

STATEMENT TO HOUSE OF ASSEMBLY

The Hon. K. H. Randolph Horton, JP, MP
Speaker

Monday, 16th March, 2015

The Hon. Michael Dunkley, Premier and Minister of National Security;

The Hon. Marc Bean, Opposition Leader;

Hon. Members of the House of Assembly:

In light of events on Friday evening here in the House of Assembly and subsequently outside the House, I wish to make the following statement. I crave the undivided attention of Hon. Members.

There has been much talk; there have been many comments within the past few days about the rules of our House, their interpretation and ultimately their application and enforcement by the Chair. As Hon. Members will know and as many members of the general public may not know, our rules are known as Standing Orders.

I begin by first drawing attention to Standing Order 10, specifically S.O. 10 (2) which reads as follows:

“The Speaker (and in Committee, the Chair) shall preserve order and decorum, and shall decide all questions of order. In deciding points of order, the Speaker may state the Standing Order or other authority applicable to the case. Such decision shall not be subject to appeal except by way of a substantive motion, of which notice has been properly given, moved for the exclusive purpose.”

Further, sub-section (2) of S.O. 10, reads as follows:

“Except as provided in sub-paragraph 10(1) above, no motion may be moved which reflects on any such decision of the Speaker.”

I say this for the benefit of Hon. Members who have complaints about decisions by the Chair, including myself as Speaker, and/or about how those decisions are made.

The relevant procedure is clearly set out in Standing Orders. I offer this information to enlighten Members of this Hon. House and members of the general public who may be in doubt about applicable procedures.

You will know that on Friday last, one Hon. Member, aggrieved as he was by a decision or decisions of mine, took his complaint initially to the press which reported his remarks extensively. I presume that the Hon. Member's remarks were reported accurately. The Hon. Member then wrote a letter of complaint to me and shared the letter with the press for publication.

This action was more than disappointing, for it completely cut across, if not undermined, the procedures by which this House is to be governed and by which it is meant to govern itself. Further, I view this action as a violation of a Member's duty to the House, its rules and procedures for addressing matters of the House even where a Member feels that he is right and that he is justifiably aggrieved. It is wrong and it is unhelpful.

Some of the reported remarks were at the very least disrespectful and, whether intended or not, bordered on being contemptuous of the Speaker, the House and how we govern ourselves.

I understand that the Hon. Member and others of his colleagues were aggrieved and angry that night as a result of my decisions.

The Hon. Member, on reflection, looked to our Standing Orders and decided that he would take up his complaint as a matter of privilege.

May I say here that I accept and respect fully Hon. Members' right, and indeed responsibility, to take up their complaints when they have them. However, I am obliged to reiterate that such complaints must be pursued in accordance with the rules that govern this House. I have already mentioned the ultimate sanction on the Speaker open to Members under S.O. 10.

With the greatest respect, I do not believe that Hon. Members can avail themselves of the rights of privilege afforded under S.O. 13 in respect of any grievance or complaint which they may have with the Speaker and any of his decisions.

That is, in my respectful view, a non-starter in light of the procedure set out S.O. 10, especially sub-paragraph (3) in addition to the other sub-paragraphs which I have already quoted. S.O. 10(3) states in part: **“The Speaker shall not take part in any debate before the House.”**

There are other means whereby Hon. Members may appropriately air or pursue their grievances and complaints against the Speaker or his decisions.

I shall shortly be proposing one such means in this case. But before I do so, I wish to say the following to Members of this Hon. House and to members of the general public. Upon careful reflection, I believe that I could and should have taken a different course of action on Friday evening. It certainly was not my intention to prevent or shut down debate on the original motion or the amended motion. I had heard some argument on whether the amended motion should be allowed and I ruled. I thought it could be put and I stand by that decision. In my haste to move the debate along, I allowed it to be brought to a vote. Upon reflection, and with the benefit of hindsight, I now accept that I should not have allowed the amended motion to be brought to a vote at such an early stage.

It is now my duty, and indeed my wish to resolve this matter for the sake of maintaining good order in the house. In the circumstances, I am proposing the following process whereby the current grievance or complaint against the Speaker's decision might be addressed.

I shall refer this entire matter to the House's Standing Orders Committee which is empowered under our rules to consider and report on matters which appear to affect the powers and privileges of the House.

The Standing Orders Committee will be free to recommend what sanctions, if any, should be imposed. It may be that some further guidance will emerge – for Hon. Members and for me as Speaker of the House. I would like to believe that we can sort these contentious matters out as Hon Members collaboratively and make recommendations with respect to further actions that should be taken.

But before I close, I wish also to remind Hon. Members of the provisions of sub-paragraphs (4) and (5) in S.O. 10:

Sub-paragraph 4

“When the Speaker (or Chair) rises during a debate, any member then speaking, or wishing to speak, shall immediately resume his or her seat and the house (or Committee) shall remain silent”.

Sub-paragraph 5

“The Speaker shall be vested with the authority to maintain order by naming individual members for disregarding the authority of the Chair and, without resort to motion, ordering their withdrawal for the remainder of that sitting”.

“If a Member disregards the order of the Speaker made pursuant to the paragraph (a) above of this sub-section, the Speaker shall order the Sergeant-at-Arms to remove the Member.”

I wish to state unequivocally that it is not my goal to exercise that power unless all pleas for cooperation have fallen on deaf ears and I truly believe that I have no option but to invoke sub-paragraph 5 of S.O. 10. In those circumstances, I will not hesitate to do so.

It is an important power and one that I will endeavour to exercise at all times as judiciously and as wisely as I can.

However, I must recognize that I am also a servant of this Hon. House and that as a servant; I am ultimately constrained by what you, Hon. Members, do and by your collective will as manifested both by your conduct and by your decisions. That said, I want Hon. Members to know that I appreciate fully the role that I was elected to fulfil and that I intend to continue to uphold both the dignity of the office of Speaker and this Honourable House. I shall continue to fulfil my duty to ensure the orderly conduct of business of the House at all times and in all ways that I think fair and reasonable.

Thank you, Hon. Members.