieves the same end but is a more accurate description of what actually happens. A similar situation arises in relation to discussion of a matter of public importance, where the closure motion moved is 'That the business of the day be called on'. In that case too, there is no question before the House that can be put.

Recommendation 2

The committee recommends that standing order 11 be amended to improve clarity in relation to the use of the word 'question'.

Proposed amended standing order 11, paras (a) to (h)

11   Election procedures

When electing a Member to fill a vacant office the routine shall be as follows:

Nominees proposed

(a) The Chair shall invite nominations for the vacant office.

(b) A Member shall propose the nomination of a Member to the vacant office by moving, without notice, that such Member 'do take the Chair of this House as Speaker'. The Member nominated must be present and the motion must be seconded. The mover and seconder may speak in support of their nominated candidate for no more than 5 minutes each.

(c) The nominated Member shall inform the House whether he or she accepts the nomination.

(d) The Chair shall ask:

Is there any further proposal?

~~This question shall be repeated~~ and shall ask this again after any further proposal and acceptance.

(e) If no further proposal is made the Chair shall state:

The time for proposals has expired

No further nominations may be made.

If only one nominee—nominee elected

(f)   If a nominee is unopposed, the Chair, without question put, shall declare the Member, who has been proposed and seconded, to have been elected to the vacant office.

If two or more nominees—debate then ballot

(g) If there are two or more nominees, when the time for proposals has expired, Members who have not yet spoken as mover or seconder may speak on the election, however:

  (i)   debate must be relevant to the election; and

  (ii) no Member may speak for more than five minutes.

(h) At any time during debate, and whether any Member is addressing the Chair or not, a Minister may move without notice—

That the ~~question be now put~~ ballot be taken now.

The question shall be put immediately and resolved without amendment or debate. If the votes are equal the question shall be negatived, and debate may continue. If the question is carried, or when debate ends, the House shall proceed to a ballot.