

Chapter Ten

Speaker of the House

J. B. Paul

The framers of the Constitution of Australia intended the House of Representatives to replicate the House of Commons of the United Kingdom as nearly as practicable. That this objective has been only partly fulfilled has been mainly due to the Federal Parliament's failure to adapt the office of Speaker to Westminster principles as they had attained their full flowering in the middle of the nineteenth century.

I can deal with the history of the office of Speaker of the House of Commons only perfunctorily. Some have dated its origin as early as 1258, although it has been recognizable in its present form from 1376. The Speaker gradually evolved from being exclusively an agent of the Crown to one involved more in duties to the House which then competed with those duties to the Crown which still remained. The stresses involved in this duality are still recalled not only in Westminster but also in parliaments derived from Westminster in the surviving custom for anyone nominated as Speaker to demonstrate an unwillingness to be seated and to be dragged almost protesting to the Chair.

With the development of Cabinet government during the reign of King William III it was not unusual for a Speaker also to be closely involved in government. Robert Harley, 1st Earl of Oxford (of the second creation), was Speaker from 1701 to 1705, combining that office with that of Secretary of State from 1704 to 1705. Arthur Onslow, who established the longest unbroken term as Speaker from 1728 to 1761, gradually reduced his ties with government. Nevertheless the office remained largely political. It was only during the middle of the nineteenth century that the Speakership evolved into its modern form in which the holder, after renouncing his party affiliation, strives to be impartial and apolitical.

Section 35 of the Constitution of the Commonwealth of Australia declares:

The House of Representatives shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a member to be the Speaker.

The House of Representatives determines all other matters affecting the Speaker including election by secret ballot conducted by the Clerk of the House.

The first Speaker, Sir Frederick Holder, a former Premier of South Australia, disavowed his party allegiance as a Free Trader and then sat as an Independent – a practice his successors have not adopted. Unlike the Speaker of the House of Commons, Holder's successors continued to attend party meetings and to contest general elections as party candidates. The House of Representatives has never observed the tradition of the House of Commons that the Speaker retires from that office by his own choice and, though there have been exceptions, is customarily unopposed in his seat. Neither has the rule applied, as in Westminster, for a Speaker

on retiring to resign from the House. Speakers at Westminster on resigning have moved to the Elysian Fields of the House of Lords and have by more recent custom subsequently made themselves unavailable for ministerial office. Exceptions include Sir Spencer Compton, 1st Earl of Wilmington, Dr Henry Addington, 1st Viscount Sidmouth, and George Grenville, 1st Baron Grenville. Each was later appointed Prime Minister: Wilmington by King George II and the other two by King George III. Lord Grenville's ministry, known as the Ministry of All the Talents, did not last long; nor did the earlier ministries of Wilmington and Sidmouth.

Holder successfully contested the seat of Wakefield as an Independent in elections held in 1903 and 1906 and after each election was re-elected unopposed as Speaker. He was not required to submit to re-election with every change of government – and five such changes occurred between April 1904 and June 1909 through changing party alliances where no one party commanded a majority in the House. Holder accordingly continued as Speaker until his sudden death on 23 July 1909 when the House was sitting in committee after a stormy all-night sitting. He confided to friends his distress at the profound bitterness between the parties and, after saying “Dreadful! Dreadful!”, fell insensible to the floor of the House. He never regained consciousness and died later that afternoon from a cerebral haemorrhage. Sir John McLeay, a South Australian like Holder, broke his record as the longest serving Speaker. He retired in 1966 after a term of ten and a half years.

Holder was succeeded as Speaker by Charles Carty Salmon whose son, known as Carty, was a colleague of mine in the Central Office of the Department of Labour and National Service in Melbourne where I began ten unforgiving years as a Commonwealth public servant. Charles Carty Salmon had been a Protectionist like the prime minister, Alfred Deakin, whom he had consistently supported. Despite Deakin's backing, he was elected Speaker only after a lengthy and stormy debate which, apart from the dinner adjournment from 6.30 to 7.45 p.m., lasted from 2.31 to almost 10 p.m.

The controversy surrounding his candidacy was the continuation of that very inter-party bitterness which seemingly had hastened Sir Frederick Holder's death. Little more than seven weeks earlier, on 2 June 1909, the Protectionists and the Free Traders (known as the Anti-Socialists since the election in 1906), with the tariff issue settled, had buried their remaining differences and had organized a “fusion”. This “fusion” amounted to a reversal of alliances which led to a great deal of inter-party acrimony. Andrew Fisher's first Labor ministry, a minority government, which had taken office on 13 November 1908, was defeated when most of those Protectionists who until then had supported it aligned themselves with the Anti-Socialists and with Sir John Forrest's corner party in voting it out of office. Fisher resigned after the Governor-General, Lord Dudley, refused his request for a dissolution. Alfred Deakin, who before the fusion had led the Protectionists, took office leading a government which thereafter styled itself as Liberal.

The debate in the House of Representatives on Carty Salmon's candidacy, for all its sound and fury, proved not particularly illuminating. The Labor Party system of caucus discipline had come under repeated attack from its political opponents but Labor claimed gleefully that the government party meeting which settled on Carty Salmon's nomination had been a “caucus”. The Labor Party nominated as Speaker one of their own, Charles McDonald, who had been Chairman of Committees since 1906 when he had displaced Carty Salmon in that office. The fact that this reversal meant that Carty

Salmon had lost the confidence of some of his erstwhile supporters was exploited by Labor in the course of that parliamentary debate. The Labor Party branded Carty Salmon as a “partisan” and therefore unfit for the office of Speaker. It has to be said that in subsequent elections for Speaker Labor has not deemed partisanship as a disqualification in any of their nominees. Nor did Labor in subsequent elections for Speaker argue for greater involvement by the House in evaluating nominees for that office.

I consider that members of the Deakin Liberal Government were fully within their rights in nominating one of their own to fill the office of Speaker left vacant by Holder’s death. The Attorney-General, Patrick McMahon Glynn, a native of Gort, Co. Galway, and formerly an Anti-Socialist, quoted Westminster precedents to good effect in justifying this. But the animosity from the Labor Party and from others remained unassuaged. The Labor Party members voted as a bloc against Carty Salmon’s nomination and were joined by three government backbenchers and a former Protectionist who joined Labor after repudiating the “fusion”. Three government members, including Carty Salmon, did not vote in the division which resulted in his election, 37 Ayes to 29 Noes. The animosity from all sides of the House continued unabated throughout Carty Salmon’s Speakership until he relinquished the office with some relief when Deakin’s Liberal Government was defeated at the 1910 election. The incoming Fisher Labor Government then organized Charles McDonald’s election as Speaker.

Until this change the House of Representatives had followed the Westminster tradition that the Speaker should adopt traditional dress including the black silk lay-type gown similar to the gown of a Queen’s Counsel, a wing collar and a lace jabot or bands (occasionally varied with a white bow tie with a lace jabot), bar jacket, and a full-bottomed wig. Another addition, confined to the most formal occasions, included court shoes and hose (black buckled shoes and black satin knee breeches and silk stockings). The Speaker of the House of Representatives has never to my knowledge followed his Westminster counterpart by adopting on ceremonial occasions the more elaborate gown of black damask silk with extensive adornments in thread of gold bullion. The Lord Chancellor, the Lord Justices of Appeal and many University Chancellors have adopted this formal dress.

Charles McDonald, a dogmatic and dour republican, pointedly abandoned the practice of his two predecessors and presided at all times wearing an ordinary business suit. All subsequent Labor Speakers have acted accordingly. McDonald, in a Cromwellian gesture, also had the mace removed from the table of the House. Oliver Cromwell, when he disbanded the Long Parliament in 1649, had ordered the removal of “that bauble”, as he termed it. This change in McDonald’s case proved to be more than symbolic. It is fair to say that all Speakers, irrespective of the party which sponsored them, have felt bound by this continuing party patronage in being only as impartial as they dared — but it has to be acknowledged that most Labor Speakers have not bothered to maintain even a pretence of impartiality.

With the defeat of the Fisher Government in July 1913 Sir Elliot Johnson was elected Speaker. When Andrew Fisher and the Labor Party regained office in the first double dissolution election in September 1914, Charles McDonald, who displaced Johnson, once again adopted his defiantly untraditional ways until Sir Elliot succeeded him in June 1917 on the nomination of the Nationalist Government led by W. M. (“Billy”)

Hughes. Johnson reverted to traditional practices affecting dress which were observed by subsequent non-Labor Speakers until and including Sir Billy Snedden, Speaker from February 1976 to February 1983. I regret to record that from 1996 non-Labor Speakers have by degrees moderated their formal dress but only one, Ian Sinclair, Speaker from March to November 1998, followed Labor's example. Sinclair was the third Privy Councillor to be elected Speaker and his disregard of formality in that office was consistent with his republican views. As a declared republican in his later years he effectively repudiated his Privy Councillor's oath – an oath which, to quote Sir Robert Menzies to whom it was only too familiar, "is just about the most royalist expression in the world".

Sir Elliot Johnson was summarily removed from the Speakership in 1923 by the Bruce-Page Nationalist-Country Party Government and replaced by W. A. Watt, the second former State Premier and the first Privy Councillor to be Speaker. Watt had had a turbulent background in Victorian State politics. Sir Frederic Eggleston described him as having been "the dominant force in Victorian politics, a man who tackled the hard problems, a great parliamentarian, orator and debater". These gifts he brought to the Federal sphere after he resigned the premiership in 1914 and won the seat of Balaclava as a supporter of Joseph Cook's Liberal Ministry. With Labor re-elected in 1914, Watt was denied office until Hughes formed his Nationalist Ministry on 16 February 1917. Although disappointed at being given Works and Railways rather than the Treasury portfolio, Watt made a success of it until he was confirmed as Sir John Forrest's successor as Treasurer in March 1918.

Watt was acting Prime Minister for sixteen months while Hughes was abroad but his relationship with him was often stormy and he felt impelled in June 1920 to resign from Hughes's Ministry. He was not included in the Bruce-Page Nationalist-Country Party Ministry formed in 1923 but was offered the Speakership to lure him from any temptation to be too turbulent a presence on the government back-bench. Watt undertook to accept that office for one term and by common consent proved to be an excellent Speaker whose interventions were often redeemed by humour. On one occasion, when a member, while speaking, had repeated trouble with his dentures, another member asked Watt what language he was speaking. Watt replied, "gum Arabic". Watt had earlier declined a knighthood, not on principle in emulation of Alfred Deakin, but because he felt his private financial situation did not suffice to support him in such an estate. In contrast to Deakin's consistent refusal of a Privy Councillorship, Watt accepted that appointment in 1920.

Sir Littleton Groom was appointed Speaker in succession to Watt in January 1926. He had held many Cabinet offices in his career in Federal politics including Attorney-General from 1906 to 1908 and again from 1921 to 1925 when Stanley Melbourne Bruce required him to relinquish it to make way for J. G. (later Sir John) Latham, a future Chief Justice of the High Court. Groom had been appointed a King's Counsel in 1923 and a Knight Commander of the Order of St Michael and St George (KCMG) in 1924. Groom thus came to the Speakership already holding that very knighthood which was customarily given to non-Labor Speakers.

Groom's occupancy of that office is chiefly remembered for his refusal in 1929 to vote with the Government in the House's committee consideration of the controversial Maritime Industries Bill. This abstention sufficed to defeat the bill when combined with a number of rebel backbenchers who crossed the floor, including the former prime

minister, W. M. Hughes. Bruce was granted a dissolution and he lost his own seat in the subsequent election which saw the Coalition defeated in a landslide. Groom was defeated in his seat of Darling Downs where Bruce campaigned against him, being unmoved by Groom's claim that in declining to vote in committee he was merely following Westminster practice. In Bruce's eyes the House of Representatives was too small a chamber for the practice Groom claimed to be following to be applicable. Groom was returned in Darling Downs as an Independent in 1931, subsequently joined the United Australia Party and held the seat until his death in November 1936.

Norman Makin was nominated for the Speakership in 1929 by the Scullin Labor Government. Disappointed at not being elected to the ministry, he was able to perform more than adequately as a presiding officer. His one concession to formality, which might not have appealed to all his caucus colleagues, was in wearing a subfusc suit, a wing collar and a black bow tie. He was the first former Speaker to hold ministerial office. He served in the Curtin Government from 1941 to 1945 and was Ambassador to the United States from 1946 to 1951. He was re-elected to the House of Representatives in 1954. Interviewed shortly before retiring in 1963 he overlooked his disappointment at the time in recalling his term as Speaker as the high point of his public life.

The Lyons United Australia Party Government was elected in a landslide in 1931 after Scullin obtained a dissolution on the defeat of his Government in the House of Representatives when supporters of the NSW Premier, Jack Lang, voted with the Opposition. In February 1932 the Lyons Government nominated George Mackay as Speaker. Mackay had a background in Queensland politics and had been Federal member for Lilley since 1917. He surprisingly announced his retirement from the House at the 1934 election claiming that "one may remain in Parliament too long", a sentiment his predecessor Norman Makin by conspicuous example did not share.

Mackay was succeeded by Sir George Bell who entered the Federal Parliament as Member for Darwin (Tasmania) in 1919. Bell had a military background, having served in the South African War and been made a Companion of the Distinguished Service Order (DSO). He returned to active service in 1914 and was appointed a Companion of the Order of St Michael and St George (CMG) in April 1919. Bell relinquished the office of Speaker in November 1940, was appointed a KCMG in 1941 but did not contest his seat in 1943. He was succeeded as Speaker by a West Australian UAP member, Walter Maxwell Nairn. The Curtin Labor Government retained Nairn as Speaker in 1941 when it succeeded the Fadden non-Labor coalition on its defeat in the House; but this concession proved to be short-lived. Nairn resigned from the office of Speaker when writs were issued for the 1943 election and he was defeated in his seat of Perth when the Curtin Government was re-elected in a landslide.

John Solomon Rosevear was elected Speaker in 1943 and so remained until the defeat of the Chifley Government in 1949. Until 1945 he obstinately retained his position as controller of leather and footwear which he had held since 1942. He was also chairman from 1944 to 1945 of the Post-war Planning Committee of Leather and Foot Industries. Almost everything in Rosevear's nature and political background counted against him as Speaker. Elected Federal member for Dalley in 1931 as a member of Jack Lang's splinter group, he defeated his one-time ally, E. G. Theodore, Treasurer in the Scullin Government. Lang Labor under Jack Beasley's leadership joined with official Labor in 1936 but in 1940 Rosevear joined Beasley in splitting again

from official Labor and serving as his deputy. Unity was restored in 1941 but resentment at Rosevear's renewed alignment with Beasley counted against him in the caucus ballot to elect John Curtin's government later that year.

Frank Bongiorno's entry on Sol Rosevear in the *Australian Dictionary of Biography* assessed his performance as Speaker:

A controversial Speaker, Rosevear brought to his office 'a new strength and a new power', including many of the tactics perfected in the hurly-burly of New South Wales Labor politics between the wars. Not all of them were well suited to his new role as presiding officer. Symbolically refusing both wig and gown, he was quick to make up his mind and gained a reputation for inflexibility in upholding his rulings. Opposition members and journalists regularly accused him of partisanship. On one occasion in 1946, he left the Speaker's chair to launch a ferocious tirade against his former ally Lang. In the following year, in his capacity as a private member, he made several attacks on judges of the High Court of Australia from the floor of the House. E. H. [Harold] Cox, a journalist in the Canberra press gallery, claimed that the Speaker was 'frequently quite drunk in the Chair', but had 'an amazing gift for concealing his condition'. Rosevear also allowed illegal gambling in the House, a pastime in which he was an enthusiastic participant.

Rosevear continued to represent the seat of Dalley until his death in 1953. Paul Hasluck recalled that when the Anglican cleric officiating at his funeral described him as "a great national leader and statesman", a "devout Christian", and a "highly moral character", Fred Daly, then the Opposition Whip, remarked audibly, "By God, we're burying the wrong man".

The Menzies-Fadden Coalition Government elected in 1949 nominated Archie Galbraith Cameron as Rosevear's successor for much the same reason as the Bruce-Page Government in 1923 offered the Speakership to W. A. Watt. Cameron, elected Country Party member for Barker (South Australia) in 1934, had been a minister in the Lyons Government and, from March 1940 in a war coalition led by Menzies, when he was also Deputy Prime Minister after being surprisingly elected to succeed Sir Earle Page as Country Party leader. S. M. Bruce, the former prime minister then serving as High Commissioner in London, writing sympathetically to Menzies at this time recalled a conversation with Cameron "when he disposed of Lyons, you, Earle Page and Casey as Prime Ministers and then, as an afterthought, cleaned me up in case I had any misguided leanings in that direction". While Acting Minister for Commerce in 1938, Cameron became the first minister to be named and suspended from Parliament. He called the member for Wimmera, Alex Wilson, a "clean-skin" (that is, unbranded), and refused to withdraw the remark when the Speaker called on him to do so. On 7 October 1941 Wilson, by joining A. W. Coles, member for Henty (Victoria), turned the tables on Cameron and his non-Labor colleagues when they both consigned them to the Opposition benches by putting John Curtin and the Labor Party into office.

Cameron's ministerial career, turbulent enough in itself, ended stormily when he lost the Country Party leadership in October 1940 and left the party and the ministry. He continued to sit as a backbencher, first with the UAP, and then with the Liberals. In the Parthian shot he directed at the party he had so contemptuously abandoned, he claimed, among other things:

Everlasting intrigue and manoeuvring for personal advantage reached its zenith in ruptures of the seal of Cabinet secrecy which must ultimately make any Minister's position inside a party or a Cabinet untenable. No party can function if its internal state is a stew of simmering discontent, spiced by insatiable personal ambitions and incurable animosities. No leader can lead successfully if he must devote most of his time to outwitting rivals, or to be outbidding them for support, or to be watching every footfall lest he stumble on a mantrap or a mine.

Robert Menzies might have recalled this statement the following August as reflecting his own experience when he felt obliged to resign as prime minister in favour of Arthur Fadden, Cameron's successor as Country Party leader.

Frank Green, Clerk of the House of Representatives from 1937 to 1955, recorded the speculation on the Speakership after Menzies returned to office in 1949. He claimed he had been left in the dark ". . . until the Prime Minister walked into my room one afternoon and asked me what I thought of his choice. I asked whom he had chosen, and he replied 'Airtchie' which was his nickname for Archie Cameron. To the question what did I think of Cameron as Speaker, I replied that it was the worst possible choice, for I never knew any man who could be so consistently wrong with such complete conviction that he was right . . ."

No doubt it was for this reason among many others that Menzies was not prepared to countenance Cameron as a Cabinet colleague or to leave him in smouldering isolation on a government backbench. Green sourly concluded:

Of course, I could see why he had been selected to sit in the Speaker's Chair; it would shut him up – he could no longer quarrel with his party or attack Ministers.

On his role as Speaker I am content to quote from his *ADB* entry by John Playford, a kinsman of Sir Thomas Playford, South Australia's record-breaking Premier and a close friend of Cameron since they both served in the First World War. Cameron persuaded Tom Playford to contest the seat of Murray, which he did successfully at the State election in 1933. Here is John Playford's assessment:

... On his election [as Speaker] in 1950 he wore the traditional wig and robes of office discarded by his Labor predecessor . . . Cameron objected to using Bert Evatt's High Court of Australia wig, which had been presented to Parliament, but none other was available, and he contented himself with the statement: 'It will be the first time there has been any clear, straight thinking under this wig'. Cameron's relations with the Governor-General, the former Labor Premier of New South Wales, (Sir) William McKell, were strained due to personal comments made by McKell ten years earlier. Cameron informed the House in March that, while 'he would fully and courteously discharge all official duties' with McKell, in other matters he would have 'nothing whatever to do with him'.

A firm disciplinarian, Cameron caused an immediate stir by imposing a rigid ban on betting in Parliament House and by forbidding card-playing or any other game of chance. . . The print of a racehorse, Phar Lap, which graced the wall of the barber's salon, was ordered to be removed. Cameron also insisted that everyone should be properly dressed in the lobbies, but did not invariably apply his rules to himself: on a hot day he "frequently received visitors dressed only in shorts and a singlet", his bare feet upon his desk. The cleaning staff resented his weekend habit of walking around

the lobbies so attired, fearing that visitors might mistake him for a cleaner and “damage their prestige”.

Cameron was a non-smoker and a strict teetotaler. His first act as Speaker was to order the removal of the elaborate cocktail cabinet Sol Rosevear had installed in the Speaker’s suite. As far as I am aware, Cameron, however formal the occasion, never wore buckled shoes and the accompanying hose and breeches, his favoured footwear being elastic-sided boots. He had revealed his antipathy for McKell some years earlier. Along with other non-Labor members, which notably included Sir Earle Page, Percy Spender and Eric Harrison, Cameron boycotted McKell’s swearing-in as Governor-General in March 1947 while Menzies and Fadden dutifully attended and cordially greeted McKell and his wife.

One of Cameron’s more controversial decisions has been almost entirely forgotten. Menzies made no record of it in his memoirs nor did A. W. Martin in his comprehensive biography of Menzies, nor did John Playford in his entry on Cameron in the *ADB*. Menzies, after being re-elected in the double dissolution election of 1951, reconstructed the Government. As a delayed part of this reconstruction he designated four backbench members as parliamentary under-secretaries. Menzies was abroad when the Speaker declaimed his views on these appointments as recorded in the following edited *Hansard* extract dated 22 May 1952:

Mr CALWELL. – I ask you, Mr Speaker, whether, in your opinion, Parliamentary Under-Secretaries are officers of this House or of the Crown? I should like to know also, whether you have given any decision about their status and functions. I also desire to know whether you have refused to recognize these offices in any way, and . . . I should like to know any reasons that you may desire to advance in regard to any decisions that you have given . . .

Mr SPEAKER. – I have devoted some time to this matter because I have been requested to do so on more than one occasion. In my view the officers concerned are not officers of this Parliament; they are officers of the Crown. For that reason I have refused to recognize them in this House. I went so far, and I think that I was in error in doing so, as to provide certain accommodation for them in this building. As the House knows, I am a small farmer and not a lawyer, but I think that I can read English. My view of the situation is that the appointments are unconstitutional, that no Minister has the power to delegate his authority to anybody and that any administrative act made by or done by a Parliamentary Under-Secretary is unconstitutional and illegal. Furthermore, I hold the view that a member of this House who accepts a position as Under-Secretary, renders himself liable to the vacation of his seat under the Constitution, and also liable to the penalties entailed for wrongfully holding a seat in this House, having accepted an office of profit under the Crown.

Honourable members interjecting

Mr SPEAKER. – Order! Silence must be maintained while I am addressing the House. It is also my view, and I have stated it in the right quarters, that the position of the Under-Secretaries has not been altered by the failure of the Government to pay them salaries. The test is that the office has been accepted and not that the holder of the office has made a profit. I further hold, and I have said so, that the payment of expenses to these honourable members is completely unconstitutional and unlawful.

Calwell then thanked the Speaker “for that information”. The extract continued:

Dr EVATT. – Following your very important ruling on constitutional law and practice in relation to the office of Under-Secretary, Mr Speaker, I ask you whether you will indicate what steps should be taken, or whether you will initiate steps, to declare vacant the following seats in the House of Representatives:— Canning, Darling Downs, Calare, and . . . Franklin.

Mr SPEAKER. – I have given no ruling on the interpretation of the Constitution. That is a matter for the High Court of Australia. I did not attempt to give a ruling. I was asked to state my reasons for views that I had expressed, and I did so. The method of declaring seats vacant is, as I am sure the right honourable gentleman fully understands, laid down in the Constitution.

On 27 August the Prime Minister made a long statement to the House, in speaking to the motion that his statement be printed and its contents endorsed, in which he disputed every contention the Speaker had made respecting parliamentary under-secretaries and claimed to the contrary that the appointments were not illegal nor unconstitutional. The statement and the ensuing debate lasted seventy-five minutes. Opposition members including the Leader (Dr H. V. Evatt) and Deputy Leader (Arthur Calwell), sensing the possibilities for making mischief, spoke against the motion which the House carried (54-46 on party lines). As far as I can judge, this merely led to a stand-off between the Speaker and the Government. It was suggested that the Speaker should resign in view of the vote upholding Menzies’ statement. He did not; but he had in effect and by implication challenged the Government to file an action in the High Court naming him as respondent, an expedient which had been suggested by Mr Calwell. The Government backed off from this and the Speaker continued to enforce his challenged views on the subject. This incident was discussed by Professor L. F. Crisp in his *Australian National Government*, 5th Edition, 1983, at pp. 386-9. I should add that governments had in the past made appointments along the lines Cameron disputed and subsequent governments were to do likewise.

Despite Cameron’s truculent conduct the Menzies Government nominated him as Speaker after the 1954 election; and, despite his failing health, nominated him again after its landslide victory in the 1955 election. He died on 9 August 1956. As a convert to Roman Catholicism and a close personal friend of Archbishop Matthew Beovich, Cameron was given a state funeral in St Francis Xavier’s Cathedral, Adelaide. In taking leave of such a larger-than-life figure, I feel that assessing his successors will prove anti-climactic, but I shall persevere.

Sir John McLeay’s record-breaking term as Speaker in succession to Cameron was made possible by the continuing decline in the political fortunes of the Labor Party in the 1950s and 1960s. He did not attract the same controversy as his predecessor and retired in 1966 with expressions of good will from all sides of the House.

The appointment of William Aston as his successor highlighted the risks in giving such an office to a member holding a marginal seat. Aston was elected member for Phillip in Sydney’s eastern suburbs in 1955 and again in 1958 but lost the seat in the 1961 election which, in the wake of an unpopular credit squeeze, brought the Menzies Government close to defeat. He was re-elected for Phillip in 1963, in 1966 and very narrowly in 1969 but was defeated in 1972. More than most non-Labor Speakers, Aston could be said to have been influenced in his conduct by the demands of nursing his

swinging seat and by being especially reliant in this on the good will of his party, both at the electoral and at the parliamentary levels.

H. B. Turner had been mentioned as a possible successor to McLeay. I consider he would have been a good Speaker and, as the holder of the blue ribbon seat of Bradfield on Sydney's north shore, he would not have been subject to the same temptations as Aston. Harold Holt's dislike of Turner was decisive in his being passed over. With his vulnerability in Phillip preying on his mind Aston, though Speaker, actively promoted John Gorton's election as Liberal leader on Holt's death. A witness to the scene informed me that Turner was so scandalized by Aston's open involvement in Gorton's election that, after the ballot, he engaged in a shouting match with him on the flight back to Sydney which continued until the plane touched down.

Following the 1969 election the narrowly re-elected Gorton Government faced Parliament for the first time on 25 November at the start of a notorious two-day session. Gough Whitlam as Leader of the Opposition congratulated Aston on his re-election as Speaker and emphasized one of Aston's expedients in seeking to retain his seat so narrowly.

You are, Sir, accustomed to having small majorities. I hope that you will spare me from being more generous in my remarks, for after my colleagues and I were benevolent and, in fact, generous on your behalf during the valedictory at the end of the last Parliament you were good enough to quote our remarks in your campaign literature. I do not propose to give hostage to fortune on this occasion. You will have noticed, Sir, that the Opposition is disposed to scrutinize the conduct of yourself and your party colleagues much more vigilantly than hitherto. I hope I do not have the unpleasant task, as I did in the last Parliament, of moving dissent from your rulings . . .

Whitlam and his colleagues did not have long to wait before undertaking that "unpleasant task". In 1970 the Opposition moved a motion of censure against the Leader of the House, Billy Snedden. The Government then moved an amendment which in effect deflected the censure against the Leader of the Opposition. Aston as Speaker accepted that the amendment was in order. At the end of an acrimonious debate which lasted from 3.23 pm on 9 April to shortly after midnight (barring the dinner adjournment of almost two hours) a motion of dissent from his ruling was defeated and the amended motion carried on party lines. As to the Speaker's conduct, I can remember Jonathan Gaul of the *Canberra Times* remarking to me that Erskine May "must be spinning in his grave". A. R. Browning, in the 2nd Edition of *House of Representatives Practice*, 1989, at p. 347, remarked, "On a number of occasions a motion of censure of the Leader of the Opposition, or an amendment expressing censure in the form of an alternative proposition, has been agreed to. These are considered to be bad precedents". His citation of *Votes and Proceedings* 1970-72/81-3 suggests that Aston was the first Speaker to offend in this fashion.

Jim Cope, the member for Sydney, was the Whitlam Government's nominee as Speaker. Cope was well-known and well-liked for his wise-cracking interjections but he was ill-equipped for his new role. Admittedly he had to deal with especially fractious non-Labor members who were new to the experience of Opposition after their parties had governed for twenty-three years. But no Speaker deserved the treatment Cope was given by the Government which had had him elected.

On 27 February 1975 – after exactly two years as Speaker – Jim Cope named Clyde Cameron, Minister for Labor and Immigration in the Whitlam Government, for disrespect to the Chair. Normally this would have resulted in the minister's suspension from the House. The Prime Minister, in refusing to move that Cameron be suspended, pointedly withdrew his support from the Speaker after storming up to the Chair and publicly berating him. The Speaker resigned immediately. What Whitlam said to the Speaker has never been revealed because Cope felt unable to repeat it however often he was encouraged to do so. To date this has been the only time when a Government failed to support a Speaker after a Member had been named. I doubt whether such conduct would even be possible at Westminster. It would have seemed inconceivable in Canberra until it occurred in 1975. On Cope's resignation, the Whitlam Government elected Gordon Scholes as his successor. Like Norman Makin, Scholes subsequently served as a Minister. He held portfolios in the Hawke Government until 1987.

The Fraser Government took office after the Whitlam Government's dismissal on 11 November 1975 and, after being confirmed in office at the election held on 13 December, nominated B. M. (later Sir Billy) Snedden as Scholes' successor on 17 February 1976. Snedden, the second Speaker to be a Privy Councillor, came to this office after having held numerous portfolios from 1964 to 1972 including the Treasurership and also the deputy leadership of the Parliamentary Liberal Party. He had been Liberal parliamentary leader and Leader of the Opposition from December 1972 to March 1975, these positions making him unique as an incoming Speaker. He was re-elected on 21 February 1978 and on 25 November 1980. He relinquished the office following defeat of the Fraser Government.

Snedden was the last Speaker to follow the example of his non-Labor predecessors by wearing the full formal dress with full-bottomed wig. It was his belief that in doing so he would restore the dignity of the office. He sought to enhance and assert the Speaker's role and independence by indicating his preference to be recognized as an impartial umpire like the Speaker of the House of Commons. In 1979 he published a paper outlining his proposals for adopting some of the Westminster conventions, among them that the Speaker should hold office for five to seven years whereupon he should resign and hold no further public office, that the Speaker be unopposed by the major political parties at general elections and that the Speaker should resign from his or her party on becoming Speaker. Unfortunately these proposals have not been adopted.

Snedden tried to strengthen Parliament's ability to withstand pressure from the Executive believing that it was contrary to Parliament's independence for the Executive to control the funds allocated to Parliament. He therefore authorized parliamentary officers to publish a paper in 1976 entitled *The Parliamentary Budget*. He claimed, "You could not have a situation where the Executive decided the level at which Members could operate efficiently". This led to the introduction of the *Appropriation (Parliamentary Departments) Bill* in 1982.

I have cribbed much of the foregoing detail on Snedden from Wikipedia, the free encyclopedia. The following is an extended quotation from that same source.

One of his most memorable actions as Speaker occurred in February 1982 when a Labor frontbencher, Bob Hawke, referred to the Prime Minister Malcolm Fraser as a "liar" during Question Time. Mr Fraser was answering a question about two joint Royal Commissions being conducted in Victoria at the time. Fraser allegedly

selectively quoted a statement by the Victorian Leader of the Opposition, John Cain, which provoked Hawke to call Fraser a liar. Sir Billy followed parliamentary procedure and asked Hawke to withdraw the remark. When Hawke refused, Sir Billy named him and a motion for his suspension was moved. Sir Billy later wrote that "It was his [Fraser's] instigation which was making the Parliament unworkable, not the Opposition's response, like the classroom situation where the smart little man hits the fellow next to him who retaliates and is seen by the teacher". Members of the Opposition had by that point taken up "liar" as a chant, which put Sir Billy in the position where he would have to name every Member, one by one. After realizing that the House would be unworkable for that sitting day, Sir Billy declined to put the motion for Hawke's suspension.

Fraser was furious and attempted to intimidate Sir Billy to punish Hawke for not withdrawing or take his "punishment". Sir Billy refused and was convinced that he would no longer be Speaker, but once Fraser realized that he had no support in the Liberal Party to remove Sir Billy from office, he sent Sir Billy a conciliatory message.

In that way a repetition of Jim Cope's experience was avoided.

The Wikipedia entry continued:

After the defeat of the Fraser Government in 1983 and the election of Dr Harry Jenkins as Speaker, Sir Billy resigned from Parliament on 21 April 1983. In doing so, he enacted part of his 1979 paper. He believed that if he stayed in Parliament, he might be called for advice on his successor's rulings and that could not happen as it would be undermining the Chair. Sir Billy said, "I am very conscious that, under the Westminster convention, when the Speaker leaves the Chair he leaves the House. I think this is right". He formally resigned from Parliament later that day.

In dealing with past Speakers I have occasionally given details of their life after vacating the Chair even until death. I hope you will excuse the outrageous pun I have employed in Snedden's case: to wit, that I shall draw a discreet veil of silence over the circumstances attending his departure from this vale of tears.

Dr Harry Jenkins was Speaker from 22 April 1983 to 11 February 1986. He was then very improperly appointed Ambassador to Spain, although he was by then an invalid. In accepting this posting he displaced a career diplomat whose designated term had not been completed. Jenkins remained in Madrid until 1988.

Jenkins was succeeded as Speaker by Joan Child, the first woman to be appointed to that position. She held that position from 11 February 1986 until 28 August 1989 and was handicapped in dealing with a rowdy House by increasing deafness. One truly deplorable decision she made concerned the Speaker's Chair which was a replica of its Westminster counterpart and a gift to the Australian Parliament from the British Parliament. She ruled that it should not be moved from the Old Parliament House to the new and permanent Parliament House. This constitutes a continuing slight to the Mother of Parliaments which made the gift. It is a spurious argument to claim that that Chair would be out of place in its changed surroundings. It would be no more jarring a presence there than it had been in the Old Parliament House; and members would grow accustomed to it.

Child was succeeded by Leo Boyce (“Leaping Leo”) McLeay. He resigned on 8 February 1993 over accusations that he had made a false compensation claim – accusations subsequently found to be incorrect. All things considered, he was woefully inadequate as a presiding officer. His successor until 30 April 1996, Stephen Martin, had been a successful referee in Rugby League although it might be questioned whether his rulings as Speaker were as acceptable. He obtained degrees, including a PhD, in town planning.

Four Speakers held office during the Howard Government’s term in office. The first, R. G. Halverson, stepped down on 3 March 1998 and was appointed Ambassador to Ireland. He partly restored the wearing of formal dress but declined to wear full-bottomed wig. I have already mentioned his successor, Ian Sinclair.

Sinclair was succeeded by Neil Andrew, the second Speaker to be the subject of a motion of censure, the first being “Leaping Leo” McLeay. In both cases the motion was defeated on party lines. Andrew was succeeded by David Hawker who, like his predecessor, wore a gown, albeit of a simpler academic style, over his lounge suit. I once courteously reproached Hawker for not restoring the full ceremonial dress and he pleaded unconvincingly that it would not go down well with the public.

This brings my survey of Speakers to Harry Jenkins Junior, the first Speaker to be able to claim his father as a predecessor, and Peter Slipper. Jenkins has been regarded as a good Speaker, given the limitations imposed on that office-holder to perform well, but the circumstances of his withdrawal from that office were regrettable. The Speakership should not be treated as a pawn in a Government’s quest for a working majority. Even independently of this, Peter Slipper came to the office a deeply compromised candidate. While I am prepared to applaud his partial restoration of traditional dress, I must acknowledge with regret that his successors could be discouraged from following his example for other reasons such as the circumstances surrounding his accession to the Chair and the enduring controversy attaching to his person.

In completing my survey of Speakers to the present time, I will digress by recalling an incident at Westminster in March-April 1895 when Mr Speaker Peel unexpectedly resigned thereby giving rise to the first contested election for Speaker since 1839. In 1839 James Abercromby, later 1st Baron Dunfermline, resigned and was succeeded by Charles Shaw-Lefevre, later 1st Viscount Eversley. In 1895 Archibald Philip Primrose, 5th Earl of Rosebery, was the Liberal Prime Minister as the ill-starred successor to William Ewart Gladstone. As Leo McKinstry recalled in his excellent biography of Rosebery published in 2005, entitled *Rosebery: Statesman in Turmoil*, “The quest to fill the vacancy soon became another drain on the Cabinet’s time and energy, as ministers were torn between the needs of the House and the demands of party loyalty”.

This could be seen as something of a forerunner to the controversy in Australia surrounding Carty Salmon’s nomination and election as Speaker of the House of Representatives. Against the opposition of many in his Cabinet and from the Opposition benches, Rosebery successfully pressed for the election of a Liberal backbencher, William Gully, QC. This also drew fire from the Queen for stated reasons which need not concern us here. As McKinstry recorded:

By now heartily weary of the Queen’s incessant sniping at the Liberals, Rosebery replied in spirited vein. ‘All Speakers are highly successful, all Speakers are deeply regretted and are generally announced to be irreplaceable. But a Speaker

is soon found and found, almost invariably, among the mediocrities of the House.’ Yet Gully was ‘no mediocrity’, continued Rosebery; he was a ‘polished and refined gentleman, a counsel who would have been a judge.’

It is safe to say that Rosebery’s encomium on Gully’s personal attributes could not be applied to any Speaker of the House of Representatives I can recall – in Joan Child’s case, for obvious reasons. But I consider that his more general assessment of Speakers at Westminster could not be applied to their Australian counterparts. Nor, I regret to say, could they be applied to the present Speaker of the House of Commons and still less to his even more frightful predecessor!

I shall now broaden my survey to more general criticisms of the functioning of the office of Speaker and here I recall the commendable endeavours of Sir Billy Snedden which, alas, came to nothing. The authority I now cite is the late David Hamer who had a varied parliamentary experience. He represented the Victorian seat of Isaacs as a Liberal from 1969 to 1974 and was an *Age* correspondent until he regained the seat in 1975. In 1977 he successfully stood for the Senate and retired from politics in 1990. He contributed an article to the *Age* entitled “Flaws of the House” which was published on 19 August 1974. It was republished in Mayer & Nelson, *Australian Politics: a Fourth Reader*, in 1976, and it is still highly topical.

In discussing Question Time in the House of Representatives, he claimed that it was far less valuable than it should be. Ministers evade questions and are not forced to answer; a half-answered question on foreign policy is followed by one on the price of wheat.

Claiming that Question Time is “so much less effective than that in either Ottawa or Westminster”, he gave his “main reason” as being “undoubtedly the status of the Speaker”. After recalling details I have already covered, he continued:

The effect of having a party Speaker is that he is tied down by a web of Standing Orders, and he is reluctant to use even the meagre discretionary powers that he has. In both Westminster and Ottawa, once a question is asked, the Speaker permits supplementary questions until *in his opinion* the subject is exhausted. This makes it difficult for Ministers to evade.

In Canberra, on the other hand, although the Speaker has the authority to permit supplementary questions, he very rarely does. He merely follows Standing Orders and takes the next question from the other side of the House; all continuity of questioning is immediately lost . . .

The House of Representatives does little better as a forum for national debate than it does at Question Time . . .

The remedies, or at least partial remedies, again lie in the status of the Speaker. Great damage is done by the power of the Government to cut off debate if it is becoming inconvenient (by moving that the question be put).

In Canberra the Speaker is obliged to put the question without further debate. In Ottawa and Westminster the Speaker can refuse to put the question if in his opinion useful debate is still going on; in neither of these Parliaments is it possible to truncate debate absurdly as all too often happens in Canberra . . .

Even more disenchanting to the listener or viewer is the repetitious nature of so many speeches. At Westminster the Speaker decides which members he will call to speak. If the member is being boring or repetitious the Speaker makes his opinion quite clear.

Woe betide the member who does not then rapidly wind up his speech, for the Speaker can inflict the ultimate penalty for a politician; he will not call him again until he has learned his lesson.

In Canberra, the Speaker has no such discretion. He calls Members from alternate sides of the House from lists provided by the party Whips. The Member has a set time to speak – usually twenty minutes – and human nature being what it is, he uses it to the full; if he runs out of material he says the same thing again in different words; sometimes even the same thing in the same words!

These two areas of increased authority for the Speaker – and they could be given only if the Speaker's integrity and impartiality were universally recognized – would do much to improve the quality of debate . . .

It would be comforting if in the event of a change of government in the near future some attempt would be made to act on Sir Billy Snedden's dormant proposals and even go further in attempting to follow more closely the practices at Westminster and Ottawa. On this I am less than sanguine.

Failing this, some attempt should be made to restore some dignity to the office by way of formal dress. The High Court set an appalling example in 1988 when they abandoned traditional judicial dress without declaring any formal justification from the Bench when the Court first appeared "dressed down". An utterly feeble statement to the media signally failed to justify such a fatuous gesture. An acquaintance employed by the outfitters in Melbourne engaged to provide the substitutes told me that she and her fellow workers were incredulous that outfits so unsightly should have been ordered. Whenever I see television footage of High Court judges filing to their places on the Bench, I cannot forbear from sneering, "Just look at you! A conga line of Judge Judys of both sexes!" A former High Court judge present here has likened that outfit to a body bag – a body bag, that is, for a headless body. And what self-respecting corpse would want it for a winding-sheet?

The Federal Court subsequently confounded my belief that the High Court's current dress could not be surpassed for sheer hideousness. The Federal Court's changed dress resembles the cheapest of black bath robes with what looks like a bar-code prominently displayed on the right shoulder. Other jurisdictions have abandoned traditional dress partly or wholly. West Australian Supreme Court judges have gone the whole hog and have adopted bags for headless bodies. All this has proved confusing to barristers required to adapt their own dress to the whims of judges who variously sit untraditionally attired. A member of Sydney's inner Bar recently confided to me that he repeatedly has to check precisely how he should robe for the particular jurisdiction in which he is about to appear. Counsel from an assortment of States appearing these days before the High Court in a major case do not present a uniform appearance as they once did. They appear garbed according the differing dress codes prescribed in the immediate lower court in their respective States or, as with some of them, in the Federal Court. Such confusion is not a state of affairs to inspire confidence. Nor should it be applauded!

Let us hope, then, that any future Speaker by his own example in the matter of dress will pointedly shame those aberrant members of the judiciary who have affected such slummocky habits!