



Speech by

Mr BRUCE LAMING

MEMBER FOR MOOLOOLAH

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AMENDMENT TO STANDING ORDERS

Mr LAMING (Mooloolah—LP) (10.17 a.m.): The question before the House is whether or not to alter Standing Order 123A. Firstly, I must ask: what is the problem? I suppose the answer to that is that there is a real or perceived level of disorder in the Chamber or, as the media would have it, poor behaviour of politicians. Before addressing the question, I would like to comment on the role that television reporting plays in this matter. The media is here for question time and at a few other selected times, but where is it when really important debates on legislation are taking place, particularly during the Committee stage? If the media has a role to play in politics, it also has a responsibility to portray this place fairly and portray the good work that is done by members on both sides of this House, particularly during the Committee stage.

What is the object of the proposed change to Standing Order 123A? I certainly hope that it is not to create a tame or lame debate. This is not a debating society. All members want the opportunity to put their case forcefully, particularly on issues about which they have strongly held beliefs. However, we need order, we need respect for this institution and we need to display respect for each other, even if that is sometimes difficult. Perhaps most importantly, we need to regain the respect of those whom we represent.

The question before us today is whether to retain Standing Order 123A or whether to adopt the proposed change. Members who have had some experience in this House are well aware of the provisions of Standing Order 123A. For the benefit of new members whose vote will be critical, I will outline that there are four stages to that Standing Order. Firstly, the Speaker or Chairman calls for order. Those members offending should take note. Secondly, the offending member is referred to by name and asked to desist. Thirdly, the offending member is formally warned under Standing Order 123A. Fourthly, the member who continues to be disorderly is asked to leave the Chamber for the remainder of the sitting day. Three warnings are given.

The origin of this procedure came from the House of Commons where it has worked satisfactorily for about 100 years. Page 393 of Erskine May states—

"... the Chair is entrusted with summary and expeditious powers of dealing with disorder. Standing Orders Nos 41 to 44 were passed in the 1880s ... they provide a graduated code of punishments for infringements of the rules for the conduct of debate and for breaches of order and decorum, which has been found adequate to deal with all cases which ordinarily arise."

New members might well ask why Standing Order 123A did not work as well as it could have. This morning the Premier has asked that very question. I think there are at least three answers to that question. The first is the precarious balance that existed in this House during the last Parliament and the second is the fairness of Speaker Turner during the last Parliament. Mr Speaker in his opening remarks stated—

"I hope that I emulate what he did during the time that he was in this chair by showing the same fairness to all sides of Parliament and being as impartial as he was."

The third reason is the change in occupant of the Speaker's chair during the course of a day, which causes loss of continuity in relation to warnings. I will deal with this last aspect first by referring to a ruling by Chairman Hewitt in 1975. He stated—

"Earlier tonight a Temporary Chairman gave the member a warning. I point out to him such warnings are continuous, irrespective of who the new incumbent of the chair might be."

I believe we could follow that line more closely in the future. The other two problems apply equally to this Parliament. We have a close balance of numbers and, I am sure, a Speaker who intends to be fair. Perhaps this is just the time to use our Standing Orders more effectively. The alternative, to suspend a disorderly member without missing divisions, commonly known as the sin bin—this is not, I suggest, a particularly appropriate parliamentary term—is not a good idea. It is not as good as the measures currently available to the Speaker.

Do we really want proceedings in this place to be dictated by the media? I think not. If we have a serious problem with order in this place, then we need a serious response. The only serious response is one that will bring pressure to bear on suspended members by his or her colleagues as a result of that member being unable to vote in divisions, and nothing less.

The proposed suspension provision is almost a reward. The disorderly member would be able to continually interject, raise spurious points of order and even use offensive language, and what would be the most likely outcome? To be sent from the dinner table like a naughty boy or girl but be invited back for pudding! The offender would be able to go back to the office and do some work or speak to the media about why someone else in the Chamber provoked them to the point at which they were ejected.

We should also think about the effect on the whips. Those renegades are even off roster and someone else has to make up the numbers in the House. But when the real crunch comes—a division—they come in to be counted. Some penalty! All of this is known to Government members, so why has this proposal come forward this morning? The Premier's letter to the member for Nicklin states—

"I note and share your strongly held desire to lift the standard of behaviour in Parliament."

That is fair enough. Mr Speaker, if you were asked to be tough and fair on the matter of disorderly members, there would be a very good chance that a Government member would be suspended first, which would mean the Government would lose any subsequent divisions on that day. So how can such a possibility be avoided? It can be avoided by the introduction of the proposed amendment. The proposed amendment is almost a confession that the Government either has little real intention of lifting the standard of behaviour in this place or is not confident of controlling its own members and Ministers. What should we do today? First, Mr Speaker, every one of us should take seriously your opening remarks of last Tuesday, when you said—

"The eyes of Australia will be focused on this Parliament, and if we are to restore public faith in the parliamentary process it is important that we strive to maintain a standard of dignity and statesmanship."

They are very fine words and I endorse them entirely. Second, we should all accept the real intention of Standing Order 123A and recognise that it has adequate warning provisions, regardless of the delicate balance of this Parliament. I quote again from Erskine May. Page 394 states—

"When any Member transgresses the rules of debate ... or makes any noise or disturbance whilst another Member is speaking, or commits any other breach of order or decorum ... it is the duty of the Speaker, if in his judgment the occasion demands it, to intervene and call the Member to order, or direct him to resume his seat. If he persists in his disorderly conduct it becomes the duty of the Speaker to take the action set forth in Standing Order No 42 ..."

Of course, that Standing Order is a House of Commons Standing Order. The course of action is obvious: maintain, use and accept the current provisions of Standing Order 123A. Finally, I refer to the Premier's comment that this is an added power for the Speaker. That is like telling a person who is buying a new car that in addition to a fully inflated spare tyre in the boot they also have a flat one.
