THE MOST VITRIOLIC PARLIAMENT

EVIDENCE OF THE VITRIOLIC NATURE OF THE 43RD PARLIAMENT AND POTENTIAL CAUSES

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Abstract

It has been suggested that the period of the Gillard government was the most vitriolic in recent political history. This impression has been formed by many commentators and actors, however very little quantitative data exists which either confirms or disproves this theory. Utilising an analysis of standing orders within the House of Representatives it was found that a relatively fair case can be made that the 43rd parliament was more vitriolic than any in the preceding two decades. This period in the data, however, was trumped by the first year of the Abbott government. Along with this conclusion the data showed that the cause of the vitriol during this period could not be narrowed to one specific driver. It can be seen that issues such as the minority government, style of opposition, gender and even to a certain extent the speakership would have all contributed to any mutation of the tone of debate.
Declaration

I declare that this thesis contains only my original work towards my Masters of Arts (Research) except where due acknowledgement has been made in the text to other material used. Equally this thesis is fewer than the maximum word limit as approved by the Research Higher Degrees Committee.
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1. Introduction

On the 27\textsuperscript{th} of June 2013 Kevin Rudd was sworn in for his second term as Prime Minister of Australia, officially ending the tenure of Julia Gillard. Gillard had been removed from the Labor leadership the previous night after a ballot was held in the caucus. By the time that she was replaced Julia Gillard had been Prime Minister for a total of 3 years and 3 days, becoming the sixth longest serving Labor Prime Minister\textsuperscript{1}.

The evening before, after having lost a ballot in the Labor caucus to former and future Prime Minister Rudd, Julia Gillard fronted the media and said farewell to the nation. As part of her final statement as Prime Minister Julia Gillard briefly reflected upon a period of political debate that had been rather extraordinary.

Commenting upon her time as Prime Minister, Gillard drew upon minority government, internal party division, electoral pressure and her position as the first woman to serve in the role. She identified these as issues which were of singular importance during the majority of her Premiership, eventually telling her caucus colleagues “don’t lack the guts, don’t lack the fortitude, don’t lack the resilience to go out there with our Labor agenda and to win this election”\textsuperscript{2}.

Gillard had identified that her period as Prime Minister had been, to a large extent, dominated by issues of tone and debate. A period during which she faced Tony Abbott as Opposition leader, Kevin Rudd as alternative Labor leader and crises involving the Speakership of the House of Representatives, corruption in the Union movement and the first minority government since the 16\textsuperscript{th} parliament (1940-43). The issue presented here, however is whether this parliament stands amongst the most vitriolic that Australia has ever seen, and if so what issues contributed to this standing.

Australia has, in its 114 years since federation seen some significant periods of aggression and hostility. This includes the 1975 dismissal of Gough Whitlam, the removal of John Gorton as Prime Minister in 1971 and infamously aggressive national leaders such as Paul Keating. All of these periods, and many more aside, have raised queries as to the tone and nature of both our parliamentary institutions and the debate held within.

\textsuperscript{1} Gillard tenure as a Labor Prime Minister was behind Bob Hawke (8 years 284 days), Andrew Fisher (4 years 297 days), Ben Chifley (4 years 159 days), Paul Keating (4 years 82 days) and John Curtin (3 years 271 days). Billy Hughes served 7 years 105 days, however he was only a member of the Labor party for 1 year 18 days of that period.

\textsuperscript{2} Julia Gillard, \textit{Speech to Press Club}, 26/06/2013.
The 43rd parliament, mostly under the premiership of Julia Gillard has, however, been singled out by those involved, by the media and by commentators as a period of significant aggression, hostility and vitriol. A period that stands amongst some of those crises of the past.

Gillard’s deputy and Treasurer, Wayne Swan supported a reading of a demeaned parliamentary debate. In his memoirs of the period Swan described the political debate as “increasingly ugly and vicious”, claiming that the policies of the government had become swamped by a “poisonous chemical stew”\(^3\). Swan drew upon issues of party disunity, minority government, the Coalition’s negativity and a “disgracefully biased News Limited” as key drivers of this new environment in Australian politics. Whilst serving as a Deputy Prime Minister under Gillard, Swan contended that the tone and quality of debate had completely removed the possibility for any fair and reasonable debate regarding the economy, budget or anything else.

This reading of the situation was strongly supported by Swan’s fellow minister Greg Combet. Combet, who was minister for Energy and Climate change, was responsible for the design and implementation of the Government’s signature Clean Energy Act 2011. This Act, which saw the implementation of a three year fixed carbon pricing scheme followed by the introduction of an emissions trading scheme, faced significant opposition both within the parliament and from sections of the media and public.

Aside from questions over the practicalities of the policy, the politics of its introduction was undeniably controversial. In particular the Opposition and media had utilised the statement by Gillard, a week prior to the 2010 election, that there “will be no carbon tax under the government I lead”. This statement, along with the famous “no carbon tax” slogan became a flash point for political debate.

During the passage of the bills for the Clean Energy Act the parliament truly became a battle ground. Greg Combet described parliament as “a harrowing place to be... as Abbott used the carbon price to bludgeon the Prime Minister with censure motion after censure motion, the attacks always intensely personal, belligerent and ruthlessly reductionist”\(^4\). Employing reductionist, personal attacks clearly diverted the questioning away from substantive policy discussion. Naturally, and inevitably, this encouraged the media and the public to spend more time absorbing the contest of personalities rather than considering the content of the policy and its alternatives.

\(^3\) Wayne Swan, *The Good Fight*, page 316.

It was not, however, only members of the Labor government who have subsequently commented upon the tone of debate. Tony Windsor, the Independent member for New England (2001-2013) supported Julia Gillard after the 2010 election helping her to remain as Prime Minister. In his reflection upon the period of the Gillard government he lay heavy criticism upon the actions of senior Coalition politicians. In particular he identified a course of action which preyed upon the differences and weaknesses of Julia Gillard. Windsor contended that “a lot of Australians drank from the trough of abuse that was directed at Julia Gillard” and that “senior politicians such as Tony Abbott, Chris Pyne and the dearly departed Sophie Mirabella should be ashamed of themselves”.

In particular Windsor drew upon the abuse of gender. He claimed that Abbott “milked” the gender card which has resulted in “lasting damage” to our politics. He equated this action to Howard Sattler’s questioning of Gillard over the sexual orientation of her partner, Tim Mathieson. Windsor contended that this “was not accidental, in today’s political world it is deliberate”.

Windsor contends that focusing upon the personality and using this for political advantage is entirely strategic. More than that he identified this as a significant issue for Julia Gillard and her government. With a career in parliaments spanning 22 years Windsor clearly identified this period of government as a period in which the tone of political debate was at the very least more personal, probably more vitriolic. It is not, however, only politicians who have drawn upon this period as one that requires singular attention and consideration regarding the tone of debate.

At the height of the debate regarding the AWU scandal involving Prime Minister Gillard Lateline presenter Emma Alberici stated that “personal attacks are nothing new in political life, but they have been escalating in Canberra”. Within the subsequent story ABC reporter Melissa Clarke explained that concerns were being raised regarding the use of personal history to attack and retaliate. This issue of an ever lowering tone of political debate, focusing upon personality, previous job performance and personal relations, became an ever present feature of media coverage. Notably this was one area in which there was almost universal agreement amongst commentators.

Journalists from the ABC, Fairfax and even News Limited all commented regularly upon this issue across the three years of the Gillard government. One such example was Paul Syvret

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5 Tony Windsor, *Windsor’s Way*, page 199.
6 Ibid, p 199.
7 Ibid, p 199.
8 Emma Alberici, ‘Moves to end personal attacks in Parliament’, *Lateline*, 19/11/2012, ABC.
writing for the *Courier Mail* who, whilst calling for the “vile vitriol about the PM” to stop stated that “the things people are saying about the Prime Minister Julia Gillard have hit a new low”. Syvret drew upon statements from Joe Hockey and Howard Sattler to display what he believed was a low point in political discourse and personal attack.

Agreeing with his counterpart at News Limited, Martin Flanagan reflected in *The Age* that whilst the past three years had been good for Australia “the political climate has been strange, hectic, wild”. Flanagan then went further contending that “we have become a shabbier democracy, more extreme, more at the whim of bully boys in the media”.

As the period of the Gillard government was coming to an end both Flanagan and Syvret have summed up a general view held by commentators, both media and political, that the last three years had been exceptional within the history of political discourse in this nation. With personal attacks becoming more common, a progressive lack of ideal focus in question time, and a level of vitriolic and offensive questioning based upon perceived difference or weakness were all viewed to have become much more common.

The issue of the tone of political debate within an established democracy is of fundamental significance. It is vital for the health of a democracy that citizens and voters are interested and active participants. Without this the health of a democracy can be said to be rather sclerotic. This issue was picked up by the *Sydney Morning Herald* which in an opinion piece following the election of the Abbott government called for “constructive debate about policy rather than destructive personal abuse”. The article was written with a clear concern for the health of our democracy following what it termed “the wrecking-ball approach of Abbott and the cynicism of Rudd-Gillard”.

These concerns are not meaningless. In his analysis of the opinions and beliefs of Australian voters Ian McAllister identified that, in general, the greatest indicator of political health, voter’s satisfaction with democracy, remains high. Whilst this is clearly a positive, McAllister does identify in the data collected up until the 2010 election that citizen’s trust in government “is consistent with citizens making evaluations about the performance of parties and leaders”. With a decreasing level in the tone of debate it is of significant concern that

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13 Ibid, 77.
measures of trust and satisfaction in the performance of Australian democracy could also begin to decrease.

The concerns were clearly founded with the 2013 ‘trust in government data’ from the Australian Electoral Study showing a decrease in trust. In 2010 63% of respondents believe the ‘people in government look after themselves’, however this had increased in 2013 following the Gillard government to 66%14. This was not, however, followed by any trend in efficacy of government or satisfaction with democracy. These findings support the conclusions that McAllister made. In particular these results support the conclusion that trust is dependent upon the perceived performance of parties and leaders.

Considering both the opinions of many in the political class, and the deviation in the measured trust of government, it is reasonable to claim that there was a perceived change in the tone of debate with the period of the Gillard government. This is not, however, evidence of any real change within parliament or of consideration of what could have caused this change.

In order to consider this the basis for analysis in this thesis is data collected from within the Parliament itself. As the main arena for political debate amongst our politicians any change with respect to the level of aggression and vitriol should be measurable within the Commonwealth House of Representatives. The data tracks the use of standing orders across the period of the Gillard government and compares them to the preceding two decades. The data explores the incidence of standing orders which are utilised to maintain order in the House. The dataset displayed a clear and dramatic increase in the use of standing orders from 2011 onwards, clearly suggesting some shift in dynamics. This posed the question of what factor or factors may have contributed to this sudden and dramatic increase. It was considered that this may be the result of progressive changes in the institutional functioning of the parliament, the formation of a minority parliament, or even issues including gender and opposition.

This data set can provide both a quantifiable answer to the question ‘was the period of the Gillard government the most vitriolic?’ and also a starting point for a further discussion of what triggers and features, if any, could have caused this variation. In the interest of the health of our democracy it is important that we understand how the tone of debate changes over time.

14 2013 Australian Electoral Study.
2. Literature Review

Whilst direct consideration of the levels of vitriol is the central concern of this paper it is important, firstly, to consider some areas within Australian politics which have seen significant changes over the period from 1991-2014. Importantly this literature review will consider the presidentialisation thesis, development within the media environment, and the role of minority government and the speakership within the past two decades. Changes and developments within all three of these have the potential to contribute to and drive significant vitriol both within the parliament and in the broader public debate. Developing a more nuanced understanding of these areas will provide a clear basis from which the central research question can be considered.

a. Presidentialisation

Malcolm Turnbull, in his 2013 Sir John Monash Oration, elaborated his view upon the role and institution of the cabinet and Prime Minister within contemporary Australia. Turnbull explained the comparison between the Prime Minister’s role as the first among equals and compared this to the power and centrality of authority encapsulated in the role of the American President. Whilst Turnbull highlighted and considered the operational and structural differences between the two systems he developed the thesis that Westminster democracies across the world had slowly been transitioning towards a more presidential style.

Whilst stating that, up until recently Australia had had a highly effective Cabinet system Turnbull stated that “both in Canada and the United Kingdom” the Prime Minister “has become more of a presidential figure”. He argued that this mutation is, in part, caused by the removal of power from the parliament in favour of the party in the selection of the leader. Along with this Turnbull highlighted the weakening of Cabinet government and principles. It was within this framework that Turnbull entered the debate regarding the presidentialisation of the Australian Prime Minister.

Turnbull claimed that Kevin Rudd, in his first iteration as Prime Minister had eroded the parliamentary foundations of Australian democracy in favour of presidential style leadership. Turnbull argued that “too many of the decisions were taken by the Prime

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16 Ibid.
Minister himself or by a small inner sanctum”. The centralisation of authority and erosion of the power of the cabinet and parliament, in his view, were clearly related to the theoretical presidentialisation of the role of Prime Minister. In closing his speech Turnbull pivoted to the comparison between leaders (Kevin Rudd and Tony Abbott) that was about to occur in the upcoming 2013 election. Turnbull claimed that due to the institutional and structural issues within the Labor Party that “Mr Rudd will run a presidential campaign”.

Malcolm Turnbull’s 2013 speech clearly enunciated many of the considerations regarding the changing role of the Prime Minister within Australia. Drawing upon the shifting power and authority that is provided to party leaders, and in particular the Prime Minister, is key to any consideration of how the Australian system of government operates. The ‘presidentialisation’ thesis aims to consider this shift and provides a useful framework around which to consider the role of the leaders within Australia.

Thomas Poguntke and Paul Webb provide a clear and measurable way in which to consider this theory with respect to the developments over the past two decades in Australia. Poguntke and Webb defined presidentialisation as “a process by which regimes are becoming more presidential in their actual practice, without, in most cases, changing their formal structure, that is, their regime type”17. For the purpose of consideration here this definition would mean a shift within the practical operation of cabinet, parliament and the primacy of the Prime Minister without their being any resultant legislative or formalised institutional change. This would incorporate the functions and roles of these organisations during periods of government and during the interregnum of elections and electioneering. Poguntke and Webb’s framework for considering the process of presidentialisation can be understood as the “development of (a) increasing leadership power resources and autonomy within the party and the political executive respectively, and (b) increasingly leadership-centred electoral processes”18. These two developments effect changes within three different elements of the behaviour and personality of a Prime Minister: their electoral face, executive face, and party face.

Whilst Poguntke and Webb’s work focuses upon the conception of the ideal and transitions around this they do provide some interesting practical analysis of two Westminster democracies in the United Kingdom and Canada. The analysis of both of these nations within the framework provided by Poguntke and Webb indicated a significant variation towards presidentialisation. Within both the UK and Canada it could be seen that the role of Prime

18 Ibid, 5.
Minister had developed with respect to their pre-eminence within electoral campaigns and their centralisation of the processes of government.

As part of the analysis by Poguntke and Webb, Herman Bakvis and Steven B Wolinetz studied the application of the presidentialisation thesis to the Canadian political system. Within Canada they concluded that there was fair evidence to suggest that, progressively, the structures of government could be seen to support an increasing presidentialisation. It is important to note that Bakvis and Wolinetz, in their analysis of the Canada system highlight that “insofar as the Canadian executive is relatively autonomous from the legislature and at the same time in control of it, it is far more powerful than the American president”\(^9\); this concept does not however dissuade them from apply the overarching thesis. Bakvis and Wolinetz contend that development within the three faces of the Prime Minister continue to support the increasing presidentialisation of the role. They contend that this development dated back to changes that began during the premierships of John Diefenbaker (1957-1963) and Pierre Trudeau (1968-1979, 1980-1984).

The conclusions of Bakvis and Wolinetz were similar in many ways to those of Richard Heffernan and Paul Webb with respect to the presidentialisation of the Prime Minister of the United Kingdom. Heffernan and Webb found three significant phenomena that had occurred within the UK since the 1960s. They found that: (i) election campaigns had become more focused upon the leader and their personality; (ii) that leaders are better placed to exert intra-party influence than were in the past, and; (iii) that structural changes which have resulted in larger executive offices under the Prime Minister’s control make it seem likely that Prime Minister could wield greater power\(^{20}\). Keith Dowding, however, is highly critical of this argument regarding the development of the role of the British Prime Minister.

Whilst Dowding does not contend that the role of Prime Minister within the United Kingdom hasn’t changed over recent decades, he defines this development as a process of ‘prime ministerialisation’ rather than ‘presidentialisation’. Dowding explains that as “the power of prime ministers is greater than that of presidents; adding to it makes them less, not more, presidential”\(^{21}\). Dowding builds his critique of the term ‘presidentialisation’ around four key arguments: (i) that the forces identified are better considered as being akin to


personalisation; (ii) that these forces are equally at force in presidential nations; (iii) centralisation in the executive takes us further from presidentialisation, and; (iv) as the power of a Prime Minister increases there is an increased divergence from a presidential system\textsuperscript{22}.

Whilst Dowding’s arguments against the use of the term ‘presidentialisation’ are important to the broader theoretical debate, when considering the implications for understanding any changes within Australian politics over the past two decades nomenclature is less of a concern than specific, impactful mutations. In line with the analysis provided by Poguntke and Webb, Dowding does note behavioural and institutional changes in the system that have seen the personality and power of the Prime Minister significantly more increased. Dowding highlights that leaders have become more of a focus within electoral campaigns, but that this has not necessarily been consistent\textsuperscript{23}. Along with this he notes a lessening of the power of ministers and cabinet caused by an increase in bilateral ministerial communication and the size of the staff under the direct authority of the Prime Minister\textsuperscript{24}. Finally Dowding explains the general increase in power that a leader, and in particular Prime Minister, has over their party due to the demands of the media, the decrease in ideological commitment, and the new leadership elections\textsuperscript{25}.

Whilst Dowding contends that the all of the developments explored contribute to a lessening of similarities between Prime Ministers and Presidents, it is clear that he concurs with Poguntke and Webb upon their definition of what is actually changing. The framework of electoral face, executive face, and party face is clear within all of his considerations. Whilst accepting Dowding’s argument that the increasing power of a Prime Minister should not be over exaggerated, we can form, from a combination of the ideal cases previously presented and the critique provided by Dowding, the well accepted assumption that there is a series of developments within the power of Prime Ministers in democratic nations that is resulting in a mutation of the original Westminster parliamentary system. As such, it is important to consider the implication of the three key areas and whether, within Australia we have seen any development within them.

The Electoral Face

\textsuperscript{22} Ibid, 618.
\textsuperscript{23} Ibid, 620.
\textsuperscript{24} Ibid, 624.
\textsuperscript{25} Ibid, 627.
Poguntke and Webb define the electoral face as “a shift from the partified control to domination of leaders”\textsuperscript{26}. In order to make this definition quantifiable they identify three key areas in which a development towards presidentialisation can be seen to progress: (i) a growing emphasis on leadership appeals; (ii) a greater focus on the leaders within media coverage, and; (iii) a greater effect from leaders upon voter’s behaviour\textsuperscript{27}. Poguntke and Webb suggest that an increase in these three factors is indicative of a development within the role of the Prime Ministership that aligns with their theory of presidentialisation. These three factors are also in line with consideration of an increase in personalisation of electioneering.

Within Australia’s system of representative democracy voters cast their ballot in lower house elections for their local representative. The successful candidate from each electorate then joins the 150 seat House of Representatives. It is from the members of this body that the Governor General of Australia appoints the Australian Prime Minister. Traditionally the Prime Minister is the member who leads the party with the majority of members within the House of Representatives. In the case of a minority parliament the Governor General would instead appoint the leader of the party that can be reasonably expected to command support upon the floor of the House on significant motions including confidence and supply. It is implicit within this electoral system that voters do not vote for particular party leaders, and therefore have no direct ability to select or remove a Prime Minister; the exception to this are voters who are within the electorate held by the Prime Minister, such as occurred in 1929 to Stanley Melbourne Bruce and in 2007 to John Howard. The electoral face theory, however, would expect to see a change or mutation within the perceived application of this system despite no change within its technical operation.

Glenn Kefford, in his analysis of the presidentialisation of Australian politics, argued that “the campaign style of the one election that Rudd contested as leader\textsuperscript{28} was deeply personalised and extended well beyond the actual campaign”\textsuperscript{29}. In an extended case study analysing the Rudd campaign Kefford highlighted the many highly personalised elements which were utilised by the Labor Party. He highlights the ‘Kevin07’ slogan, the release of 300,000 DVDs that featured Rudd, and Rudd’s appearance on radio, television, \textit{YouTube},

\begin{itemize}
  \item\textsuperscript{27} Ibid, 10.
  \item\textsuperscript{28} This paper was published prior to the 2013 election at which Kevin Rudd contested as Prime Minister against Tony Abbott as leader of the Liberal Party.
\end{itemize}
*MySpace* and *Facebook*. Kefford uses this information to support the argument that the emphasis on leader’s appeals was significant within this campaign.

Kefford’s claim regarding the centrality of Rudd was supported in the data collected by Murray Goot. Goot analysed the media coverage of the 2007 election in order to understand the focus provided by different media format. Of particular note from Goot’s analysis was the percentage of coverage dedicated to the party leaders, Howard and Rudd, compared to the other ‘top 50 candidates’. Goot found that the two leaders significantly dominated across all four media platforms. His analysis showed that their share of media coverage was: 49.3% in the press, 53.9% radio, 57.3% television, and 52.1% internet. With the share of coverage at around 50% across all mediums the two leaders were undoubtedly the dominant visual forces within the 2007 election campaign.

These findings confirm an earlier study completed on the 2001 election between John Howard and Kim Beazley. In their study David Denemark, Ian Ward and Clive Bean found that “television news in the 2001 federal election clearly devoted more coverage to the parties’ leaders than to the parties themselves”. The authors found that both Howard and Beazley recorded between two to three times the coverage as did their parties across the five news bulletins studied. Alongside this they found that on four of the five news programs minor party leaders also recorded more time than their respective parties. Without applying this data too far, it is clear to see that across the two elections, 2001 and 2007, the media focused more upon personalisation and the leaders than the parties themselves. This preference for leader over party and candidates clearly subordinates the technical operation of the electoral system in favour of the actually practice of increasing leader focused support.

One of the key platforms for a leader to connect with the public throughout an election campaign is a leader’s debate. A common form of campaigning across the globe the leader’s debate is an opportunity for the leader to connect with an audience in a highly intimate and direct manner. Philip Senior studied the impact that these debates can have upon Federal elections from 1990-2004. Senior concluded that “all Australian leader’s debates since 1990 have influenced voters” and that this influence extends to “not only viewers, but also

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31 Ibid, 106.


those who form perceptions indirectly”\textsuperscript{34}. Within his multivariate regression model Senior found that debate perception exerted a statistically significant impact upon vote choice. This meant that if a viewer perceived a leader to have performed better then there was increased likelihood that they would vote for them. However Senior does note that the impact of debate performance was higher in 1990 and 1993 than it was in subsequent elections. He explains that this could be caused by a decrease in viewership and the impact of partisanship. Despite this decrease however, Senior’s analysis lends credence to the concept that the leader, separate from their party, can significantly influence the party’s success in an election campaign.

From the information presented we can begin to produce a considered analysis of Poguntke and Webb’s three elements of a leader’s election face. Labor’s ‘Kevin Rudd’ focused campaign highlights the appeal to leadership; the level of media dominance by the Prime Minister and Opposition Leader in 2001 and 2007 supports the concept of the media focus; and, Senior’s analysis of the direct effect of the leader’s debate emphasises the clear effect that the individual personality of a leader can have upon voter’s behaviour. Whilst it is apparent that these effects cannot be considered stable or ideal, there is relative consistency within them and they are all significant within considering the key central theory. Australia, within the last two decades, has seen an increase within the personalisation of electoral campaigns consistent with the presidentialisation framework established by Poguntke and Webb.

Executive Face

The second concept with Poguntke and Webb’s framework is that of the executive face. Poguntke and Webb define the development within this aspect as adhering to the rule that “while partified government means governing through parties, presidentialized government implies governing past parties”\textsuperscript{35}. Richard Heffernan and Paul Webb apply this concept to the role of the Prime Minister in the United Kingdom explaining that the Westminster extension of the executive face definition is the subordination of the cabinet and subsequent increase in bilateral communication, alongside the increasing size and dominance of the staff

\textsuperscript{34} Ibid, 462.

directly under the Prime Minister. Heffernan and Webb, along with Dowding, view this as a process that is well underway within the British parliament; this is directly compared to Malcolm Turnbull’s opinion of the role of the cabinet under John Howard.

Malcolm Turnbull, in his Sir John Monash Oration, stated that Howard “ran a traditional cabinet system” in which “his Ministers were not micromanaged from his office and were expected to get on with their work.” This, in Turnbull’s opinion was in direct contrast to the far more centralised and micromanaged office and organisational structures during the prime ministership of Kevin Rudd. Turnbull drew upon Kevin Rudd’s “gang of four”, the Strategic Priorities and Budget Committee which consisted of Rudd, Treasurer Wayne Swan, Deputy Prime Minister Julia Gillard, and Finance Minister Lindsay Tanner. Turnbull highlighted this as an example of a centralised sub-committee that directly contravened the principles and traditional practice of cabinet government. In line with the increasing executive face theory, Turnbull saw this as an example of Rudd’s centralising and anti-cabinet approach to government.

Glenn Kefford provides support for the conclusion that the Rudd government was centralised beyond the traditions of Westminster cabinet government. Kefford argued that Rudd immediately made it clear how he wanted to run his government and that this “meant positioning himself at the centre of decision-making, involving himself in the minutiae of policymaking and controlling the agenda.” Kefford also drew upon the example of the Strategic Priorities and Budget Committee in order to develop his thesis in support of the concept of the executive face in line with Poguntke and Webb. Kefford identified that although no structural change had occurred that Rudd operated as though he was the primary executive officer of government and subordinated the cabinet. Whilst Rudd was the primary target for the analysis provided by both Turnbull and Kefford the centralisation of control in the hands of the Prime Minister over the last twenty years has not been solely developed during the tenure of Kevin Rudd.

In her analysis of the changes in the advisory structures for the Prime Minister of Australia Anne Tiernan identified that over the life of the Howard government the “advisory

infrastructure shows evidence of both growth and institutionalisation." Tiernan found that from May 1996 the number of Ministerial staff grew from 294 to 444 by May 2006. It was not only the broader population of ministerial advisers that saw growth. The highly influential Prime Minister’s Office (PMO) also saw growth across the life of the Howard government, resulting in an eventual complement of 40 staff members. Tiernan explained that this office comprised “partisan personal loyalists with long associations with the Prime Minister” and that it focused “on day-to-day political and policy coordination and management.” This increase in power and centralisation was not, however, only noted by Tiernan.

Mark Bennister, in his comparison of Tony Blair and John Howard commented that the Department of Prime Minister and Cabinet (PM&C), which was established in 1971, had been significantly expanded since its introduction. Bennister argued that under Howard that the PM&C was increasingly responsible for driving policy and that “taskforces are run from PM&C on a range of mainly sensitive issues, so the prime minister and his department take the lead.” This centralisation of administrative authority within the executive was bolstered when Howard created the Central Policy Unit (CPU) soon after his election in 1996. This office, which was initially within the PM&C, but was eventually moved to the PMO directed the creation of “whole of government policy” and became the unit that was responsible for planning the agenda, listing items and writing up cabinet decisions. Bennister highlights these developments as key examples of the centralised control that Howard took over his government. This centralisation moved a large amount of the autonomy from the decentralised bureaucratic and cabinet structures, and firmly cemented them under the authority of the Prime Minister.

Whilst it is clear, and generally accepted, that the Prime Ministership of Kevin Rudd saw a significant subordination of the traditional processes of cabinet government, even during the Howard era the centralisation of executive authority under the Prime Minister was in full motion. Both Howard and Rudd oversaw periods in which the traditional role of the Prime Minister was progressively increased from what it had previously been. Within the framework of the executive face provided by Poguntke and Webb we can clearly see that

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41 Ibid, 314.
43 Ibid, 332.
across the past twenty years the role of the executive within Australia has been co-opted and dominated by the Prime Minister.

Party Face

The final arena for analysis under the framework provide by Poguntke and Webb is the party face. Poguntke and Webb define development within the party face as “a shift in intra-party power to the benefit of the leader”\textsuperscript{44}. They identify that the key effects of an increase in power benefiting the leader would be growing leadership autonomy from dominant party factions including direct leadership elections, a shift to communication and mobilization strategies that are contingent upon the individual leader, and a shift towards candidate centred electioneering in line with the conditions expected in the electoral face arena resulting in a candidate specific mandate. The resultant image of a presidentialisation of the party face would be a leader who acts independent from the traditional institutional controls that are present within the rules of each party.

Glenn Kefford argues that whilst the public image presented by Kevin Rudd seemed to indicate a significant shift in the leader-party balance this was far from a clear cut mutation. Kefford states that “in a continuation of what happened under previous leaders, it was soon apparent during the Rudd period that the parliamentary leadership intended to bypass and/or dominate the internal institutions of the party”\textsuperscript{45}. Kefford highlights Rudd’s stated intention to forego party rules and select his own cabinet. He contends, however, that despite Rudd’s intentions the selection of the ministry was still done in consultation with factional leaders. Kefford explains that the Rudd’s attempt to select his own cabinet “made very little difference to who was selected”\textsuperscript{46}. The main evidence of Rudd subverting traditional party power can be witnessed in the control and power exerted within candidate pre-selection.

The processes of Pre-selection by which a candidate is selected from within a party for an upcoming election, were significantly changed within the Labor party at the 2007 National Conference. Kefford explains that following this conference Kevin Rudd had significantly


\textsuperscript{46} Ibid.
more power to intervene in candidate preselection. A move towards interference in candidate preselection by the Labor Party’s National Executive natural diminishes the traditional party power structures, disenfranchising both state parties and local members. Kefford also utilised the highly controlled and coordinated 2009 National Conference as another example of Kevin Rudd interfering in traditional operations. With very few formal votes taken and the PMO vetted program, the 2009 National Conference was essentially stage-managed by Rudd and the National Executive. Kefford’s consideration of the development within the party face of Kevin Rudd does draw upon some interesting changes, however the shift in power balance here is less clear-cut than in the other areas. Notably it can be argued that the power balance within this relationship remained relatively steady.

This stability with respect to the power balance between the party and leader is also evident within the analysis of Bennister. Bennister, in his comparative work on Tony Blair and John Howard, noted that “under Howard, the party in power is regarded as the government”, viewing the power relationship between the two as comparatively balanced. He draws upon the relatively small size of the Australian parliament, the parties’ ability to select and remove leaders, and the importance of backbenchers in contributing to the selling of government policies and initiatives. As part of this Bennister highlights that “discipline, under Howard, is therefore very important: MPs very rarely cross the floor to vote with the opposition.”

Viewing the traditionally strong leader-party relationship described in the work of Bennister it is hard to conceive any real shift towards the leader during the Howard, or any prior, government. It is important to note, however, that Bennister’s analysis was written before the change in Labor Party rules that saw the election of the leader split 50-50 between MPs and Party Members. This rule change does see a shift towards leader focused power that Bennister identifies as being evident in Britain compared to Australia. This rule change will see a shift in the leader-party power balance.

Poguntke and Webb’s framework of the party face requires a significant shift in the power balance between the leader and the party to be present in order for there to exist a ‘presidentialisation’ of a leader. This shift, against the traditional institutional frameworks, is not clear cut in the Australian analysis over the last two decades. Whilst Kevin Rudd’s interference in party pre-selection and the new leadership election rules in the ALP are examples of greater leader dominance, this shift is not consistent. Australia has a very strong

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47 Ibid, 140.
49 Ibid, 339.
level of party discipline and the parties, despite the recent rule change, dominate the selection and removal of leaders; since 1945 five Prime Ministers have been deposed by their party whilst only six have been voted out of office by the public. Any measurable shift to leader dominance over parties and internal factions appears at best inconsistent, and at worst ephemeral.

Conclusions

The framework provided by Poguntke and Webb for the presidentialisation thesis does seem to be relatively applicable within Australia. In particular there is significant evidence in support of both the electoral and executive faces. There is a more nuanced picture regarding any shift of power within the party face, and the conclusion may be drawn that this is very situational. Nonetheless in many respects Poguntke and Webb’s framework holds true within Australia. Dowding’s contention that this mutation is less presidentialisation and more prime ministerialisation may be accurate, however this does not overly effect the conclusions regarding any changes within the system.

With respect to the central issue in this thesis this presidentialisation or prime ministerialisation poses some interesting questions for development. Notably as the personalisation of politics increases we could reasonably expect that attacks based upon character or personality would become more common. Notably this would divert the discourse away from policy and into personality. This asks significant questions for the concept of opposition and the role that this may have within degrading the tone of political discourse within Australia.

In particular if we consider the executive and electoral faces, in which there is a reasonable argument that change has occurred, we would expect to see some interesting developments regarding the tone of debate. Notably any increase in personalisation would have an effect upon the use of language or lines of attack that would be outside that standard expectations within a Westminster parliament. This, coupled with increased centralisation in control and authority, would open the cabinet, and in particular the Prime Minister, to greater levels of scrutiny and accountability by the opposition and other parliamentarians. This, in many ways, would be the result of the diminution of traditional and more acceptable methods. As such, a reasonable hypothesis with regards to the presidentialisation thesis would be that if there was to be an increased presidentialisation of Australian politics the tone of debate
within the House of Representatives could be expected to decrease.

b. Media

The media, in whatever form, provide the most direct conduit for politicians to connect with the public. The media allows for politicians to talk to the electorate about personality, politics or policy. This communication, however, is ever evolving and changes within the media environment can have a dramatic and significant effect upon what people know about Australian politics and how they perceive and understand this connection. The media is an intrinsic and vital part of the democratic framework of Australia and western democracies throughout the world. It is linked to, and incorporated within, the institutions at the heart of our society. Understanding the forces at play, and the changes occurring, can help us to develop a more nuanced picture of both public opinion and perception, as well as changes within the actions and processes of politics and politicians.

The influence and power of the traditional media has long been accepted and studied. Traditional media has an inherent advantage over other media platforms thanks to the institutionalised relationship that has developed between itself, politicians, and corporate interests. Herman and Chomsky\(^{50}\) proposed the understanding of this institutionalised relationship through their ‘propaganda model’. This model is focused around five key pillars: 1) the size, concentration, and profit orientation of the organisation; 2) the primacy of advertising income; 3) reliance upon information from government, politicians and other agents of power; 4) ‘flak’ as a means through which the media is discredited, and; 5) ‘anticommunism’ as a means of social control\(^{51}\). Whilst this model was developed in an American setting, consideration of many of these principles is vital to understanding the history and change within the traditional media environment in Australia.

As part of understanding and considering this media environment, two key propositions require significant attention. Firstly the proposition that the media environment is becoming more concentrated within Australia could have a major impact upon both the content and diversity within the Australian media market. News Corp. and Fairfax hold an astounding dominance over traditional print newspapers in Australian capital cities with the two


\(^{51}\) Ibid, p. 2.
companies sharing 85.6% of the national daily circulation in 2014\textsuperscript{52}, a total higher than most other nations in the developed world. This concentration of traditional media ownership has increased significantly since 1984 where the two major companies were responsible for 71.4% of circulation. There is little doubt that this concentration would have some effect upon both the electorate and the political system. The second key issue to consider is issue framing and media bias. Linked in many ways to media concentration, the power of the media to frame an issue and direct public opinion is undeniable. Developments within both the power of the media to operate in a biased manner, or in its willingness to act as such are key issues when considering the role of the traditional media. It is not, however, only traditional media that has the ability to direct and control public debate in modern Australia.

With the rise of new media such as blogs, social media, and e-communications politicians and the public are facing a far more fragmented and diverse media market. So called ‘new media’ has become the political battleground during campaigns and across periods of government. With significantly lower barriers to entry new media has allowed for the rise of online mobilisation and campaigning such as GetUp!. There are, however, some questions over both the efficacy and ethicacy of such a transition. With significant issues such as generational differences in technology access and acceptance, and little to no regulation the democratic impact of new media in Australia over the last two decades is not necessarily clear cut or consistent. Nonetheless the rise in popularity of this format amongst politicians alone lends credence to the argument that its importance has developed significantly and rapidly even since the beginning of the new millennium. The media environment in Australia has changed dramatically since 1991. The apparent decline of the traditional media, the increasing concentration of media ownership, and the rise of new media have all contributed to a change in the dynamic of political discourse within Australia.

Traditional Media

The power and centrality of traditional media remained unchallenged for much of the 20\textsuperscript{th} century. With the reach and influence of newspapers, radio and television traditional forms of media had the ability to inform and direct the opinions of most Australians. As Herman and Chomsky touched upon in their propaganda model, the power of this form of media stemmed from its combination of size, income and access. Jay Blumler explored the

development of access and the effect that significant diversification over recent years has had.

Blumler identified three key phases of the development of the political communication: first was a period during the 1940s and 1950s when partisan positions and beliefs had relatively ready access to the mass media; second was a period during which limited-channel network television expanded the audience and saw an increase in the power and access of the media to politicians and those in power, and; third is the emerging period in which a proliferation of means of access both within and beyond traditional media forms is allowing for greater speed and reach. Whilst not necessarily removing the impact of tradition media forms or ownership Blumler’s third age does suggest a transition within traditional relationships and the expected speed and abundance of news. In particular Blumler notes the accelerated news cycle. This acceleration calls upon journalists to provide more news, with fresh angles at an increased rate. Equally for politicians Blumler states that when something happens this asks them to “tell the media what they are going to do before they can be fully informed themselves”. Alongside the increase in celerity this third age also beckoned in a significant change within the diversification of sources and niches.

Blumler describes the effect of the third age of political communication as encompassing a ‘centrifugal diversification’. Blumler explains that the increase in abundance of channels and chances for media proliferation incentivises the ability to tailor communication to particular positions or opinions. This is, as Blumler notes a significant challenge to three key theories of political communication, notably agenda setting, the spiral of silence and the cultivation hypothesis. When considering the impact that this could have to the concept of traditional media this transition to a more abundant market that includes targeted media could, and has, created issues for the catch-all, profit driven structures that have previously existed.

The impact of Blumler’s third age should see a significant decrease in the reach and consumption of traditional media, notably newspapers and television news. Whilst this trend has been seen within other nations, it is important to consider whether this is occurring within Australia. Sally Young, in an analysis of newspaper ownership and consumption came to the conclusion that despite some key supporting factors Australian newspapers could

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54 Ibid, 205.
55 Ibid.
potential be vulnerable to the trends already identified by Blumler\textsuperscript{56}. Young based this conclusion in part upon consideration of the decline in circulation and readership alongside significant economic challenges faced by the three key Australia Newspaper companies (Fairfax, News Ltd, and APN News & Media). This decrease in readership and weakness in the economic model of traditional media does match the expectations that could be drawn from the development of new modes of access and increased diversification. Young does note, however, that there are structural advantages that the Australian media has over other nations. Notably Australian newspapers receive a large proportion of their advertising income from the commonwealth and state governments\textsuperscript{57}, allowing for a steadier and more reliable economic base than media corporations in other western nations. The decrease in readership and the structural issues that Young identified here are not limited to the traditional print media.

Television news, which has since the 1960s been a key form of access, has also witnessed a dramatic decline over the last decade. In her analysis of TV news and current affairs audiences Young noted that between 2001 and 2007 most programs saw decreases of greater than 15% with very few registering any increase; this was despite the Australian population increasing 6.7% across those years\textsuperscript{58}. Young found that the only age group that saw any increase in consumption of traditional TV news were Australians over 55 years of age. Young is particularly interested in the decrease amongst young Australia who she contends “are instead choosing news sources that are brief, fast and enable them to filter out in advance the content they do not want”\textsuperscript{59}. In many ways the two analyses of traditional media in Australia by Young paint a changing picture with respect to traditional media in Australia that does not necessarily present a bright future.

It is clear from the information presented that the once powerful position enjoyed by traditional media is no longer as certain as it used to be. With the arrival of new and multitudinous forms of access television news and newspapers are being increasingly replaced by faster, easier and more niche forms of media. In line with Blumler’s analysis of the third age of political communication the Australian media market appears to be


\textsuperscript{57} Ibid, 614.


\textsuperscript{59} Ibid, 157.
developing into what he termed a “hydra-headed beast, with many mouths clamouring to be fed”\textsuperscript{60}.

Concentrated Media Ownership

A notable feature of the Australian media market is the concentration of ownership within the traditional forms of news. As already noted these forms are in decline and will continue to face many economic and consumption challenges, however they continue to be the most significant agenda setters. As significant agenda setters understanding the concentration of ownership is vital to appreciating the level of competition and diversity within the market. Increased concentration and control is a key element of Herman and Chomsky’s concept of social control within the propaganda model.

The Australian media market is undoubtedly heavily concentrated. Rodney Tiffen highlighted that in 2014 just two companies controlled 85.6\% of the Australian market, with the top four companies accounting for almost 99.9\% of circulation\textsuperscript{61}. The concentration of ownership in the hands of the top two companies has progressively increased since 1984. In 1984 News Ltd and the Herald and Weekly Times accounted for 71.4\% of circulation. Since News Ltd bought the Herald and Weekly Times in 1987 the market has been dominated by Fairfax and News Ltd. In 1996 they accounted for 78.1\% of circulation, and then in 2004 79.1\%. This progressively increasing domination by the two major companies has been achieved through aggressive acquisitions and the decline in the number of competing papers. Tiffen found that in 1901 metropolitan Australia had 21 newspapers which were owned by 17 different organisations. This had declined to 14 papers with 7 owners by 1960 and eventually 11 papers with 3 owners by 2014\textsuperscript{62}. With no real competition in terms of alternate papers or owners Tiffen has clearly demonstrated that the Australian media market is hugely concentrated in the hands of News Ltd. and Fairfax.

Issues relating to concentration of the media market feed into concerns over the tone of public debate due to the media’s power as an agenda setter. If one of the two major companies were to run a targeted editorial line this could drive debate in a negative or


\textsuperscript{62} Ibid.
aggressive manner. The question at hand is whether this has been a cause an effect within Australia.

Media Bias and Agenda Setting

Greater centralisation in media ownership does allow for the possibility that there will be decreased diversification within the framing of the news opinions that are reported by traditional media in Australia. In particular the dominance by the two major players (Fairfax and News Ltd.) leaves little scope for any opinion other than those of these corporations to receive attention by the traditional media. Whilst bias or ideological reporting will not necessarily result from concentrated media ownership it has been suggested that over the past decade Australia has seen an increase in ideologically driven reporting.

In 2014 News Ltd. and the Murdoch press accounted for 63% of national newspaper circulation and 68.2% of metropolitan newspaper circulation. As the dominant news and media outlet in Australia News Ltd has the reach and capacity to be the most significant opinion forming corporation. David McKnight, in his analysis of News Corporation’s coverage of climate change contended that News Corp. ran a policy line focused upon climate change scepticism. McKnight stated that “in the world view of News Corporation the distinction between climate science and political advocacy, which uses the science in argument, was erased”. McKnight based this conclusion upon his analysis of the editorials and stories which the flagship News Corp. paper, The Australian, had run upon the issue over the period until 2007. Whilst McKnight does acknowledge that the consistency of the corporation line tended to vary across publications, he found that the intensity of the content seemed to be higher within the United States and Australia. McKnight’s analysis of the climate change debate does highlight the effect of ownership and corporate direction, however this impact is not necessarily consistent.

In their analysis of issue framing regarding the mining tax debate, Paul Boulus and Keith Dowding found that they could “discern no pattern from the ownership in terms of coverage”. Whilst they couldn’t discern any measurable difference between Fairfax and News Ltd. they did discern that there was a large regional difference. In particular their

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63 Ibid.
quantitative analysis of the articles showed that newspapers in regions that had large mining operations tended to be far more negative towards the tax than those in other regions. Along with this they found that national papers (The Australian and the Australian Financial Review) tended to display less partiality in both coverage and emphasis. This flies, somewhat, in the face of what McKnight argued, however it is a different issue and one that may play to a more regional rather than ideological audience. Nonetheless Boulus and Dowding’s analysis does provide a very interesting insight into the willingness of papers and media corporations to run coordinated, standardised, ideological lines. This suggests that Australian papers can be much more responsive to what the readers want, rather than to what the paper or corporation wants.

Supporting the view that papers are responsive to readers is the work of Kathryn Bowd. In an analysis of the perceptions of ownership of local papers Bowd found that the issues surrounding ownership of local papers was less crucial than the quality and local focus of the paper’s reporting. Bowd found that a sense of the paper belonging to the community, and its ability to build and contribute to social capital, was much more important in the answers of her participants than the issue of ownership. Nonetheless she did explain that some of the focus group participants felt that local ownership, and economic ownership, was preferable to their local paper being owned by a major chain. Bowd’s analysis sits comfortably with that of Boulus and Dowding. It confirms the theory that newspapers do operate more effectively as agenda setters when operating within regionally, or locally focused issues. Understanding the readership appears to be more important to sales, circulation and impact than the running of an ideological, corporate line. This does not suggest, as McKnight highlights, that all newspapers operate within this framework at all times, but rather lends itself to the theory that any bias displayed by traditional newspapers and their owners is at best inconsistent within Australia.

New Media

Blumler’s analysis of the third age of political communication considered some of the structural issues facing the traditional media, however a key element of this theory is the rise of a host of new platforms. Termed here ‘new media’, these platforms are, in most respects, driven by the rise in accessibility of the internet and mobile technology. Including blogs, email, social media, and other online news sites, new media has dramatically expanded the

ease and speed of access for almost all Australians. Along with this, as noted by Blumler, it
has contributed to a significant increase in niche access and ideologically targeted and
diverse material. Nonetheless, the increased ease of access has not seen a consistent market
transition.

Ian Ward and James Cahill contend that despite the increase in online accessibility that
political communication is still dependent upon politics\textsuperscript{67}. In applying the theory of the third
age to online political blogs Ward and Cahill found that whilst this new media form of
political communication is increasing in popularity in the United States that it had yet to
attain any real prominence within Australia. Whilst Ward and Cahill consider many different
structural differences between the United States and Australia, they highlight that the much
more fragmentary nature of American politics seems to foster blogging\textsuperscript{68}. This is in
comparison to the Australian political system in which power is far more concentrated and
lobbying and activism can, as such, be targeted to relatively few individuals. The political
need for a fragmented, diverse system for activism, publicity and lobbying is just not a
necessary within the Australian political system. Ward and Cahill do allow for the theory of
the third age to hold, however they apply the important caveat that any change in political
communication and production of media is dependent upon the politics of the nation.

In line with the findings of Ian Ward and James Cahill a study of e-democracy and its ability
to engage and modernise representation in Australia found that there were still significant
hurdles. Rachel Gibson, Wainer Lusoli and Stephen Ward found that the potential for e-
representation to widen political participation was, at best, limited\textsuperscript{69}. Their analysis
highlighted that the people most likely to take up online participation were younger
Australians, but that translating interest into activity would require effort as those who were
already active appeared much more willing and able to do so. As part of this their analysis
showed that even in 2008 contacting an MP via letters and phone calls were still the most
preferred modes of communication\textsuperscript{70}. Whilst there is clearly the potential for an increase
within this area, the speed of uptake and transition from traditional modes of
communication to new media is not as swift and dramatic as may have been expected. In
particular there is an issue over a digital divide between younger and older Australians. Clive
Bean explains that this divide, in fact, goes beyond this being evident within age, gender,

\textsuperscript{67} Ian Ward and James Cahill, ‘Old and New Media: Blogs in the third age of political communication’, in \textit{Australian Journal of Communication}, vol. 34 no. 3, 2007.
\textsuperscript{68} Ibid, p. 14.
\textsuperscript{70} Ibid, 122.
education, workplace, union affiliation, religion, location, and immigrant status. Significant barriers to new media take up are clearly evident within the Australia.

Despite these issues there are examples of Australian political parties attempting to take advantage of new media in order to appeal to sections of the population. One notable example was the Kevin07 campaign. Labor's 2007 election campaign was aggressively targeted at winning back younger voters. A large part of the campaign strategy was the use of YouTube and MySpace. Whilst Labor did see a sizeable increase in the party's youth vote, Ward contends that this was not so much down to the effectiveness of the online campaign, but rather due to the manner in which this campaign helped to rebrand Kevin Rudd. In part Ward's argument touched upon the lack of views received by the Labor party's campaign videos. Only one of the campaign videos received more than 100,000 views with only 6% achieving more than 20,000. This rather disappointing level of uptake was also apparent in the 2010 federal election. Gibson and Cantijoch found that during the election campaign traditional media in the form of television was still the preferred means of voter outreach. Only the campaign managers for the Greens party identified new media as being more important than traditional modes of communication. Again there was a significant digital divide within age, gender, and level of education.

It is clear that the uptake of new media is a complex picture that is dependent up demographic factors, the political structure and the opportunities presented to political actors. Whilst new media is still less important than traditional media there is a measurable increase in activity within this field. Gibson and McAllister found that from 2001-2010 there was a measurable increase in use. In 2001 only 1% of Australians used the internet many times for election information, however by 2010 this had increase to 10%. Along with this by 2010 36% of Australians had used the internet at least once for election information compared to only 9% in 2001. Whilst these numbers are still low they do show that progressively new media is becoming an important form of engagement.

73 Ibid, 13.
75 Ibid, 8.
Traditional media is still the main form of political communication in Australia, however progressively new media is becoming more important. As the younger generations grow older this trend towards new media is unlikely to change with more people growing up within generations that can be viewed as digital natives rather than digital immigrants. There are, however concerns with this increase. The digital divide will continue to present equity issues in terms of access. Equally, as Ward and Gibson explain the use of the internet for information does, at least in the short term, widen the political knowledge gap. With the two major parties still reliant upon traditional forms of communication the full implications of new media may be unclear. Nonetheless, this field is one of increasing importance.

Herman and Chomsky’s propaganda model has provided a good basis for the historical consideration of traditional, corporatized, media. With much of the focus upon ownership, income and institutional policy this model does provide an interesting critique of monolithic, historical media. The modern media landscape in Australia, however, has changed and developed greatly over the last few decades. In particular traditional media has seen a slow but rather dramatic decline in popularity. Both television news viewership and newspaper circulation are not now at their 1990 levels. The Australian public is progressively changing to more diverse forms of connection; new media.

New media, however, does not yet compete on an equal playing field. Whilst it does present the ability for niche information, speed of access, and constant information its market share is still comparatively low and the political class seem, in the most part, reticent to participate in its production to the level that is seen in other nations. In many respects this may be due to the institutional structure of the Australian political system, however there are also many demographic barriers to consumption including age, gender, and education level.

Nonetheless this transition from traditional to new media is still probably the transition that is most important to consider when analysing the changes to the media market over the past two decades. Whilst concentration of ownership has increased, significant concentration has been an element of our system for a very long time. Equally there is little substantive evidence that the Australian media is significantly more biased than it has been, or has had to potential to have been, in the past. There are, as noted, obvious exceptions to this, however traditional media (unlike many forms of new media) is revenue dependent. This revenue dependency, as shown in the study of the mining tax, drives the company line much more than individual ideology on many issues. Today’s media market in Australia is not what is was in 1991, however the changes have not been dramatic, rather progressive and probably still in motion.

Ibid, 348.
When considering the impact that these changes and challenges in the media market may have with respect to vitriol we can come to two important conclusions. Firstly with the rise of the third age and increased diversification of ideological content there are increased opportunities for the development of outrage media\textsuperscript{78} which heavily relies upon the utilisation of vitriolic content and discourse. Secondly, whilst the data doesn’t necessarily support a correlation between an increase in bias and a concentration of ownership, if this trend were to change either of the two major corporations would have a significant platform from which to pursue an aggressive and vitriolic political attack. The media environment in Australia is progressively developing, whilst the impact of this is yet to be fully felt there is significant potential for this to effect the tone of public debate.

c. Minority Government

In an interview with Barrie Cassidy on \textit{Insiders} in 2013 Julia Gillard, responding to a question regarding the predicted election loss, stated that it had “been politically tough for us, Barrie, and it will continue to be politically tough”; amongst the Prime Minister’s reasons for this statement she highlighted that fact that the government faced “the unusual circumstances of a minority parliament”\textsuperscript{79}.

The circumstances within the 43\textsuperscript{rd} Commonwealth Parliament were rather unusual. This parliament was the first minority parliament since the 16\textsuperscript{th} Parliament\textsuperscript{80}. Australia is a nation that is extremely used to seeing a majority government sitting in Canberra, and one that according to a Newspoll in 2012 prefers a majority. The poll, reported in \textit{The Australian}, found that 47\% of people polled thought that minority government led to “worse” government compared to only 13\% who thought that it had led to “better” government\textsuperscript{81}.

Minority government became an issue within the Commonwealth following the results of the 2010 election contested between Julia Gillard and Tony Abbott. Heading into the election with a majority 83 seats in the 150-seat House of Representatives the Labor Party lost 11 seats to enter the new electoral period with only 72 seats, exactly equal to the Coalition’s 72. With neither of the major parties holding the required 76 seats needed to command a majority the decision of who would lead the nation fell to the independents and minor parties.

\textsuperscript{78} Jeffreyy Berry and Sarah Sobieraj, \textit{The Outrage Industry}, Oxford University Press, New York, 2014.
\textsuperscript{79} Julia Gillard on \textit{Insiders}, ABC, 05 May 2013
\textsuperscript{80} The 16\textsuperscript{th} parliament ran from 20\textsuperscript{th} November 1940 to the 7\textsuperscript{th} of July 1943.
\textsuperscript{81} Dennis Shanahan, ‘Minority rule has failed to deliver’, \textit{The Australian}, 20 December 2012
The 2010 election results handed this power to six individuals. Those voted in were: Adam Bandt (Greens, Melbourne); Tony Crook (National Party WA, O'Connor); Andrew Wilkie (Independent, Denison); Bob Katter (Independent, Kennedy); Tony Windsor (Independent, New England), and; Rob Oakeshott (Independent, Lyne). From these six members Crook supported a Coalition government and Wilkie and Bandt supported the formation of a Labor government. This left the three independent country members to decide who to support.

Tony Windsor, Rob Oakeshott and Bob Katter spent seventeen days deciding who to support in order to form government. In his reflection upon this period Tony Windsor identified three potential solutions: a Gillard government, an Abbott Government, and a new election. He claims, however, that “no one wanted another election”\textsuperscript{82}. Drawing a line under this option left the only decision being to which party the independents would decide to lend their support.

Eventually, at the end of seventeen days of consultation and consideration Bob Katter decided to support the coalition, however Tony Windsor and Rob Oakeshott gave Gillard the numbers for her and the ALP to form a minority government. The agreement drawn up between Windsor and Gillard was “for a government to be formed based on support for confidence and supply”\textsuperscript{83}. In return the independents received guarantees that the Gillard government would pursue reforms and investment that had been specifically agreed. This agreement was akin to those also signed during this period between the Labor Party and the Greens and the Labor Party and Andrew Wilkie.

The conclusion of these agreements between Labor and the independents allowed Julia Gillard and the Labor Party to form government. This government, however, was not a coalition in which the agreements would have seen Greens or independents become part of the government but rather it was a true minority government in which the government lacked definite numbers on the floor of the House excepting regarding motions of confidence or the budget.

The formation of this true minority government supports the argument of Kaare Strom that the formation of true minorities is favoured over coalitions within Westminster parliaments\textsuperscript{84}. Strom contends that this is due to the fact that “at least substantive minority governments may share more characteristics with majority party governments than with majority coalitions”\textsuperscript{85}. When considered with respect to the Westminster style of government

\textsuperscript{82} Tony Windsor, \textit{Windsor's Way}, 61.
\textsuperscript{83} Agreement between Julia Gillard and Tony Windsor
\textsuperscript{84} Kaare Strom, \textit{Minority Government and Majority Rule}, 1990.
\textsuperscript{85} Ibid, 90.
Strom argues that “its formation reflects the jockeying for electoral advantage typical of systems where the majority prize is a realistic expectation for at least one party”\textsuperscript{86}.

Strom’s contentions sit comfortably with both the process of formation and structure of the Gillard government, and also the previous minority governments during the 16\textsuperscript{th} Commonwealth parliament. The formation process allows for the operation of single party governance to continue. In particular it allows for the continuation of single party cabinet governance which is standard federal practice.

Despite this slim majority the Australian Labor Party retained power for the entire life of the 43\textsuperscript{rd} parliament and received a significant amount of support from the members of the cross-benches as displayed in the table from the Australian Parliamentary Library Publication into hung parliaments.

<table>
<thead>
<tr>
<th>Cross-bench member</th>
<th>No. of votes with the Government</th>
<th>No. of votes with the Opposition</th>
<th>Absences / other</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>T Windsor</td>
<td>30</td>
<td>6</td>
<td>2</td>
<td>38</td>
</tr>
<tr>
<td>R Oakeshott</td>
<td>29</td>
<td>6</td>
<td>3</td>
<td>38</td>
</tr>
<tr>
<td>A Wilkie</td>
<td>33</td>
<td>4</td>
<td>1</td>
<td>38</td>
</tr>
<tr>
<td>B Katter</td>
<td>22</td>
<td>11</td>
<td>5</td>
<td>38</td>
</tr>
<tr>
<td>A Bandt</td>
<td>35</td>
<td>1</td>
<td>2</td>
<td>38</td>
</tr>
<tr>
<td>T Crook</td>
<td>8</td>
<td>28</td>
<td>2</td>
<td>38</td>
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</tbody>
</table>

\textit{Chart 2.1: Cross-bench votes in the House of Representatives, 28 September–29 November 2010}\textsuperscript{87}

The Australian Parliamentary Library does note, however, that “voting tendencies aside, the fluidity of the cross-bench votes and the instability of majorities are basic factors” (2010).

The last federal minority government in Australia was 16\textsuperscript{th} Parliament which ran from 1940 until 1943. The election of 1940 delivered the Coalition under Robert Menzies\textsuperscript{88} 36 seats, the Labor Party led by John Curtin 32 seats, and Australian Labor Party (Non-Communist) led

\textsuperscript{86} Ibid, 90.
\textsuperscript{87} Nicholas Horne, \textit{Hung parliaments and minority governments}, Parliamentary Library 2010.
\textsuperscript{88} The Coalition in 1940 was between the United Australia Party of which Robert Menzies was the leader and the Country Party led by Archie Cameron.
by Jack Lang 4 seats. In a house consisting of 74 members this left neither the Coalition nor Labor able to form a majority.

The balance of power within the House of Representatives in the 16th parliament was held by two Victorian Independents, Arthur Coles (Henty) and Alexander Wilson (Wimmera). Wilson, who was an Independent Country Party Member, according to Paul Hasluck, “had shown that his primary concern was to protect the interests of the wheat farmer”\(^{89}\). Along with this Coles, a former Lord Mayor of Melbourne\(^{90}\), was a business man who had “declared himself in favour of a more effective and more closely united war effort”\(^{91}\).

Following this hung election, and during a time of war, there were attempts to form a national dual-party government. On the 23rd of October, however, it was decided between the two major parties that shared governmental responsibilities would not be accepted, rather an Advisory War Council would be created. Hasluck notes that the proposals, put forward by the Labor Party were accepted by Menzies “after expressions of regret that the negotiations [between the three Parties] had not led to fuller participation in the government of the nation”\(^{92}\).

The result of the failure of power sharing within a combined government left the Coalition as a true minority within the House of Representatives. This resulted in the Menzies government being reliant upon either the support of both the independents, or else agreement between the Coalition and at least one of the two Labor Parties. Whilst the formation of the Advisory War Council did signal that all parties were willing to work on the basis of good faith, this was no guarantee of support within the House itself.

This nature of the formation, and the failure of attempts to form a consensus government, fall well within the considerations previously outlined by Kaare Strom. The adversarial nature of the parliament, in particular apparently promoted by individuals within Labor at the time, resulted in the formation of a true minority government reliant upon support and compromise. The structure of the resulting parliament had many characteristics which were not dissimilar to that which was formed seventy years later by Julia Gillard.

Both the 16th and the 43rd parliaments saw a government lose a majority under a newly minted leader, both saw the formation of true minority governments, both saw the continuing leadership of Opposition Leaders following the election. It is important, however, to note that there were of course differences. In particular the timing and circumstances of


\(^{90}\) Sir Arthur Coles was Lord Mayor of Melbourne from 1938 to 1940.


\(^{92}\) Ibid, 270.
the 16th parliament, and the formation of the Advisory War Council naturally engendered an environment that was immeasurably different. The manner of leadership required, and the importance of stability during such a period of upheaval are undeniably key to understanding the function and operation of parliament.

Nonetheless it is interesting to note and consider the parliamentary tone of debate and the manner in which the leaders of the UAP and the Labor Party perceived their political role. In particular John Curtin’s response to one of Menzies’ valedictory speeches stands out as an important exemplar. Curtin said that:

> “While I am Leader of the Opposition I shall do my best to promote the good government of this country and, having regard to what are the obligations of my office, do all I can to ensure that the Prime Ministership of this nation shall be conducted in such a way that it will be at least free from anything but reasonable, honourable and straightforward criticism and opposition…. I appeal to all those in Australia who feel that they have a duty to criticise Parliament, to distinguish between that criticism which is well founded and that which rests upon mere assumption, and is sometimes, perhaps too often, instigated and fed by mere prejudice.”

Hasluck highlights this as an important speech to understanding the manner of accord with respect to stable government. He does, however, identify that this sentiment did not extend to all within the Labor party and that many within it argued for a far more political response to the Menzies government and its program.

Robert Menzies eventually resigned his leadership of the UAP and the Prime Ministership. This resulted in the elevation of Arthur Fadden. Fadden, however, failed to maintain the confidence of the House and lost government following a vote upon the budget. John Curtin and the Labor party took over and became, until the next election, a true minority government of their own.

The Labor party managed to maintain the confidence of the two independents Coles and Wilson, along with the majority of members from the Australian Labor Party (Non-Communist) who had joined with the ALP under Curtin, for the remainder of the term of government.

Fadden has been the most recent Prime Minister to have to resign following a loss of confidence on the floor of the House. Despite this it was not suggested at the time or since

that the parliament, and in particular John Curtin, acted in a manner that was singularly aggressive or vitriolic. Whether this is due to the prevailing conditions at the time, the personalities involved, or the nature of a minority government are important considerations.

It is undeniably, however, no matter what the conditions were that the tone and civility was dependent upon the people involved and their conception of the political realities and strategies. Curtin, it can be seen, favoured stable government over political opportunism. Whilst this was not a unanimous position within his party, at least in the leadership it held sway. The political realities of fighting a war, along with maintaining good government in the interests of the Australian people clearly held sway.

When considering what affect minority government may or may not have upon the tone of debate within the parliament the period of the 16th parliament highlights the centrality of political realities and strategic decisions. Allowing the parliament during a time of war to run with minimal levels of ‘oppositionism’ was in John Curtin’s mind the only option.

Would this parliament have been different had the war not been progressing? There clearly was an appetite within the Opposition for this, and the resulting fall of two Prime Ministers and inevitably the government as well, suggest that clearly the minority nature of the 16th parliament changed the operation in some manner.

Whilst the federal parliament had not seen a minority government for seventy years, the Australian states are by no means unused to such a situation. Since 1989 every state and territory in Australia has had at least one hung parliament. Table 2.2, from the Parliamentary Library’s publication exploring minority governments in Australia lists these hung parliaments.
<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Election Resulting in Hung Parliament</th>
<th>Minority Government</th>
<th>Result at next election</th>
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<tbody>
<tr>
<td>ACT</td>
<td>2012 ALP/GRN</td>
<td>ALP/GRN</td>
<td>Retained government</td>
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<td></td>
<td>2008 ALP/GRN</td>
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<td>2001 ALP/GRN/DEM</td>
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<td>Lost government</td>
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<td></td>
<td>1998 LIB/IND</td>
<td></td>
<td>Retained government</td>
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<td>1995 LIB/IND</td>
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<td>Lost government</td>
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<td>1992 ALP/GRN</td>
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<td>Lost government</td>
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<tr>
<td>WA</td>
<td>2008 LIB/NAT/IND</td>
<td></td>
<td>Retained government</td>
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<tr>
<td>TAS</td>
<td>2010 ALP/GRN</td>
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<td>Lost government</td>
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<td>1996 ALP/GRN</td>
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<td></td>
<td>1989 ALP/GRN</td>
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<td>Lost government</td>
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<tr>
<td>NT</td>
<td>Resignation of a member 2009 ALP/IND</td>
<td></td>
<td>Lost government</td>
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<tr>
<td>SA</td>
<td>2014 ALP/IND</td>
<td></td>
<td>Retained government</td>
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<tr>
<td>VIC</td>
<td>Resignation of a member 2013 LIB/NAT/IND</td>
<td>ALP/IND</td>
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<tr>
<td>NSW</td>
<td>1991 LIB/NAT/IND</td>
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<td>Lost government</td>
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</table>

Table 2.2: Hung parliaments and minority governments in the states and territories, 1989–current

In all, the states and territories have had 22 hung parliaments, twenty of which have been the result of an election and two from the resignation of a member of parliament. It is notable, however, that the formation of all of these minority governments favours true minorities supported through compacts and agreements. Again this aligns with the research of Kaare

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Strom which highlights that the highly adversarial nature of Westminster parliaments lends itself to true minority governments over coalition forming.

Horne explains that the agreements often vary, however “common themes include commitments from the cross-bench members to support the government regarding supply and no-confidence members, arrangements for the working relationship between the signatories, reforms to parliamentary processes and specific policy reform agendas”\(^95\). Horne notes, however, that the success of these agreements has been mixed.

The regularity of minority governments in the states, and the fact that both major parties have headed minority government lends credence to the idea that Australian politicians and political parties understand the dynamics of such parliaments. As part of this the political opportunities raised by a minority parliament, and how to manipulate them would be skills that are relatively well formed within the political parties. With the exception of the territories, out of the twelve minority governments that have faced an election eight have been defeated whilst the remaining four have gone on to record landslide victories. Despite these four victories, 67% of minority governments have subsequently lost power in the states since 1989.

As part of the data analysis for this paper the Victorian hung parliament from 1999-2002 will be used to compare the use of standing orders in order to isolate the effects of minority parliament. This will aid in understanding and representing any effect that may be caused by such a structure.

The 1999 election in Victoria saw the Liberal Party, led by Jeff Kennett, challenged by the Labor party led by Steve Bracks. Kennett, who had led the state since 1992 faced a swing of 3.66% on two-party preferred and the loss of 15 seats, 13 to the ALP and 2 to Independents. Following a supplementary by-election in Frankston the three sitting independents, Russell Savage, Craig Ingram and Susan Davis signed an agreement to support the formation of the Labor government.

The Labor government under Steve Bracks lasted a full term until 2002 with the support of these independents. This minority government, and the applications of standing orders will be used as a comparison for analysing and considering some of the issues presented within the federal data form the period of 2010-2013.

It is not only the relative normality of minority parliaments within Australia that needs to be understood, but also the argued effectiveness. Many commentators have contended that minority parliaments display a level of effectiveness that is at least equal to that of majority

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parliament, if not better. This opinion is strongly argued by Peter H. Russell who contends that “efficiency and liberty, the virtues of parliamentary democracy, will be in better balance when no single political party has a majority in the [Canadian] House of Commons”96.

Russell, in his analysis of minority government in the Canadian House of Commons, develops an argument that deliberative democracy is best served when no one party has a majority. Russell argues that in a majority setting the health of democracy is increased as a single party no longer has the ability to control the legislation and debate within the House. Allowing more members other than just government members to be involved in the deliberative processes of parliament naturally would increase its democratic nature.

This system is in direct opposition to what Russell calls a ‘false majority government’97. This false majority government is one in which a party achieves a majority of seats in the House but does not achieve the majority of the popular vote. Russell explains that the weakness of the false majority is that Prime Ministers and governments within this situation continue to operate as though they have the support of the majority of people where their mandate does not extend this far. Whilst in the Canadian situation with a first-past-the-post voting system this is a significant issue it is less of a concern in Australia with preferential voting. Nonetheless the concept of the extended mandate is still a concern, particularly following elections in which a government may have been thrown out rather than an opposition voted in.

Discussions regarding the effectiveness of minority government goes beyond the nature of democracy, however. Another important consideration is the stability of a minority government. It may be reasonable to consider, and it was often suggested, that a minority government is inherently unstable and likely to fall. In an analysis of the duration of differing forms of governments Kaare Strom finds that assumption is fair, noting however that data on duration is skewed towards governments of less duration98. Notably, however, Strom found that single party governments, whether they are majority or minority, both tend to last longer than their coalition alternatives. Along with this Strom states that “minority governments enjoy substantial advantages in electoral success and are less likely to resign under traumatic circumstances”99. This suggests that, when analysing international minority governments their duration tends to be shorter, but electorally they are not as damaged as in a formal coalitions.

97 Ibid, page 5.
99 Ibid, 129.
A final, and oft stated measurement of the effectiveness of minority governments it that of legislative achievement. Whilst it is not necessarily the best potential measure given the great variability in the content of a bill before parliament, across the 43rd parliament there were a total of 566 Acts made. This came from the introduction of 610 government bills. This was the most Acts since the 39th parliament which ran from 1998 until 2001. Interestingly the 43rd parliament also saw 6 private MPs Acts which was higher than it had been back to 1996. This supports the argument put forward by Russell that within a minority parliament more members than just those in the government are able to contribute to the creation of legislation.

Notably in the data collected by the Parliamentary Library in Canberra it can be seen that these numbers occurred despite a significantly higher number of government bills being opposed on the second or third reading. During the 43rd parliament 20.98% of government bills were opposed. During the five previous parliaments this number had been 10.33% (38th), 8.16% (39th), 8.93% (40th), 7.89% (41st), and 16.66% (42nd). Although there was a significant increase from the 41st parliament to the 42nd, the transition from the 42nd to the 43rd result in a level of opposition unseen in recent history. This data quite clearly shows that the Gillard government managed to work with the cross benchers in order to deliver a significant legislative program over a level of opposition not seen before.

Whilst you can debate the quality and depth of the Gillard government’s legislative program the data collected by the parliamentary library lends support not only to the increased democratic nature of the hung parliament but also to its resilience. Whilst Strom does note the trend for minority parliaments to have a shorter duration this was not the experience of the 43rd parliament in Australia.

Minority governments are not entirely ineffective. With support for their inherent democratic virtues, and with the data regarding both the duration of the Gillard government and its legislative program it is clear that this parliament was not choked by the numbers on the floor. The numbers clearly could have supported the idea that the government could have fallen through a no confidence motion moved at any time. Tony Windsor commented upon this writing that “why Abbott never moved a motion of no-confidence during the so-called ‘illegitimate government’ still fascinates me”. Windsor contends that maybe Abbott and

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102 Tony Windsor, Windsor’s Way, 2015, page 211.
the media just assumed that the numbers would stand in such a motion as they had at the conclusion of the minority government formation negotiations.

Minority governments cannot be fairly called unstable or inefficient: they can, and often do last full term; they have good credentials regarding their democratic nature; and, they can, against concerted opposition, pass a very good amount of legislation. Nonetheless efficiency is not impossible in the face of significant vitriol. Equally it is undoubtable, and proven in the literature, that minority governments do function differently to majorities. This difference would naturally place strain upon the traditional institutions. As such it is hypothesised that the minority parliament, despite its efficiency and duration, would have had some effect upon the tone of debate. Whilst this may not have been direct it could have been through more indirect methods.

d. Speakership

The Speakership is a prestigious and powerful role within any Westminster parliament. The parliamentary practice describes the Speakership as “an office of great importance not only in its significant and onerous duties but particularly for what it is held to represent”\textsuperscript{103}. It is a role that was first held in Westminster in 1377 and one that has come to represent the independence and sovereignty of the parliament over the Crown.

The impartiality, authority and ethical responsibility of a Speaker is important not only in order to maintain the dignity of the institution but also in the important role that Speakers play within the functioning of the House of Representatives. The Speaker is the officer responsible for the maintenance of order and integrity within the House.

It is without doubt that the Speaker when sitting in the Chair in the House of Representatives is fulfilling their most challenging and significant role\textsuperscript{104}. The authority of the Speaker within this role, which pertains to their procedural responsibilities, stems from three key sources: the Constitution; the standing orders; and traditional practice\textsuperscript{105}. These three sources of procedural authority determine the extent to which a Speaker may intervene or direct debate as well as granting authority to deal with breaches of order.

Erskine May’s Parliamentary Practice defines the duty of the Speaker whilst in the chair as preserving “the orderly conduct of debate by repressing disorder when it arises, by refusing

\textsuperscript{103} \textit{Australian House of Representatives Practice}, page. 161.
\textsuperscript{104} \textit{Australian House of Representatives Practice}, page. 173.
\textsuperscript{105} \textit{Australian House of Representatives Practice}, page. 186.
to propose the question upon motions and amendments which are irregular, and by calling the attention of the House to bills which are out of order.\footnote{106}

Whilst May’s description is very focused to the procedural motions of parliamentary legislation the role of the Speaker today is far more diverse. Empowered by the three key sources the authority of the Speaker extends to sanctioning members for conduct that is unparliamentarily or offensive. At the root of this power are the Standing Orders, and in particular the power of standing order 92.

92. Intervention by Speaker

a) The Speaker can intervene:
   i. to prevent any personal quarrel between Members during proceedings; and
   ii. when a Member’s conduct is considered offensive or disorderly.

b) When the Speaker’s attention is drawn to the conduct of a Member, the Speaker shall determine whether or not it is offensive or disorderly.

Standing order 92 licences the Speaker to utilise the standing orders to ask members to withdraw offensive statements, to ‘sin bin’ a member, or to name a member. A significant factor within this power is, ultimately, that it is inevitably discretionary.

Standing order 92(b) in particular highlights that it is not a list of words or actions held in either the Standing and Sessional Orders or in the Parliamentary Practice that determines what is offensive and disorderly, but rather it is the Speaker who makes this key determination. The Speaker is granted license to make this decision upon the assumption that they hold both the support of the House and will uphold the dignity and inherent authority that comes with the position. Without a level of appropriate impartiality the authority and power provided to a Speaker has the potential to significantly alter the quality and tone of debate within the House. As such tradition, as spelled out within the House of Representatives Practice\footnote{107} sees this characteristic as not only the hallmark of a good Speaker but as a necessary element of any Speakership.

Whilst the House of Commons in Westminster has long favoured the tradition of a Speaker not being a member of a political party in order to display true and thorough impartiality the Australian Speaker has not been held to this standard and is therefore still politically aligned.


\footnote{107} \textit{Australian House of Representatives Practice}, p. 163.
Rather than calling upon a Speaker to sever this connection the quality of impartiality is determined through the actions and performance of a Speaker.

It is in this area, however, that it becomes very difficult, for measuring the quality of a Speaker is a highly unenviable task as the variables are many and weighing them against each other is near impossible. For consideration are issues such as impartiality, parliamentary knowledge, personal morality, personal actions, the manner in which the role is presented publicly, to name but a few. It is not, considering this, the task of this data or this work to consider the quality of a Speaker. Rather of concern is the manner in which a change in Speaker can and has affected debate within the parliament. Nonetheless, it is important for the purpose of considering the impact that the Speakership had upon the 43rd parliament that the Speakers who sat during this time are explored and in particular events and crises surrounding their tenure considered.

The Gillard government had three Speakers: Harry Jenkins, Peter Slipper and Anna Burke. Whilst it is not unusual, over the life of the Australian parliament to have more than one Speaker in a term, the 43rd parliament was the first parliament to have three Speakers. Along with this Peter Slipper sat as the first Independent Speaker of the House of Representatives since the inaugural Speaker Sir Frederick Holder who sat in the chair from 1901 until his death in 1909.

Harry Jenkins was elected to the position of Speaker of the House of Representatives at the beginning of the Rudd government and served from the 12th of February 2008 until he resigned the position on the 24th of November 2011. Harry Jenkins had two Deputy Speakers: Anna Burke (12th February 2008 – 28th September 2010) and Peter Slipper (28th September 2010 – 24th November 2011) both of who later went on to become Speakers.

At the time of his resignation Harry Jenkins reflected upon his role as Speaker and the manner in which he attempted to carry it out. In particular Jenkins said that “to the best of my ability I have attempted to carry out my duties in the most independent and non-partisan manner possible”\textsuperscript{108}. In order to support this he highlighted that he had not been involved within his own party and stated that in resigning his position he desired to reconnect with debate within the party and parliament. Highlighting the role of tradition and impartiality Jenkins drew upon some of the key issues and concepts within the Australian Speakership. His resignation, however, was viewed as no more than a political move designed to manipulate the structure of the minority parliament.

\textsuperscript{108} Harry Jenkins, \textit{Resignation Speech}, November 24 2011.
The political impetus behind replacing Harry Jenkins with Peter Slipper was explained by Julia Gillard who stated that she “put it to the wonderful Harry Jenkins, the sitting Speaker, that in the interests of the Labor Party, he would need to step aside”109. For making the decision to step aside she states that Jenkins “showed himself to be a truly great Labor man”110. In comparison to Julia Gillard’s glowing statement of support for this solution Tony Abbott saw political blood.

Abbott, in his motion to remove Slipper in 2012 stated that in November 2011 “the Prime Minister did a squalid deal to boost her numbers in parliament”111. In his speech that day Tony Abbott at two other points during his speech used the florid descriptor ‘squalid’ and went on to explore what he considered a political fix that placed an unfit man in the position of Speaker for pure political gain. Abbott did, however, complement and support the sentiments that Harry Jenkins claimed in his resignation. Abbott called Harry Jenkins “a man of undoubtable character, a man of undoubted quality and a man of undoubted impartiality in the conduct of this chamber”112.

Yet again drawing upon the qualities and ideals called upon for Speakers by Erskine May and the Parliamentary Practice Harry Jenkins, Julia Gillard and Tony Abbott all identified and focused upon the concept of impartiality and character in describing how Jenkins how fulfilled his position. This was, in the speech made by Abbott, in comparison to the qualities displayed by Peter Slipper.

Peter Slipper was the member for Fisher and had represented this for the Nationals from 1984 to 1987 and then the Liberal Party from 1993 until his election as Speaker in 2011. Upon his election to the Speakership Peter Slipper resigned as a member of the Liberal Party. Peter Slipper explained that his decision to sit as an independent was “in the Westminster tradition” and he stated that “I hope that this is establishing a principle which will be followed by Speakers in other parliaments”113. Slipper stated that in his role he would “endeavour, as I did as Deputy Speaker, to discharge my duty as Speaker in a nonpartisan manner”114.

All of Peter Slipper’s best intentions, however, were washed away through the scandals that rocked his short time in the chair. The scandals that eventually saw Slipper stand aside were

110 Ibid, 76.
111 Tony Abbott, Motion to suspend standing orders, 9 October 2012.
112 Ibid.
113 Peter Slipper, Speech on Parliamentary Office Holders, 24 November 2011.
114 Ibid.
firstly claims that he had abused the Cabcharge voucher system and secondly that he had sexually harassed a member of his staff, James Ashby. Whilst he was found to be guilty in the case of the Cabcharge vouchers and ordered to reimburse the taxpayers, the suit against him regarding sexual harassment was dismissed as it was seen to be politically motivated.

At the height of these scandals it was determined that Peter Slipper should step aside temporarily as Speaker and allow his Deputy, Anna Burke to sit in the chair; this occurred during April 2012. This culminated in a statement to parliament by Peter Slipper on the 8th of May in which he formally denied all of the allegations regarding sexual harassment and, considering the importance of the institution of parliament, he proposed “to ask the Deputy Speaker as Deputy Speaker and members of the Speaker’s panel to assist in chairing the proceedings of the House”\(^\text{115}\).

Eventually, however, Peter Slipper resigned the Speakership on the 9th of October 2012. In his resignation speech Slipper drew upon the honour that he had felt in holding the position and lamented that his attempts at reform of the role and the chamber had been brought undone through the accusations made against him. Julia Gillard in later reflections stated that Slipper was “decisive and effective in the chair”\(^\text{116}\) although she lamented both the political cost and the emotional toll that the publicity and scandals wrought upon Peter Slipper and his family.

Whilst his position was argued to be untenable, and eventually became so, it is clear that similar to Harry Jenkins he tried to uphold the values of independence tradition. Although also driven by political realities, sitting as an Independent Speaker and arguing for non-partisanship in his actions clearly align with at least the concept, if not necessarily the practice, of impartiality.

Following the resignation of Peter Slipper, Anna Burke was elected to the Speakership. Having served previously as Deputy Speaker and having sat in the chair during Slipper’s absence Burke came to the role with significant experience and knowledge. Tony Abbott congratulated Burke upon her election stating that “you have served very competently in the time you have acted as Speaker in this chamber, and I am confident that you will discharge your duties faithfully and honourably”\(^\text{117}\). Speaker Burke herself drew upon former Speakers Child, Jenkins and Slipper stating that she had not only great respect for these three former Speakers, but also that she had learnt a lot from them. In particular she said that Slipper had

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\(^{115}\) Peter Slipper, *Statement by the Speaker*, 8 May 2012.


\(^{117}\) Tony Abbott, *Speech on the election of the Speaker*, 9 October 2012.
“done the role of speakership a great honour” in that “he undertook the role in a very dignified, effective and impartial manner”\textsuperscript{118}.

All three Speakers, Jenkins, Slipper and Burke, drew upon the themes of honour, tradition and impartiality in explaining their role within the parliament. As part of this they each espoused the importance that applying these key ideals had in maintaining the dignity of the parliament and ensuring that it ran in a smooth and democratic manner.

What is interesting is that despite all of the ructions that occurred within the Speakership across this period all three Speakers, in the role as Speaker, were seen as relatively fair and impartial. It has obviously been suggested that Slipper may have lowered the dignity of the office, although this is a highly debatable issue and one that still seems more party political than anything else. Nonetheless it is clear that from many of the statements made that the three Speakers of the 43\textsuperscript{rd} parliament, in trying times, attempted to apply the standing orders in what was generally viewed a reasonably fair and relatively impartial manner.

The prevailing view of impartiality within the Australian Speakership, however, has been called in to question. Most notably the former Speaker of the New South Wales Legislative Assembly, Kevin Rozzoli is critical of the manner in which the Speaker has changed from being an independent Speaker of the House to a Speaker selected and controlled by the ruling political party\textsuperscript{119}.

Rozzoli states that the “important element of impartiality, and therefore of democracy itself, has been severally compromised in the Australian parliamentary culture”\textsuperscript{120}. Rozzoli goes further to claim that this erosion of the core principle of impartiality has resulted in the fact that “the attitude of successive governments to the selection of speakers and the role they expect of their speaker has been significantly partisan”\textsuperscript{121}. Rozzoli builds upon what he sees as a failure of the system to argue that the Speaker should become independent in the mould of the Speakership in Westminster.

In order to support this contention Rozzoli draws upon the 1989 Report of the Western Australian Parliamentary Standards Committee into the feasibility of a Code of Conduct. The report states that “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

\textsuperscript{118} Anna Burke, \textit{Speech on the election of the Speaker}, 9 October 2012.

\textsuperscript{119} Kevin Rozzoli, \textit{Gavel to Gavel: An insider’s view of parliament}, 2006.

\textsuperscript{120} Ibid, 194.

\textsuperscript{121} Ibid.
Looking at the volume of statements surrounding the three Speakers of the 43rd parliament and their attempts at impartiality this seems out of kilter. What Rozzoli contends, however, is that this situation is accepted by the parties and, as such, the standard of impartiality can seem, to the parties themselves, acceptable.

What is significant within the Western Australia report is that in support of their statement of a lack of true impartiality the committee drew upon the comparative small amount of times government members are suspended from chambers across Australia. The report cites the example of Federal Speaker Cope who resigned after the Whitlam government refused to support him over the naming of Whitlam minister Clyde Cameron.

The *Parliamentary Practice* explains in detail the series of incidents that led up to Speaker Cope’s resignation. The naming of Clyde Cameron came about after Cameron interjected to the Chair “Look I don’t give a damn what you say”123. Amid the ensuing uproar Cameron refused to apologize to the Chair and was subsequently named by the Speaker. The motion, which was unusually moved by the Manager of Opposition business was defeated by the House 59-55. Following the results of the division the Speaker announced his intention to resign as his authority had not been supported by the House.124

This action, although an extreme example in which a Speaker fell because they had lost the support of their party, highlights the extent to which the authority of the Speakers in Australia is not beholden to the parliament, but rather to the party in government. Whilst clearly not a new development it is an important concept when considering the ability of the Speaker to either control or manipulate the tone of debate within the House of Representatives. This is an important consideration within this thesis as the Speaker is the person who assess the tone of debate and intervenes to maintain order. The Speaker has an undeniably significant role in both measuring and influencing the tone of debate within the House.

This instance, in which the authority of Speaker Cope was not supported by the house is just one of three occasions on which this has occurred. The first was in 1938 when the government failed to have enough members in the chamber to support the Speaker, however following a rectification of this the proceedings continued as usual125. The third, and most recent occasion happened during the period of the Gillard government.

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124 Australian House of Representatives Practice, page 198.
125 Australian House of Representatives Practice, page 199.
On the 31st of May 2011 during Question time, after giving a “general warning”, Harry Jenkins named Bob Baldwin, the member for Paterson. The Division, however was lost 71-72 with Rob Oakeshott voting against the motion. Immediately after announcing the results of the division Jenkins stated that “after question time, I will be taking the time to consider my position”\textsuperscript{126}. In light of the precedence set by Speaker Cope, Jenkins would likely have tendered his resignation.

The resignation of the Speaker on this occasion was headed off by a motion of Confidence in the Speaker moved by Tony Abbott, seconded by Julia Gillard and supported by Rob Oakeshott. In moving the motion Abbott stated that “in the circumstances where the government cannot naturally command a majority, the job of the speakership is even more difficult than usual” going on to say that Jenkins had done this job “with commendable impartiality”\textsuperscript{127}. Gillard, in seconding the motion, however, drew less upon the Jenkins as Speaker and more upon the obligation of the House to support the Speaker and encourage independence.

Gillard said that “whether or not we were in a position to judge as individuals the circumstances of any individual ruling, we provided that confidence”. Gillard then called for greater consideration of the authority of the speaker stating that “the government will continue to take to providing confidence in you and I would ask members of the opposition to reflect on that for the future”\textsuperscript{128}. Building upon the considerations raised by Rozzoli we see Gillard suggesting that the Speakership should be above partisanship and that the government, in supporting the Speaker was just instinctively support the chair’s authority. Confidence was unanimously passed in favour of Harry Jenkins.

Whether either of the arguments presented by Abbott or Gillard truly reflected the situation upon the floor of the House of Representatives that day is highly debatable. What is clear, however, is that Rozzoli’s view of the Speaker being less beholden to the House and more to the party system is rather clearly supported. The Speakers are made and broken by the party system.

This conclusion is supported by Jennifer Porter who argues that the most immediate difference between the House of Commons and the Australian Parliaments “is the partiality of the speaker where, in Australia, speakers generally conduct themselves in a more partisan

\textsuperscript{126} Harry Jenkins, \textit{Questions without notice – carbon pricing}, Australian House of Representatives, 31 May 2011.

\textsuperscript{127} Tony Abbott, \textit{Motion of confidence in the Speaker}, Australian House of Representatives, 31 May 2011.

\textsuperscript{128} Julia Gillard, \textit{Motion of confidence in the Speaker}, Australian House of Representatives, 31 May 2011.
way". Porter supports the conclusions of Rozzoli in explaining that the partiality of the Australian Speakership has come from the connection to the political parties that Westminster speakers do not have.

Porter highlights two explanations of how this increased connection between Speakers and the party system is different between Australia and the Westminster. Firstly she highlights that Australian Speakers have to contest their seat at each election in a manner exactly the same as any other seat in the parliament; and, secondly she points out that due to the fact that the Speaker is elected by a majority of the House “the appointment of speaker may be considered a privilege of the party holding a majority in the house”.

Porter contends that there are two arguments why the Speakership in Australia has diverged from the traditional Westminster model. She posits that firstly allowing the Speaker to be more proactive and political can actually improve the efficiency of parliament. This is achieved through the Speaker casting deciding votes in favour of gag motions. Along with this her second reason for the divergence is that the average size of the parliaments across Australia is dramatically smaller than that in Westminster. With 650 members in the House of Commons, the House of Representatives in Australia is positively minute at only 150. Whilst not arguing for or against the divergence Porter does note that the flexibility of precedents in the House of Commons “has allowed procedural adaptions in new settings”.

Understanding the inherent partiality of Australian Speakers, and yet the level of regard that the three Speakers of the 43rd parliament were held in, can give us some indication of whether the Speakership over this period could have contributed to the significant rise in the use of standing orders. Combining this with the data we should be able to provide a significantly deeper insight into what effect, if any, Jenkins, Slipper and Burke had upon the tone of debate within the House of Representatives.

From what has been said it would be reasonable to expect that the Speakers across the 43rd parliament may not have exerted too much influence over the tone of the debate. Despite the fact that the Speaker is directly in charge of the administration of the standing orders all three of these Speakers were seen to have completed their official duties as would have been expected of Australian Speakers. Obviously this comes with three clear caveats: firstly, there are certain inherent issues with the Australian Speakership regarding impartiality; secondly, Peter Slipper was an independent and did have significant queries regarding his actions.

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130 Ibid, 116.
outside the chamber, and; thirdly, the rather rare situation in which the 43rd parliament found itself with regards to the minority government.

e. Opposition and Gender

It has been suggested that the Australian political landscape, and in particular the tone of political debate, has shifted to being far more vitriolic. As part of this increase in vitriol two key areas for analysis need to be considered. The first goes to the concept of opposition and how this may have changed, or be changing in Australia and other western democracies. There are many theories regarding this shift including hyperpartisanship and the personalities within politics. Secondly a consideration of the period of the Gillard government must go to gender. As Australia’s first female Prime Minister Julia Gillard faced gendered opposition and this would undoubtedly affected the tone of political debate. Understanding the institutions and methods of opposition is vital to being able to analyse any increase in vitriol.

Of particular note to the period of the Gillard Government is the analysis provided by a former staffer to the then Treasure Wayne Swan, Jim Chalmers. Chalmers defines hyperpartisanship within Australia as having “entered the political lexicon as a description of the extremists on the Left and Right who prioritise combat over problem solving”\textsuperscript{131}. This definition, although somewhat simplistic, does allow certain comparison to be made with the descriptions from American commentators. He claims that these hyper-partisans profited across the life of the Gillard government from promoting falsities about policy, and in particular economic policy, with little regard for accuracy or consequences. In his mind these hyper-partisans utilised negativity, falsity and vitriol as tools of political destruction rather than discussion.

Whilst not necessarily blaming this trend upon then Opposition Leader Tony Abbott, Chalmers does state that Abbott “has taken oppositionalism to an incredible new low, opposing first and asking questions later” and that Abbott “has made bipartisan progress impossible”\textsuperscript{132}. Equally he states that the political system itself is at fault contending that “the incentives in our political system are misaligned as described here, in a way that promotes

\textsuperscript{131} Jim Chalmers, \textit{Glory Daze: How a world-beating nation got so down on itself}, 2013, p. 129.

\textsuperscript{132} Ibid, 124.
hyper-partisanship, short-termism, rent-seeking, sloganeering and circular self-criticism over a rational, future-focused conversation”\textsuperscript{133}.

Chalmers clearly places the concepts and theories, originally developed in the United States, of hyper-partisanship in an Australian context. This hyper-partisanship which utilises the intrinsic nature of human beings to respond asymmetrically to negativity over positivity to promote vitriolic discourse as a political tool was, in Chalmers opinion, a clear and prominent issue within the 43\textsuperscript{rd} Parliament of Australia.

It is not, however, only politicians who are noticing and commenting upon this apparent change in the nature of Australian politics. Laurie Oakes, the well-respected political journalist, identified this phenomenon in his book Remarkable Times.

On the 5\textsuperscript{th} of March 2011 Oakes stated that the “wingnuts are coming out of the woodwork”\textsuperscript{134}. Oakes claims that Australian politics is taking on an unsavoury appeal with the language used becoming nastier and descending to a level which is almost akin with inciting hate. Oakes utilises examples of hate rallies promoted by politicians and political commentators explaining that these are bad for the health of democracy within the nation.

The theory of hyperpartisanship and its power and impact as a driver of intentional vitriolic discourse is well founded within American literature and analysis. The concept of hyperpartisanship, which originated in an American context, is a significant potential theory to consider with regards to any change within the culture and discourse within Australian politics.

Ronald Brownstein, within his analysis of the “era of hyperpartisanship in America”, finds that the defining characteristics of this new political age are “greater unity within the parties and more intense conflicts between them”\textsuperscript{135}. He contends that this hyperpartisanship has led to an increased demand by interest groups within parties to enforce ideological discipline and that in turn “each party has demonstrated greater willingness to employ confrontational tactics that earlier generations consider excessive”\textsuperscript{136}.

Brownstein’s analysis is demonstrative of a greater opinion within the analysis of the state of politics within the US which focuses upon increasing partisanship within parties and increased conflict between them. This phenomenon, as Brownstein contends, has mutated

\textsuperscript{133} Ibid.
\textsuperscript{134} Laurie Oakes, \textit{Remarkable Times: Australian politics 2010-2013}, 2013, p. 86
\textsuperscript{136} Ibid.
the discourse utilised within political discussion, adding new and significantly more intense layers of vitriol and negativity within the language, tactics and non-verbal communication utilised. The analysis of the impact of partisanship by Brownstein is supported by the symbiotic relationship between hyperpartisanship and the ‘Outrage Industry’ in the United States analysed by Jeffrey M. Berry and Sarah Sobieraj.

Berry and Sobieraj, within their analysis of the ‘Outrage Industry’, found “outrage to be increasingly divisive in the world of congressional policymaking, as it works to brand collaboration, open-mindedness, and compromise as weak”137. Berry and Sobieraj chart the significant increase in distribution of outrage media and its relationship with both hyperpartisanship through its promotion of extreme ideological discipline and its relationship with an ever increasing amount of vitriolic discourse and incivility. While not going so far as to say whether this trend is definitively good or bad for democracy within the United States, they do conclude with recommendations to promote what they see as a healthier discourse focused upon limiting the reach of individuals or outlets who promote social discord such as racist or sexist opinions.

As part of their analysis, and with particular respect to the analysis of hyperpartisanship, Sobieraj and Berry provide a very clear set of language and behaviours which they define as being part of ‘outrage’. This list includes 13 items: “insulting language, name-calling, emotional display, emotional language, verbal fighting/sparring, character assassination, misrepresentative exaggeration, mockery, conflagration, ideologically extremizing language, slippery slope argumentation, belittling and obscene language”138. All of these items were utilised by Sobieraj and Berry to code their data sets, and provide a clear analysis of the behaviour which they view as being uncivil or vitriolic.

Whilst a large proportion of analysis tends to support the theory that both hyperpartisanship and vitriolic discourse are increasing, a study completed by Emmett H. Buell Jr. and Lee Sigelman into the negativity of Presidential contest between 1960 and 2008 found that across these elections the level of negativity employed displayed no increasing trend, but rather fluctuated in a reasonably unpredictable manner139. As an example of this conclusion Buell and Sigelman found that in the 2000 Presidential Election despite the voting choices reflecting the greatest level of polarization in recorded American Electoral history the overall negativity of the contest displayed the lowest rank since the 1976 Election.

138 Ibid, 36.
These results can be explained, as Sigelman and Buell themselves state, by the fact that the importance of individual personalities and current events and issues may have a more significant effect than previously believed. And equally they contend the correlative to this is that “polarization is less important than originally thought”\(^\text{140}\). They do note the fluctuations that occur between incumbents and oppositions and the roles of third parties.

Whilst the analysis provided by Sigelman and Buell would tend to suggest that caution needs to be taken when considering whether hyperpartisanship is a significant factor the scope of the analysis in limiting it to elections means that its applicability is equally narrowed. It does however provide an important analysis of negative language and a good set of data and analysis regarding forms and types of negativity.

Contestation regarding the positive or negative nature of hyperpartisanship and in particular the discourse which it encompasses is considered by Susan Herbst. Herbst contends that discourse which she defines as “uncivil” is not necessarily good or bad for democracy as a whole, but rather it should be viewed as a political tool used for specific ends. She states that apart from cases of “chronic, uniform, or innate civility or incivility, which are unusual, we should think of civility as a strategic tool or weapon in politics” and that it is “a tool that is used intentionally, for better or worse”\(^\text{141}\).

This contention, that uncivil or vitriolic discourse is used intentionally for political ends, is central if one is to argue that the language used is driven by concerted political tactics. In particular this analysis forms the basis of the contention that the language informed by increasing hyperpartisanship is not just a by-product of circumstances, but rather a considered and coordinated tool. As soon as the leap from by-product to tool is made any significant difference in the discourse utilised connected with any change in the partisan nature of a parliament can be seen as consisting of a potential and probable correlation.

The concept of negativity, which is intrinsically linked with the language and tactics driven by hyperpartisanship is one which resonates deeply with perception building. Stuart N. Soroka explores this with his book *Negativity in Democratic Politics* in which he traces the human response to negativity through it roots in evolutionary biology into neurology and psychology\(^\text{142}\). Soroka, as part of this exploration, states that the human brain is geared towards displaying an asymmetric response to negative stimuli versus positive.

\(^{140}\) Ibid, 277.
Soroka takes this analysis and applies it to perceptions of political leaders by voters in the United States and then within Australia. He finds that in both of these nations negative perceptions of traits held by political leaders was a significantly greater determinant in voting choices than perceptions of positive traits. With regards to Australian Prime Ministers Soroka, analysing data taken from the Australian Electoral Survey after elections between 1993 and 2004, found that in the analysis of perceptions of Compassion, Sensibility, and Inspiration if a voter thought negatively of the Prime Minister then this would have a significantly greater influence than any positive feelings\textsuperscript{143}.

Soroka’s analysis emphasizes the significance of negativity within human perception formation. With respect to political analysis this conclusion reinforces the power of negativity and vitriol as a tool rather than a social condition, reinforcing the contentions of Susan Herbst. Equally important is Soroka’s application of this analysis to an Australian context, drawing across the analysis and theory of Herbst to Australian politics.

Despite Chalmers assertions it is vital to note here that theories of hyperpartisanship, or increased partisanship are not yet thoroughly grounded in Australian literature. Nonetheless the more important conclusion to consider here is the power and impact that vitriol and negativity can have. In particular the work of Buell Jr. and Sigelman along with that of Soroka clearly indicates that in democratic nations there is not only an incentive to increase negativity but that there is already an indication of a trend in this direction.

If negativity and attack were to become central to the functioning of Australian politics changes would expect to be viewed primarily within the role of the opposition. As part of this the key battle within parliament would become the contest between Prime Minister and Opposition Leader.

Contention within the personalities of the 43\textsuperscript{rd} parliament revolved mostly around the significant issues of the personality and style of Tony Abbott, and the role of gender in defining the attacks upon Julia Gillard. Whilst all parliaments have their individual sources of tension there is the possibility that certain significant elements could take control of the debate and manipulate and mutate it in a manner not seen before.

The \textit{House of Representatives Practice} defines the primary function of the House as exercising oversight over the actions of the Government\textsuperscript{144}. The \textit{Practice} goes on to explain that in the modern House of Representatives this role is in the main filled by the Opposition.

\textsuperscript{143} Ibid, 40.

\textsuperscript{144} \textit{Australian House of Representatives Practice}, page 81.
As part of this the *Practice* defines seven key functions that the Opposition must fulfil in order to exercise appropriate oversight. The seven functions that are highlighted are:

- “Unmaking the Government – the Opposition, by definition, seeks to defeat a Government or cause a Government to resign. Theoretically, it could be said that an Opposition endeavours to achieve this by persuading government supporters to accept its viewpoint but, in reality, it looks to a general election for defeat of the Government and endeavours to achieve this by public persuasion;”
- Scrutiny of, criticism of, and suggestion of improvements to, legislation and financial proposals;
- Examination of expenditure and public accounts;
- Seeking information on and clarification of government policy (principally questions in writing and without notice);
- Surveillance, appraisal and criticism of government administration;
- Ventilating grievances; and
- Examination of delegated legislation.”\(^{145}\)

Whilst rather focused upon the concept of criticism regarding policy and financial management the *Practice*, in its first function, does highlight the combative role of the Opposition. It is to this role that consideration with respect to the period of the Gillard government needs to be applied. The other functions listed, despite their importance to the functioning of good Westminster parliamentary government, would not cause an increase in vitriol of a personal and aggressive nature.

Belief in the role of the Opposition as being crucial to the functioning of good government is not confined to parliamentary rules and precedence. Many commentators have also noted both the importance of appropriate opposition along with the occasional effectiveness of aggression. Kevin Rozzoli, the former New South Wales Speaker, argues that “notwithstanding its role in attacking the government the opposition does have a further responsibility to present the image of a credible alternative”\(^{146}\). As part of this Rozzoli contends that “an attacking, carping opposition may succeed in unseating a government, but unless it has put in sound and constructive work to developing future policy and has addressed the question of transition to government it may well be found wanting”\(^{147}\).

Drawing upon his experience as both a parliamentarian and as a Speaker in the New South Wales Legislative Assembly Rozzoli’s analysis of the Opposition highlights the role of the

\(^{145}\) *Australian House of Representatives Practice*, page 81.


\(^{147}\) Ibid.
opposition as being one of a constructive rather than destructive party. Whilst conceding that an opposition does need to attempt to bring about the end of a government this end, by itself, is not enough.

Developing opposition based purely around attack and failing to work constructively or present as an alternative is not only a failure of the good parliamentary government, but also a failure, in Rozzoli’s opinion, of good party and political management. Building upon the conception of hyperpartisanship, however, we would expect to see opposition parties increasing their focus upon the political over policy. The emphasis upon conflict and opposing purely for the purpose of opposition clearly undermines the view of ideal opposition presented.

It has been suggested that the Liberal Opposition during the period of the Gillard government, and in particular the Leader of the Opposition Tony Abbott, exhibited a highly conflict driven form of oppositionism. If this is so it would clearly be a potential contributing factor to any decline within the tone of debate in the Australia House of Representatives.

David Marr, in his Quarterly Essay discussing the development of Tony Abbott as a national leader, describes an opposition leader hell bent upon conflict. Marr states that “all he’s about is destroying a government”. Marr analyses Abbott’s history and builds a portrait that results in an opposition leader that Marr contends has become more opaque the closer he gets to leadership of the nation.

Emphasising the role of the Opposition as purely to unmake the government, this view of Abbott leaves little room for compromise or consensus. Drawing upon the conception of conflict and battle Marr’s Abbott is a leader of the Opposition who cares little about the love or affection of the people and only about defeating the Labor government. Marr describes Abbott and the Liberal’s core tactic as that of political “total war”.

It is not to say, however, that Marr totally disparages these tactics. Marr identifies, writing prior to the 2013 election, that it is becoming relatively undeniable that these tactics were becoming highly successfully. Marr contends that “whatever might happen under an Abbott government, his victory would perpetuate his kind of Opposition” explaining that “what worked for him would be done to him”. Bemoaning the potential of this future Marr

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149 Ibid, 92.
150 Ibid, 90.
explains that “Australia would face the prospect of being locked, for the foreseeable future, into a cycle of hyper-aggressive Opposition”151.

It is clear that Marr, whilst conceding that Tony Abbott has most likely been one of the most successful Opposition Leaders in Australian political history, identifies Abbott’s style and tactics as being those of all out conflict. Marr goes further than this, however, singling out Abbott as the pinnacle of this method of opposition. Marr’s analysis clearly aligns with the argument that Abbott’s period as leader of the opposition, and in particular during the period of the Gillard government, saw a significant increase in negativity and vitriol. Significantly, and in line with the analysis of Soroka, he highlights the political benefit within this mutation.

This opinion regarding Tony Abbott’s approach to politics is mirrored in the opinion of Tony Windsor. Describing the discussions surrounding the formation of the federal minority government Windsor describes Abbott as struggling in the role as negotiator compared to Julia Gillard. Windsor explains that Abbott’s “preferred practice in politics, whether at university or federally, had been to grind opponents into the dirt”152. Whilst careful to state that this was not a criticism it is clear that Windsor viewed Abbott’s instinctive tactics as those of conflict, linking them with a contest upon a rugby field.

Tony Windsor is, however, far more critical of another element of Tony Abbott’s style of opposition, namely his use of Julia Gillard’s gender. Windsor explained that “a lot of Australians drank from that trough of abuse that was directed at Julia Gillard”, however he laid significant blame regarding this in the hands of Tony Abbott, Christopher Pyne and Sophie Mirabella153. Windsor states that one of the reasons that he has very little respect for Tony Abbott is the manner in which he used the gender card and the legacy and influence this has had154. The issues of gender, sexism and misogyny are key to understanding much of the vitriol that flowed toward Julia Gillard during her tenure as Prime Minister.

Julia Gillard herself has strongly suggested that the issues of gender, sexism and misogyny surrounded her during her time in the leadership. Using the metaphor of a school room she attempted not only to highlight the level of misogyny that she saw but also the lack of understanding and reaction from the press gallery:

“Common sense would tell you that if schoolchildren filed into a classroom every day and instead of saying, ‘Good morning, Ms Smith’ to the teacher,
said, ‘Good morning, fat, ugly, dumb bitch’ that this would impact on their levels of respect for the woman in front of the class. Somehow that common sense fled the scene while I was prime minister”155.

Clearly Gillard as Prime Minister felt that there was a level to which the opposition she faced both inside and outside the parliament was gendered.

Helen Pringle, in an essay upon the ‘pornification’ of Julia Gillard drew upon a range of examples where images of the Prime Minister had become sexualised to a level that Pringle had not seen before. In particular Pringle drew upon the cartoons of Larry Pickering to highlight this pornification. Pringle explained that Pickering’s cartoons often featured Julia Gillard “as a cartoon figure with a strap-on dildo” and were often accompanied by “vicious diatribes against Gillard and other women in politics, or women commenting on politics such as Anne Summers”156.

Pringle goes on to explain that Pickering’s cartoons during this period did not hold back from attacking men as well. She states, however, that these cartoons depicted the men as “failed men” for having let Julia Gillard be more powerful than them157. Pringle contends that these cartoons are intended to highlight a loss a virility when men “do not play the man part of the political script”158.

Pringle concludes her essay by arguing that the increase in the pornification of images of political leaders that happened during Julia Gillard’s tenure “signifies not just political opposition to Julia Gillard and her government, but also a concerted backlash against women taking positions of power”159. Understanding that this level of gendered attack is both a form of political opposition as well as being a form of misogyny is important when considering how this can alter the political debate as a whole. Viewing gendered attack as a political strategy can help to normalise it, and allow it to pervade mainstream discussion both in the media and within the general public. The issue of the role of the media as a gender mediator was explored by Wright and Holland.

Wright and Holland, in a multi-disciplinary study of the response to Julia Gillard’s famous misogyny speech on the 9th of October 2012 found that not only did the media fail to appropriately frame the debate surrounding gendered opposition, but the resultant coverage

157 Ibid, 73.
158 Ibid.
159 Ibid, 81.
acted instead to reinforce the notion that women did not belong in leadership roles within Australian politics. Wright and Holland contend that “Gillard’s speech was framed in the Australian media as an act of uncontrolled emotional outpouring, hypocrisy and/or instrumentality”\textsuperscript{160}. As a result of this Wright and Holland highlighted four key impacts: first, that the dominant framings undermined the substance of the speech’s message; second, the framing prevented the speech from becoming a rallying cry for a greater inspection into the gendered Australian political landscape; third, rather than normalising female leadership the media painted Gillard as an outsider and exception; and fourth, “the media’s role as a gendered mediator served to disassociate all women – rather than just Julia Gillard – from the possibility of legitimately occupying a position of political leadership”\textsuperscript{161}. Wright and Holland clearly present the contention that the media failed in being a responsible voice for a significant issue within Australian politics. Without the support and understanding of the media acting as a responsible gendered mediator the normalisation and acceptance of sexism and even misogyny in Australian politics could only continue.

The analysis of Wright and Holland surrounded the coverage of probably the most viewed speech in Australian political history, Julia Gillard’s misogyny speech. This speech was prompted by a motion to suspend standing orders by the opposition regarding the position of the Speaker, Peter Slipper. This situation occurred after the revelation in the media regarding a series of text messages that Slipper had sent which included “gross references to female genitalia”\textsuperscript{162}.

Tony Abbott, in his speech on the motion laid out his reasons why the Speaker should be removed from office. These included not only the remarks made by Slipper within the text messages, but also Slipper’s bias towards a member. The largest section of his speech, however, was to identify the action of Julia Gillard in placing Slipper in the speakership and how this spoke to a failure of judgement upon Gillard’s behalf. Drawing upon the text messages and this issue of gender however, Abbott said that “this is a government which is only too ready to detect sexism – to detect misogyny, no less – until they find it in one of their own supporters, until they find it in someone upon whom this Prime Minister relies to survive in her job”\textsuperscript{163}.

\textsuperscript{161} Ibid.
\textsuperscript{162} Tony Abbott, \textit{Speech on a motion regarding section 35 of the constitution to remove the Speaker}, House of Representatives, 9 October 2012.
\textsuperscript{163} Ibid.
Julia Gillard, rather than accepting an indirect accusation of acquiescing to sexism responded by directly laying the charge upon Abbott. Gillard responded saying that “I hope the Leader of the Opposition has a piece of paper and he is writing out his resignation, because if he wants to know what misogyny looks like in modern Australia he does not need a motion in the House of Representatives; he needs a mirror”\(^\text{164}\). It is important here to note that both leaders identified that not only was misogyny present within the actions of the Speaker, but that they both also recognised its existence within the highest levels of Australian politics. This clearly supports and confirms the contention made by Pringle, Wright and Holland, Windsor, and countless others.

Gillard’s speech in response went further than the pure accusation as she proceeded to present a list of occasions upon which she saw the actions of Tony Abbott as either being actively misogynistic or else being in tacit support for the misogyny of others. Gillard highlighted eight distinct occasions where she felt as though Abbott had acted in a misogynistic manner during his time within the parliament. These included comments that he had made and occasions, such as the ‘Convoy of No Confidence’ in which Tony Abbott “went outside in from of the parliament and stood next to a sign that said ‘Ditch the Witch’”\(^\text{165}\).

This argument was supported by Mark Dreyfus who, in his speech upon the motion also singled out Tony Abbott for criticism upon his actions regarding women and women in leadership. Dreyfus claimed that the motion from the Leader of the Opposition was “extraordinary hypocrisy from this Leader of the Opposition, who has spent a lifetime making offensive comments about women, has spent a lifetime making sexist comments”\(^\text{166}\).

Along with this the final speech on the motion, delivered by Anthony Albanese, drew directly upon Tony Abbott’s style as an opposition leader. Arguing that Abbott had “engaged in language which is unprecedented in this parliament”, Albanese claimed that in moving the motion Tony Abbott was “consistent with his attitude of wrecking and trashing everything that he touches”. Albanese concluded by drawing back upon the concept that Abbott had acted in a misogynistic and sexist manner by claiming that Abbott might regain some credibility if he could call “the Prime Minister ‘Prime Minister’ instead of ‘she’”\(^\text{167}\).

\(^{164}\) Julia Gillard, *Speech on a motion regarding section 35 of the constitution to remove the Speaker*, House of Representatives, 9 October 2012.

\(^{165}\) Ibid.

\(^{166}\) Mark Dreyfus, *Speech on a motion regarding section 35 of the constitution to remove the Speaker*, House of Representatives, 9 October 2012.

\(^{167}\) Anthony Albanese, *Speech on a motion regarding section 35 of the constitution to remove the Speaker*, House of Representatives, 9 October 2012.
All the speeches drew upon the conception of misogyny, whether it was on the part of Peter Slipper, Tony Abbott, or another political actor. Whilst maybe not a revelation in terms of an idea, the amount of speeches and consideration applied to this issue is remarkable within the Australian House of Representatives. Undoubtedly, as noted by the media, there was a political element to the speeches presented, however passing over the significance of the topic or the force of the speeches would be unfair. Of particular note is the accusations levelled against the style of Tony Abbott and the listed examples provided. The implication of this behaviour, if it were accurate, would result in an obvious and significant increase in vitriol.

Whether or not Tony Abbott was himself acting in a misogynistic manner is not the argument presented or considered in this paper, rather it is the normalisation of a form of opposition directed towards Gillard that was sexist and misogynistic. It is clear from Gillard’s examples, and from the media analysis and examples provided by Pringle, Wright and Holland that there was clearly a normalised sexist form of opposition ran against the Prime Minister.

Without doubt this kind of opposition would be highly vitriolic and aggressive. Inevitably this would lower the overall tone of the political debate. Whilst we cannot be conclusive in terms of the full effect, the argument that misogyny and gender were significant drivers of vitriol and aggression during the period of the Gillard government is very strong. As Gillard herself summed it up in her speech after losing the leadership, “it doesn’t explain everything, it doesn’t explain nothing, it explains some things” 168.

Conclusions

The Westminster system of government is inherently one of conflict. From the design of the chamber to manner in which debate is allowed to flow conflict cannot be removed from the arena. The question posed here, however is whether the period of the 43rd parliament was different from any that had preceded it. There are, as displayed above, two key areas in which this parliament was different. Firstly many people have contended that Tony Abbott was a more aggressive opposition leader than in the past, and secondly there is a fair case to say that Julia Gillard faced significant attacks based upon her gender.

When considering these two factors in line with the theories relating to partisanship and political negativity it is clear that the potential for an increase of vitriol during this period does exist. Namely this conclusion rests upon the theory that humans, and more importantly voters, respond in an asymmetric manner towards negativity. This was, in part, considered by both Mann and Windsor in their reasoning for what they viewed as Abbott’s attacking style.

168 Julia Gillard, First speech after losing the leadership, Parliament House, Canberra, 26 June 2013.
As such the hypothesis presented here would be that the surrounding environment of 43rd parliament would be conducive, and almost supportive of an increase in negativity and attack. With the emotive issue of gender and an opposition leader who it was suggested preferred an attacking style there is reasonable evidence that there would be a decrease in the tone of debate.

\[f. \quad \text{Conclusions}\]

From the literature analysed across these five main areas there are some very significant and testable hypothesis. Primarily, across all five sections, the suggested developments over the last two decades could be reasonably expected to bring about increases in the over-all vitriol surrounding the political debate. These changes are a mixture of progressive developments and specific challenges that confronted the 43rd parliament. In order to provide a clear and precise answer to the question ‘was the period of the Gillard government the most vitriolic?’ all of these issues need to be considered. There are four key hypotheses that will be considered:

1. That over time there will be a general increase in vitriol caused by a combination of increased presidentialisation and development within the broader political debate and style of opposition;
2. That the presence of a minority government will have a negative impact upon the tone of debate due to factors including how this effects the traditional functioning of the parliament;
3. That despite the prominence and importance of the speaker to the functioning of the House of Representatives that the three Speakers of the 43rd parliament will have a minor effect, and;
4. From the combination of the five areas considered, along with the anecdotal material, that the period of the Gillard government will be exceptional within the last two decades.
3. Methodology

Quantifying debate within the parliament, and in particular within the House of Representatives requires a source that can be reliably and thoroughly quantified and analysed over a period of time. In order to provide this data set, it was decided to draw upon the relatively objective source of the House of Representative’s Hansard. Whilst this does limit the scope and breadth of data available utilising this data source over other options (including but not limited to, the Senate Hansard, the media, and press statements) does provide certain key advantages.

Most importantly this source provides an entirely encapsulated source that covers all debate and actions within the political debate in the House. Along with this Hansard exists online and can be readily accessed in a consistent form across the entire life of the data allowing for a clear longitudinal picture to be developed.

The key set of data drawn from this source is the use of standing orders designed to control debate and order within the house. In particular the standing orders which empower the Speaker of the House to maintain order were collected and analysed from 1991 to 2014 across the Prime Ministerships of Bob Hawke, Paul Keating, John Howard, Kevin Rudd, Julia Gillard, Kevin Rudd a second time and finally the first year of Tony Abbott. This 23 year period enables us to consider the period of the Gillard government in the context of recent history.

There are three standing orders which, currently, deal with disorder and conduct within the House of Representatives. Whilst the interpretation of each of them is dependent upon the Speaker, they are spelt out as¹⁶⁹:

91. Disorderly conduct

A Member’s conduct shall be considered disorderly if the Member has:

- a) Persistently and wilfully obstructed the House;
- b) Used objectionable words, which he or she has refused to withdraw;
- c) Persistently and wilfully refused to conform to a standing order;
- d) Wilfully disobeyed an order of the House
- e) Persistently and wilfully disregarded the authority of the Speaker; or
- f) Been considered by the Speaker to have behaved in a disorderly manner.

¹⁶⁹ Current with the set of Standing Orders as at 14th November 2013
Standing order 91 defines actions which are to be considered by the Speaker to warrant intervention into the debate. Whilst the first five actions under this list are rather specific, standing order 91(f) allows a significant amount of leeway for the Speaker in applying sanctions upon a member of the House.

Of significant note is the sanction allowed under 91(b) which enables a member, when asked, to withdraw any objectionable words. This is an extremely important sanction that provides the Speaker an opportunity to sanction a member without asking them to leave the chamber for any period of time. The lowest available sanction, it has been commonly employed across the history of the parliament.

94. Sanctions against disorderly conduct

The Speaker can take action against disorderly conduct by a Member:

a) The Speaker can direct a disorderly Member to leave the Chamber for one hour. The direction shall not be open to debate or dissent, and if the Member does not leave the Chamber immediately, the Speaker can name the Member under the following procedure.

b) The Speaker can name a disorderly Member. Immediately following a naming, on a motion being moved, the Speaker shall put the question –

\[ \text{That the Member be suspended from the service of the House} \]

The question must be resolved without amendment, adjournment or debate.

c) If the Speaker determines there is an urgent need to protect the dignity of the House, the Speaker can order a grossly disorderly Member to leave the Chamber immediately. When the Member has left, the Speaker must immediately name the Member and paragraph (b) shall apply; except that the Speaker shall put the question for suspension without a motion being necessary. If the question is resolved in the negative, the Member may return to the Chamber.

d) If a Member is named and suspended, the term of the suspension shall be:

i. On the first occasion, for the 24 hour period from the time of suspension;

ii. On the second occasion during the same calendar year, for the three consecutive sittings following the day of suspension; and

iii. On a third or later occasion during the same calendar year, for the seven consecutive sittings following the day of suspension.
A Suspension in a previous session or a direction to leave the Chamber for one hour shall be disregarded in the calculation of these terms.

e) A Member who is subject to a direction to leave the Chamber for one hour, or a suspension for 24 hours or more, shall be excluded from the Chamber, its galleries and the room in which the Federation Chamber is meeting.

f) If a Member refuses to follow the Speaker’s direction, the Speaker may order the Serjeant-at-Arms to remove the Member from the Chamber or the Federation Chamber or take the Member into custody.

Section 94 deals with the more serious forms of sanction that the Speaker can utilise to maintain order within the House of Representatives. Section 94(a) is colloquially known as ‘removal’ or ‘sin binning’ whilst 94(b) is ‘naming’. These two sanctions are relatively common across recent history in the House of Representatives. Along with this these two sanctions have cousins across most of the parliaments within Australia.

Withdrawals, removals and namings cover all forms of sanction that have been utilised across the 23 year period covered in this analysis. Data from the usage of these standing orders has been collected and collated from Hansard in order to chart and display any variation in their application.

It is important to note, however, that standing orders do change and develop across time. In the period covered there have been two significant changes. Firstly the numbering system was altered with naming previously being 304, and removal being 304A. Along with this, and more significantly, standing order 304A was not introduced until the 21st of February 1994. Prior to this the only option for the Speaker was to name a Member. This variation does, ultimately change the nature of the data. This is the primary reason why the data analysis cannot extend too far beyond this date.

In order to provide a point of comparison and to allow some triangulation of the data an analysis has also been made of the use of standing orders within the Victorian Legislative Assembly between 1998 and 2014. This analysis will cover the premierships of Jeff Kennett, Steve Bracks, John Brumby, Ted Baillieu and Dennis Napthine.

The standing orders utilised to maintain order within the Victorian parliament are akin to those in the Federal parliament. The standing orders measured within this data set (as the currently stand) are:

115. Order to be maintained by the Speaker

Order will maintained in the House by the Speaker
Standing order 115 provides the Speaker with authority over the application of the orders. In particular when considering issues of impartiality and fairness this standing order is of primary concern. It is just important to continue to note the primacy of the Speakership and the role that the Speaker has in the data.

120. Objection to words

If a member objects to words used in debate

1) The objection must be taken immediately
2) If the words relate to a member of the House and that member finds them personally offensive, the Chair will order the words to be withdrawn and may require an apology
3) If the Chair considers that any other words used are objectionable or unparliamentarily, the Chair may order the words to be withdrawn and may require an apology.
4) A withdrawal, and an apology, must be made without explanation or qualification

Stronger than standing order 91(b) in the Federal parliament, standing order 120 in the Victorian parliament defines the parameters and procedures for the withdrawal of statements. This standing order is vital to gaining an understanding of the tone of debate within the House as it catches a large amount of personal and derogatory statements made between the members. The clearer guidelines within standing order 120 could allow for a more considered application and interpretation of withdrawals within the Victorian Legislative Assembly.

124. Chair ordering member to withdraw

Where the Speaker or Deputy Speaker considers the conduct of a member to be disorderly:

1) The Speaker or Deputy Speaker may order the member to withdraw from the House for up to one and a half hours. That order is not open to debate or dissent.
2) The member, whilst suspended, may still return to the Chamber to vote in a division.
3) If a member is ordered to withdraw under paragraph (1) and the House adjourns before the end of the suspension period, the member, subject to paragraph (2), will not return to the Chamber on the next sitting day until the
remaining time has expired. Time is calculated from the end of the ringing of the bells.

Standing order 124 in the Legislative Assembly is akin to 94(a) in the federal parliament. Whilst some of the procedures here, notably the ability to return to vote, are slightly different it does, in essence, provide the Speaker with the same ‘sin bin’ powers. Prior to the introduction of the current standing orders by resolution on the 4th of March 2004, this power was conferred upon the Speaker through Sessional orders[^70].

125. Naming a member

A member may be named by the Speaker or the Deputy Speaker for:

1) Persistently and wilfully obstructing the business of the House; or
2) Being guilty of disorderly conduct; or
3) Using offensive words, and refusing to withdraw or apologise; or
4) Persistently and wilfully refusing to conform to any standing order, rule or practice of the House; or
5) Persistently and wilfully disregarding the authority of the Chair; or
6) Refusing to immediately follow an order to withdraw under SO 124.

126. Procedure following naming

1) After naming a member, the Deputy Speaker must immediately interrupt proceedings and advise the Speaker of the naming.
2) Following the naming of a member and a motion being moved ‘That the member be suspended from the service of the House during the remainder of that day’s sitting (or for such a period as the House may think fit)’, the Speaker must put the question immediately without amendment, adjournment or debate.

127. Suspension of member following naming

1) A member suspended under SO 126 must immediately withdraw from the House and must not re-enter the Chamber during the period of the suspension.
2) This Standing Order does not deprive the House of any other power it may have to proceed against a member.

Standing orders 125-127 outline the procedures for a naming. Similar in many ways to the procedures within the federal parliament again, this standing order existed, although within a different numbering structure, across the entire period surveyed. An important difference to note here between the Victorian rules and the Federal rules is the lack of definite suspension periods in Victoria.

Within the federal parliament the standing orders are explicit in outlining the periods of suspension and the manner in which they rise with each offence. Compared to this in Victoria for both ‘sin binning’ and for namings the Speaker and then the House respectively have the ability to suspend a member for a period of time that they see fit. This raises an interesting question as to whether the authority, in particular that of the Speaker, is different within the two parliaments. This does not, however have a bearing upon the data presented as the data records the occasions rather than the durations.

Nonetheless the standing orders listed here, and the earlier versions of them that existed prior to the adoption of the current orders in 2003, provide the data surveyed from 1998-2014.

Once collected the data from both the Federal House of Representatives and the Victorian Legislative chamber has been analysed with respect to the central research question: was the 43rd parliament the most vitriolic in recent Australian political history?
4. Data
   a. Introductory Data

Chart 4.1, below, displays the total usage of sanctions in Canberra per year from 1991 to 2014. It includes data collected from Hansard on withdrawals, removals and namings. Circled are the years in which elections were held, and the periods of government for each party are highlighted in their respective colours.

![Chart 4.1: Total Sanctions](image)

Chart 4.1 shows us some interesting patterns with respect to the total use of sanctions against members. It cannot, however, be analysed as accurately as needed due to the incredible variance that occurs amongst the number of sitting days per year. Table 4.1 below is a list of the number of sitting days per year for the period covered.
<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Sitting days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>67</td>
</tr>
<tr>
<td>1992</td>
<td>60</td>
</tr>
<tr>
<td>1993</td>
<td>46 – Election year</td>
</tr>
<tr>
<td>1994</td>
<td>68</td>
</tr>
<tr>
<td>1995</td>
<td>70</td>
</tr>
<tr>
<td>1996</td>
<td>61 – Election year</td>
</tr>
<tr>
<td>1997</td>
<td>76</td>
</tr>
<tr>
<td>1998</td>
<td>54 – Election year</td>
</tr>
<tr>
<td>1999</td>
<td>73</td>
</tr>
<tr>
<td>2000</td>
<td>73</td>
</tr>
<tr>
<td>2001</td>
<td>56 – Election year</td>
</tr>
<tr>
<td>2002</td>
<td>69</td>
</tr>
<tr>
<td>2003</td>
<td>74</td>
</tr>
<tr>
<td>2004</td>
<td>59 – Election year</td>
</tr>
<tr>
<td>2005</td>
<td>67</td>
</tr>
<tr>
<td>2006</td>
<td>68</td>
</tr>
<tr>
<td>2007</td>
<td>50 – Election year</td>
</tr>
<tr>
<td>2008</td>
<td>69</td>
</tr>
<tr>
<td>2009</td>
<td>68</td>
</tr>
<tr>
<td>2010</td>
<td>55 – Election year</td>
</tr>
<tr>
<td>2011</td>
<td>64</td>
</tr>
<tr>
<td>2012</td>
<td>63</td>
</tr>
<tr>
<td>2013</td>
<td>48 – Election year</td>
</tr>
<tr>
<td>2014</td>
<td>67</td>
</tr>
</tbody>
</table>

*Chart 4.1: Number of sitting days per year*

The variance displayed is, to a large extent, influence mostly by the election cycle. In particular years in which elections were early in the year (1993) and in the middle of the year (2013) saw a dramatic decrease in the number of sitting days. This does affect the veracity of the total data as years which are well outside the mean\(^{171}\) will be disproportionately affected.

As such, it was decided that to account for this discrepancy, and to be able to provide a far more accurate data set, the number of sanctions across each year would be averaged for the number of sitting days. This would allow for years, in particular election years, that are significantly out from the mean to be fairly and accurately compared. Chart 4.2 below

\(^{171}\) The mean number of sitting days for this period was 63.5 days in a year.
displays this averaged data. It charts the average number of sanctions per day given by the Speaker against members of the House of Representatives to ensure order in the House. Again elections years are circled.

This chart, which displays a much more representative view of the period covered, clearly highlights the period of 2010-2014. These four years, with averages of 2.58, 3.23, 4.84, 3.77 and 5.74, are the five highest averages over the period of 23 years. Along with this for the period of 1991-2009 the long term average per day is 1.68. This is compared to the period of 2010-2014 which saw an incredibly higher daily average of 4.03.

This data clearly highlights the particular five year period from 2010-2014 as being remarkable for the usage of sanctions in comparison to the previous 19 years. It does identify this period as representing some form of variation compared to what existed before.
A second interesting proposition raised within this adjusted graph is the effect caused upon the usage of standing orders by the election cycle. For the period of the Howard government (1996-2007) the year immediately after an election year, with the exception of 2005, saw a decrease in the average number of usages of standing orders. Equally the elections in 1996, 1998, 2001 and 2007 displayed either the highest or second highest average number of usages within their respective election periods. Whilst neither of these trends are evident during the elections in 2010 or 2013, 1993 did fit this pattern.

The question here is whether the change in this trend, which has been relatively stable for five out of six elections, has been created by a change in the relationship between elections and the parliament, or whether the functioning of the parliament has superseded any affect that the election cycle used to have. Does this represent a change in balance between the effect of the electoral cycle and general political operation?

If we narrow our focus to particular consideration upon the period of time that Julia Gillard was Prime Minister we end up with a period covering four years with averages of: 1.6, 3.23, 4.84 and 3.34. Compared to the total data set the period of Julia Gillard’s Prime Ministership in 2010 following the federal election was on par with the long term average for the previous 19 years. The parliament under her Prime Ministership in 2011, 2012 and 2013, however, were all well in excess of any pervious figures.

These figures do tend to suggest that the period of government under Julia Gillard was rather remarkable and significantly out of trend with the 19 years that preceded it. Along with this it also proves that under Julia Gillard intervention by the speaker was called upon significantly more than it had been previously. This lends a reasonable amount of credence to the argument that the period of the Gillard government was the most vitriolic in recent times.

An interesting data point, however, is that for 2014 under Prime Minister Abbott. The average for this year, 5.74 is by far the highest measured across this period, exceeding all of the years of the Gillard government. This clearly is important to consider when evaluating both the claim of the most vitriolic parliament and in determining what could have changed to have resulted in the use of sanctions that we have witnessed in 2010-2014.

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172 Julia Gillard was Prime Minister from the 24th of June 2010 until 27th of June 2013.
Chart 4.3 above displays the use of the particular standing orders over the period surveyed. When looking at this graph it is important to note a few important things. Firstly 304A, and its newer form in 94(a) only came in to operation in 1994. Prior to this there was no ‘sin bin’ rule within the House of Representatives.

Since the introduction of this standing order its use has become progressively more and more common. In line with this up until about 2007 the use of withdrawals showed a general declining trend. You would expect this as the use of sin binning became more standard and understood within the House. As a relatively late development it is understandable that the House would progressively transition from previous forms of sanction to sin binning. The trend within withdrawals was, however arrested from 2007 onwards with the use of withdrawals beginning to dramatically increase from 2010 onwards. This has happened without any change in the increase in the use of 94(a).

It is equally notable that during the entire period of the Rudd and Gillard governments the number of withdrawals per year outnumbered the use of 94(a). This is in comparison to the
last two years of the Howard government, and the first year of the Abbott government when the number of uses of 94(a) was higher.

Finally consideration should be given to the use of Namings. Over the entire period surveyed the highest number of Namings in one year occurred in 1992 when the speaker named a member seven times. Despite the very low numbers of namings only 2012 and 2013 lacked any namings. If you consider with this that the only naming in 2011 resulted in the failure of the motion, the only time that this happened in the period surveyed, the period of the 43rd parliament had no successful Namings. Whilst this seems significantly out of trend, it is actually the result of a minority parliament. Needing a motion to pass in favour of a naming Speakers during this period clearly did not wish to test their support upon the floor. This tentativeness was probably strengthened through the failure in 2011.

Whilst this graph may not provide great insight into the form or total size of disorder and vitriol in the House of Representatives it does provide an interesting insight into the standing orders and how they were used over the period surveyed. In order to gain a greater understanding of this data it is vital to consider what has changed or what was different during this period.

It has been suggested earlier, by both politicians and members of the media, that the 43rd parliament had both a minority government and an aggressive opposition leader in Tony Abbott. It was suggested by many individuals that these two factors had combined to produce the tone of the debate within this period. As such these two factors will be considered. There are, however, two other very important factors to consider.

Firstly, when looking at this data in particular we need to remember and factor in the influence of the Speaker of the House of Representatives. During the period of the Gillard government there were three Speakers: Harry Jenkins, Peter Slipper and Anna Burke. These three Speakers were responsible for the interpretation of the Standing Orders and the maintenance of order with the House. When measuring the use of Sanctions we need to consider any influence that these three Speakers may have had, and the role of the Speaker itself.

Second to this, and something that feeds into consideration of the personalities of the leaders of the main parties, a strategic element of aggression is a significant potential driver. This form of politics was identified by Jim Chalmers, a former Chief of Staff to Deputy Prime

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173 Harry Jenkins was Speaker from 12th of February 2008 until 24th of November 2011; Peter Slipper from 24th of November 2011 until 9th of October 2012; and Anna Burke was Speaker from 9th of October 2012 until the 12th of November 2013.
Minister Wayne Swan, as akin to the American theory of ‘hyperpartisanship’\textsuperscript{174}. Potentially supporting this consideration could be the continuing high levels of sanctions during the first year of the Abbott government. An interesting note here, however, is that this theory is not well founded within Westminster literature and so potentially consideration of a form of hyper-oppositionism may be more palatable.

Whilst there may be issues or triggers that are not considered amongst these theories, these theories were suggested considerations that seem the most plausible and reasonable explanations for the increase in the use of standing orders. In particular the controlled environment of the parliament helps to refine this selection. Considerations of media personalities, vested interests and other external influences should be reserved for the consideration and application to a broader set of data. In order not to take inferences from the data too far it is only possible to consider issues that are directly relevant to the structures of parliament and the individuals within it. As such considerations from the literature review with respect to the development of the media and changes within electoral politics are important areas for future research, however beyond the scope of this analysis.

These four key considerations, minority government, speakership, and increased oppositionism and personality are central to understanding what was different within the period of the Gillard government and helping to explain the data collected. It is important to apply appropriate consideration to each of these as the data does show that the period of the Gillard government, and the first year of the Abbott government, are extraordinary compared to the 19 years prior. This is in line with the fourth key hypothesis, however it adds the interesting element with regards to the 44\textsuperscript{th} parliament.

\textsuperscript{174} Jim Chalmers, \textit{Glory Daze: How a world beating nation got so down on itself}, page 129.
b. Minority Government

The Gillard minority government began with the election held in 2010 and ended with the election of the Abbott government in 2013. Chart 5.1 displays the daily average sanctions across the entire period surveyed, 1991-2014.

If we take the years 2011, 2012 and 2013 as the key data points for this government we can analyse the difference of these numbers compared to the long term average over the previous decades.
<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991-2010 Average</td>
<td>1.72</td>
</tr>
<tr>
<td>2011</td>
<td>3.23</td>
</tr>
<tr>
<td>2012</td>
<td>4.84</td>
</tr>
<tr>
<td>2013</td>
<td>3.77</td>
</tr>
</tbody>
</table>

Table 5.3: Minority Comparison

Table 5.3 displays this difference, highlighting the rather exceptional nature of these three years in isolation compared to the previous two decades. Compared to the 1991-2010 average they represented increases of 88%, 181% and 119% respectively. These results clearly display that the period of the minority government, when compared to the two decades prior, was rather exceptional. Across this period the use of standing orders was, on average, 2.23 higher per day than across the entire period of 1991-2010.

The difference between these two periods is also noticeable within a comparison of the number of sanctions faced by the government versus the opposition.
Chart 5.2 breaks down the uses of standing orders against each party across the entire data set. In light a party is in Opposition, and in dark they are in government. Again the period of the Gillard government is best displayed in the time period of 2011, 2012 and 2013. It is important to note here, however that the data point for 2013 doe include periods of government for both parties. This is a minor issue across the periods of the other elections, however this election saw two months of government after the election. For that purpose the chart below breaks down the period from 2010-2014 into months. This chart has removed all of the months in which there were not sitting days.

From these two graphs it is important to note, firstly, that consistently across the entire period surveyed the opposition always faces a higher level of scrutiny under standing orders. Whilst not entirely unexpected considering the demands of the Westminster parliamentary system, this difference is important to consider.

Significantly for the period of minority government, and considering whether this had any effect upon the overall tone of debate, this dominance by the opposition has not changed.
This is despite the government not holding a majority upon the floor of the House. This is, most likely, due to the central role that question time has.

Question time is the period in which the parliament questions the cabinet, holding it to account for its decisions and actions. As the key contest here between the opposition and the cabinet did not alter within the minority government it is understandable that the use of standing orders within this situation has not changed dramatically.

Despite the relative relationship between the government and opposition not changing, what has changed is the manner in which these roles are now performed and the magnitude of the sanctions faced.

<table>
<thead>
<tr>
<th></th>
<th>Government</th>
<th>Opposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawke/Keating</td>
<td>0.81</td>
<td>0.94</td>
</tr>
<tr>
<td>Howard</td>
<td>0.38</td>
<td>1.22</td>
</tr>
<tr>
<td>Rudd</td>
<td>0.69</td>
<td>1.36</td>
</tr>
<tr>
<td>Gillard</td>
<td>0.94</td>
<td>2.56</td>
</tr>
</tbody>
</table>

Table 5.4: Averages for government and opposition across 1991-2013

Table 5.4 sets out the magnitude of the averages for both the government and the opposition across the period 1991-2013. Whilst as previously noted the opposition has always faced higher scrutiny than the government, for the period of the Gillard minority government both the government and the opposition faced higher average usages of standing orders than across any time over the previous two decades.

Along with this the magnitude of the difference between the two is also higher than at any point previous. At a difference of 1.62 this was higher than the next greatest difference during the Howard era at 0.84 on average per day.

Whilst many of the trends present within the data covering 1991-2010 are still present within the period of the Gillard minority government the magnitude of the raw data, along with the magnitude of the trends are significantly higher. In many cases the differences between these two periods display a change which is greater than a 100%. There is little doubt considering that extreme difference that the period of the 43rd parliament and the previous two decades that the data implies minority government may potentially have had an impact upon the tone of debate within the House of Representatives.

Arguing against this impact from the imposition of a minority government, however, is the data that was collected from the new Abbott majority government and in particular the data that came from his first full year in 2014.
The Abbott government held an incredibly solid majority of 90 seats in the 150 seat House of Representatives. In opposition Labor holds 55 seats with the remaining five seats being one Green, one Palmer United Party, one Katter’s Australia Party and two Independents, Andrew Wilkie and Cathy McGowan. The majority of 90 seats is the greatest majority held since the election of John Howard with 94 seats in 1996.

Despite this majority the period of the Abbott government from its first sitting day in 2013 up until the end of the data on the final sitting day of 2014 saw the Abbott government average 5.38 uses per day. The year 2014 alone saw an average of 5.74.

At the average usage of 5.74 uses of standing orders per day 2014 was well above any other year in the data collected, including all of the years of the Gillard minority government. The highest year prior to this was 2012, in the middle of the minority government, which stood at 4.84 per day. The table below includes the period of the Abbott government covered in the data for the comparison between government and opposition.

<table>
<thead>
<tr>
<th></th>
<th>Government</th>
<th>Opposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawke/Keating</td>
<td>0.81</td>
<td>0.94</td>
</tr>
<tr>
<td>Howard</td>
<td>0.38</td>
<td>1.22</td>
</tr>
<tr>
<td>Rudd</td>
<td>0.69</td>
<td>1.36</td>
</tr>
<tr>
<td>Gillard</td>
<td>0.94</td>
<td>2.56</td>
</tr>
<tr>
<td>Abbott</td>
<td>0.89</td>
<td>4.43</td>
</tr>
</tbody>
</table>

*Table 5.5: Averages for government and opposition across 1991-2014*

What is immediately obvious is that, again, the Abbott government conforms to the trend of the opposition receiving a higher number of uses of standing orders. Along with this the average number that the Opposition receives per day has also continued to increase.

The number that the government receives has, however, decreased by 0.05 per day. This is a decrease of 5.3% and is the smallest variation measured across the period. It is a minor enough change that in this data it is hard to determine whether it is sustainable, however if this were to continue in a downwards direction it would have interesting implications for the idea of a minority government as a driver of vitriol.

Nonetheless, a change that is significant is that of the opposition. Rather than settling back to levels that were common across the previous minority government it has seen a 73% increase. This increase is almost exactly duplicating the difference within the opposition between the Rudd and Gillard governments which as an 88% increase.

As part of this substantive increase in the number of sanctions received by the Opposition the magnitude of the difference between the opposition and the government rose, again, to a
high within the data set. Sitting at an average difference of 3.54 per day this far exceeds the seemingly meagre 1.62 for the period of the minority government.

The comparison between the Gillard minority government and the two decades that preceded it is dramatic, and does, on the whole, suggest that the minority government had some kind of effect upon the use of standing orders within the parliament. This conclusion, however, is seriously questioned by the data for the first year and two months of the Abbott government. Many of the variations seen with the imposition of the minority government were not reversed as may have been expected with a return to ‘normality’ but rather in almost totality they were replicated and enhanced.

As noted earlier from 1999-2002 Victoria also had a state minority Labor government headed by Premier Steve Bracks. This government, similar to the Gillard minority government relied upon the support of independents in order to maintain the confidence of the house. Also in line with the Gillard minority government is that the Bracks government lasted a full term. Of greater note, however, is that similar to the situation in the federal parliament this was the first minority government in Victoria since the 1950s.

Chart 5.4 displays the daily average for the use of standing orders within the Victorian Legislative Assembly over the period from 1998-2014. Across this period Victoria had five Premiers: Jeff Kennett, Liberal; Steve Bracks, Labor; John Brumby, Labor; Ted Baillieu, Liberal, and; Denis Naphine, Liberal.
The period of the Bracks minority government, covered in the chart above, is from 1999 until 2002. For the purpose of analysis the data points that explore this period are 2000-2002. This three year period was a true minority government, formed in a similar manner as the Gillard minority government, with agreements signed between the ALP and the Independents to ensure confidence on the floor of the House.

When considered within the isolation of Labor’s period of government the minority parliament saw an average use of standing orders of 1.03 per day. This is compared to the significantly lower figure for the remaining eight years which had an average of 0.70 usages per day. As part of this 2001 was the highest of any of the years of the Labor government and 2000 and 2002 were third and fifth respectively.

Whilst the final two years of the government, during which Labor held majority government, were in line with the levels seen during the minority period, the average number of usages over the entire minority government was significantly above what would be expected. If, however, we include the full data set, and in particular the period of the Baillieu and Napthine governments this story changes.

Whilst the average over the life of the minority government was 1.03, the average across the entire data set excluding this three year period is 1.23 uses per day, well exceeding the minority government. In line with this the four highest years all come during the period of the Baillieu-Napthine government: 1.61 (2011), 2.87 (2012), 2.92 (2013) and 2.88 (2014). In line with this the average for the entire four years of the Coalition government at this time was 2.57 uses per day.

These numbers far exceed anything displayed during the Bracks minority government. So much so that the increase for the averages across the lives of the two parliaments was 149%. This increase and the fact that the numbers year on year are also significantly higher for the Coalition government raise the query over whether it can be claimed that minority government does actually drive an increase in the need for the use of standing orders to maintain order in the House.

It does need to be noted, however, that for a small period of the Coalition government from 2010-2014, it was technically a form of minority government. This was caused by the resignation from the Liberal Party of the trouble plagued member for Frankston, Geoff Shaw on the 6th of March 2013. With the numbers in the parliament prior to Shaw leaving the Liberal Party sitting at 45-43, his resignation left the Coalition in a relatively precarious
position of 44-43-1 and with one Coalition vote being lost in the position of Speaker the
numbers sat at 43-43-1.

This was not, however a true minority government, there was no formation and there were
no official agreements. Along with this Shaw, due in no small measure to a finding against
him by the Legislative Assembly Privileges Committee, was suspended from the House for 11
days and forced to apologise. Nonetheless there was the potential that without the vote of
Shaw, for the brief periods that he sat after this, the government could lose the confidence of
the House. Whilst this does cause some issues in considering whether this is or isn’t a
minority government, it does not cause significant issues for the data at hand.

This is mainly due to the timing of Mr. Shaw’s resignation coming well after the patterns
already commented upon being set and his significant absences from the House following
this. There is, nonetheless, the potential that this would have caused the fluctuations that
would be expected around moments of political upheaval. Relating this period as a minority
government for the data concerned, however, would be a bridge too far. Further analysis
could, potentially, explore and expand upon the nature of effect this minor minority
government could have had on this particular parliament, however for the purpose of this
analysis and due to the weak form of minority and the very late timing of it the period of the
Baillieu-Napthine government will be treated as a majority government.

Taking all of this information into consideration with respect to minority government in
Victoria we can come to some interesting conclusions. Firstly, and maybe most significantly,
is the bump that happened for the period of the Bracks minority government.

It is clear, from both the high levels achieved, and the average for the duration of this
minority government, that there was a significant, measurable difference between this
minority government and the majority governments surrounding it. We can see this against
both the last two years of the Kennett government and against the remaining eight years of
the Bracks-Brumby governments.

It could be potentially argued that there may be an increase here with the arrival of a new
government, however the true peak for this period, and for the entire life of the ALP
government came in the second year of the minority parliament. As such the first thing to
draw from this data is that the Bracks minority government did see a reasonable increase in
the use of standing orders per sitting day.

The second item to draw from this data, however, is that whilst there was a minor peak
during the minority government it was the Baillieu majority government followed by the
Napthine semi-minority that were really significant. This four year period which was for the
most part, if not wholly, a majority government saw the four highest data points across the entire seventeen year period surveyed. The significant leap here, can in no way be placed upon the shoulders of minority government.

These two conclusions lend credence to the finding that whilst a minority parliament may have an effect upon measurements of disorder within the house there are clearly other forces that operate in a similar, and in the case of Victoria, far stronger manner.

Conclusions

Julia Gillard faced a situation that no Prime Minister or leader of a federal political party had faced since the 1940s. The challenges which come with a minority government are many and varied, from negotiation and formation to maintaining the support of the House. It has often been commented upon that Gillard in both forming government and in managing to hold it together until being removed as Prime Minister by Kevin Rudd on the very last sitting day proved a tough and clever operator who managed to form excellent working relationships with the cross-benches and minor parties. The question posed, however, is to what extent this minority government affected the tone and quality of the debate within the Parliament.

As we have seen, despite the lack of recent federal minority governments they are not as much of a rarity, or mystery, across Australia as might have been easily assumed. As part of this understanding both their function and the inherent political advantages and tactics is not beyond many in the political class.

It is upon the role of the opposition and the responsibility for stable, effective government that the leader of the Opposition in the last federal minority parliament often reflected. We have seen from the work of Paul Hasluck both Curtin and the first Prime Minister in that minority government favoured fair but not “prejudiced” opposition. As part of this Menzies had attempted to form a consensus government, although this was opposed by the Labor Party. Despite the failure of this move, and equally despite the eventual fall of the United Australia Party government it was, at the very least the stated public intention of the leader of the Opposition to work as constructively and fairly as possible.

The formation of this minority government, which required the support of two Victorian Independents did happen at a time of national crisis during the Second World War. However from this we can glean firstly that minority government and its nature clearly worried

national leaders enough to require attention. Secondly in its formation as a true minority government with a cabinet supplied solely by the two parties of the Coalition, the UAP and the Country Party, not only supported the formation contentions of Strom, but also displayed the ability of the federal parliament to handle this situation.

It is in the states, however, that the greater breadth and depth of experience in minority governments over recent years has been formed. All of the states and territories have had at least one minority government since 1989, with many having three or more. The practices of agreement building and negotiation have really been nurtured and developed, to varying degrees of success, across these parliaments. As part of this, minority government experiences within the states have allowed significant practical and theoretical expertise to be developed with respect to the institutional challenges and threats posed by the ever present potential for instability.

Considering this experience it could be argued that Australians and in particular Australian politicians should not only be accustomed to minority parliaments but even willing to work within them. This has not, however, been borne out in the suggestions of politicians and the media. With Gillard describing the processes as tough, the media exploring a public dislike for minority parliament, and recent leaders disavowing minority agreements prior to elections, Australia has clearly recoiled from the minority parliament that was the 43rd Parliament of Australia. It is interesting, then, to look at how the data plays this out and in particular the light that an analysis of the use of standing orders has shed upon the tone of debate within the parliament during this period.

Whilst there was a clear increase from the beginning of the minority government compared to everything that came previously this increase continued and strengthened after the Abbott majority government had been elected. In particular the Abbott majority government saw the amount of times that the Opposition faced sanctions almost double compared to the period of the minority government. Had the minority government driven this data point you would have expected a gradual return to normality.

There was, however, some rebalancing of the amount of times that the government faced the use of sanctions after the return to majority government. For the period of the minority government the government faced an average of 0.94 uses per day, following the election of the majority government this lowered about 5% to 0.89 uses per day. Whilst not as large or dramatic as the 73% increase for the opposition, this decrease does suggest some form of softening.

This lack of conclusive support for the effect of minority government upon the tone of discourse within the chamber is supported by data from the Victorian Legislative Assembly.
Analysis of the Bracks minority government from 1999-2002 compared to the total period 1998-2014 showed that whilst there was a slight bump during the period of the minority government this was nothing compared to the mountainous change during the Baillieu-Napthine majority government 2010-2014.

The slight increase for the minority government is noticeable within the isolation of the life of the Labor government in the early 2000s and definitely supports, to a certain extent, and argument that the minority parliament had an effect. This effect though could not have been blamed in 2011 for the sudden increase, and again in 2012. These far stronger increases were during majority parliaments.

When drawing upon data from both the federal parliament and the Victorian parliament it becomes clear that whilst minority government most likely does have somewhat of an effect upon the level of disorder within the House it cannot be called upon to support the effect in its entirety. In fact many of the largest and most significant fluctuations within the data from both parliaments have happened during periods of majority, not minority, government.

As such we can conclude that minority government does have an effect upon the tone of debate, however this effect, according to the data presented, is at best mild compared to other potential drivers. It cannot, and should not be ignored as a driver, however the pre-eminence placed upon it needs to be considered and critiqued. This aligns with the expectations developed.
As was already seen over the period surveyed in the data opposition parties have always faced greater scrutiny under the application of standing orders. This is consistent both with observation of parliament as well as with the theoretical analysis of the impartiality of the Speaker. With a Speaker that is, in many respects, beholden to the party of government it is entirely expected that the government should be sanctioned less.

It is not only the role of the Speaker, however, that adds to the strength of this differential but, as already discussed, also the functioning of parliamentary procedure and in particular question time. The opposition is there to question and query and, inevitably, this will lead to language and actions that are more likely to face scrutiny under the idea of disorder. What is more interesting with respect to understanding the effect of the Speakership, however is measuring any fluctuations within the discrepancy between the government and the opposition.
Chart 6.1 above graphs the average usage of standing orders where the average for the ALP has been subtracted from the average for the Coalition. This means that when the ALP faces more sanctions the graph will be in the negative and when the Coalition faces more sanction the graph will be in the positive.

This graph is a clear representation of the fact that whenever a party is in the opposition they face sanctions for disorder more than the government. At no point across the 24 years surveyed was this rule broken. It is clear, however that the last three years of the Keating government were exceptionally close between the two parties. The averages for the periods of each government are displayed in the table below.

<table>
<thead>
<tr>
<th></th>
<th>Average Difference between the Government and Opposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawke/Keating</td>
<td>0.13</td>
</tr>
<tr>
<td>Howard</td>
<td>0.84</td>
</tr>
<tr>
<td>Rudd</td>
<td>0.67</td>
</tr>
<tr>
<td>Gillard</td>
<td>1.66</td>
</tr>
<tr>
<td>Abbott</td>
<td>3.03</td>
</tr>
</tbody>
</table>

*Table 6.1: displaying the average difference between government and opposition*

Table 6.1 clearly illustrates the closeness between the two parties over the last few years of the Hawke/Keating government. Two things, however are more interesting than this piece of information. Namely the decrease that occurred between the Howard government and the Rudd government, and then the two dramatic increases from Rudd to Gillard and then Gillard to Abbott; increases of 148% and 83% respectively.

These two dramatic increases cannot be ignored as they represent a significant, and considering they cross two governments, sustained change in the pattern that had previously been established. The chart below displays this difference between government and opposition on a year by year basis across the 24 years surveyed.
Chart 6.2 clearly displays the peaks that occurred from 2011-2014 with these years accounting for four of the top five discrepancies: 1.64 (2011), 2.11 (2012), 1.54 (2013) and 3.87 (2014) only 2006 is in this range at 1.56. It is important to note, however, that if it weren’t for the closeness of the government and the opposition during the period of the Rudd government this graph would display signs of an upwards trend in this discrepancy.

Whilst this chart doesn’t tell us anything new in that the Opposition always faces more sanctions for disorderly conduct than a government it does begin to tell a story about how the magnitude of this is changing over time. If you combine this with the conception of a partisan speaker explored earlier a fair case is being formed against the speaker being a major factor within the recent spikes. This is in large part due to the increasing trend over time and in particular due to the fact that Harry Jenkins sat as Speaker during both the Rudd government, a significant low point and during the first year and a half of the Gillard government, a reasonable high.
If the speaker were a major factor influencing the tone of debate and you would expect there to be minimal if any change surrounding the discrepancy within one speakership.

<table>
<thead>
<tr>
<th>Year</th>
<th>Average Difference between the Government and Opposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>0.869565</td>
</tr>
<tr>
<td>2009</td>
<td>0.602941</td>
</tr>
<tr>
<td>2010</td>
<td>0.527273</td>
</tr>
<tr>
<td>2011</td>
<td>1.640625</td>
</tr>
</tbody>
</table>

Table 6.2: the average difference between government and opposition for Harry Jenkins

The spike in 2011 could not be argued to have been caused by the influence of the speaker considering the continuity of Harry Jenkins from one parliament to the next. Whilst this doesn’t absolve the Speakership of influence regarding the long term trend, or of the effect caused by a sudden change in Speaker, it does show that the Speakership could not be blamed for the sudden and substantial change that occurred in the House of Representatives between the 42nd and 43rd parliaments.

The change between speakers is something that requires further investigation. In particular looking at the periods of high disorder within the House of Representatives it is important to consider whether changing the speaker changed the reading in the data, and what, if any effect each speaker had comparative to another.
Chart 6.3 displays the month by month average for the periods of the 43rd and 44th parliaments highlighting the time in which the four Speakers sat: Harry Jenkins, Peter Slipper, Anna Burke and the Liberal Speaker of the 44th parliament Bronwyn Bishop.

Looking at this chart the first thing to notice is that the two highest months were March 2012 under Peter Slipper at an average of 8.00 sanctions a day and November 2014 under Bronwyn Bishop with an average of 8.14 sanctions per day. Both of these months were well above the average for the whole period displayed which was 4.16 sanctions per day. Along with this there were no months during this period which saw less than one sanction per day (compare this to 1999 which for the entire year saw an average of 0.96 per day).

Table 6.3 below shows the four speakers and the averages across their period in the Chair.
Looking at this table, and the chart above, we can see that there is actually reasonable fluctuation between Speakers. This is noticeable even with the period of just the 43rd parliament. Of course breaking these numbers down too far can make them susceptible to minor fluctuations caused by individual events, however the periods of time covered in these numbers should be large enough to mitigate the majority of those issues.

Whilst the figures for Harry Jenkins and Anna Burke are relatively similar they are dramatically different to those for both Peter Slipper and Bronwyn Bishop. Focusing solely upon the overall averages for these four Speakers it is possible to form a reasonably valid contention that the change in Speaker also changed either the level of disorder within the parliament and/or the manner in which it was evaluated.

If we were to remove the single month of March in which there was an average of 8.00 per day as an outlier Peter Slipper’s average would lower rather dramatically to 4.41. Equally if we were to remove the bottom outlier for Anna Burke (February 2013 at 1.29) the overall average for this period would be 3.86. With these two single months removed the average of Peter Slipper vs. Anna Burke is no longer quite as dramatic as it would seem.

With this in mind it would appear as though, barring two outlier months, the three Speakers across this Gillard government, whilst displaying some variation, were fairly consistent in either their application or interpretation of standing orders. This highlights the significant variation that occurred under the Speakership of Bronwyn Bishop in the following parliament.

The conclusions from all of this data on the federal parliament are, essentially two-fold. Firstly analysing the Speakership of Jenkins from the 42nd parliament into the 43rd clearly shows that the dramatic and sudden change in the data could not have been caused by a Speaker who was seen as fair by both sides of the parliament. Secondly when looking at the last four speakers in the data set in isolation we can fairly consider that across the Gillard minority government variation in who was in the Speaker’s chair had a minor effect upon the

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176 Harry Jenkins, Peter Slipper, Anna Burke and Bronwyn Bishop
number of sanctions per day. It must be noted, however, that the variation between the three Speakers of the 43rd parliament reduces dramatically if two outlier months were to be removed from the data set. This last set of data, however, poses some unanswerable questions regarding the sudden and large shift under Bronwyn Bishop in the new Abbott parliament.

In order to develop a more nuanced and thorough understanding of the effect of the Speakership upon a parliament we can also study the Speakership under the period of the Baillieu-Napthine government. An advantage of using this period is that not only was it a similar period of high apparent disorder, this government also had two speakers, one of whom was also not stranger to controversy.

The first Speaker of the Baillieu-Napthine government was the member for Bass, Ken Smith. Smith served as Speaker from the first day of the government at the very end of 2010 until he stood down from the position on the 4th of February 2014, the first sitting day in that year. Smith courted controversy within the parliament for his use of his deciding vote.

Whilst Speaker Smith used his deciding vote on a few occasion the most notable was on the 19th of September 2013 when he cast his deciding vote to name the Leader of the Opposition Daniel Andrews. Andrews, having claimed that the Speaker was not acting in an impartial manner, was ordered to leave the chamber for an hour and a half. Andrews, however, refused and was named by the Speaker. As this was during the period in which Geoff Shaw was suspended from the House the numbers resulted in a 40-40 tie. At this point Smith called upon his casting vote stating that “as the motion reinforces the Speaker’s rights under standing orders to maintain order in the house, I cast my vote with the ayes”177. Whilst not outside the rules of the chamber this decision, along with the other times that Smith used his deciding vote, resulted in him being a highly contentious Speaker.

After Smith’s resignation of the 4th of February the Legislative Assembly elected Christine Fyffe as the new Speaker. Amongst the host of speeches that day Daniel Andrews congratulated Fyffe on her appointment stating that “for our part we are encouraged, and we welcome your commentary in relation to the forms of this house, the need for impartiality and the need to conduct the affairs of this great chamber and this great Parliament without fear and favour”178. Whilst not explicit in his condemnation of the previous Speaker the exclusion of any mention of Smith and his time in the chair was notable.

177 Ken Smith, Naming and Suspension of Member, Victorian Legislative Assembly, 19 September 2013.

178 Daniel Andrews, Elections of Speaker, Victorian Legislative Assembly, 4 February 2014.
Nonetheless the significance here is that within this period we not only have a set of data that very strongly resembles the significant increase seen in the federal parliament, however we also have the advantage of comparing two Speakers, one of whom courted significant controversy.

Chart 6.4 above displays the average number of uses of standing orders per day across the period surveyed. Of particular interest to consideration of the Speakership are the years of the Baillieu-Napthine government and in particular the speakership of Smith represented in 2011, 2012 and 2013 and the speakership of Fyffe 2014.

Considering the controversy surrounding Ken Smith it would be reasonable to expect that there would be a settling within tension in the house following his resignation. The raw averages, however, do not bear this out. Christine Fyffe’s tenure saw a daily average of 2.88 which is only just lower than Ken Smith’s peak in 2013 (2.92) and higher than both of his other years 2011 (1.61) and 2012 (2.87). Considering the almost absolutely similarity from 2012-2014 it is fair to state that, on the raw daily average, there was no change caused by the change in Speaker.
In line with this despite the supposed accusations of bias and partisanship against Ken Smith chart 6.5 clearly shows that the difference between the opposition and the government actually increased with his resignation. If the supposed bias of Smith had been a major contributing factor then it would have been fairly expected that there would be a decrease, if not even a significant decrease, in the difference between the government and the opposition.

![Chart 6.5: Victoria Opposition Minus Government Average](image)

This data clearly supports some of the previous conclusions from the federal data. In particular the lack of change from Smith to Fyffe, despite the significant difference in perception between the two, clearly supports the second conclusion that within a government the change caused by a change in Speaker is, at most, mild and goes further to suggest that its impact is not always predictable.

Considering both the federal and the Victorian data we can clearly see that the Speaker can in no really substantial way be blamed for any real change in the tone of debate within the chamber. There are, however, still clear questions that could be asked surrounding the
Speakership of Bronwyn Bishop. Future data would need to be collected in order to consider this whether Bishop’s tenure as Speaker has seen the imposition of a Speakership effect. Current debate within this area suggests that there may be reason to suspect so, however this is beyond the scope of the data and analysis presented here.

Conclusions

The Speaker is the most important parliamentary officer within the Westminster system. They are not only responsible for the maintenance of order within the House, but they also hold a position which has a history in the House of Commons that dates back to the 14th Century. When a member of parliament is elected to the speakership they inherit layers of tradition and significant levels of authority. With respect to the consideration of whether the Speakers of the 43rd parliament may have contributed to the significantly increased level of disorder it was important, firstly, to consider how the speakership operates in an Australian context.

Erskine May’s *Parliamentary Practice* for the parliament of Westminster states that “the chief characteristics attaching to the office of the Speaker in the House of Commons are authority and impartiality”\(^{179}\). Whilst the issue of the authority of the Speaker within the Australian system has not really been seen as problematic, there have been queries regarding the impartiality of Australian speakers.

As explored by Kevin Rozzoli, the issue here is not to do with the morality of the individuals in the chair, but rather with the manner in which a Speaker is elevated. In a process very different to that in England Speakers in Australia have almost all come from and remained connected to the party of government. As part of this they have to contest elections the same as any other member and will be replaced should their party lose government. This, as Rozzoli points out has resulted in the Speaker no longer being independent, but rather being party political\(^{180}\).

Whilst this may be a concern for the processes of good parliamentary government, for the purposes of understanding what caused a change within the 43rd parliament more information was needed regarding the supposed and perceived impartiality of this parliament’s Speakers.


The minority Gillard parliament was the first parliament in Federal parliamentary history to have three Speakers. The Speakers were Harry Jenkins, Peter Slipper and Anna Burke. Harry Jenkins, whose father had also been Speaker, had been Speaker since the beginning of the Labor government under Kevin Rudd. He was, however, convinced to resign in favour of Peter Slipper. This situation, which was used against the government multiple times across the remained of the life of the government, gave Julia Gillard and the Labor party one extra and very important vote on the floor of the House.

Peter Slipper, who also resigned his position as Speaker, was plagued by scandal and controversy however he was credited by people from both sides of the chamber with having endeavoured to fulfil his parliamentary role as well as possible. Sitting as the first truly independent Speaker since the very first Speaker of the House of Representatives, no one questioned his intent to be as impartial and fair as possible. It was, however, personal scandals and law suits that eventually forced his resignation less than a year into the role. Slipper's resignation paved the way for Anna Burke to take over as Speaker for the remained of the term.

Whilst there are clear queries over the structural and inherent partiality of the Australian speakership all three Speakers during the Gillard government were never accused of flagrant or intentional bias. This is important to consider as if a Speaker or Speakers within this period had been accused, and even stronger proven to be biased then this would have strongly suggested that the speakership could have been behind the change in the data. Following on from this analysis consideration of the data brought to light some more concerns with suggesting the Speakership as a key driver of parliamentary discord.

Two key elements came from the data presented in this chapter. The first is the data specific to Harry Jenkins. Having been Speaker from the beginning of the Rudd government, and remaining well into the Gillard government we were able to create a picture of his entire time in the role. What this analysis showed was that from the moment of the beginning of the Gillard government the use of standing orders increased immediately and dramatically compared to Jenkins’ tenure during the Rudd government.

It would be inconceivable to think that his interpretation of the standing orders would change or that his partiality would change to the extent displayed in the numbers. As such this goes to prove that the immediate dramatic shift that occurred at the start of the 43rd parliament could not, in any way have been caused by the Speakership.

The second interesting conclusion from this data was developed from consideration of the three Speakers across the Gillard government along with the data from across the two Speakers across the Baillieu-Napthine governments in Victoria. What this data showed was
very interesting. It highlighted that whilst there are slight variations that can be seen between Speakers, within both of these single parliaments the variations are not overly remarkable.

There was a slightly larger variation within the Speakership of Peter Slipper, however he was not the Speaker with the highest levels in the 24 years surveyed, and with the exclusion of one significant outlier month his numbers were not too far from his two fellow Speakers in the 43rd parliament.

When you place together the exploration of the relatively smooth acceptance of the impartiality of the three Gillard Speakers, and the trends and averages explored in the data, it would be unfair to the Speakers to claim that they had anything more than a very minor effect upon the significant change in the disorder and tone of debate in the parliament. Whilst the Speakers are responsible for the delivery of sanctions under the standing orders the Gillard Speakers appear to have not manipulated this system.

Nonetheless the Speakership, according to the information and data presented, was at most an incredibly minor driver behind the increased disorder and potential vitriol within the Gillard parliament.
d. The Potential Effect of Oppositionism

When considering the data regarding oppositionism the key elements that we are looking for are a variation within the opposition vs. the government and within parties themselves. As we saw in the section about the Speakership within the federal parliament the opposition consistently face a higher average amount of sanctions. On top of this we have seen that the magnitude of the difference between the two significantly increased during both the Gillard and the Abbott governments.

![Chart 7.1: Coalition vs. ALP Averages per Day](image)

The discrepancies noted in the previous section clearly raised questions over the manner in which these discrepancies have formed. Chart 7.1 above graphs the Coalition vs. the Labor party across the period surveyed in order to be able to gain a deeper understanding of what has driven this variation.

As noted earlier the period in which the discrepancy between the opposition and the government increased was from 2011-2014 with a small spike at 2006. Whilst the magnitude
of the discrepancy is not quite as clear in the chart above what we can see in this chart are the overall trends within government and opposition covering the period surveyed.

Of particular note is the relatively flat period for the government numbers during the entire time of the Howard government. Along with this, whilst the number is higher, the averages for the Hawke/Keating government are also relatively stable. If you compare this directly with the Gillard minority government (2011-2013) this trend has not continued.

We can see that during the period of the 43rd parliament both the government and the opposition show significant levels of fluctuation. The fluctuation here is greater than anything that preceded it. During this parliament we have the peak for both the government and the opposition. Equally during this period we have a peak for the Coalition for the entire 24 years surveyed. This peak occurred in 2012 when the Coalition averaged 3.46 sanctions per day. Aside from this the Coalition’s two next highest years also occurred during this period in 2011 (2.42) and 2013 (1.88). Whilst these numbers can help us to develop a theory regarding the operation of the Coalition whilst in opposition we need to single out the period of the 43rd parliament as a whole. If we take the averages of the three periods of opposition for the coalition we can develop a clearer picture with respect to how the data for the 43rd parliament stands out.

<table>
<thead>
<tr>
<th></th>
<th>Daily Average for Coalition in opposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawke/Keating</td>
<td>0.94</td>
</tr>
<tr>
<td>Rudd</td>
<td>1.36</td>
</tr>
<tr>
<td>Gillard</td>
<td>2.73</td>
</tr>
</tbody>
</table>

Table 7.1: Average daily sanctions for the Coalition in opposition

Table 7.1 displays the averages for the Coalition whilst in opposition across the three Labor governments in the surveyed data. The increase from the Hawke/Keating era to the Rudd government is 45% and from the Rudd government to the Gillard government 101%. There is clearly a significant increase in the average number of sanctions between the Rudd and Gillard government. Not only is this difference bigger than the difference from Hawke/Keating to Rudd, but this increase occurred from the 42nd parliament to the 43rd compared to the other which occurred over a period of eleven years from the 37th to 42nd parliament. Taking into consideration the hypothesis that, due to changing factors including the presidentialisation thesis and developments in the broader political debate, we would expect the rise from the 37th to the 42nd parliament.
Considering the size of the leap and the fact that it happened from one parliament to the next it is clear that some shift within either the thinking or in the operation of opposition occurred for the Coalition. The opposition, however, are not the only element to consider within oppositionism.

Chart 7.2 above displays the averages for governments and oppositions ignoring party. This chart helps to show that whilst the averages for the opposition were increasing across 2011-2012 so to were the government averages. There is a general increasing trend from 2008-2013 with significant a significant peak being reached in 2013. Along with this there is an obvious correction in the government average in 2014.

We can see the stability of government numbers across the Howard years (1996-2007). Following this the Rudd years (2008-2010) and the first year of the Gillard government are
akin to the period of the Hawke/Keating government. It is 2012 and 2013 in which the average daily sanctions for the government change dramatically.

There is, however, a slight anomaly in this graph caused by the mid-year election in 2013. Whilst almost all of the other elections which saw a change in government were either early or late in that year, this change of government occurred mid-year with two months of sitting days remaining. As such an altered graph, which includes two 2013s corrects for this error. Whilst not numerically perfect this graph does allow for a more nuanced reading of this period.

Chart 7.3 highlights that the 2012 peak in government averages was not repeated for either of the 2013 governments. Along with this the chart also draws out that for the period of the Abbott government in 2013 the Shorten opposition was already on the trajectory to the significant high in 2014. When considered in its entirety this data paints a rather interesting picture of the period from 2011-2014 covering the Gillard and Abbott governments.
The first thing to note is that whilst the discrepancy between the government and the opposition is increasing this is not due to a decrease in either, but rather due to the fact that the average sanctions faced by the opposition is increasing at a faster rate. Within the Gillard government both the opposition and the government achieved averages that were not seen at any point across the preceding years.

As part of this conclusion we can also see that both parties are involved in the change in dynamic. It is not solely one party or one individual, but rather it is the entirety of the parliament. This does not, at all, discount the possibility of increased oppositionism but highlights that due credit and consideration needs to be given to the party of government too.

The second item to note from this data is the huge discrepancies reached in 2012, 2013 – Abbott, and 2014. These discrepancies are 2.11, 2.18 and 3.87 respectively. Importantly these discrepancies are despite government averages that were higher than during the Howard years, and in the case of 2012 well above anything seen in the Hawke/Keating years. During this period the two parties were achieving levels never seen before and this was being driven consistently by both oppositions and governments, and by both Labor and the Coalition. This consistent, coverall change does begin to suggest a shift within the strategy and approach of all within the political system. In order to develop the argument that there is a change in the manner or tone of combat within the parliament, however, this needs to be more than a factor within a single system, but across the political class.
Chart 7.4 represents the averages for the Coalition and Labor within Victoria from 1998-2014. This chart helps to portray the differences between the government and the opposition within this state over that period. What is immediately obvious is the data for the Labor opposition from 2011 to 2014. This period of opposition is, without a doubt, rather incredible with respect to what came before it. Firstly, however, we must pay attention to the government across this chart.

With the exception of 2005, which was a rather low data year, governments within Victoria over this period have received a fairly consistent amount of sanctions for disorder. This level, which across the entire period covered has sat at 0.35 sanctions per day, has never deviated from the average by more than 0.3, with a minimum of 0.02 (2005) and a maximum of 0.60 (2012). This lack of variation is matched by a lack of variation in the numbers relating to the opposition up until 2010.

From 1998 until 2010 the average for the opposition in Victoria was 0.43, only slightly above the government average. Along with this the minimum over this period was 0.26 (1998) with a maximum of 0.69 (2001). All of these numbers align with both the government and the opposition from 1998 until 2010 receiving roughly the same level of sanctions. This is relatively consistent with the last couple of years of the Hawke/Keating government in Canberra.

It is, however, the data for the Labor opposition between 2011 and 2014 that is illustrative of something entirely different. Whilst the average for oppositions leading up until this point was 0.43, the average for this opposition during this period was 2.16 sanctions per sitting day. This is a rather incredible 406% increase, numbers which are almost unbelievable.

As stated earlier this change in the averages for the opposition, unlike in the federal parliament, occurred without any real variation in the number of sanctions faced by the government. During this period the average for the Baillieu-Napthine government was 0.41, only slightly higher than the long term average and well within the long term data range.

Along with examining the increase in the overall average for the opposition, the year on year numbers for this period increased each time: 2011 was 1.22, 2012 was 2.27, 2013 was 2.53, and 2014 was an extreme high for the data surveyed at 2.62. These ever increasing numbers were all well outside the range and average of anything that was seen in the previous thirteen years.

Whilst the Baillieu-Napthine government in Victoria did not follow the same pattern of the Gillard government, the Andrews opposition in Victoria has most definitively mirrored the
rather meteoric increases of the Abbott and Shorten oppositions. These opposition increases
have occurred in both minority and majority parliaments, across three opposition leaders in
two parties. It is, however the consistency and magnitude of these increases which begins to
highlight queries regarding a change of opposition style.

The increased and sustained level of opposition disorder with the house neatly fits within
Brownstein’s definition of hyperpartisanship as “greater unity within parties and more
intense conflict between them”\textsuperscript{181}. In particular for the federal parliament the increase in the
averages for the government over the life of the Gillard government goes even further to this
point.

The combined data from the Australian House of Representatives and from the Victorian
Legislative Assembly leads us to some clear conclusions. Firstly we can see that during the
same time period in both parliaments the level of disorder caused by the opposition has
increased to levels not seen before.

Along with this the increased levels for the Gillard government itself lends further credence
to the idea of contest. Whilst these numbers were not reflected in the Abbott government or
the Baillieu-Napthine government these governments did not retreat from the long term
average. Whilst any conclusion relating to the role of a government is not as strong as that
for an opposition it does not detract from the consideration of oppositionism within these
two parliaments.

What we are seeing in this data are significant increases within parties and also between the
parties. These increases do fall in line with the consideration of an increased sense of conflict
and partisanship. Whilst conflict has always been part of the Westminster model of
parliament, the levels of conflict seen in both Canberra and Melbourne between 2011 and
2014 are well beyond anything that preceded this period.

It has been noted, however, that this form of aggression may be more in line with an
increased level of traditional, Westminster opposition. This ‘hyper-oppositionism’ could see
an increase similar to that noted above. It would also, however, be expected that this form of
increased opposition could be measured within more traditional means. Notably if this
increase in vitriol were caused by the adversarial nature of Westminster democracies the key
roles of Opposition Leader and Manager of Opposition Business would be expected to be its
main proponents.

Became Leader | Finished as Leader | Sitting Days | Sanctions | Average |
--- | --- | --- | --- | --- |
Simon Crean | 11/11/2001 | 02/12/2003 | 141 | 14 | 0.10 |
Mark Latham | 02/12/2003 | 18/01/2005 | 62 | 1 | 0.02 |
Kim Beazley | 28/01/2005 | 04/12/2006 | 131 | 24 | 0.18 |
Kevin Rudd | 04/12/2006 | 03/12/2007 | 54 | 1 | 0.02 |
Brendan Nelson | 03/12/2007 | 16/09/2008 | 42 | 2 | 0.05 |
Malcolm Turnbull | 16/09/2008 | 01/12/2009 | 94 | 2 | 0.02 |
Tony Abbott | 01/12/2009 | 18/09/2013 | 226 | 30 | 0.13 |
Bill Shorten | 13/10/2013 | Incumbent | 91 | 29 | 0.32 |

*Table 8.1: Sanctions faced by Opposition Leaders*

Table 8.1 above displays the sanctions received by leaders of the opposition since Simon Crean in 2001. Considering the significant amount of discussion surrounding the leadership style of Tony Abbott it could be reasonably assumed that as opposition leader his figures would be significantly higher than others. This, however, is not the case.

Abbott’s average across his tenure was 0.13 sanctions per day. This is higher than five of the other leaders who faced the House of Representatives, but equally lower than two others\(^{182}\). Notably Bill Shorten’s figure of 0.32 per day is almost twice the next highest of Kim Beazley at 0.18 per day. This data does not disprove Abbott was an aggressive leader, however it says that his personal style within the chamber led to him receiving a level of sanctions that was lower than two other leaders in recent history.

Aside from the Leader of the Opposition the key strategic officer within the opposition is the Manager of Opposition Business. Christopher Pyne, the Manager of Opposition Business for the entirety of the Abbott government, has been singled out by many, including Tony Windsor, as the aggressive face of the Coalition within the parliament.

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\(^{182}\) Labor leaders Bill Shorten and Kim Beazley
Table 8.2: Sanctions faced by Managers of Opposition Business

<table>
<thead>
<tr>
<th>Manager</th>
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<th>Finished as Manager</th>
<th>Sitting Days</th>
<th>Sanctions</th>
<th>Average</th>
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<td>25/11/2001</td>
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<td>16/06/2003</td>
<td>08/12/2003</td>
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<td>08/12/2003</td>
<td>10/12/2006</td>
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<td>11</td>
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<tr>
<td>Anthony Albanese</td>
<td>10/12/2006</td>
<td>03/12/2007</td>
<td>50</td>
<td>5</td>
<td>0.10</td>
</tr>
<tr>
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<td>16/02/2009</td>
<td>76</td>
<td>9</td>
<td>0.12</td>
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<tr>
<td>Christopher Pyne</td>
<td>16/02/2009</td>
<td>18/09/2013</td>
<td>279</td>
<td>100</td>
<td>0.36</td>
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<tr>
<td>Tony Burke</td>
<td>18/10/2013</td>
<td>Incumbent</td>
<td>91</td>
<td>10</td>
<td>0.11</td>
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</tbody>
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Table 8.2 above displays a much more conclusive set of data regarding the style of the opposition during the Gillard government. We can see that Christopher Pyne faced significantly more sanctions than any other Manager of Opposition during the period from 2001. Pyne’s daily average of 0.36 is three times the level of Joe Hockey who was the next highest at 0.12. This is a significant increase from the officer who is responsible for the management of strategy and business within the opposition.

This difference becomes even more distinctive if we separate this analysis to just the period of the Gillard government. For the period of the Gillard government Christopher Pyne faced an average of 0.41 sanctions per day.

This data lends credence to the argument that oppositionism since 2011 has changed rather dramatically. With respect to Opposition Leaders Tony Abbott and Bill Shorten were, respectively, the third and first most sanctioned since 2001. Along with this Christopher Pyne and Tony Burke were, respectively, also the first and third most sanctioned as Managers of Opposition Business. With both the leaders and the chief strategic managers displaying significant increases during this period you could begin to frame an argument supporting this ‘hyper-oppositionism’ as new phenomenon from 2011.

Whilst being strongly connected to many of the ideas covered within hyperpartisanship it is important to consider the impact and effect that opposition and scandal could have had during the Gillard government. In particular the effect that these issues may have had upon the tone of public discourse and the manner that this may or may not be different from previous parliaments is significant when considering both the issue at hand and the data presented.
There were, as noted, two key forms of opposition faced during the Gillard government: the parliamentary opposition and gendered opposition. All of these forms of opposition were viewed to either have been recent developments or significant mutations of previous issues.

The Coalition’s style of opposition under Tony Abbott was clearly viewed as something new. Whilst it can be argued that his style was in keeping with the traditionally adversarial nature of the Westminster system, in the eyes of many the lengths to which this was taken was unprecedented, and potentially damaging. The style of attack and the ‘no-holds-barred’ approach was not only seen in the rhetoric and analysis from the period, but the data presented also backed this up. Tony Abbott received the third highest average sanctions per day after Bill Shorten and Kim Beazley. Whilst this figure is not outstanding, connecting it with the average for the Manager of Opposition Business elevates it to another level.

Christopher Pyne, the Manager of Opposition Business, received an average amount of sanctions per day that was three times higher than any other Manager of Opposition Business during the period surveyed. As the main strategist and operator of the standing orders within the opposition this does help to support the picture argued by many commentators that the opposition did reach a new level of conflict during the 43rd parliament.

The second significant form of opposition considered was that of gendered opposition. It has been argued by many that Julia Gillard, as the first female Australian Prime Minister, faced opposition based upon her gender. It has been claimed that this misogyny and sexism was present within the media, parliament and public. Pervasive and persistent misogynistic language and imagery directed at Julia Gillard could be witnessed on the internet, on radio, on television.

The support provided to this draws upon not only an analysis of what Gillard and other Labor members have argued, but also upon the media analysis of Wright and Holland\textsuperscript{183}. Their analysis clearly indicated that the media coverage of Julia Gillard’s misogyny speech reinforced gender stereotypes and resulted in the media failing as a gender impartial commentator. Considering this analysis, the arguments regarding the pornification of Julia Gillard, and the list of examples of misogyny provided by Gillard herself it is fair and reasonable to state that Gillard did face gendered opposition. It cannot, however, be concluded from the analysis here that this sexism was present within the chamber, or from

any member of parliament. Further research would need to determine the veracity of these
accusations with respect to their applicability to the House of Representatives.

Each of these forms of opposition had the potential to not only significantly lower the tone of
debate, but to actively increase the vitriol. A clear result of this is that they could each have
contributed to the increased of the use of standing orders seen within the data.
Oppositionism, misogyny, and internal instability would invariably all contribute to higher
levels of disorder, incivility and conflict within the House of Representatives.

The period of the Gillard government was one that saw issues of personality, gender and
instability come to the fore, perhaps more than they ever have. The effect of these is very
difficult to measure, however it cannot be ignored. Changes noted within the style of
opposition, aligned with the issues of gender cannot explain the totality of the spike in the
data seen, however they are definitely contributors.
5. Conclusion

Julia Gillard was our 14th longest serving Prime Minister, in office for 3 years and 3 days. She served for a longer period of time than Kevin Rudd, Gough Whitlam and even our first Prime Minister Sir Edmund Barton. She can fairly claim that during her tenure as Prime Minister her government oversaw the implementation of some very significant policies including the introduction of the National Disability Insurance Scheme, the Clean Energy Bills and initiating the Royal Commission into institutionalised child sexual abuse. Despite these accomplishments the period of the Gillard government, and in particular her tenure during the 43rd parliament may be remembered as a period of high vitriol and political conflict.

The analysis provided in this thesis focuses purely upon the internal debate within parliament, whereas a large amount of the commentary upon the period is focused upon the external debate. Nonetheless we have seen that in the data collected covering the use of standing orders that the period of the Gillard government, and in particular the period of the 43rd parliament, saw a marked increase in the measure of disorder within the House of Representatives.

Chart 4.2 above covers the entire period of the data surveyed. Whilst from 1991-2010 the average number of sanctions per year didn’t exceed 2.58 per day the average for the period of the 43rd parliament was 3.95 and the minimum in was 3.23. Compared to the preceding 20 years this parliament most definitely was the most disorderly and combative.

Whilst the measure of standing orders does cover a decent range of issues, the definitions for the three key orders covered allow us to consider the combative and vitriolic nature of debate. The standing orders encompass issues of inappropriate names, unparliamentarily language, threatening behaviour, and general disorder. When this is considered it is fair to argue that the period of the 43rd parliament saw the most vitriolic and aggressive tone of debate within the House of Representatives in recent history.

This conclusion does, however, need to come with a strong caveat. Chart 8.1 does not only show this, but it also highlights that the first year of the Abbott government, 2014, was higher yet again than the Gillard era. The average number of sanctions per day in this year was 5.74 which was by far the highest number recorded across the 24 years surveyed. It is too early to say that the Abbott or Turnbull governments could overtake the mantel of the most vitriolic parliament, however this number suggests that it may.

Therefore the conclusion that needs to be drawn is that the Gillard era did see a significant shift in the level of disorder in parliament, and as such in the tone of debate. It was the most
aggressive and vitriolic parliament compared to the two decades which preceded it. Nonetheless the first year of the Abbott government shows that this was not a one off. With further analysis we may find that this is a new norm for parliamentary operation, or else it may settle back to a stable average and this period of the Gillard-Abbott governments will be viewed as an aberration in totality.

The emphatic shift in the data, and the manner in which it was sustained across the three years of the Gillard government and the first year of the Abbott government did require consideration to be given to what causal factors could potentially have driven this change. Whilst there were many competing theories for this, in order for analysis of this data source to provide some insight the key theories of minority government, and the effect of the speakership were analysed. Along with this consideration was given to the theoretical potential that a change within the style of opposition, or that the issues of gender and misogyny may have been drivers. This analysis was based upon the conclusions drawn from an analysis of how these institutions have operated in the past, and how the situation faced in the 43rd parliament may have manipulated them.

The Gillard government was the result of the first hung parliament since the 1940 election in which Robert Menzies was re-elected Prime Minister as the head of the United Australia Party. Being a minority government Gillard and the Labor party lacked the numbers on the floor of the House of Representatives to be able to command a majority.

Minority parliaments are extremely rare in the federal parliament, however they are relatively common in the states and territories. Since 1989 every state and territory has had at least one minority government with Queensland, South Australia and the Australian Capital Territory currently having minority parliaments. Whilst this does not necessarily provide understanding it is a good point for comparison.

Since 1981 the government has only held a majority in the Senate once, this was in the final term of the Howard government. Considering this, despite the lack of experience regarding a minority situation in the lower house, every Prime Minister since Bob Hawke has had to deal with minor parties and independents within the Senate. Of course this information doesn’t necessarily discount the possibility that minority government could be a driver of vitriol, however it does suggest that if it is a driver, it is one that should not be unexpected.

The data collected supported the contention that minority government does have an effect. This effect is clearly evident in all of the minority governments surveyed, however the effect cannot in any way account for the entirety of the shifts seen. This conclusion was formed

\[184\] As of August 2015.
from the analysis of the federal data and data collected on the Victorian Legislative Assembly since 1998. Looking at the Victorian minority government under Steve Bracks there was a clear bump, but this was dwarfed by what was later seen under the Baillieu majority government. Along with this, again there was a significant increase in sanctions from the outset of the 43rd parliament but the transition to the Abbott majority government did not display any settling of these numbers. If a minority government were to be the only, or even most significant driver of vitriol within the parliament we would not reasonably expect to see the increases in both Victoria and Canberra during majority periods.

The Gillard minority government was an incredibly rare circumstance within federal politics. Whilst it can be seen that minority governments do have some effect upon the tone of the debate the data suggests that this effect was not solitary and that although it may initially have been a driver the continued numbers suggest that it could in no way explain everything that happened with regards to the tone of debate from 2011 onwards.

The second key theory addressed was that of the speakership. This was a crucial consideration as the measurement used, which was the number of standing orders used per day to maintain order in the House, is directly controlled by the Speaker. The Speaker is the head official of the House and is responsible for its management, operation and order.

Across the period of the Gillard government there were three Speakers: Harry Jenkins, Peter Slipper and Anna Burke. Jenkins and Burke, as is usual for the Speaker, were elected from the Labor party and following their tenure returned to sit with their party. Peter Slipper, however, was a former member of the Liberal party room and became an independent upon being elected to the speakership with the support of the Labor party and cross-benches.

A significant question hanging over the speakership in Australia is that of party-political bias. In part this has come about due to the lack of independent speakers, Slipper being only the second officially independent speaker since federation. Former Speaker of the NSW Legislative Assembly, Kevin Rozzoli, contends that the government’s sense of ownership over the role of Speaker has the most significant effect upon the practical impartiality of the role. It is clear that it is perceived that the speakership is a privilege of government and that therefore the individuals who are elected to this high office only do so as a gift or grant from the government. This situation has resulted in the Australian speakership being a long way diverted from its Westminster origins.

All three Speakers across the Gillard government, although undeniably in the mould of their predecessors with respect to structural impartiality, were viewed by the majority on both sides of the House of at least attempting or intending to act as fairly as possible. Aside from any other questions Gillard, Abbott and many others felt that Jenkins, Slipper and Burke all
intended to operate in a manner that was as impartial and as independent as could be asked for.

A major issue surrounding the speakership across the Gillard era, however, was the scandal surrounding Peter Slipper. Having been placed in the chair by the Labor party in order to ensure one more vote Slipper was soon embroiled in scandals involving entitlements fraud and sexual harassment. Although neither case resulted in conviction or penalty the political damage was very severe. In particular Slipper became embroiled in the misogyny debate over a series of explicit text messages that were part of a sexual harassment case. These scandals, however they themselves may have affected the tone of debate, are not relevant to considering the manner in which Slipper maintained order in the House.

This judgement upon the impartiality of the Speakers, when looking at the data, seems relatively fair. As part of this the data supports the idea that the speakership as an office had little to no effect upon the change in the tone of debate. Supporting this is the fact that Jenkins who also sat in the chair during the Rudd government saw a sudden rise in his numbers immediately after the election, but nothing before. Along with this Jenkins and Burke displayed incredibly stable numbers, with the speakership of Slipper not being far off this average with only one significant outlying month.

This conclusion is also supported when looking at the Victorian data. Here the shift from the very controversial Speaker Ken Smith to Christine Fyffe saw no substantive change in the daily average. If the speakership were a significant factor here it would fairly have been expected for the average to decrease by a relatively large magnitude.

The speakership across the Gillard government could not reasonably be blamed for any real increase in vitriol or aggression. Their role in interpreting the standing orders will always be significant as will the issue of impartiality, but at least for the three Speakers of the 43rd parliament this does not seem more than a general, structural issue. There is, however the question of Bronwyn Bishop as Speaker for the first year of the Abbott government. There was during this year a very significant increase within both the daily average and the opposition-government differential. Potentially this could be the first signs of an effect caused by a Speaker however more data would be needed to see if the renewed increase continued over the life of her Speakership and then settled under the current Speaker Tony Smith.

The third and final major factor considered within this analysis was that of some form of new or hyper oppositionism. Although not as well developed in Australia the theory of hyperpartisanship has garnered significant consideration within the United States. Hyperpartisanship is a form of political strategy which favours conflict and oppositionism
over any form of policy or bipartisan effort. Whilst the Westminster system is, in its own way, structured around the conflict between a government and opposition, hyperpartisanship allows for increased and sustained aggression at the expense of all else.

Over the last few decades the US has seen an increase in negativity and political paralysis driven by increased partisan conflict. A diminution of bipartisan support for policies and direction, coupled with increasingly vitriolic and aggressive opposition are the key factors for this shift. As a descriptor of this change hyperpartisanship allows for the pure consideration of whether political aggression and oppositionism has triumphed over all else.

As noted, this theory has not in a sustained way been explored in an Australian context. It has, however, been suggested considering the lack of bipartisanship over the life of the Gillard government and the apparent increase in aggression of the opposition. Obviously for this to be considered hyperpartisanship this increased aggression needs to be sustained and targeted.

The data analysed does to a certain extent support the argument that Australia has seen an increased and sustained level of aggression and conflict between the parties. Not only did we see the significant increase in the daily average use of standing orders, but this increase was seen within both the government and the opposition. Across the period both the government and the opposition averaged far higher numbers than during any period in the previous twenty years. As part of this combined increase the differential between the two parties also increased. This was caused by average number of sanctions incurred by the Abbott opposition growing at a faster rate than that for the government.

These consistent increases lend support to the theory of hyperpartisanship but do not confirm it. What does however begin to add significant credence is that both of these patterns continued in to the first year of the Abbott government. In this year the Shorten opposition showed another significant increase and the differential between the two parties grew again. However the government did ease off slightly. Along with this the data covering the period of the Baillie-Napthine government in Victoria displays very similar trends. There is a huge increase in the amount of sanctions received by the opposition resulting in a significant increase in the differential between the two parties.

When combining the data from both the federal and Victorian lower houses we can much more strongly begin to form the conclusion that the period from 2011-2014 saw a consistent and increased level of aggression that was beyond anything seen in the two decades before. Clearly, within parliament, there was more conflict and more disorder. This information, however, is not enough to confirm any link to the American style hyperpartisanship but neither does it disprove it. Rather what we can conclude here is that there does appear to be
reasonable support for an increased desire to utilise the asymmetric response to negativity as highlighted by Soroka.

More information into the future could help to establish if this is a new standard, or just a blip, however it can be concluded from the information presented that opposition’s actions did play a major role in increasing the vitriol surrounding the Gillard government. We can begin to see that the entire period of 2011-2014 in both Canberra and Melbourne bore witness to this new phenomenon.

There were, during the Gillard government other issues that deserved consideration, but which were unfortunately beyond the data set. These revolved around two key forms of opposition: Tony Abbott and his style, and gendered opposition and misogyny. These key forms of opposition were relatively peculiar to this parliament either in form or in strength.

It is probably fair, given the evidence explored, to say that each of these issues contributed to the general sense of conflict and vitriol within the parliament and outside in the media and general public. They both clearly have the potential to contribute significant layers of conflict and aggressive language. Unfortunately analysis of this issues needs to encompass more than data upon the use of standing orders. Potentially future research could encompass a thorough qualitative analysis of parliamentary speeches and the surrounding media. Whilst the style of Tony Abbott would most definitely have an effect upon the debate in the House of Representatives measuring misogyny would be near impossible and almost meaningless. A greater analysis of these issues lies in the media and the general public debate.

In particular the developments explored with respect to both the presidentialisation thesis and the developing role and practice of the media fall in to this area of analysis. The data does display that there has, over time been a variety of changes that have affected the tone of debate. This conclusion sits comfortably with the first hypothesis developed in the literature review. This hypothesis postulated that with changes in the traditional structure and roles of government coupled with new developments in the media that the tone of political debate would steadily deteriorate. Despite the limitations of this study with respect to scope there is evidence here that these factors could be contributors to any mutation of the political debate.

These conclusions form the core of the answer to the original research question: ‘was the period of the Gillard government the most vitriolic?’. What we can say is that the period of the Gillard government was extraordinary when you compare it to the two preceding decades. The higher use of standing orders confirms the suspicion that this was a more aggressive and vitriolic parliament.
From the key areas analysed we can go further and state that this increase is not the result of any one effect, be it minority government, the speakership, or the impact of any progressive development or issue such as misogyny. Rather it can only be concluded that it is a collective myriad of factors that have driven the vitriol in this period. Obviously minority government was a driver, and this was clearly supported in the data. Equally however, data regarding the impact of minority governments shows that in no way could this have been the sole cause. Along with this whilst the speakerships of Jenkins, Slipper and Burke displayed no significant variations outside of the norm the speakership of Bronwyn Bishop was statistically interesting. Finally, as explored earlier, the impact of long term changes with respect to the structure of the institutions and impact of the media environment cannot be discounted. The 43rd parliament was a standout with respect to the level of vitriol, and this cannot be attributed to just one factor.

Looking forward however, there is one significant question left hanging. That is whether this period from 2011-2014 is an aberration or whether is it the beginning of a new norm in the tone of debate in Australian politics. It has been suggested in many quarters that the success of Abbott’s strategy will inevitably draw copy-cats, and maybe that is so in Bill Shorten. However will this last? As part of this will the House of Representatives reform to minimise these issues in the future or are they accepted practice? These questions cannot be answered in this analysis however they deserve future consideration.

Whilst considering the numbers for 2014 we cannot definitively say that the 43rd parliament was the most vitriolic ever, we can only state the fair conclusion that it was beyond any level seen in the previous decades. The Gillard government faced unprecedented opposition in a minority government that is very rare in the Australian House of Representatives. Driven in part by the situation and structure but also by increased and singular forms of opposition, the period of the Gillard government was undeniably highly vitriolic.
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# Appendices

## Appendix 1: Federal year by year data

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Author/s:
Adams, Nicolas Hugh

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