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*Parliament: Its Place,
Ethics, Rights and
Practice*

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PARLIAMENT: ITS PLACE, ETHICS, RIGHTS AND PRACTICE

A democratically elected Parliament is the only true voice of the people and accountability to the people it serves is the basic plank of a democratic system, however, no matter what forms of statutory accountability we bring to bear true accountability lies in the conscience of both the people and their representatives. No amount of formal process will necessarily safeguard the State. It is only respect for the institution which creates both the shield and the sword to protect and defend it.

Respect for Parliament grows both from the institution itself and the individual member. Respect for the institution may be found in its collective image, in its general appearance, in its accessibility, in its public education programs which Speaker Fouras mentioned, and processes for public accountability such as registers of pecuniary interest, anti-corruption commissions, ombudsmen, and a strong committee system.

Respect for the individual is, of course, to be found in personal conduct, in diligence to electoral duties, perhaps in the public profile a member adopts on major issues, but generally in the degree of professionalism the member displays. The major problem we as members of Parliament face, however, is that we have no specific training path. There is, for most, only the long hard road of experience, a path which incidentally is getting shorter for many members. In New South Wales, for example, the average length of service is just over six years. This is really not long enough to learn much of the culture of public representation.

We hear much today about codes of conduct and parliamentary ethics. Social theorists tell us of the need to restate and confirm the moral basis of our society: the need for a "new corporate morality", a "*return to old standards of common sense and decency*".¹ It goes without saying that when they are talking about people who have this need politicians are right up there in the front rank. Already we are subject to scrutiny. We are subject to scrutiny by our peers, by the community in their daily lives, and by the media in its self-asserted role as protector of the public interest. I am not too certain whether they always protect the public interest but they tell us they do. It is evident that among those groups there is very little mutual understanding of what are in fact the duties and responsibilities of a politician, as distinct from, say, Ministers or even senior public officials.

A recent report of the New South Wales Independent Commission Against Corruption on the activities of a former member concluded with some general comments on standards in public life and looked at the position in Australia and New South Wales in particular. It suggested parliaments could do more to provide guidance on standards of ethical behaviour, perhaps by suitable induction seminars or the development of a code of conduct as an ongoing reference point.

The primary duty of a member, as I see it, is to his constituents; those who live within the electorate. I believe that is almost a sacred trust, a duty to help without any pecuniary or beneficial reward, other than the salary of office, and, of course, the electoral goodwill that always flows from helping people. I think that is certainly a very natural and appropriate expectation.

The second duty is to help people outside the electorate. No electorate stands on its own divorced from everything else and many of us have expertise in specific areas to which we contribute even though it may not directly affect our own electorate.

The third duty is to our Parliament, both to the institution itself and to the general dignity and process of the Parliament. The "duty" which exists to one's political party is, I believe, not a duty. It is something we assume as an extra curricular activity. Obviously independents do not have a duty to any particular party. It is something we take on as part of our private conscience, however we should all aim to fulfil those three elements of public duty.

¹ McKanna, Guy 'Corporate Mentality: the key to confidence', *Australian Financial Review*, 17.5.91

If we were to set up a code of conduct to serve as a guide to us in our duties, it may well be of value in providing that assistance. But really a sense of our own professional integrity, our own dignity, our own self-esteem, and our own self-discipline, are elements of conduct that cannot be underestimated. In many ways we, as Members of Parliament, reflect society. I think if you look across the membership of a Parliament, you will often see in a particular member a profile of the area from which he or she comes. However, I do not think that means we can say we need be no better than the people we represent, and if they have failings and idiosyncrasies that perhaps lower their dignity, that we can afford to be the same.

I believe that as leaders in the community we should set high standards for others to follow. These are not standards that are so demanding; they are the standards accepted by most mature, reasonably well-educated and publicly experienced persons, that is, the very people who are normally elected to Parliament. The public have a right to expect from us conduct that is worthy of our office and of the powers and responsibilities entrusted to us, which are both major powers and heavy responsibilities. When members are found wanting of course it is to our collective discredit.

I often tell my members when they are playing up a bit in the Chamber that such behaviour is not appreciated by the community; that Question Time, when the public are present in large numbers, is the time when our behaviour is judged - not later when debate is proceeding in a more orderly fashion. If people form a bad impression of us during Question Time we have only ourselves to blame.

What then can we do to improve the current position? Is there value in drawing up a code? Does the setting of a code require positive disciplinary action for a perceived breach of that code? If so, who determines whether a breach has occurred and the degree of gravity of the breach. If it is found that there is a breach, what do we do about it - what sanction if any should follow?

The difficulty of determining whether a conflict of interest exists, or conduct is perhaps unethical, is substantial. It is difficult enough even if it is considered in a calm and reasoned context, but formed in the factional, hot-house environment of a Parliament it is extremely difficult to be the fair arbiter of what is right and wrong. In contemplating a code, we could say, "Well, in fact members face their judiciary every election; they go back to the people, and if they indulge in conduct which the electorate might consider unreasonable then, of course, they may be defeated either by failing to gain preselection, or at the general election."

Members have left Parliament for numerous reasons based on electoral pressures. Many might argue it is probably enough, that we really do not need a further force, that the electoral process reflects the changing standards of the community. After all, you cannot judge a person by a standard that is of another time; it must relate to the period in which the person is acting. We can argue one way or another to our hearts content, however, for out there in the community the dogooders insist that codes of conduct and statements of principle are of value. They tell us the very statement of such principles enhance public confidence in our institutions.

Proponents of codes of conduct insist their very publication fosters a strong ethical environment in which government can function. I am not certain that is correct, but that is the theory put to us. In our own way we already set many standards of our own. Our Standing Orders reflect demands for good behaviour. New South Wales Standing Orders certainly have provisions for the declaration of a conflict of interest in terms of voting there are prohibitions against members sitting on a committee where they might have a conflict of interest and all have Standing Orders to cover disorderly or offensive conduct, or in extreme cases, power to expel a member.

Whether codes of conduct are strictly necessary, or of any great value to those they seek to guide, they have become common in arenas of public-related activity. Given a code is deemed desirable, what then might be appropriate for Members of Parliament? I have submitted to our Independent Commission Against Corruption in New South Wales a list of 12 things I think may set out the duties and conduct of members. They are -

1. A member has a primary role to carry out the duties and obligations devolving on that person as a member of parliament.
2. A member should act in the public interest.
3. A member should always act in a manner which upholds the dignity of public office and the parliament.

4. A member should deal with all persons seeking assistance without discrimination.
5. A member should make every endeavour to assist those who seek help, consistent with the need and urgency of the matter and its relevance to the jurisdiction within which the member operates.
6. A member should avoid any situation in which a private interest may conflict with a public duty.
7. A member should not act in any way which induces a financial benefit to the member or creates a personal benefit in any other form which might in any way tend to influence the member in the conduct of his or her parliamentary duties.
8. A member should avoid any situation in which the appearance may be created that another person seeks to exercise undue influence over the member in the carriage of parliamentary duties.
9. A member should not advance a private interest by the use of confidential information gained in the course of public duty.
10. A member should not receive any fee, payment, retainer, or reward or permit any compensation to accrue to his or her beneficial interest for, or on account of, or as a result of the use of, his or her position as a member.
11. A member should comply fully and honestly with the requirements of the Register of Pecuniary Interests.
12. A member legitimately receiving benefit should publicly declare that benefit.

Whatever we write down, in the final analysis, it is up to us. It is our own perception of our duties and obligations that will guide us. If we do not have an inner sense of what is right, then we may come to grief. When I look at incidents in my own Parliament I see not so much a person who has set out deliberately to do wrong but a person who lacked the judgement to realise they had moved into a marginal which would render them vulnerable to attack. The variety of such situations is endless, and so it is very difficult to write down a series of possible events and say, "You must always avoid these circumstances." No matter how thoughtful and farsighted we are in drawing up such a list, it will simply not cover all the possibilities. In the end it is the individual's estimation of their duty, their inner sense of propriety, which provides either a secure path or creates the pit into which that individual falls. It may be a function of parliaments to assist members to appreciate more fully their societal obligation and to provide access to resource material which provides enlightenment, but as with other professions, instruction in ethics will not of itself produce ethical practitioners.

I do not think many will disagree when I say that, collectively, parliamentarians are not highly thought of, although I have often found they are individually. This is because, collectively, we are seen by the community to have abandoned the standards which attract respect. We play up in the House. As Speaker Fouras has said, ours is a vigorous Chamber, and sometimes our behaviour is the last thing that would generate respect in those who watch. Too often we succumb to opportunism and lack of respect towards each other. We should always bear in mind that our opponents in politics are just that, opponents to compete with on a parliamentary basis but otherwise to be treated with respect.

I always remember a great story from the Commons about the young fellow who finished his maiden speech on the thunderous note that he would fight the enemy opposite to his last breath. Afterwards an old codger came up to him and said, "That was a pretty good speech, but you made one mistake. You see those people on the other side of the Chamber, they are Her Majesty's Loyal Opposition. Your enemies are behind you."

It is terribly important to treat one another with respect and our profession with respect. Too many public falls from grace have done much to damage our image. Whether it is a matter of perception or substance the wrong image is firmly planted in the public's mind.

In any attempt to correct this situation I think we have to look at the role of Parliament and the exercise of its functions. The best way we can improve both the perception and reality of parliamentary accountability is in the exercise of our legislative power.

The perception that the role of Parliament has declined to "rubber stamp" status is not new. William Schwenck Gilbert in *Iolanthe* observed,

When in that House MP's divide
If they've a brain and cerebellum to
They've got to leave their brain outside
And vote just as their leaders tell 'em too.

Those words were written 100 years ago, and not much has really changed. This perception has led to consideration of alternative forms of expressing community opinion, -the courts, the media, the Church, single issue groups, universities, collective public forums and so on. Each, however, is fundamentally flawed as any true expression of the voice of the people because at the end of the day they cannot be held accountable. The community should not be seduced by these alternatives, for at best they express opinions, at worst they are the basis of dictatorship.

We have four independents in our House who hold the balance of power. Much has been said about the upsurge of interest in the election of independents to Parliament, however, I think it is not simply a matter of disillusionment with the party system but a manifestation of public concern and frustration that the parliaments they elect are not carrying their views through to the legislative process. Despite the many ways in which the community is able to express its view it is alleged that legislation does not necessarily reflect such community input. Independents face the same difficulty, which is, whilst they can exert muscle on a government and thus the legislative process in situations where the government does not have a majority, their influence still has little impact unless the standing orders and the procedures of the Parliament allow them to carry their views into legislative reality. If they can, however, does the influence of a minimal proportion of representation over the much greater numbers of combined government and opposition constitute a democratic process?

If we look to the structure of Parliament, there is, as I see it, five functions in the following order of importance:

To provide a governing executive.
To provide for the finances of the State.
To debate issues of public concern.
To pass legislation.
To scrutinise the actions of the public service.

The first two elements are provided by virtue of the constitution, the others by the procedures of parliament, apropos of which a recent article the Economist² said,

"The real question is how much, if any, independent life should Parliament have, beyond providing the forum for the rituals of government and opposition. In theory, it is the cockpit of the nation's life, where independent-minded legislators guard liberties and query the activities of the state and its servants. In practice it is a less bloody and useful arena in which committees are meant to help correct the balance. By gathering back-benchers across parties, they encourage them to think as parliamentarians, not as party yes-men. By enabling them to track particular departments for months or years, they give them a level of knowledge about government that few MPs would otherwise have. One chairman said they ought to be providing a third force in Parliament between the two big parties - and should get a third of the chamber's debating time too."

If we consider the time devoted to debating committee matters against the time spent in other debates it is certainly much less than a third. Over the past twenty years much has been said on the role and purpose of a committee system and most parliaments have extended their committee systems. Committees can have a positive impact on returning power to parliaments, however, if this is to happen committees must be adequately resourced. In particular they must have access to adequate and suitably qualified staff and be able to provide skilled and independent advice. It is also important that real debate occurs in the House when reports are tabled. Those not on committees have special responsibilities to read and debate reports in a meaningful fashion. Perhaps reports could recommend positive forms of action which would become binding on governments if adopted without amendment. This imperative would surely draw out the true feelings of the parliament on issues raised in reports.

That leads me to touch on an issue very dear to my own heart. I am concerned about the attitude of members towards debates in the House. Many of our members dash into the House just prior to speaking, read from a set text written one suspects by staffers or outside persons and then, shuffling up their papers, leave the chamber without participating in the debate at all. They do not know what went on before or afterwards. That lowers the quality of debate in the House.

In a recent sally the veteran U.K. Parliamentarian Roy Jenkins wrote of

*" whipped cohorts who trudge in for the division from dining room or library with their minds unsullied by the arguments. "*¹⁶

Any move, therefore, towards more meaningful debate can only be to the overall good. It is a challenge which we members have to take very seriously. It is also a matter for our procedural advisers, including the Clerks at-the-Table and other permanent staff of the parliament. Those who pay attention to such matters, that is, members of parliament, are parliamentarians, those who do not are politicians. I always think of myself professionally as a parliamentarian rather than a politician. Politicians are in every walk of life.

Touching on the Clerk's role, they are one group with continuity, and as such have a vital role in maintaining a strong and independent Parliament. They are the custodians of much of our parliamentary culture. The currently high turnover of members within many Parliaments does not allow parliamentary maturity to develop to any significant level. Further, the length of a member's service does not always equate with an equivalent depth of interest in and understanding of the parliament. The preservation of parliamentary standards is therefore very much in the hands of the continuing entity within the parliament, that is, the Clerks and their staff. Most members would be wiser to accept the guidance of the Clerks rather than rely on their own, or a colleagues, very imperfect knowledge.

Another matter we have to look at in terms of changing the Australian parliamentary culture is to have more regard for the sovereignty of parliament itself. We, as members of parliament, must see it as more than just an extension of the conflict in the electorate, or a forum to get across the party's platform. I think we have to concede there is a wider community responsibility, that as a party we do not necessarily have all the answers, and that perhaps the other side has a few answers as well. Bring together the collective wisdom of both sides, then throw it open and take on board some further wisdom from the community, and we might start to get. An end result that is valid rather than a policy drafted in the confines of some departmental or party back-room and dished up to us as the be-all and end-all of parliamentary policy determination.

I think, therefore, we have to look beyond our insular party structure and reach out to the wider community. Australia is poorly served by the rigidity of our party system. It is very handy for our party leaders to have the Gilbert and Sullivan version of parliament, but there are many other countries that have democratic systems in which the parliament is a forum in which members of the Government, or those members who generally support the Government, speak and vote against the Government. It is not unusual for members of the House of Commons to cross the floor, nor for members of the U.S. House of Representatives or Senate to sit on either side of the House in a division. In such cases it is for the governing executive to secure the numbers. The problem in Australia is that "crossing the floor" or criticising one's own party is portrayed by the media as an act of treachery on the part of the individual or a sign of weakness within the party, whereas it may simply be a sign of healthy democracy, the encouragement of which would lead to stronger government and a better democratic process.

As an alternative, a strong committee system can give some scope and legitimacy to differing points of view within parties. It gives a chance to test arguments and reach a consensus with which everyone is comfortable. By taking something from each point of view a position can be reached which avoids a display of public division.

There are many procedural initiatives which can be explored in our efforts to strengthen the sovereignty of our parliaments and thus the people whose voice it is. The underlying tenet is to give all members the right to initiate debate on any matter of public concern. In many cases it is not the fate of the question before the House that is important so much as the opportunity, under parliamentary privilege, to air the subject, to explore an alternative or to expose a wrong or injustice. Parliament will be true to the people it serves if it can achieve this goal. The

³ Jenkins, Roy, *A Life at the Centre*, McMillan, 1991, p.616

Parliament must be able to exercise its functions even if it is in conflict with the views of the Executive. It is the capacity to challenge the Executive which provides real restraint to an over-zealous or unwise use of authority.

Finally I cannot conclude without touching on a most important subject. A fair and impartial parliament is fundamental to the proper functioning of any democratic government. Essential to such a parliament is the independence of the Speaker from party dictates both in the conduct of the House and in the administration of parliamentary services. It is my unshakeable belief that an essential element in re-vitalising the sovereignty of Parliament is the acceptance of an independent, continuing Speakership. This view was supported in the Fitzgerald Report⁴, which, in respect of possibly corrupt or unethical practice said,

" This can be prevented by mechanisms such as an impartial Speaker. Because of its necessary numerical strength, the Government in a parliamentary democracy is obviously able to change and ignore the rules. In these circumstances the authority and neutrality of the 'referee' is of critical importance. The Speaker cannot afford to adopt a partisan role, either voluntarily, or in order to retain the confidence and support of the Government party. If the Speaker enters the arena, there is a risk that Parliament will not be able to make the Government accountable."

As with the essential ingredients of justice a Speaker must not only be fair and impartial but must also appear so. Those who have in the past looked for a model for a continuing independent Speakership have turned to the United Kingdom, however, the unique circumstances under which the procedures of the House of Commons have developed give this source limited value. The United Kingdom has a unique approach to the selection, and continuity in office, of their Speaker and it is simply not possible in other jurisdictions to recreate them. Even though such elements are not easily absorbed into other systems it is of value to look to the United Kingdom model to determine which features constitute the beneficial elements of an independent continuing Speakership. I have therefore endeavoured to devise a system whereby the Speaker can be elected by a fair and just procedure reflecting the majority view of the House, can carry out the duties of the Office with independence and security, in a way which will ensure its survival well into the future.

It is essential to the success of any such system that it is relatively free from partisan interference. The upholding of independence and the allocation of the Speakership as a political "prize" are mutually exclusive.

It is for this reason that a substantial majority of the parliament must be marshalled to remove a Speaker from office or effect any subsequent procedural change in the manner of a Speaker's election or dismissal. Although a parliament must be its own master it is necessary to set a majority which protects it from its baser instincts, that is, large enough to make it virtually impossible for a government, through the force of its own numbers, to affect a change to the rules of procedure. A Speaker who is secure in the knowledge that neither the Government or the Opposition acting alone can force dismissal will more likely have the courage to conduct proceedings in the time honoured traditions of Westminster chairmanship.

In parliaments dominated by rigid party discipline the finer points of Westminster morality have carried little weight. The noted Australian journalist Gavin Souter describes the Australian ethos thus,⁵

"Less was heard also about political neutrality in the Chair. The office became virtually a party appointment, as it was already in most State parliaments. Without consulting the Opposition, Deakin lent his support to an undistinguished but loyal personal follower, Henceforth a change of Government would usually mean a change in Speakership, and although future Speakers would be to various degrees impartial in their conduct of proceedings it would also be normal for them to attend meetings of the parties to which they owed their election. They would sometimes vote in committee, and sometimes even participate in debate."

In another context a Western Australian Parliamentary Committee⁶ reported,

⁴ Report of the Commission of Inquiry pursuant to Orders in Council, (*The Fitzgerald Report*) 1989 Chapter 111 at 3.1.1

⁵ Souter, Gavin, *Acts of Parliament*, Melbourne University Press, Melbourne 1991

⁶ Report of the Parliamentary Standards Committee, 1989, Western Australia, at 9.3.1

"There is no doubt that the record of governments in supporting a Speaker from their own ranks who tries to administer the rules impartially is not good in Australia. For a number of reasons few government MPs are ever suspended, at least in lower Houses, and when, for example, Speaker Cope in the Australian House of Representatives in 1975 tried to discipline a Minister of the Crown from the party of which he was a member he was openly repudiated by the Prime Minister and other members from the governing party.

Finding remedies for this situation which are both appropriate and realistic in the Australian context is not an easy matter. However, the members of this Committee are convinced that it is absolutely fundamental to achieving the objectives of this Report that everything possible must be done to encourage the development of an ethos amongst members that Parliament is superior to party considerations and that respect for the office of the Presiding Officer is the starting point for respect for Parliament itself.

It would be unrealistic to suppose that the situation could develop in Australia where Presiding Officers enjoy the relative immunity from opposition in their own constituencies which is the case in Britain. There are also considerable practical obstacles to overcoming the assumption that the Speakership is a prize to be awarded by the party which wins power. Nevertheless the Committee would urge that the Parliament as a whole give very serious consideration to the process by which the practice could be developed that an incumbent Speaker (or President) who is returned at a general election, may retain the post notwithstanding which party is in power."

Despite any provision against a politically inspired vote, there is little doubt, that if a Speaker were subjected to a motion of censure that was validly based, or party leaders indicated to a Speaker that he or she no longer possessed the confidence of members, it would be difficult, even within the framework of a continuing Speakership, for that Speaker to remain in office. I am sure in such an instance a Speaker would be counselled to resign and would so act. It could be argued that with the majorities suggested for the successful moving of a censure motion such a procedure would return to its proper status as the ultimate determination of the House.

In addition to the general recognition amongst parliamentarians, in their more rational moments, that there is substance and value in an independent continuing Speakership there is an identifiable ground-swell, expressed through the media and elsewhere, of public support for such an initiative. I have little doubt that such an initiative on the part of a Parliament would be welcomed by the community and reflect favourably on Government, Opposition and Independents were they to support such a move. Gone would be the expectation and perception of Governments that the Speaker would protect them and of Oppositions that the Chair is biased against them.

My model embraces the concept of the Speaker withdrawing to a notional constituency serving in the capacity of a member-at-large. Such a concept would allow a Speaker to make representations on matters of broad public interest on a non-partisan basis. A Speaker would need to exercise care and judgement to avoid being drawn into politically sensitive issues but this should not pose a particular problem. A Speaker indulging in partisan politics would undoubtedly draw the censure of both sides of the House. It is the traditional United Kingdom view that the withdrawal of the Speaker from representational political life is a disadvantage, I do not support this view. Certainly I consider that any disadvantage is well outweighed by the advantage of increased status for the parliamentary institution. Phillip Laundy⁷, a recognised authority on the subject discusses in some detail the anomalous position of the Speaker's constituency. Many of the problems highlighted by Laundy would be overcome by a notional constituency. It could not be argued, for example, that there was any disfranchisement of constituents or any denial of the representative principle by the withholding of a deliberative vote. It would also strengthen the sense of impartiality in the exercise of a casting vote. For years Australian Speakers have been criticised, perhaps both rightly and wrongly, for having partisan elements in their conduct of proceedings in the House. Whilst different Speakers may have exhibited partisanship to varying degrees the very necessity of having to contest their own electorate places considerable stress on the demand for complete impartiality. At a time when behaviour in Parliament and its general tone and dignity have been severely criticised by the general public the need for impartiality in the Chair, and the perception of impartiality, which can only be guaranteed by the Speaker being completely divorced from party politics, seems an

over-riding argument in favour of the Speaker being freed from the pressures of contesting the political front.

There are two particular elements of the British system which are pertinent to our own. Firstly, it is important that the Speaker comes to the Chair from the same background as other members, that is, a member who can bring to the position knowledge and understanding of procedure, and secondly, that a new parliament has the undisputed right to endorse its Speaker, albeit by a formula that requires a majority which under all normal circumstances extends beyond the influence of a single party. This requirement of a substantial majority is defended on the basis that it should be the House's decision, across party lines, and not the government of the day which endorses, or fails to endorse a Speaker continuing from the previous parliament.

These procedures are intended to lead to the selection of a Speaker who has had reasonably long service and a strong understanding of the Parliament's procedure and practice, and who is prepared to accept the special elements essential to the office, a person who is prepared to make decisions, both procedural and administrative, without fear or favour and who will make a commitment to the Parliament above party political considerations.

The essential elements of my model therefore are as follows:

1. Election of a Speaker for a period not exceeding ten years from the date of first election as Speaker.
2. Upon election as Speaker such member to sit in the Parliament as a member-at-large serving a notional electorate with a State-wide constituency.
3. The vacancy so created to be filled by a nomination from the party from whom the Speaker has been chosen.
4. Upon election as Speaker the member so elected to be ineligible to continue as, or become, a member of any recognised political party.
5. Upon retirement from the Speakership such member to be ineligible to continue or seek re-election as a member of the parliament, except if removed by vote of the House.
6. That statutes and orders relating to the Office of Speaker not be further amended unless approved by referendum at which such changes are approved by a majority of those voting.
7. That no member shall be eligible for election as Speaker unless such member has completed at least two terms of the parliament and has during that time served two years as Chairman of Committees or as a Temporary Chairman of Committees; or has completed four terms of the Parliament.
8. Where no member is eligible within the above criteria or being eligible is unwilling to accept nomination the Clerk, having been so advised, shall forthwith preside over the election of any other member.
9. The election of the Speaker to be by secret ballot.
10. The Speaker to be removed from office only by two-thirds of all members voting to that effect.

It would be desirable for the election of a new Speaker to take place during the term of a Parliament rather than immediately after an election. The election of a new Speaker immediately after a general election could introduce an element of controversy as the position may be portrayed as one of the spoils of office. Furthermore a new Speaker should be a member who is known to all members. To change Speakers during the course of a Parliament would eliminate some of this pressure. Whilst provision is made for election by secret ballot on a simple majority it is of obvious benefit to the stature of the position that the Speaker is elected unanimously. This can be achieved by consultation between parties to select a person respected and supported by both sides. Laundry, in relation to this aspect,⁸ refers to the benefits

⁸ Laundry, Phillip, *The Office of the Speaker*, Chapter 3

of consultation when a resignation takes place between Parliaments rather than in the wake of a general election. To further this purpose it is suggested that the convention be established, or addressed in the Standing Orders, that when, say, a four year term a Speaker should elect to retire no later than the end of the third year or earlier than one year after the commencement of a new term.

The office of Speaker should be accorded the respect and high stature befitting both its real and traditional importance to the parliamentary system. I believe under the system I have proposed the position would attract those who have the right qualifications for the office. It would be seen as a fitting climax to a long and distinguished political career. It would give those who are truly interested in the parliament and the process of parliament a chance to contribute their thoughts and energies for the good of the parliament. Hopefully if the parliament itself is capable of recognising the need to lift its image and raise the self-respect and dignity of the institution it can, by this one vital step, gain greater and much needed regard from the community at large.

The Parliament is but a part, certainly a vital part, of the democratic system. It does not operate in isolation but within a frame-work of systems which interlock to provide for the "peace, welfare and good government" of the State. There is no finite formula which will provide the best system. The frame-work must be created, fine-tuned, and balanced to meet the perceived needs of the community it is to serve. It must be capable of further amendment if those needs are seen to have changed, but not so easily as to allow frivolous, vexatious, or ill-thought proposal to be the foundation of change. If it is such a frame-work it will attract and hold the respect of citizens. As I said earlier in my remarks it is respect for the institution which provides both the shield and the sword of true democracy.

Editor's Note: If some readers notice some style or editorial inconsistencies in this paper it is because it has been produced from a scanned copy of the original paper presented by Hon Rozzoli.