

# ‘That's it, you're out': disorderly conduct in the House of Representatives from 1901 to 2016

Rob Lundie

Politics and Public Administration

## Executive summary

- Of the 1,136 members who have served in the House of Representatives from 1901 to the end of the 44th Parliament in May 2016, 329 (30 per cent) have been penalised for disorderly behaviour in the Chamber. This study outlines the bases of the House's authority to deal with disorderly behaviour, and the procedures available to the Speaker to act on such behaviour. It then analyses the 1,876 instances of disorderly behaviour identified in the official Hansard record with a view to identifying patterns over time, and the extent and degree of such behaviour.
- The authority for the rules of conduct in the House of Representatives is derived from the *Australian Constitution*. Members themselves have broad responsibility for their behaviour in the House. However, it is the role of the Speaker, or the occupier of the Chair, to ensure that order is maintained during parliamentary proceedings. This responsibility is derived from the Standing Orders.
- Since its introduction in 1994, the 'sin bin' has become the disciplinary action of choice for speakers, while the number of namings and suspensions has decreased. The sin bin appears to have been successful in avoiding the disruption caused by the naming and suspension procedure. However, as the number of sin bin sanctions has increased, it may be that this penalty has contributed to greater disorder because members may view it as little more than a slap on the wrist and of little deterrent value. On the other hand, being named and suspended is considered a much more serious sanction, not only by the Parliament, but by the suspended members themselves.
- Most disorderly behaviour occurs during Question Time and in the parliamentary proceedings that often take place just after Question Time. Disorderly behaviour tends to increase daily as the sitting week progresses.
- Frontbenchers and parliamentary office holders account for about 60 per cent of instances of disorderly behaviour. Opposition members are sanctioned about 90 per cent of the time, no matter which party occupies that role. No prime minister has been sanctioned for disorderly behaviour but two deputy prime ministers and seven opposition leaders have, although not all have been ordered from the House. Nick Champion leads the list of members most disciplined on 80 occasions followed by Graham Perrett on 58, Anthony Albanese on 48 and Christopher Pyne on 45. Women members have accounted for 15 per cent of disciplinary actions since they first entered Parliament in 1943.
- Members were disciplined most frequently under the speakership of Bronwyn Bishop, followed by Peter Slipper, Tony Smith, Anna Burke, David Hawker and Harry Jenkins.
- On four measures of disorderly behaviour, the Rudd/Gillard parliaments (42nd and 43rd, 2008–13) were more disorderly than the Howard parliaments (38th to 41st, 1996–2007). The most disorderly Parliament was the 43rd. However, the 44th Parliament could be judged the most disorderly based on the total number of members ejected from the Chamber and the proportion of days when four or more members were ejected.

## Contents

<b>Executive summary</b> .....	<b>1</b>
<b>Abbreviations</b> .....	<b>4</b>
<b>Introduction</b> .....	<b>4</b>
<b>Authority of the House and the Speaker to manage disorderly behaviour</b> .....	<b>5</b>
The Constitution .....	5
Powers of the Speaker.....	5
<b>Categories of disorderly conduct</b> .....	<b>5</b>
Gross disorder by a member .....	6
Grave disorder in the House.....	6
<b>Disorder in the Federation Chamber</b> .....	<b>7</b>
<b>Penalties for disorderly conduct</b> .....	<b>8</b>
Matter not proceeded with.....	8
Expulsion.....	9
Naming and suspension.....	9
Suspension by resolution of the House .....	10
Directed to withdraw from the Chamber for one hour ('sin bin').....	11
<b>Effectiveness of the sanctions on disorderly behaviour in maintaining order</b> .....	<b>12</b>
<b>Periods spent out of the Chamber</b> .....	<b>14</b>
Removal from the Chamber by the Serjeant-at-Arms.....	15
<b>Reasons for disciplinary actions</b> .....	<b>15</b>
<b>Patterns of disciplinary action</b> .....	<b>16</b>
When disorder most occurs .....	16
Disciplinary actions across the sitting fortnight .....	16
<b>Who receives disciplinary action for disorderly behaviour?</b> .....	<b>17</b>
Number and list of members disciplined .....	17
Disciplinary actions by gender.....	19
Disciplinary actions against parties in Government and Opposition .....	19
Position or office of members who are disciplined.....	20
Disciplinary actions against members by each state and territory .....	22
<b>External factors that may affect disorderly behaviour</b> .....	<b>23</b>
Televising of parliament .....	23
Relocation of parliament.....	23
Size of the House of Representatives.....	23
<b>Role of the Speaker</b> .....	<b>23</b>
<b>Disciplinary actions taken against disorderly conduct in each parliament</b> .....	<b>25</b>
<b>Measures for assessing the extent and degree of disorderly conduct</b> .....	<b>26</b>
Number of disciplinary actions taken.....	27
Frequency of disciplinary actions taken .....	28
Concentration of disciplinary actions taken .....	29
Extent of disciplinary actions taken.....	30
<b>Most disorderly parliament?</b> .....	<b>31</b>
<b>Conclusion</b> .....	<b>33</b>

## List of appendixes

Appendix A: Standing Orders relating to the disciplining of Members of the House of Representatives.....	34
Appendix B: Removal from the Chamber by the Serjeant-at-Arms.....	40
Appendix C: Members listed alphabetically by the type and number of disciplinary actions taken against them .....	42
Appendix D: Disciplinary actions by speakership.....	50
Appendix E: Types of disciplinary action by speakership .....	53
Appendix F: Comparison of disciplinary actions taken in the first and second weeks of a sitting fortnight, 1990–2016.....	54

## List of tables

Table 1: Instances where a matter was not proceeded with by reason, expressed as a percentage of total instances.....	9
Table 2: Changes in periods of suspension following a member being named and suspended .....	10
Table 3: Disciplinary actions per year since the introduction of the sin bin in 1994 .....	12
Table 4: Disciplinary actions before and after the introduction of the sin bin in 1994 .....	13
Table 5: Time periods spent out of the Chamber by disciplinary action and as a percentage.....	14
Table 6: Reasons for disciplinary action by parliament .....	15
Table 7: Instances of disorder by type of parliamentary proceeding from 1994 to 2016, expressed as a percentage of total instances .....	16
Table 8: Number of disciplinary actions by weekday, 1901–2016, also expressed as a percentage of total instances.....	16
Table 9: Type and number of disciplinary action taken against members, with annual average .....	17
Table 10: Disciplinary actions by gender, by number and as a percentage.....	19
Table 11: Disciplinary actions against government versus non-government members, from Federation to end of the 44th Parliament.....	19
Table 12: Breakdown of disciplinary actions against members from major parties, independents and minor parties, from Federation to end of the 44th Parliament .....	20
Table 13: Disciplinary actions taken against members of major parties in Opposition, 38th–44th parliaments, expressed as a percentage of total instances .....	20
Table 14: Disciplinary actions against members by their position, expressed as a percentage of total instances.....	21
Table 15: Number and proportion of disciplinary actions by state and territory compared to the number and proportion of seats .....	22
Table 16: Disciplinary actions by speaker .....	24
Table 17: Disciplinary actions by parliament .....	27
Table 18: Number of sitting weeks in which members were disciplined, 1990–2016, expressed as a percentage of total sitting weeks per year .....	29
Table 19: Number of days on which four or more members were disciplined, by speakership and expressed as a percentage .....	30
Table 20: Members repeatedly disciplined, who account for half of all disciplinary actions by parliament .....	31
Table 21: Measures of disorderly behaviour in the House of Representatives by parliament .....	32

## Abbreviations

AG	Australian Greens
ALP	Australian Labor Party
CP	Country Party
CLP	Country Liberal Party
FT	Free Trade
IND	Independent
LANG LAB	Lang Labor Party
LP	Liberal Party of Australia
NAT	Nationalist Party
NP	National Party
NPA	National Party of Australia
PROT	Protectionist Party
SO	Standing Order
UAP	United Australia Party

## Introduction

From 1901 to the end of the 44th Parliament in May 2016, 329 different members and two senators have been disorderly enough during proceedings of the House of Representatives as to result in disciplinary action by the Speaker.<sup>1</sup>

This study outlines the bases of the House's authority to deal with disorderly behaviour, and the procedures available to the Speaker to act on such behaviour. It then analyses the 1,876 instances of disorderly behaviour recorded in Hansard with a view to identifying patterns over time, the extent and degree of disorderly behaviour, and answering questions such as: which members have been disciplined and which parliament has been the most disorderly?<sup>2</sup>

It does not analyse the reasons behind such behaviour as they are quite complex and beyond the scope of this paper.

All tables have been compiled by the Parliamentary Library.

All links in the footnotes have been checked prior to publication.

- 
1. The term 'disciplinary action' is used in this paper to cover four types of action in response to disorderly behaviour: where a member has been named but the matter has not proceeded to them being suspended from the House (this includes instances where the member has been named but the vote to suspend them has been defeated/negated); where a member has been named and suspended from the House; where a member has been ordered to withdraw from the House for one hour ('sin binned'); or where a member has been ordered from the Federation Chamber for 15 minutes. It does not include behaviour which may ordinarily be seen as disruptive or disorderly (for example interjecting), unless it is sanctioned in the ways mentioned above. In this paper the term 'Speaker' includes Deputy Speaker and whoever is occupying the Chair.
  2. In 1994 a new penalty for disorderly behaviour was introduced—the 'sin bin'—which dramatically changed the way such behaviour was dealt with and consequently the number of instances of disorderly conduct. For this reason, the study has sometimes analysed all the data since Federation and at other times just from 1994.

## Authority of the House and the Speaker to manage disorderly behaviour

### *The Constitution*

The authority for the rules of conduct in the House of Representatives derives from the *Australian Constitution* ('the Constitution'). In 1901, section 49 of the *Constitution* gave the House of Representatives the powers, privileges and immunities as enjoyed by the United Kingdom House of Commons at the time.<sup>3</sup> Elements of these powers were codified by the enactment of the [Parliamentary Privileges Act 1987](#) (Cth) and the [Parliamentary Precincts Act 1988](#) (Cth). Section 50 of the *Constitution* gives Parliament the authority to make its own rules for exercising and upholding its powers, privileges and immunities.<sup>4</sup> The rules are set down as the Standing Orders (SO).<sup>5</sup>

### *Powers of the Speaker*

The members themselves have broad responsibility for their behaviour in the House. However, it is the role of the Speaker or the occupier of the Chair to ensure that order is maintained during parliamentary proceedings. This responsibility derives specifically from SO 60, but also from other standing orders and the practice and traditions of the House. The standing orders relating to orderly conduct set down:

- types of behaviour that are considered disorderly
- actions that can be taken by the Speaker and the House to restore order and
- penalties that apply depending upon the nature of the transgression.

Until 1950 the Speaker only had the power to name a member and report the circumstances of the transgression to the House. The House would then vote on the motion: 'That such member be suspended from the service of the House'.

In 1950 the standing orders were altered to give the Speaker the power to 'order a member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of the day's sitting' (SO 303). The Speaker was not required to name the member or put a motion for suspension before the House. This standing order was invoked on 26 occasions from 1950–63, including once when the matter was not proceeded with. A similar power under SO 306 was incorporated in the standing orders (through alterations in August 1963, February 1994 and January 1998), and under SO 94(c) in November 2004.<sup>6</sup> The Speaker has not used this power since 1963, however.

From 1994, SO 94(a) gave the Speaker power to direct a member to withdraw from the House for one hour (the 'sin bin'). No motion or action is required by the House; but if a member fails to leave the Chamber immediately—or continues to behave in a disorderly manner—they may be named and the House can then suspend them.

See Appendix A for a list of the main standing orders providing for management of disorder in the House.

### **Categories of disorderly conduct**

The sorts of behaviours considered disorderly have remained broadly the same as expressed in SO 91:

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.

3. Section 49 of the *Australian Constitution*: 'The powers, privileges and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.'

4. Section 50 of the *Australian Constitution*: 'Each House of the Parliament may make rules and orders with respect to: (i) the mode in which its powers, privileges, and immunities may be exercised and upheld; (ii) the order and conduct of its business and proceedings either separately or jointly with the other House.'

5. Unless otherwise stated the paper refers to the Department of the House of Representatives (DHR), [House of Representatives Standing Orders as at 26 March 2015](#), DHR, Canberra, 2015.

6. The Standing Orders were revised and renumbered in November 2004.

There are other offences—which come under the general behaviours listed above—that are considered disorderly, such as: being insolent towards the Speaker; imputing motives to the Speaker (suggesting the Speaker is biased, for example); and calling for a quorum when one already exists.

A member's behaviour may be judged disorderly (SO 91), grossly disorderly (SO 94(c)), gravely disorderly (SO 95) or wilfully disobeying an order of the House (SO 93)—depending upon the nature of the behaviour, its persistence and the extent to which it disrupts the proceedings of the House or the Federation Chamber. Other factors taken into account by the Speaker are whether the member has been specifically warned by the Chair or through a general warning to all members.

Warnings—although usually given by the Chair—are not required. In fact, some speakers have indicated that they intended not to give warnings.<sup>7</sup> Warnings may take the form of a call to order, as in 'The member for ... will cease interjecting'; an explicit form, as in 'I warn the member for ...'; or, less officially, a 'growl' warning uttered in a low tone, as in 'The member for ...'.

### ***Gross disorder by a member***

If the Speaker determines that there is an urgent need to protect the dignity of the House, they can order a grossly disorderly member to leave the Chamber immediately under SO 94(c). When the member has left, the Speaker must immediately name the member and 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.<sup>8</sup>

This power has never been invoked, but its pre-1963 predecessor—SO 303—was used on 26 occasions. The wording of SO 303 was amended in 1963 to make it clear that its provisions would apply only in cases which are so grossly offensive that immediate action was imperative and that it could not be used for ordinary offences. In addition, provision was made for the House to judge the matter by requiring the Speaker to name the member immediately after he or she had left the Chamber.

### ***Grave disorder in the House***

Under SO 95, the Speaker—without any question being put—can suspend the sitting and state the time at which they will resume the Chair; or adjourn the House to the next sitting, if grave disorder occurs in the House. On 12 occasions when such disorder has occurred, the Speaker has either suspended the sitting or adjourned the House until the next sitting.<sup>9</sup>

On three occasions the House has been suspended in circumstances surrounding the naming and suspension of a member:

- On 4 July 1919, the House was suspended for 15 minutes when disorder arose as Michael Considine (ALP, Barrier, NSW) refused to withdraw certain disorderly expressions. He had called the Government 'a gang of murdering thieves'. When the sitting resumed, Mr Considine still refused to withdraw the expressions despite appeals from the Speaker and the Deputy Prime Minister. He was named and suspended for one week (as it was his second suspension).<sup>10</sup>
- On 9 April 1970, the House was suspended for just over half an hour after grave disorder arose when Gordon Bryant (ALP, Wills, Vic.) refused to leave the Chamber after having been named and suspended. He further refused when the House resumed and so the Speaker suspended the House till later in the morning. This time on the resumption of the sitting, Mr Bryant agreed to leave the Chamber after expressing regret for his defiance and apologising.<sup>11</sup>
- On 22 February 2008, the House was suspended for just over an hour when Luke Hartsuyker (NP, Cowper, NSW) refused to leave the Chamber after having been directed to leave for one hour and named. The motion to suspend Mr Hartsuyker had not been voted on.<sup>12</sup>

7. P Slipper, 'Parliamentary Office Holders: Deputy Speaker', House of Representatives, [Debates](#), 24 November 2011, p. 13794.

8. BC Wright, ed., [House of Representatives Practice](#), 6th edn, Department of the House of Representatives, Canberra, 2012, p. 541.

9. Ibid.

10. House of Representatives, [Debates](#), 4 July 1919, p. 10465.

11. House of Representatives, [Debates](#), 9 April 1970, p. 883.

12. House of Representatives, [Debates](#), 22 February 2008, pp. 1281–83.

## Disorder in the Federation Chamber

The Main Committee, renamed the Federation Chamber in February 2012, was established in 1994 to deal with non-controversial legislation. Disorderly behaviour has been rare. The Deputy Speaker, or the occupier of the Chair at the time, is responsible for keeping order. However, they do not have the same powers as the Speaker in the House to name a member or order their withdrawal for one hour. Since its inception, procedure has been that the Deputy Speaker reports the disorderly incident to the House. It is the House that then takes the necessary disciplinary action, usually naming and suspending the member concerned.

However, in 2006 the Deputy Speaker presiding over the Main Committee was granted the additional power to order the withdrawal of a member from the room for 15 minutes under SO 187. Having to suspend or adjourn proceedings and report disorder to the House was considered likely to be more disruptive than the transgression itself.<sup>13</sup>

To date, the Deputy Speaker has used this power once. On 13 February 2014, Deputy Speaker Natasha Griggs (CLP, Solomon, NT) ordered Ed Husic (ALP, Chifley, NSW) from the Federation Chamber for 15 minutes for 'continuing to interject after a warning had been given by the Chair'.<sup>14</sup> He had interjected during a speech by Alex Hawke (LP, Mitchell, NSW) about the location of an airport in Western Sydney.<sup>15</sup>

Wayne Swan (ALP, Lilley, Qld) was named and suspended on 8 February 2001 from the Main Committee for having 'persisted in disorderly behaviour by continuing to interject after being called to order, and thus defied the chair'.<sup>16</sup>

Anthony Albanese (ALP, Grayndler, NSW) was named and suspended on 21 March 2002 from the Main Committee for having, the previous day, 'persisted in disorderly behaviour by refusing to withdraw a remark [that the Government had told lies about the children overboard issue] after being called to order and thus defied the Chair of the Main Committee'.<sup>17</sup>

Andrew Laming (LP, Bowman, Qld) was reported by Deputy Speaker Sarah Henderson (LP, Corangamite, Vic.) to the House and then named and suspended on 25 March 2015 from the Federation Chamber for having engaged in 'serious and disorderly behaviour' the previous day.<sup>18</sup> On 24 March Mr Laming, while calling on cruise liner operators to use less polluting fuel, brought two bottles of bunker fuel into the Federation Chamber. He poured the contents of one of the bottles into his hand, which then spilled onto the desk and floor.<sup>19</sup>

There was one other occasion when the Deputy Speaker, Ian Causley (NPA, Page, NSW), felt the need to adjourn the Main Committee and report disorder to the House. On 17 October 2002, Mark Latham (ALP, Werriwa, NSW) spoke on a matter that the Deputy Speaker deemed sub judice, as it was evidence likely to be submitted to a royal commission in New South Wales.<sup>20</sup> Mr Latham moved a motion of dissent from the Deputy Speaker's ruling and the Deputy Speaker said he would adjourn the Main Committee and refer it to the House. Mr Latham insisted it be dealt with immediately. He was informed that the Main Committee did not have the authority to decide such motions; only the House could do so. He further refused to accept this ruling and the order to resume his seat.<sup>21</sup>

Later that day, the Deputy Speaker reported the matter to the House saying the member for Werriwa had 'persisted in disorderly behaviour by defying the chair'.<sup>22</sup> Mr Latham responded that he had misunderstood the nature of the Deputy Speaker's ruling and withdrew his motion and apologised. The Speaker indicated that he had discussed the matter with the Deputy Speaker and decided not to proceed with any further disciplinary action 'given the events of this week and the spontaneous apology of the member for Werriwa'. He said, by way

---

13. House of Representatives Standing Committee on Procedure, *Maintenance of the standing and sessional orders, Second report: Review of sessional orders adopted on 17 March 2005 and 9 February 2006; and other matters*, House of Representatives, Canberra, October 2006, para 1.36.

14. House of Representatives, [Votes and Proceedings](#), 13 February 2014, p. 304.

15. Federation Chamber, [Debates](#), 13 February 2014, p. 482.

16. House of Representatives, *Votes and Proceedings*, 1998–2001, pp. 2076–7, 2090.

17. House of Representatives, *Votes and Proceedings*, 2002–04, p. 135; House of Representatives, [Debates](#), 20 March 2002, p. 1828. On report of the matter to the House the offending member was named and suspended. House of Representatives, *Votes and Proceedings*, 2002–04, p. 137.

18. House of Representatives, [Votes and Proceedings](#), 25 March 2015, p. 1238.

19. Federation Chamber, [Debates](#), 24 March 2015, p. 3327; House of Representatives, [Debates](#), 25 March 2015, p. 3429.

20. Main Committee, [Debates](#), 17 October 2002, p. 8031.

21. *Ibid.*, p. 8047.

22. House of Representatives, [Debates](#), 17 October 2002, p. 7973.

of warning, 'I am content simply to indicate to him that he has been extended grace that would not normally be extended and that he ought to bear that in mind in future'.<sup>23</sup>

## Penalties for disorderly conduct

The consequences of a member's disorderly conduct are partly at the Speaker's discretion. They may exercise their judgment to estimate the nature and severity of the transgression; whether to deliver a penalty; and what penalty may be warranted. The Speaker may also consider how often the member has transgressed over a certain time period. The Speaker may decide, for example, that a member's interjection warrants a warning only; or, if persistent, a direction to leave the Chamber immediately for one hour; or, if particularly disruptive, a naming and suspension.

### ***Matter not proceeded with***

It was not unusual in the early days after Federation for the Speaker to name a member but then for the matter to not proceed. In the period to the end of 1912, eight members were named but only two were subsequently suspended.

Of the 1,876 occasions when a member was named or ordered from the Chamber, the sanction of being suspended was not proceeded with on 135 occasions. Of these 135, 103 were not proceeded with because the member apologised, often at the behest of the Prime Minister or another senior member. On 16 occasions, the matter was not proceeded with because the named member agreed to withdraw the statement or words for which he was named. On a further 13 occasions, the matter was not proceeded with because the Speaker decided not to take any further action. This was often in the name of good order, or to bring a matter to a close (see Table 1).

On a further three occasions, the motion to suspend proceeded but was defeated (negated) on a vote of the House.

- On the first occasion (14 October 1938), Rowland James (ALP, Hunter, NSW) was named because he refused to withdraw 'certain words' and instead 'hurled further abusive epithets at the honourable member for Macquarie'.<sup>24</sup> Speaker George Bell (UAP, Darwin, Tas.) refused to allow the Treasurer to make an appeal on his behalf and the motion to suspend was put. However, the motion was lost (19–24) when the Government did not have sufficient numbers present to ensure its passage. Unlike a later occasion when a motion to suspend was defeated, there was no suggestion that the Speaker should resign.<sup>25</sup>
- On the second occasion (27 February 1975), the Minister for Labor and Immigration (sic) in the Whitlam Labor Government, Clyde Cameron (ALP, Hindmarsh, SA), was named by Speaker Jim Cope (ALP, Sydney, NSW) for 'refusing to apologise after disregarding the authority of the Chair'.<sup>26</sup> Dr Jim Forbes (LP, Barker, SA) had accused him of telling 'a monstrous lie' during a personal explanation. Mr Cameron demanded the withdrawal of the comment and became frustrated when Dr Forbes prevaricated. During the Speaker's attempt to get Dr Forbes to withdraw the comment unconditionally, Mr Cameron began to interject and, when the Speaker called for order, Mr Cameron said, 'Look, I don't give a damn what you say. I –'. The Speaker asked Mr Cameron to apologise to the Chair a number of times, and then finally, 'Is the Minister going to apologise?'. Prime Minister Gough Whitlam (ALP, Werriwa, NSW) immediately responded, 'No'.<sup>27</sup> The Speaker then named Mr Cameron, and the motion to suspend was put by the Opposition (though it is usually put by the Leader of the House). During the ensuing division, the Prime Minister spoke to the Speaker but the Speaker refused to divulge what was said. Government members refused to vote for Mr Cameron's suspension, the motion being defeated 59–55. The Speaker read the result of the division and immediately announced his own resignation.<sup>28</sup> This is the only instance when the Speaker has resigned as a result of a suspension motion being defeated.
- The third occasion was during the Gillard minority Labor Government on 31 May 2011 when Bob Baldwin (LP, Paterson, NSW) was named for interjecting after a general warning had been given from the Chair.<sup>29</sup> The

23. Ibid. This instance is not included in this paper's analyses because the member was not named or ordered to withdraw from the Main Committee.

24. House of Representatives, [Debates](#), 14 October 1938, p. 861.

25. Ibid.

26. House of Representatives, [Votes and Proceedings](#), 27 February 1975, p. 502.

27. House of Representatives, [Debates](#), 27 February 1975, p. 824.

28. Ibid., p. 825.

29. House of Representatives, [Debates](#), 31 May 2011, p. 5282.

subsequent division was defeated 72–71 with the support of Rob Oakeshott (IND, Lyne, NSW), who had voted against the motion because he supported private members’ rights.<sup>30</sup> Despite the result of the division there was no suggestion that this was a vote of no confidence in the Speaker (Harry Jenkins: ALP, Scullin, Vic.), who was widely respected and liked. To reinforce the House’s confidence in the Speaker, the Leader of the Opposition, Tony Abbott (LP, Warringah, NSW) immediately put a motion of confidence in the Speaker which was supported by Prime Minister Julia Gillard (ALP, Lalor, Vic.).<sup>31</sup> The motion was passed on the voices, thus averting a situation where a popular Speaker felt he should resign because a suspension motion had been defeated.

**Table 1: Instances where a matter was not proceeded with by reason, expressed as a percentage of total instances**

Reason for no suspension	Number of occasions when matter not proceeded with	Reason expressed as percentage of total instances
Member apologised or expressed regret	103	76.3
Member withdrew statement	16	11.9
Speaker decided to take no further action	13	9.6
Motion to suspend was negated	3	2.2
<b>Total</b>	<b>135</b>	<b>100</b>

### **Expulsion**

Until 1987 the Parliament had the power to expel a member from Parliament. However, the only occasion when this power was used was on 11 November 1920 when Hugh Mahon (ALP, Kalgoorlie, WA) was expelled for ‘seditious and disloyal utterances’ made outside the House at a public meeting in Melbourne. His speech criticised British policy in Ireland. Mr Mahon was judged ‘guilty of conduct unfitting him to remain a member’.<sup>32</sup> The Labor Opposition moved that he should be tried by a court, not by the Parliament, but this motion was defeated. Following the passing of the motion to expel Mr Mahon, another successful motion declared his seat vacant. He contested the subsequent by-election but was defeated.<sup>33</sup> Since the enactment of the *Parliamentary Privileges Act 1987* section 8, neither House has had the power to expel a member from its membership.<sup>34</sup>

### **Naming and suspension**

If a member is named and suspended then the current terms of suspension according to Standing Order 94(d) are:

- 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 during a previous session or being ordered to withdraw for an hour (sin bin) is not taken into account in determining these penalties.

Over the years these penalties have altered—as can be seen in Table 2. Major changes occurred in 1994 following the House of Representatives Standing Committee on Procedure reports in 1992 and 1993. The first report recommended that the length of the penalties for second and third suspensions be reduced and that suspensions should be for consecutive *sitting* not calendar days.<sup>35</sup> In tabling the report Gordon Scholes (ALP, Corio, Vic.) said:

30. Ibid.; House of Representatives, *Debates*, 31 May 2011, p. 5286.

31. House of Representatives, *Debates*, 31 May 2011, p. 5284.

32. House of Representatives, *Votes and Proceedings*, 1920–21, pp. 423, 425 and 431–33.

33. *House of Representatives Practice*, 6th edn, 2012, p. 157.

34. *Parliamentary Privileges Act 1987* (Cth), s. 8; see also E Campbell, *Parliamentary privilege*, Federation Press, Sydney, 2003, pp. 213–21.

35. House of Representatives Standing Committee on Procedure, *The Standing Orders Governing Disorder and Strangers*, Australian Government Publishing Service (AGPS), Canberra, October 1992, pp. 8–9.

We have recommended that those periods be changed to 24 hours, three sitting days and seven sitting days, which means that the same penalty would apply, irrespective of when the suspension took place. At the moment, a member could be suspended at the end of a sitting period and serve a lesser penalty than someone who got 24 hours earlier in the week. We think that sitting days are appropriate for suspension times. The suspension times recommended are slightly less than the existing penalties but, depending on which day of the week it is, a member's suspension could be longer than under the current provisions.<sup>36</sup>

**Table 2: Changes in periods of suspension following a member being named and suspended**

Dates	First suspension	Second suspension	Third suspension
6 June 1901 to 21 March 1950	Remainder of the day's sitting	1 week	1 month
21 March 1950 to 21 February 1994	24 hours	7 days, excluding the day of suspension (any suspension in a previous Session shall be disregarded)	28 days, excluding the day of suspension (any suspension in a previous Session shall be disregarded)
21 February 1994 onwards	24 hours	3 consecutive sittings, excluding the day of suspension	7 consecutive sittings, excluding the day of suspension

### ***Suspension by resolution of the House***

On three occasions the House imposed its own sanction by resolution on matters of privilege:

- On 11 November 1913, David McGrath (ALP, Ballarat [sic], Vic.) was suspended for 'the remainder of the session' for 'reflecting on the Chair'.<sup>37</sup> He had been accused of saying in Ballarat words 'to the effect that the Speaker [Elliot Johnson: LP, Lang, NSW] had lost the confidence and respect of honourable members, that he had deliberately altered a Hansard proof, that he had acted in a biased manner, and was proving himself a bitter partisan'.<sup>38</sup> He declined on several occasions to admit or deny the accuracy of the press report containing the statement (not having read it).<sup>39</sup> The Speaker sought to have the matter lapse, but Prime Minister Joseph Cook (LP, Parramatta, NSW) proceeded with his motion to suspend him. The Clerk then read out the newspaper report. Opposition members refused to act as tellers.<sup>40</sup> Mr McGrath was suspended on the motion:

That the honourable member for Ballarat [sic] be suspended from the service of the House for the remainder of the Session unless he sooner unreservedly retracts the words uttered by him at Ballarat [sic] on Sunday, the 9th November, and reflecting on Mr Speaker, and apologises to the House.<sup>41</sup>

This was the first time a member had been suspended for the remainder of the Session, which meant he was suspended for 39 days until 19 December 1913. In the next Parliament, on 29 April 1915, the House resolved to expunge the resolution of suspension from the journals of the House 'as being subversive of the right of an honourable member to freely address his constituents'.<sup>42</sup>

- On 24 February 1987, Wilson Tuckey (LP, O'Connor, WA)—who was already under suspension—was further suspended for seven sitting days for having reflected on the character of the Speaker (Joan Child: ALP, Henty, Vic.) and being in contempt of the House. He had made remarks outside the House that—among other things—the Speaker was 'a political animal' and that she should resign.<sup>43</sup>

36. G Scholes, Procedure Committee Report, House of Representatives, *Debates*, 15 October 1992, p. 2195.

37. House of Representatives, *Votes and Proceedings*, 11 November 1913, p. 152.

38. House of Representatives, *Debates*, 11 November 1913, p. 2987.

39. House of Representatives, *Debates*, 11 November 1913.

40. Tellers are Members who are appointed by the Chair to record the names of Members who are voting on each side; Wright, ed., *House of Representatives Practice*, op.cit., p. 277.

41. House of Representatives, *Votes and Proceedings*, 1913, pp. 151–53 and 1914–17, also p. 181.

42. Wright, ed., *House of Representatives Practice*, op.cit., p. 765.

43. House of Representatives, *Debates*, 24 February 1987, pp. 573 and 580–87.

- On 21 December 1989, Ken Aldred (LP, Bruce, Vic.) was suspended for two sitting days, following a reference to the Privileges Committee, for refusing to withdraw an allegation against Lewis Kent (ALP, Hotham, Vic.) that he was essentially an agent of a foreign power.<sup>44</sup>

### ***Directed to withdraw from the Chamber for one hour ('sin bin')***

In 1992 the *Standing Orders Governing Disorder and Strangers* report recommended that the Speaker be given the power to order from the Chamber a member who is unduly disruptive, without having to go through the sometimes more disruptive process of naming and suspending them. The period would be determined by the Speaker but the member would not be denied the right to vote in divisions.<sup>45</sup> A similar provision had been in the standing orders from March 1950 to August 1963. The rationale for such a recommendation was expressed by Gordon Scholes (ALP, Corio, Vic.):

In a moment of heat in the chamber, perhaps during the Budget Speech or the reply to the Budget Speech or on some other occasion, the Speaker may feel that it is not appropriate to move for the suspension of a member or that a member's behaviour is such that the penalty of suspension is not warranted but, nevertheless, it would be in the interests of the House for that member to be removed for a short time.

The recommendation that the right of such a member to vote in divisions not be taken away is to protect the House against any action which may change the voting pattern or change voting in the House. Apart from divisions, the member would be expected to remain out of the House. If the member refused to comply, or if the member acted other than in the spirit of that order from the Chair, the provision remains that the Speaker could name the member concerned.

We were concerned to put before the House proposals which would assist the workings of the House and which would assist the Chair in keeping order. I think it is fair to say that previous speakers have felt that suspension is the blunt end of the axe and that quite often it is not an appropriate penalty for the crime of the time. If the Speaker had an additional weapon, which I suppose we could call a soft option—or what could be called a sin-bin—it would add to the flexibility available to the Speaker to keep order.<sup>46</sup>

This report was overtaken by the 1993 federal election and another report by the same committee was tabled on 28 October 1993.<sup>47</sup> This committee accepted the earlier report's recommendations but suggested that the period of ejection be set at one hour and that the member also be excluded from any divisions occurring during that hour. The Government accepted both these recommendations.<sup>48</sup>

In support of its recommendations, the Committee noted that the process of suspending a member is 'time-consuming and is itself disruptive of proceedings'. It also made the point that it saw the sin bin as 'a means of removing a source of disorder rather than as a punishment. It would enable a situation to be defused quickly before it deteriorated, and without disrupting proceedings to any great extent'.<sup>49</sup>

The report was broadly accepted. Some members in their speeches concentrated on the effectiveness of the new penalties; some on the need for the Speaker to enforce the standing orders and to do so fairly and in a bipartisan fashion.<sup>50</sup> Others considered it was up to all members to make the Parliament work by taking responsibility for adhering to the rules and procedures.<sup>51</sup>

44. House of Representatives, *Debates*, 21 December 1989, pp. 3353–79.

45. House of Representatives Standing Committee on Procedure, *The Standing Orders Governing Disorder and Strangers*, op.cit., pp. 4–5.

46. G Scholes, Procedure Committee report, House of Representatives, *Debates*, 15 October 1992, p. 2195.

47. House of Representatives Standing Committee on Procedure, *About time: bills, questions and working hours—report of the inquiry into reform of the House of Representatives*, AGPS, Canberra, October 1993, p. 28.

48. These provisions became incorporated into Standing Orders 304A and 307 (see Appendix A) which took effect from 21 February 1994. House of Representatives, *Debates*, 10 February 1994, pp. 795–822.

49. House of Representatives Standing Committee on Procedure, *About time: bills, questions and working hours—report of the inquiry into reform of the House of Representatives*, op.cit., p. 28.

50. P Filing, House of Representatives, *Debates*, 28 October 1993, p. 2711; L McLeay, House of Representatives, *Debates*, 28 October 1993, p. 2714; R Price, House of Representatives, *Debates*, 28 October 1993, p. 2718; J Bradford, House of Representatives, *Debates*, 21 December 1993, p. 4519.

51. J Sharp, House of Representatives, *Debates*, 21 December 1993, p. 4503.

Nevertheless, there was some opposition to the change with Ian Sinclair (NPA, New England, NSW) describing the sin bin idea as ‘gimmickry’.<sup>52</sup> He said:

As far as I am concerned, I am prepared to go along with the idea of having a one-hour suspension. But it is totally inappropriate for a person, who demonstrably is still a member of the governing party of the place, to be in a position to suspend members for one hour, or any other period, without a vote of this chamber.<sup>53</sup>

Bob Horne (LP, Paterson, NSW) sought to allay concerns about the Speaker having increased powers, saying:

If there is one way to encourage him [the Speaker] to be independent, it is by giving him that power and waiting to see what happens, because the House would not allow that power to be abused.<sup>54</sup>

### Effectiveness of the sanctions on disorderly behaviour in maintaining order

The penalties imposed for disorderly conduct have changed little since the introduction of the sin bin. It is pertinent to ask how effective they have been in maintaining order in the House since then. Just over a year after the sin bin was introduced on 21 February 1994, the Procedure Committee conducted a review of the changes that had come into operation. It reported that the application of the new power was working well and that it enhanced the Speaker’s authority. It noted that the power had been used infrequently and expected any inconsistencies in its application would be ironed out over time as everyone became more used to it.<sup>55</sup>

Certainly the use of the sin bin began modestly, invoked in its first three years on five occasions in 1994; 11 in 1995 and nine in 1996. But in 1997 its use jumped to 33 occasions and has never fallen below 20 since. Meanwhile, the number of instances when a member has been named but the matter has not been proceeded with has reduced dramatically since 1994 (to just three occasions). This would suggest that where speakers had been reluctant to name and suspend, they have adopted the sin bin option instead (see Table 3).

**Table 3: Disciplinary actions per year since the introduction of the sin bin in 1994**

Year	Not proceeded with or negatived	Named and suspended	Sin binned	Total
1994	–	1	5	6
1995	–	5	11	16
1996	–	6	9	15
1997	–	6	33	39
1998	–	3	23	26
1999	1	2	29	32
2000	–	3	37	40
2001	1	6	37	44
2002	–	4	20	24
2003	–	8	39	47
2004	–	4	25	29
2005	–	1	55	56
2006	–	4	94	98
2007	–	3	63	66
2008	–	5	53	58
2009	–	7	62	69
2010	–	2	50	52
2011	1	3	86	90
2012	–	1	126	127
2013	–	–	76	76
2014	–	3	271 <sup>(a)</sup>	274
2015	–	4	167	171
2016 to May	–	1	52	53
<b>Total</b>	<b>3</b>	<b>82</b>	<b>1 423</b>	<b>1 508</b>

(a) Includes one ejection from the Federation Chamber for 15 minutes in 2014.

52. I Sinclair, House of Representatives, *Debates*, 17 December 1993, p. 4412.

53. I Sinclair, House of Representatives, *Debates*, 10 February 1994, p. 819. Nevertheless, during his time as Speaker (4.3.1998 – 31.8.1998) Mr Sinclair used the sin bin on 14 out of 16 occasions on which he disciplined members (see Appendix D).

54. R Horne, House of Representatives, *Debates*, 17 December 1993, p. 4416.

55. House of Representatives Standing Committee on Procedure, *Time for Review: Bills, questions and working hours: report of the review of procedural changes operating since 21 February 1994*, AGPS, Canberra, June 1995, pp. 27–29.

It is interesting to note that the average number of naming and suspensions per year has increased from 2.5 before 1994 to 3.6 *after* the sin bin was introduced (see Table 4). This would suggest that disorder on this measure alone has increased and may be reflective of a higher level of disorder since 1994—or at least a greater willingness among Chairs to take action.

**Table 4: Disciplinary actions before and after the introduction of the sin bin in 1994**

Period	Not proceeded with or negated	Named and suspended	Sin binned	Total
Pre-1994	132	236	Not applicable	368
Average per year (93 years)	1.4	2.5	Not applicable	4.0
Post-1994	3	82	1 423 <sup>(a)</sup>	1 508
Average per year (23 years)	0.01	3.6	61.8	65.6
<b>Total</b>	<b>135</b>	<b>318</b>	<b>1 423</b>	<b>1 876</b>

(a) Includes one ejection from the Federation Chamber for 15 minutes in 2014.

In the last four years (2013–16) the average number of suspensions per year has fallen to below pre-1994 levels. On the other hand, the average number of sin bin sanctions during the last four years has been much higher—at 143.5 instances per year—compared to the overall post-1994 average (61.8 instances).

Anecdotal evidence and the number of disciplinary actions taken against members would suggest an increase in disorderly behaviour. However, it could be that the level of disorder has remained the same, but that Chairs are tolerating it less and taking more disciplinary actions.

Wilson Tuckey (LP, O’Connor, WA) had expressed this concern when the sin bin was being contemplated in 1993. He had been suspended many times and possibly saw his future under the proposed standing order when he said:

Honourable members would not be surprised that I am not very much in favour of the sin bin. I do not really think that would be very wise and, in fact, it would be a situation that might make it just a bit too easy for the Speaker when it is a prerogative of the parliament.<sup>56</sup>

As to the effectiveness of the sin bin in avoiding the disruption caused by the cumbersome and time consuming procedure of naming and suspending, again it is difficult to argue. The number of naming and suspensions has definitely decreased in recent years. However, as the number of sin bin sanctions has increased, it may be that this penalty has contributed to greater disorder because members view it as little more than a slap on the wrist and of little deterrent value. While speakers relate many stories of the public’s disgust with the behaviour of members in general during Question Time, there appears to be little negative feedback given to the individual members who are sin binned.

Even before it was introduced, Harry Woods (ALP, Page, NSW) felt that not only would the sin bin penalty have little effect on disorderly behaviour, but that some members ‘would wear being kicked out once in a while with no further penalty as a badge of honour’.<sup>57</sup> While this may have been true in the early years, the sheer number of different members being sin binned now would suggest that its value in this respect has diminished. On the other hand, being named and suspended is considered a much more serious sanction, not only by the Parliament but by the suspended members themselves.

So, whether or not SO 94(a) has had any effect on controlling disorderly behaviour is difficult to determine and in fact it may be unrealistic to expect any such penalty or the actions of any one person, the Speaker, to manage it. It may be that only the will of the Parliament can ensure how orderly or disorderly its proceedings are. As John Sharp (NPA, Hume, NSW) said in 1993:

That we are debating these procedural changes reflects the fact that the people in this House have not maintained the spirit of the standing orders to the degree we would have liked. It boils down to one critical element: all of the procedures and standing orders of the parliament are really only as good as the people who work within the parliament. It all depends on how effectively they want the standing orders to work. I think it is important for us as members of parliament to realise that all the standing orders and procedures will not overcome a failure by

56. W Tuckey, ‘Procedure Committee report’, House of Representatives, *Debates*, 25 November 1993, p. 3641.

57. H Woods, ‘Procedure Committee report’, House of Representatives, *Debates*, 21 December 1993, p. 4501.

members of the parliament to make the parliament work. It is not up to the standing orders and the procedures; it is up to us to make the parliament work effectively.<sup>58</sup>

Daryl Melham (ALP, Banks, NSW), when speaking about the review report in 1995, made a similar point but probably injected a note of reality as to members' expectations of the sin bin, if not the public's, when he said:

Question time is theatre, and we are all guilty of participating. ... If we are fair dinkum in terms of the operation of the sin-bin and if it is what we want—total decorum and total silence when a question is asked or when a minister is answering a question or when the Prime Minister is answering a question—then I say to the Speaker and the Deputy Speaker that they should exercise the sin-bin a lot more harshly and a lot more often than they do. I think that if there were two or three days in succession where the Speaker or Deputy Speaker, whichever is in charge, threw out three or four government members and three or four opposition members ... then we would get a question time where we could hear a pin drop.

But is that what we really want? The truth is that in our heart of hearts most of us do not. I find question time the most engaging and enjoyable part of the operation of the parliament and it is the most electric when the Prime Minister is there. ... It is a balance. So let us not get on with the humbug. I think the power is there. I actually enjoy the interchange between government and opposition members, but I do believe that there are times when that power should be exercised a bit more. I think that the Speaker and the Deputy Speaker have shown enormous tolerance to us as members of the parliament.<sup>59</sup>

## Periods spent out of the Chamber

In most cases of disorderly conduct members have been required to spend from one hour to 24 hours outside of the Chamber (see Table 5).

**Table 5: Time periods spent out of the Chamber by disciplinary action and as a percentage**

Time Period	Number of disciplinary actions	Disciplinary action expressed as percentage of total instances
1 hour (sin bin)	1 422	75.8
15 minutes from Federation Chamber	1	0.1
Remainder of day's sitting	89	4.7
24 hours	203	10.8
2 sitting days including today (House resolution)	1	0.1
Remainder of day's sitting and next 3 sitting days	4	0.2
1 week; 7 days; Remainder of day's sitting and next 7 consecutive days	18	1.0
7 sitting days including today (House resolution)	1	0.1
1 month	1	0.1
Remainder of session (House resolution)	1	0.1
None as matter not proceeded with	132	7.0
None as motion to suspend negatived	3	0.2
<b>Total</b>	<b>1 876</b>	<b>100</b>

On only one occasion has a member been suspended for a month because he had been named for a third time within the one session. This occurred on 28 August 1919, when Michael Considine (ALP, Barrier, NSW) was suspended for disregarding the authority of the Chair by refusing to withdraw a disorderly expression.<sup>60</sup>

On 18 occasions members were suspended for about a week or seven days—the period of time being expressed variously depending upon the wording of the standing order at the time. This was the penalty for members who

58. J Sharp, 'Procedure Committee report', House of Representatives, *Debates*, 21 December 1993, p. 4503.

59. D Melham, 'Procedure Committee report', House of Representatives, *Debates*, 22 June 1995, p. 2222.

60. He refused to withdraw his comment that '... the Government at the present time are supporting the champion murderer of the working classes in Russia generally, namely, Koltchak.' House of Representatives, *Debates*, 28 August 1919, p. 12072.

had been named for a second time during a session. From 1994 the period of suspension for being named and suspended during a calendar year was reduced to the remainder of the day's sitting and the next three sitting days. Just four members have received this sanction—the most recent being Mark Dreyfus (ALP, Isaacs, Vic.) during the 44th Parliament on 25 June 2015.<sup>61</sup>

On three occasions the House imposed its own sanctions by resolution on matters of privilege. They were for the remainder of the session; for two sitting days including the day of sanction; and for seven sitting days including the day of sanction.

On 135 occasions, no penalty was imposed.

### **Removal from the Chamber by the Serjeant-at-Arms**

If a member refuses to follow the Speaker's direction in a case of disorderly conduct, the Speaker may order the Serjeant-at-Arms to remove the member or take the member into custody (SO 94(f)). No cases have occurred of a member being taken into custody by the Serjeant-at-Arms.

Removal by the Serjeant has usually occurred after a member has been named and suspended but has refused to leave the Chamber. There have been 22 occasions when the Chair has called for the assistance of the Serjeant-at-Arms during the naming and suspension of a member and one occasion when such a call was made when a member was directed to leave the Chamber for one hour. See Appendix B for a list of these instances.

### **Reasons for disciplinary actions**

In the early days, the stated reasons given by the Speaker for suspending a member tended to mirror those outlined in the standing orders. So, being suspended for disorderly behaviour was how it was expressed in the standing orders. Nowadays, members tend to be suspended or directed to leave the Chamber because of interjecting or continuing to interject. Standing Order 65(b) states 'When a member is speaking, no member may converse aloud or make any noise or disturbance to interrupt the member.' Standing Order 66 indicates very specifically when members may interrupt proceedings with the implication that at other times members must be heard in silence.<sup>62</sup> However, this rarely happens and is rarely insisted upon unless the Speaker feels that the interjections have reached such a degree as to be considered disorderly. It is at each Speaker's discretion to decide whether or not he or she warns a member before disciplining them.

Table 6, covering the 38th to the 44th parliaments (1996 to May 2016), gives some of the broad reasons why members are disciplined. These are by no means mutually exclusive. For example, 'refusing to withdraw from the Chamber' could also be categorised as 'disregarding the authority of the Chair'. They are classified in this way in the table to give some indication of the sorts of behaviours for which members have been disciplined and to show trends from the 38th Parliament (1996) to date. The major reasons for members being disciplined in each Parliament was interjecting, followed by: disorderly conduct, abusing parliamentary procedures, and disregarding the authority of the Chair.

**Table 6: Reasons for disciplinary action by parliament**

Reason for disciplinary action	38th	39th	40th	41st	42nd	43rd	44th	Total
Abusing the forms of the House <sup>(a)</sup>	5	3	–	1	27	23	29	88
Defying or disregarding the authority of the Chair	5	2	6	3	8	4	11	39
Disorderly conduct	5	7	4	36	53	29	36	170
Interjecting	48	108	80	177	78	222	448	1 161
Reflecting on the Chair or a member	–	2	5	1	1	–	–	9
Refusing to resume their seat	5	–	–	–	1	–	–	6
Refusing to withdraw a remark or expression	3	1	2	4	–	–	–	10
Refusing to withdraw from the Chamber	2	–	–	1	–	–	–	3
<b>Total</b>	<b>73</b>	<b>123</b>	<b>97</b>	<b>223</b>	<b>168</b>	<b>278</b>	<b>524</b>	<b>1 486</b>

(a) An abuse may be, for example, raising frivolous points of order.

61. House of Representatives, [Votes and Proceedings](#), 25 June 2015.

62. House of Representatives, [Standing Orders as at 26 March 2015](#), Department of the House of Representatives, 2010, pp. 38–9.

## Patterns of disciplinary action

### *When disorder most occurs*

It would come as no surprise to discover that most disorderly conduct occurs during Question Time when almost all members are present and when Parliament is at its most political. Since the sin bin was introduced in 1994, it has accounted for 83.4 per cent of all instances of disorder (see Table 7). When other types of parliamentary proceedings that occur during or just after Question Time (censure motions, personal explanations, questions to the Speaker and matters of public importance) are factored in, the degree of disorderly behaviour rises to 94.7 per cent of all disorder during this period of the sitting day (usually scheduled around 2–4pm).

**Table 7: Instances of disorder by type of parliamentary proceeding from 1994 to 2016, expressed as a percentage of total instances**

Parliamentary proceedings	Number of instances of disorderly conduct	Instances of disorderly conduct expressed as a percentage
Question Time	1 257	83.4
Matters of Public Importance (MPI)	56	3.7
Censure Motions	38	2.5
Motions to suspend standing orders	35	2.3
Questions to the Speaker	20	1.3
Personal Explanations	22	1.5
Bills	20	1.3
Other	60	4.0
<b>Total</b>	<b>1 508</b>	<b>100</b>

### *Disciplinary actions across the sitting fortnight*

Disciplinary actions occur more frequently on Tuesdays, Wednesdays and Thursdays: 86.7 per cent of all sanctions occur on these three weekdays (see Table 8). This finding is unsurprising given that most sitting days occur on Tuesday through to Thursday, thus affording greater opportunity for members to be sanctioned for disorderly conduct.

However, members are more likely to receive the opprobrium of the Chair as the week progresses: 10.6 per cent of disciplinary actions occur on Mondays; 22.7 per cent on Tuesdays; 28.8 per cent on Wednesdays and 35.2 per cent on Thursdays. Whether this increase throughout the week is due to an increase in disruptive behaviour by members or a decrease in tolerance by the Chair—or a combination of both—is difficult to tell.

**Table 8: Number of disciplinary actions by weekday, 1901–2016, also expressed as a percentage of total instances**

Weekday	Not proceeded with or negated		Ordered from Federation Chamber		Suspended		Sin binned		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Monday	2	1.5%	–	–	11	3.5%	185	13.0%	198	10.6%
Tuesday	30	22%	–	–	45	14.2%	350	24.6%	425	22.7%
Wednesday	35	26.5%	–	–	102	32.1%	404	28.4%	541	28.8%
Thursday	52	38.6%	1	100%	129	40.6%	479	33.7%	661	35.2%
Friday	15	10.6%	–	–	31	9.7%	4	0.3%	50	2.7%
Saturday	1	0.8%	–	–	–	–	–	–	1	0.1%
<b>Total</b>	<b>135</b>	<b>100%</b>	<b>1</b>	<b>100%</b>	<b>318</b>	<b>100%</b>	<b>1 422</b>	<b>100%</b>	<b>1 876</b>	<b>100%</b>

Disorderly behaviour resulting in disciplinary action is no more frequent in the second week of a sitting fortnight than in the first week. Over the past 27 years (1990–2016), the number of disciplinary actions was higher in the second week in 50 per cent of sitting fortnights. In 18 per cent of sitting fortnights, the number of disciplinary

actions was the same in each week; and in 32 per cent of sitting fortnights the number was less in the second week. (See Appendix F for details.)

## Who receives disciplinary action for disorderly behaviour?

### *Number and list of members disciplined*

Of the 1,136 members who have served in Parliament since 1901, 329 (30 per cent) have been named and/or suspended or sin binned. This does not include two Greens senators (Bob Brown (AG, Tas.) and Kerry Nettle (AG, NSW)) who were suspended during a joint meeting of both Houses in the House of Representatives chamber to hear an address by US President George W Bush on 23 October 2003.

Table 9 lists the members who have had 10 or more disciplinary actions taken against them. The full table of all members, including the two senators, who have been disciplined is contained in Appendix C.

From Table 9 it can be seen that Nick Champion (ALP, Wakefield, SA) is a clear leader over Graham Perrett (ALP, Moreton, Qld) and Anthony Albanese (ALP, Grayndler, NSW) in terms of the total number of disciplinary actions (80, 58 and 48 respectively). They are closely followed by Christopher Pyne (LP, Sturt, SA) on 45.

Wilson Tuckey wrongly had the reputation for being named and suspended the most number of times (14 times). In terms of suspensions alone, Mr Tuckey comes after Eddie Ward (ALP, East Sydney, NSW) on 16 suspensions. Third in this category is William Wentworth (LP, Mackellar, NSW) on 10 suspensions.

It should be noted: had Rowland James not been so ready to apologise for his actions and the Speaker not so ready to accept his apologies, then he would also have ranked highly on the number of times being suspended. On 10 occasions Mr James was named but not suspended (over twice as many as the next member in this category) because his apologies were accepted and the matter was not proceeded with.

If the length of time spent in Parliament is taken into account, then it is the newer members who feature prominently. Terri Butler (ALP, Griffith, Qld), who only entered Parliament on 8 February 2014, was ejected 15.6 times a year on average. Ms Butler is followed by Pat Conroy (ALP, Charlton, NSW), who was elected at the 2013 federal election, on an average of 12.8 sin bins per year. Nick Champion is third on an average of 9.4 ejections per year—having been disciplined 80 times over his eight-and-a-half years in Parliament (2007–2016). Looking at only the 44th Parliament, Mr Champion—having been ejected 70 times—was easily the most frequent transgressor at a rate of 26.3 sin bins per year.

**Table 9: Type and number of disciplinary action taken against members, with annual average**

Member and Party	Not proceeded with	Suspended	Sin binned	Total disciplinary actions	Service in years months	Average per year
Champion, Nick (ALP)	–	–	80	80	8.6	9.4
Perrett, Graham (ALP)	–	–	58	58	8.6	6.8
Albanese, Anthony (ALP)	–	4	44	48	20.2	2.4
Pyne, Christopher (LP)	–	2	43	45	23.2	1.9
Dreyfus, Mark (ALP)	–	3	36	39	8.6	4.6
Butler, Terri (ALP)	–	–	35	35	2.3	15.6
Conroy, Pat (ALP)	–	–	34	34	2.8	12.8
Tuckey, Wilson (LP)	1	14	16	31	29.2	1.1
Irwin, Julia (ALP)	–	2	28	30	11.10	2.5
Plibersek, Tanya (ALP)	–	–	29	29	17.7	1.6
Snowdon, Warren (ALP)	–	2	25	27	26.3	1.0
O'Connor, Brendan (ALP)	–	–	27	27	14.6	1.9
Hockey, Joe (LP)	–	–	27	27	19.8	1.4
Tanner, Lindsay (ALP)	–	2	25	27	17.4	1.6
Dutton, Peter (LP)	–	–	26	26	14.6	1.8
Chalmers, Jim (ALP)	–	1	23	24	2.8	9.0
Fitzgibbon, Joel (ALP)	–	2	21	23	20.2	1.1
Husic, Ed (ALP)	–	1	22 <sup>(b)</sup>	23	5.9	4.0

Member and Party	Not proceeded with	Suspended	Sin binned	Total disciplinary actions	Service in years months	Average per year
Swan, Wayne (ALP)	–	6	17	23	20.7	1.1
Laming, Andrew (LP)	–	2	19	21	11.7	1.8
Crean, Simon (ALP)	–	3	17	20	23.4	0.9
MacTiernan, Alannah (ALP)	–	–	20	20	2.8	7.5
O’Keefe, Neil (ALP)	1	–	18	19	16.10	1.1
Ripoll, Bernie (ALP)	–	–	18	18	17.7	1.0
Jones, Ewen (LP)	–	–	18	18	5.9	3.1
King, Catherine (ALP)	–	–	18	18	14.6	1.2
Bishop, Bronwyn (LP)	–	–	17	17	22.1	0.8
Kerr, Duncan (ALP)	–	–	17	17	23.0	0.7
Ward, Eddie (ALP)	1	16	–	17	32.3	0.5
Simpkins, Luke (LP)	–	–	17	17	8.6	2.0
Danby, Michael (ALP)	–	–	16	16	17.7	0.9
Owens, Julie (ALP)	–	–	16	16	11.7	1.4
Crosio, Janice (ALP)	–	–	15	15	14.5	1.0
Robert, Stuart (LP)	–	1	13	14	8.6	1.6
Randall, Don (LP)	–	–	14	14	16.3	0.9
Morrison, Scott (LP)	–	1	13	14	8.6	1.6
James, Rowland (ALP)	11 <sup>(a)</sup>	3	–	14	29.11	0.5
Bevis, Arch (ALP)	–	2	11	13	20.5	0.6
Briggs, Jamie (LP)	–	–	13	13	7.8	1.7
Ellis, Kate (ALP)	–	–	13	13	11.7	1.1
Chesters, Lisa (ALP)	–	–	12	12	2.8	4.5
Emerson, Craig (ALP)	–	1	11	12	14.10	0.8
Hunt, Greg (LP)	–	–	12	12	14.6	0.8
Mirabella, Sophie (LP)	–	1	11	12	11.10	1.0
Bowen, Chris (ALP)	–	–	11	11	11.7	0.9
Watts, Tim (ALP)	–	–	11	11	2.8	4.1
Latham, Mark (ALP)	–	2	9	11	11.0	1.0
Wilkie, Kim (ALP)	–	–	11	11	9.2	1.2
Christensen, George (NP)	–	–	11	11	5.9	1.9
McLeay, Leo (ALP)	–	4	7	11	25.2	0.4
O’Connor, Gavan (ALP)	–	2	9	11	14.8	0.8
Adams, Dick (ALP)	–	2	9	11	20.6	0.5
Wentworth, William (LP)	–	10	–	10	27.11	0.4
Ferguson, Martin (ALP)	–	3	7	10	17.5	0.6
Haylen, Les (ALP)	2	8	–	10	20.3	0.5
Zahra, Christian (ALP)	–	1	9	10	6.0	1.7
Jensen, Dennis (LP)	–	1	9	10	11.7	0.9
Marles, Richard (ALP)	–	–	10	10	8.6	1.2

(a) Includes one negated.

(b) Includes one ejection from the Federation Chamber for 15 minutes.

## Disciplinary actions by gender

Of the 1,876 disciplinary actions, 18.0 percent of these occasions have been against women. However, adjusting for the fact that the first woman did not enter Parliament until 21 August 1943—and that 114 male MPs had already been named and/or suspended, this percentage rises to 19.1 per cent.

The first woman to be named was Elaine Darling (ALP, Lilley, Qld) on 12 May 1981, but her suspension was not proceeded with. Ms Darling had sought to put a motion condemning the Government for its approach to Queensland's hospital system. The Government moved that she not be further heard, but she continued her remarks despite being told to resume her seat and then being warned by Deputy Speaker Percy Millar (NCP, Wide Bay, Qld). Ms Darling was then named but, following the intercession of her colleagues and a Minister, she was permitted to apologise. Having done so, the motion to suspend her was withdrawn.<sup>63</sup>

**Table 10: Disciplinary actions by gender, by number and as a percentage**

Gender	Members disciplined		Occasions when named but not proceeded with or negatived		Occasions when named and suspended		Occasions when sin binned		Total disciplinary actions	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Female	48 <sup>(a)</sup>	14.6%	1	0.7%	8	2.5%	328	23.0%	337	18.0%
Male	281 <sup>(a)</sup>	85.4%	134	99.3%	310	97.5%	1 095 <sup>(b)</sup>	77.0%	1 539	82.0%
<b>Total</b>	<b>329</b>	<b>100%</b>	<b>135</b>	<b>100%</b>	<b>318</b>	<b>100%</b>	<b>1 423</b>	<b>100%</b>	<b>1 876</b>	<b>100%</b>

(a) Includes Senator Kerry Nettle and Senator Bob Brown.

(b) Includes one ejection from the Federation Chamber for 15 minutes.

The first woman member to be ordered from the House was Carmen Lawrence (ALP, Fremantle, WA) who was sin binned on 19 June 1996 for continuing to interject during an answer to a question without notice.<sup>64</sup> Later that year on 9 December 1996, De-Anne Kelly (NPA, Dawson, Qld) and Jackie Kelly (LP, Lindsay, NSW) became the first women members to be named and suspended for 'disregarding the authority of the Chair'.<sup>65</sup> They had sought to leave the Chamber during a vote on the Euthanasia Laws Bill but were told to resume their places before the tellers had been appointed. However, to indicate that they wished to abstain from the vote, they stood in the aisle—which is not what the Speaker had asked them to do.<sup>66</sup>

The seven women members (including one senator) who have been named and suspended from the House of Representatives are Julia Gillard (ALP, Lalor, Vic.), Julia Irwin (ALP, Fowler, NSW) (suspended twice), De-Anne Kelly (NPA, Dawson, Qld), Jackie Kelly (LP, Lindsay, NSW), Cheryl Kernot (ALP, Dickson, Qld), Sophie Mirabella (LP, Indi, Vic.) and Senator Kerry Nettle (AG, NSW).

## Disciplinary actions against parties in Government and Opposition

Non-government members, including crossbenchers, account for 92.8 per cent of all instances of disciplinary actions from 1901 to the end of the 44th Parliament in 2016—irrespective of whether Labor or the Coalition has been in Opposition (see Table 11).

**Table 11: Disciplinary actions against government versus non-government members, from Federation to end of the 44th Parliament**

Disciplinary action	Government		Non-government		Total	
<b>Matter not proceeded with or negatived</b>	18	13.3%	117	86.7%	<b>135</b>	<b>100%</b>
<b>Suspended</b>	25	7.9%	293	92.1%	<b>318</b>	<b>100%</b>
<b>Sin-binned</b>	93	6.5%	1 330 <sup>(a)</sup>	93.5%	<b>1 423</b>	<b>100%</b>
<b>All actions</b>	<b>136</b>	<b>7.2%</b>	<b>1 740</b>	<b>92.8%</b>	<b>1 876</b>	<b>100%</b>

(a) Includes one ejection for 15 minutes from the Federation Chamber.

63. House of Representatives, *Debates*, 12 May 1981, p. 2258.

64. House of Representatives, *Debates*, 19 June 1996, p. 2246.

65. House of Representatives, *Votes and Proceedings*, 9 December 1996.

66. House of Representatives, *Debates*, 9 December 1996, p. 8073. The first woman suspended from any Australian Parliament was Florence Cardell-Oliver who was suspended from the Western Australian Legislative Assembly on 26 October 1941 during a debate on starting-price betting: J Ritchie, ed, *Australian Dictionary of Biography*, Melbourne University Press, Carlton, Vic., 13, 1993, p. 365.

Table 12 shows that the major parties (with by far the most number of members) account for 98.3 per cent of all disciplinary actions; independents and minor parties make up the remainder. Labor members have been disciplined on 1,225 occasions and Coalition members on 620 occasions since Federation: that is, Labor accounts for about twice as many disciplinary actions. In percentage terms, the difference is 65.3 per cent of disciplinary actions against Labor versus 33 per cent for the Coalition. This is not surprising given that Labor has been in Opposition federally for 66.8 per cent of the time, compared to the Coalition's 33.2 per cent.<sup>67</sup>

**Table 12: Breakdown of disciplinary actions against members from major parties, independents and minor parties, from Federation to end of the 44th Parliament**

Disciplinary action	Coalition		Labor		Totals: major parties		Independents/ minor parties	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Matter not proceeded with or negatived	40	29.6%	85	63.0%	125	92.6%	10	7.4%
Suspended	138	43.4%	166	52.2%	304	95.6%	14	4.4%
Sin-binned	442	31.1%	974	68.4%	1 416	99.5%	7	0.5%
<b>All actions</b>	<b>620</b>	<b>33.0%</b>	<b>1 225</b>	<b>65.3%</b>	<b>1 845</b>	<b>98.3%</b>	<b>31</b>	<b>1.7%</b>

From the 38th to the 44th parliaments, Opposition members accounted for 85–95 per cent of disciplinary actions. Table 13 shows that the percentage was roughly 90 per cent for both the Labor Opposition during the Howard years and the Coalition Opposition during the Rudd/Gillard governments. However, during the Abbott/Turnbull governments, instances against members in Opposition increased markedly to 97.1 per cent (see Table 13).

**Table 13: Disciplinary actions taken against members of major parties in Opposition, 38th–44th parliaments, expressed as a percentage of total instances**

Parliament	Total disciplinary actions	Disciplinary actions against members in Opposition	
38th (April 1996 – July 1998)	73	62	84.9%
39th (November 1998 – October 2001)	123	113	91.9%
40th (February 2002 – August 2004)	97	83	85.6%
41st (November 2004 – October 2007)	223	213	95.5%
<b>Howard Government average<sup>(a)</sup></b>	<b>516</b>	<b>471</b>	<b>91.3%</b>
42nd (February 2008 – July 2010)	168	151	89.9%
43rd (September 2010 – August 2013)	278	248	89.2%
<b>Rudd/Gillard Government average<sup>(b)</sup></b>	<b>446</b>	<b>399</b>	<b>89.5%</b>
44th (November 2013 – May 2016) <b>Abbott/Turnbull Government total<sup>(c)</sup></b>	<b>524</b>	<b>509</b>	<b>97.1%</b>

(a) Labor was in Opposition for this term.

(b) The Coalition was in Opposition for this term.

(c) Labor was in Opposition for this term.

### ***Position or office of members who are disciplined***

Of the 1,876 instances when members have been disciplined 719 were backbenchers; 30 were crossbenchers; 958 were frontbench or shadow frontbench; and 169 were members performing their duties as parliamentary office holders (for example, manager of opposition business or party whip). There is some overlap as parliamentary office holders can also occupy ministerial or shadow ministerial positions (see Table 14).

67. Parliamentary Library estimates.

**Table 14: Disciplinary actions against members by their position, expressed as a percentage of total instances**

Member's position	Matter not proceeded with or negatived		Suspended		Sin binned		Total	
Backbencher	70	9.7%	148	20.6%	501	69.7%	719	38.3%
Crossbencher	10	33.3%	14	46.7%	6	20.0%	30	1.6%
Shadow minister, minister	47	4.9%	130	13.6%	781 <sup>(a)</sup>	81.6%	958	51.1%
Parliamentary Office Holder	8	4.7%	26	15.4%	135	79.9%	169	9.0%
<b>Total</b>	<b>135</b>	<b>7.2%</b>	<b>318</b>	<b>17.0%</b>	<b>1 423</b>	<b>75.9%</b>	<b>1 876</b>	<b>100%</b>

(a) Includes one ejected from the Federation Chamber for 15 minutes.

Table 14 shows that the executive on both sides of Parliament (shadow ministers, ministers, parliamentary secretaries) account for just over half of all disciplinary actions. Backbenchers account for about 38 per cent; parliamentary office holders nine per cent; and crossbenchers less than two per cent.

No prime minister has ever been named, suspended or sin binned but Deputy Prime Minister Wayne Swan was sin binned on 20 March 2012. He had been asked a question about company tax cuts for small businesses and answered an Opposition interjection ('He's gone into shock!') with, 'I am always shocked by Curly over there, I can tell you that, Mr Speaker'.<sup>68</sup> It was reported that he later tweeted 'I apologise to Curly from the Three Stooges for any offence caused by comparing him to Andrew Robb; I'm sure Curly wouldn't be opposing tax cuts'.<sup>69</sup>

On 18 September 1931 Deputy Prime Minister Edward (Ted) Theodore (ALP, Dalley, NSW) was named for 'disregarding the authority of the Chair'.<sup>70</sup> Archdale Parkhill (UAP, Warringah, NSW) had accused him of owning 12,000 shares in a company at the last election. Mr Theodore responded that the records did not substantiate the accusation, that it was 'a lie' and that 'The Honourable member is a dirty little scandal monger'.<sup>71</sup> He was ordered to withdraw this last remark—which he did, but he also denied the share ownership and explained that as Mr Parkhill would not accept his assurance, he called Mr Parkhill a liar. The Speaker warned Mr Theodore that he would be named if he did not obey the Chair; to which he replied, 'Fire away.' The Speaker then named him for 'wilful disobedience of the Chair'. Prime Minister James Scullin (ALP, Yarra, Vic.) asked him to withdraw and apologise to the Chair; to which Theodore replied, 'Certainly I withdraw it.' Mr Theodore expressed regret, and the Speaker did not proceed with the matter.<sup>72</sup>

Four Leaders of the Opposition have been removed from the Chamber:

- On 20 August 2012 Tony Abbott (LP, Warringah, NSW) was sin binned by the Deputy Speaker, Anna Burke (ALP, Chisholm, Vic.), for disorderly behaviour. He had failed to withdraw a remark without qualification when asked to do so. Mr Abbott was the first Leader of the Opposition to be sent from the House under SO 94(a).<sup>73</sup>
- On 24 September 1986 John Howard (LP, Bennelong, NSW) was named and suspended for disregarding the authority of the Chair. He had refused to withdraw an allegation that the Treasurer had uttered a 'parliamentary lie'.<sup>74</sup>
- On 1 June 1949 Robert Menzies (LP, Kooyong, Vic.) was named and suspended for persistently interjecting during a speech by Arthur Calwell (ALP, Melbourne, Vic.). Despite intercessions from Mr Calwell, the Speaker insisted Mr Menzies be suspended.<sup>75</sup>

68. House of Representatives, *Debates*, 20 March 2012, p. 3499.

69. G Daley, 'Nyuk-nyuk: Swan's out', *Australian Financial Review*, 21 March 2012, p. 1.

70. House of Representatives, *Votes and Proceedings*, 18 September 1931, p. 828.

71. House of Representatives, *Debates*, 18 September 1931, pp. 154–55.

72. Ibid.

73. House of Representatives, *Debates*, 20 August 2012, p. 9114. Mr Abbott's initial interjection was not recorded but when he was requested to withdraw it without qualification by the Deputy Speaker, he did so. He was thanked but then Mr Abbott added, 'It is still an untrue statement'. It was for this comment that he was sin binned.

74. House of Representatives, *Debates*, 24 September 1986, p. 1316.

75. House of Representatives, *Debates*, 1 June 1949, p. 412.

- In the early hours of 18 December 1914 Joseph Cook (LP, Parramatta, NSW) was named and suspended from the service of the House ‘until he returns with Mr Speaker’s consent and apologises to Mr Speaker’ for ‘rising and continuing his address to the House though called to order by Mr Speaker, and using language which Mr Speaker considered an insult to the Chair’.<sup>76</sup> Later that day he sent a letter of apology to the Speaker and was permitted to return to the Chamber.<sup>77</sup>

Three other Opposition Leaders have been named or ordered from the Chamber but their suspension/ejection did not proceed. Summaries of their circumstances are as follows:

- On 25 October 1955 Bert Evatt (ALP, Barton, NSW) was ordered to leave the Chamber by the Deputy Speaker for having continued to interject after warnings had been given by the Chair. He immediately apologised and was not required to withdraw from the House.<sup>78</sup>
- On 7 September 1984 Andrew Peacock (LP, Kooyong, Vic.) was named by the Speaker for defying the Chair. He had insisted on making a statement in response to Prime Minister Bob Hawke’s additional answer to an earlier question without notice. Following intercession from Leader of the House, Mick Young (ALP, Port Adelaide, SA)—who was reluctant to put the motion for suspension— it was agreed that there was some misunderstanding about procedure, and so the Speaker agreed to let the matter rest.<sup>79</sup>
- On 24 June 1999 Kim Beazley (ALP, Brand, WA) was sin binned for interjecting in a disorderly manner. The Speaker had previously issued a general warning and ordered out three members. Michael Lee (ALP, Dobell, NSW) asked the Speaker to reconsider his ruling which the Speaker agreed to do if Mr Beazley apologised. This Mr Beazley did, and he was not required to leave the Chamber.<sup>80</sup>

### ***Disciplinary actions against members by each state and territory***

Based on the current distribution of 150 seats among the states and territories, the proportion of disciplinary actions taken against members from each state or territory is broadly in line with their representation. For example, New South Wales has 32 per cent of the seats and its members have received 35.8 per cent of the disciplinary actions. See Table 15 for other state and territory figures. South Australia has the greatest discrepancy between the proportion of seats held (7.3 per cent) and the percentage of disciplinary actions incurred (10.8 per cent). However, when Mr Champion’s 80 ejections are discounted (the most for any MP by a wide margin), South Australia’s proportion of disciplinary actions received is more proportionate to its percentage of seats.

**Table 15: Number and proportion of disciplinary actions by state and territory compared to the number and proportion of seats**

State or territory	Disciplinary actions		Seats	
New South Wales	617	32.9%	48	32%
Victoria	466	24.8%	37	24.6%
Queensland	334	17.8%	30	20%
South Australia	203	10.8%	11	7.3%
Western Australia	150	8.0%	15	10%
Tasmania	60	3.2%	5	3.3%
Australian Capital Territory	7	0.1%	2	1.3%
Northern Territory	39	2.1%	2	1.3%
<b>Total</b>	<b>1 876</b>	<b>100%</b>	<b>150</b>	<b>100%</b>

76. House of Representatives, [Votes and Proceedings](#), 17 December 1914, p. 148.

77. House of Representatives, [Debates](#), 17 December 1914, p. 2206; House of Representatives, [Debates](#), 18 December 1914, p. 2252.

78. House of Representatives, [Debates](#), 25 October 1955, p. 1886.

79. House of Representatives, [Debates](#), 7 September 1984, p. 869.

80. House of Representatives, [Debates](#), 24 June 1999, p. 7468.

## External factors that may affect disorderly behaviour

### *Televising of parliament*

From 12 February 1991 onwards, the proceedings of the House were allowed to be televised. The Manager of Opposition Business, Wal Fife (LP, Hume, NSW), reiterated the Leader of the Opposition Dr John Hewson's (LP, Wentworth, NSW) belief 'that this would go a long way towards improving the standards of this chamber and improving the public's perception of politicians and the political process in Australia'.<sup>81</sup>

If the number of namings and suspensions is any guide to the standard of behaviour in the Chamber, then this hope appears to have been in vain. In the two years before the televising of the proceedings, 1989 and 1990, five and two members were named and suspended respectively. In the two years after televising began, 1991 and 1992, four and seven members were named and suspended respectively, and one and five were named without being suspended.

### *Relocation of parliament*

Parliament moved from Melbourne to Canberra during 1927. This does not appear to have had any significant effect on the extent of disorderly behaviour. There had been no suspensions in 1926 or before the move in May 1927. After the move, there was one suspension in December 1927 and two namings that did not proceed to suspension in 1928.

Parliament moved again in May 1988 to the new Parliament House. In the period before the move (1987 to May 1988) there had been four suspensions compared to nine suspensions in the period after the move (May 1988 to 1989). Although this represents a doubling in suspensions, it is impossible to tell what effect the move might have had on disorderly behaviour compared to other factors.

### *Size of the House of Representatives*

It may be expected that the more members in the Chamber, the greater the likelihood of disorderly behaviour—but the numbers do not support this expectation.

The number of members of the House has increased significantly on two occasions. At the December 1949 election, the number of members increased from 75 to 123; and at the December 1984 election they increased again, from 125 to 148 members.

There was no significant difference in disorderly behaviour from the 18th Parliament (6.11.1946 – 27.10.1949) to the 19th Parliament (22.2.1950 – 16.3.1951), with 14 disciplinary actions in the former and 12 in the latter. Thus the likelihood of disorderly behaviour did not show a correlative increase.

A similar conclusion could be reached after the increase in members from the 33rd Parliament (21.4.1983 – 24.10.1984) to the 34th Parliament (21.2.1985 – 5.6.1987). There were 13 disciplinary actions in the 33rd Parliament compared to 16 in the 34th.

### *Role of the Speaker*

All members are responsible for the orderly conduct of the proceedings of the House. However, the Speaker is entrusted with ensuring that order is maintained and that disorderly conduct is kept under control. So, when using the number of disciplinary actions taken by the Speaker as a measure of disorderly conduct, it must be remembered that the Chair's tolerance for disorderly behaviour and the way they deal with it will have a bearing on this measure.

For example, if five members interject during another member's speech and each is sin binned because the Chair refuses to tolerate such behaviour, this will show up as five disciplinary actions in the statistics. On the other hand, if the Chair warns four of the interjecting members and only sin bins one member, then just a single disciplinary action will be recorded in the statistics. So, the measure of disorderly behaviour under a tolerant Speaker will be less than under a strict Speaker presiding over the same degree of such behaviour. In fact, there may be more disorder under a tolerant Speaker (as members take no great heed of their orders) than under a strict Speaker (where members soon realise that disorder will be quickly dealt with).

In terms of the number of members disciplined under each speakership, the highest number occurred under the speakership of Bronwyn Bishop (November 2013 – August 2015: 402 actions) followed by Labor's Harry Jenkins

---

81. W Fife, House of Representatives, 'Televising proceedings', *Debates*, 12 February 1991, p. 316.

(12.2.2008 – 24.11.2011: 265 actions), then the Liberal’s Neil Andrew (10.11.1998 – 31.8.2004: 230 actions) and David Hawker (16.11.2004 – 17.10.2007: 223 actions).

When the number of sitting days presided over by each Speaker is taken into account, members were disciplined with the greatest frequency under Bronwyn Bishop’s speakership—at a rate of about three times per sitting day. Disciplinary actions under Peter Slipper’s speakership (24.11.2011 – 9.10.2012) averaged 2.13 each day.<sup>82</sup> Third comes Tony Smith (10.8.2015 – 9.5.2016: 44th Parliament only), with an average of two disciplinary actions taken each day.<sup>83</sup> Details of the disciplinary actions taken under each speakership are listed in Table 16. Records for other occupiers of the Chair are listed in Appendix D.

The Speaker is almost always chosen from the ranks of government members and, as such, has always been open to the charge of bias from the Opposition. The above figures may appear to support this charge of bias until one takes into account the political roles of the Opposition: to hold the Government to account, and to obtain political advantage with a view to taking Government at the next election, if not before. Consequently, Opposition members of whatever party may be less orderly than government members, so actions taken by the Speaker do not necessarily reflect bias.

**Table 16: Disciplinary actions by speaker<sup>84</sup>**

Speaker and term of speakership	Disciplinary actions per Speaker	Disciplinary actions per speakership	Sitting Days per speakership	Disciplinary actions per sitting days
Holder, Sir Frederick (9.5.1901 – 23.7.1909)	2	2	791 <sup>(a)</sup>	0.003
Salmon, Charles (28.7.1909 – 19.2.1910)	0	0	74	0.000
McDonald, Charles (1.7.1910 – 23.4.1913)	6	6	249	0.024
Johnson, William (9.7.1913 – 30.7.1914)	5	5	108	0.046
McDonald, Charles (8.10.1914 – 26.3.1917)	3	4	147	0.027
Johnson, William (14.6.1917 – 6.11.1922)	7	18	433	0.042
Watt, William (28.2.1923 – 3.10.1925)	2	6	171	0.035
Groom, Sir Littleton (13.1.1926 – 16.9.1929)	2	7	245	0.029
Makin, Norman (20.11.1929 – 27.11.1931)	14	25	206	0.121
Mackay, George (17.2.1932 – 7.8.1934)	5	14	154	0.091
Bell, George (23.10.1934 – 27.8.1940)	14	23	323	0.071
Nairn, Walter (20.11.1940 – 21.6.1943)	0	4	140	0.029
Rosevear, John (22.6.1943 – 31.10.1949)	11	25	490	0.051
Cameron, Archie (22.2.1950 – 9.8.1956)	28	42	424	0.099
McLeay, John (29.8.1956 – 31.10.1966)	28	48	655	0.073
Aston, William (21.2.1967 – 2.11.1972)	14	18	387	0.047
Cope, James (27.2.1973 – 27.2.1975)	19	28	155 <sup>(b)</sup>	0.181
Scholes, Gordon (27.2.1975 – 11.11.1975)	2	6	61 <sup>(c)</sup>	0.098
Snedden, Billy (17.2.1976 – 4.2.1983)	13	24	456	0.053
Jenkins, Dr Henry (21.4.1983 – 20.12.1985)	14	16	167	0.096
Child, Joan (11.2.1986 – 28.8.1989)	12	20	251	0.080
McLeay, Leo (29.8.1989 – 8.2.1993)	16	22	191	0.115
Martin, Stephen (4.5.1993 – 29.1.1996)	24	27	184	0.147

82. The rate was even higher when Mr Slipper was in the Chair for his first 20 sitting days from 24 November 2011 to 31 March 2012 (averaging 3.45 actions per sitting day). After he stepped aside from occupying the Chair (but remaining as Speaker), Deputy Speaker Anna Burke presided in the Chamber from 31 March to 9 October 2012. During this period (34 sitting days), she disciplined 46 members at a rate of 1.35 per sitting day.

83 Mr Smith was re-elected as Speaker at the commencement of the 45th Parliament.

84. Speakership includes actions taken by the Speaker and any other occupier of the Chair during the Speaker’s term of office. Speaker in this table refers only to actions taken by the Speaker, not other occupiers of the Chair.

Speaker and term of speakership	Disciplinary actions per Speaker	Disciplinary actions per speakership	Sitting Days per speakership	Disciplinary actions per sitting days
Halverson, Robert (30.4.1996 – 3.3.1998)	51	55	139	0.396
Sinclair, Ian (4.3.1998 – 31.8.1998)	16	18	37	0.486
Andrew, Neil (10.11.1998 – 31.8.2004)	192	220	406	0.542
Hawker, David (16.11.2004 – 17.10.2007)	188	223	196	1.138
Jenkins, Harry (12.2.2008 – 24.11.2011)	252	265	256	1.035
Slipper, Peter (24.11.2011 – 9.10.2012)	67	115	54	2.130
Burke, Anna (9.10.2012 – 5.8.2013)	66	66	44	1.500
Bishop, Bronwyn (12.11.2013 – 2.8.2015)	400	402	130	3.092
Smith, Tony (10.8.2015 – 9.5.2016) <sup>(d)</sup>	121	122	60	2.033
<b>Total</b>	<b>1 594</b>	<b>1 876</b>	<b>7 801</b>	<b>0.240</b>

(a) Does not include the sitting day after Holder died.

(b) Includes the two joint sitting days that Cope presided over (6–7 August 1974) and the day he resigned (27 February 1975).

(c) Includes the day Scholes became Speaker (27 February 1975) which was the same day Cope resigned (hence an instance of double counting).

(d) Includes Smith's speakership during the 44th Parliament only.

## Disciplinary actions taken against disorderly conduct in each parliament

Judging by the number of members named, it appears that in the first three parliaments (from 1901–09), members were either very well behaved or the Speaker was reluctant to use available sanctions. Even when early speakers named members, they gave them many opportunities to apologise for their transgressions in order to avoid having to suspend them.

It was not until the third Parliament (1907–09) that two members were named by Speaker Frederick Holder. They were John Wilson (FT, Corangamite, Vic.) on 1 October 1908 and William Hughes (ALP, West Sydney, NSW) on 22 September 1909. Wilson had been named for persistently interjecting after two or three warnings by the Speaker but avoided suspension after he apologised. Hughes had refused to withdraw an unparliamentary expression—'contemptible'—but was saved by the intervention of Prime Minister Alfred Deakin (PROT, Ballarat [sic], Vic.) and his own explanation.

It was not until 18 August 1910 in the fourth Parliament (1910–12) that the first member, James Catts (ALP, Cook, NSW), was named and suspended for disregarding the authority of the Chair.<sup>85</sup> Catts had called something Elliott Johnson (LP, Lang, NSW) had said 'a dirty, skunky thing to say' and had gone over to the other side of the House and said 'you dirty skunks'. Catts was suspended for the remainder of the day's sitting.<sup>86</sup>

Over the next two decades, from the fourth to the eleventh parliaments (1910–29), namings and suspensions increased to about six per parliament. The fifth Parliament (1913–14) included an occasion when the House imposed its own sanction by resolution on a matter of privilege. On 11 November 1913 David McGrath was suspended for 'the remainder of the session' for 'reflecting on the Chair'.<sup>87</sup> (See circumstances outlined on page 10.)

There was a large increase in namings during the 12th Parliament (1929–31): 25 members were named. However, the high degree of tolerance shown by speakers continued as only three members were suspended under the speakership of Norman Makin.

Ministers were first named during this Parliament. On 24 April 1931, Attorney-General Frank Brennan (ALP, Batman, Vic.) continued speaking as the Speaker called for order and was named. However, Prime Minister James Scullin appealed to Brennan to apologise—which he did, and the matter was not proceeded with.<sup>88</sup>

85. House of Representatives, *Votes and Proceedings*, 18 August 1910, p. 78.

86. House of Representatives, *Debates*, 18 August 1910, p. 1749–50.

87. House of Representatives, *Votes and Proceedings*, 11 November 1913, p. 152.

88. House of Representatives, *Debates*, 24 April 1931, p. 1291.

Later in the year, on 18 September 1931, Treasurer and Deputy Prime Minister Ted Theodore was named for ‘wilful disobedience of the Chair’ and only saved from suspension when the Prime Minister successfully appealed to him to withdraw and apologise.<sup>89</sup> (See details on page 21.)

Disciplinary actions averaged 11 per parliament for the 13th to 18th parliaments (1932–49). The 15th Parliament (1937–40) saw the first, and rare, occasion when a member is named but the motion to suspend is defeated (negated). This occurred on 14 October 1938 when Rowland James was named for disregarding the authority of the Chair. (See details on page 8.)

For the next 25 years, covering the 19th to the 28th parliaments (1950–74), the average number of disciplinary actions per parliament (12.2) remained at about the same level as the previous 18 years. Although two and three members had been named and/or suspended on the one day, it was not until 27 April 1955—during the 21st Parliament (1954–55)—that the number climbed to four members named and suspended on one day. (Another member was named on this date but the matter was not proceeded with.)

During the 29th Parliament (1974–75), 20 members were named and/or suspended—the highest number since the 12th Parliament (1929 to 1931). On 27 February 1975, the second occasion occurred when a member was named but the motion to suspend was negated. This involved the Minister for Labor and Immigration [sic] in the Whitlam Labor government, Clyde Cameron (ALP, Hindmarsh, SA), who was named by Speaker Jim Cope for ‘refusing to apologise after disregarding the authority of the Chair’. (See page 8 for details.) When the motion was defeated the Speaker resigned, the first and only time this has happened.

Over the next seven parliaments (30th–36th: 1976–92), the average number of disciplinary actions dropped slightly to 11.7 per parliament. On 12 February 1991 (36th Parliament) the proceedings of the House were allowed to be televised. (See page 23 for details.)

Disciplinary actions increased markedly from the 37th to the 44th parliaments (1993–2016) due to the introduction of the sin bin sanction for disorderly conduct in 1994. Wilson Tuckey became the first member to be sin binned on 24 February 1994 when he was ordered from the Chamber for one hour for ‘not resuming his seat when directed to do so’. He had interjected three times during a speech by Prime Minister Paul Keating (ALP, Blaxland, NSW).<sup>90</sup>

The 44th Parliament was presided over by two Liberal speakers: Bronwyn Bishop and Tony Smith. During Bishop’s term of 130 sitting days, 402 members were ejected at a record rate of roughly three per day (see Table 16 above). The greatest number of members ejected on a single day occurred on Thursday 27 November 2014 when Ms Bishop sin binned 17 Labor members and one Liberal during Question Time. That surpassed the previous highest number (12) recorded on each of the two days prior (25 and 26 November 2014).

These disciplinary actions also contributed to the most disorderly fortnight (24 November – 4 December 2014) when 62 members were ejected. The next most disorderly fortnight also occurred during 2014 (17–27 March) when 41 members were ejected.

During Tony Smith’s term of 60 sitting days, 122 members were ejected at a rate of two per day (see Table 16 above). Mr Smith’s term in the 44th Parliament spanned two Liberal prime ministers: Tony Abbott and Malcolm Turnbull. There were 32 ejections over 13 sitting days when Abbott was Prime Minister (a rate of 2.5 per sitting day); and 90 ejections over 47 sitting days when Turnbull was Prime Minister (a rate of 1.9 per sitting day).

In all, from 1901 to the end of the 44th Parliament in May 2016, there have been 1,876 instances of disciplinary action. One hundred and thirty-five members were named but not suspended; whereas 1,741 were actually suspended or sin binned.

## Measures for assessing the extent and degree of disorderly conduct

It is difficult to measure the degree and extent of disorderly behaviour in Parliament as there is no one measure of disorderliness, and each measure has its limitations. Measures such as the number of interjections and the number of warnings given by the Speaker could be used as indicators. However, not all interjections are recorded and not all speakers have a policy of warning members before taking disciplinary action. Furthermore, different speakers may have different tolerance levels for disorder and may take more or less actions than other speakers to control it. Nevertheless, some measures can give an idea as to the degree of disorderly behaviour and its extent.

89. House of Representatives, *Debates*, 18 September 1931, p. 155.

90. House of Representatives, *Debates*, 24 February 1994, p. 1287.

This paper uses four measures of disorderly behaviour to assess which parliament has been the most disorderly in recent years:

- the number of disciplinary actions taken
- the frequency of disciplinary actions taken: how often members are disciplined
- the concentration of disciplinary actions taken: number of days on which four or more members are disciplined and
- the extent of disciplinary actions taken (or number of individual members disciplined).

The proposition that proceedings in the House of Representatives have become more disorderly is assessed using these four measures.

### ***Number of disciplinary actions taken***

By this measure one parliament may be deemed more disorderly than another if there is a greater number of disciplinary actions taken against disorderly conduct. Table 17 shows that the number of disciplinary actions taken against disorderly conduct was fairly low for each parliament up until the 38th Parliament, when the number was more than double that during the 37th Parliament. The average number of disciplinary actions taken in each parliament for the first 37 parliaments was 10. For the next seven parliaments from the 38th (when the sin bin operated for the whole period) to the 44th, the average rose markedly to 212 disciplinary actions. The total was highest in the 44th Parliament, at 524 disciplinary actions.

**Table 17: Disciplinary actions by parliament**

Parliament number	Named but not proceeded or negatived	Suspended	Sin binned	Total
1 (9.5.1901 – 11.11.1903)	–	–	–	–
2 (2.3.1904 – 26.10.1906)	–	–	–	–
3 (20.2.1907 – 18.1.1910)	2	–	–	2
4 (1.7.1910 – 8.1.1913)	4	2	–	6
5 (9.7.1913 – 27.6.1914)	1	4	–	5
6 (8.10.1914 – 20.3.1917)	–	4	–	4
7 (14.6.1917 – 28.10.1919)	2	8	–	10
8 (26.2.1920 – 18.10.1922)	–	8	–	8
9 (28.2.1923 – 28.9.1925)	3	3	–	6
10 (13.1.1926 – 22.9.1928)	2	1	–	3
11 (6.2.1929 – 12.9.1929)	3	1	–	4
12 (20.11.1929 – 26.11.1931)	22	3	–	25
13 (17.2.1932 – 2.8.1934)	7	7	–	14
14 (23.10.1934 – 15.9.1937)	3	8	–	11
15 (30.11.1937 – 22.8.1940)	6 (includes one negatived)	5	–	11
16 (20.11.1940 – 1.7.1943)	5	–	–	5
17 (23.9.1943 – 9.8.1946)	2	9	–	11
18 (6.11.1946 – 27.10.1949)	1	13	–	14
19 (22.2.1950 – 16.3.1951)	4	8	–	12
20 (12.6.1951 – 14.4.1954)	1	11	–	12
21 (4.8.1954 – 28.10.1955)	3	13	–	16
22 (15.2.1956 – 2.10.1958)	–	10	–	10
23 (17.2.1959 – 27.10.1961)	8	10	–	18
24 (20.2.1962 – 30.10.1963)	5	3	–	8
25 (25.2.1964 – 28.10.1966)	3	11	–	14

Parliament number	Named but not proceeded or negatived	Suspended	Sin binned	Total
26 (21.2.1967 – 26.9.1969)	1	5	–	6
27 (25.11.1969 – 31.10.1972)	5	7	–	12
28 (27.2.1973 – 10.4.1974)	2	12	–	14
29 (9.7.1974 – 11.11.1975)	12 (includes one negatived)	8	–	20
30 (17.2.1976 – 9.11.1977)	3	2	–	5
31 (21.2.1978 – 18.9.1980)	5	6	–	11
32 (25.11.1980 – 16.12.1982)	3	5	–	8
33 (21.4.1983 – 24.10.1984)	6	7	–	13
34 (21.2.1985 – 5.6.1987)	2	14	–	16
35 (14.9.1987 – 22.12.1989)	–	10	–	10
36 (8.5.1990 – 18.12.1992)	6	13	–	19
37 (4.5.1993 – 30.11.1995)	–	11	16	27
38 (30.4.1996 – 15.7.1998)	–	15	58	73
39 (10.11.1998 – 8.10.2001)	2	11	110	123
40 (12.2.2002 – 30.8.2004)	–	16	81	97
41 (16.11.2004 – 15.10.2007)	–	8	215	223
42 (12.2.2008 – 19.7.2010)	–	14	154	168
43 (28.9.2010 – 5.8.2013)	1 (includes one negatived)	4	273	278
44 (12.11.2013 – 9.5.2016)	–	8	516 <sup>(a)</sup>	524
<b>Total</b>	<b>135 (includes three negatived)</b>	<b>318</b>	<b>1 423</b>	<b>1 876</b>

(a) Includes one ejection from the Federation Chamber for 15 minutes.

### ***Frequency of disciplinary actions taken***

By this measure, a parliament may be deemed more disorderly than another if disciplinary actions are taken more frequently. Members were disciplined on 981 sitting days of the 7,801 sitting days from 1901 to the end of the 44th Parliament.

However, over the last 27 years—from 1990 to 2016—there has been a percentage increase in the number of sitting weeks during which at least one member has been disciplined. Until 1995, the rate was around about 23 per cent—with the exception of 1992 when it rose to nearly 53 per cent. So excluding 1992, a member was disciplined about once every four weeks between 1990 and 1995. The frequency rose to about once every two weeks in 1995 and 1996.

Since then it has never fallen below 72 per cent (about three weeks in every four). From 2005 onwards the rate has been in the range of 80–90 per cent fairly consistently, reaching 100 per cent in 2012, 2015 and 2016.

In the last two years at least one member has been disciplined every week. See Table 18 for details.

The percentage of sitting weeks during which at least one member received disciplinary action increased from the 38th Parliament to the 43rd–44th parliaments (see Table 21). So, in these last two parliaments, there were few weeks during which at least one member was not ejected from the House.

**Table 18: Number of sitting weeks in which members were disciplined, 1990–2016, expressed as a percentage of total sitting weeks per year**

Year	Number of sitting weeks <sup>91</sup>	Number of sitting weeks in which members were disciplined	Percentage of sitting weeks in which members were disciplined
1990	12	3	25.0%
1991	21	3	14.3%
1992	19	10	52.6%
1993	14	4	28.6%
1994	18	5	27.8%
1995	18	9	50.0%
1996	16	9	56.3%
1997	20	18	90.0%
1998	15	11	73.3%
1999	19	16	84.2%
2000	19	15	78.9%
2001	15	13	86.7%
2002	18	13	72.2%
2003	20	15	75.0%
2004	16	12	75.0%
2005	18	17	94.4%
2006	18	15	83.3%
2007	14	13	92.9%
2008	18	16	88.9%
2009	19	15	78.9%
2010	16	15	93.8%
2011	18	16	88.9%
2012	17	17	100.0%
2013	13	12	92.3%
2014	22	19	86.4%
2015	19	19	100.0%
2016 (to May)	7	7	100.0%
<b>Total</b>	<b>459</b>	<b>337</b>	<b>73.4%</b>

### ***Concentration of disciplinary actions taken***

By this measure, a parliament may be deemed more disorderly than another if there are more days when a large number of members are ejected from the chamber (that is, four or more members). If disciplinary action is required on each and every sitting day but involves just one member, this may not necessarily indicate a particularly disorderly parliament.

91. For consistency—and because there was the suspension of two senators during the meeting of both Houses to hear the address by US President George W Bush on 23 October 2003—similar meetings are also counted as sitting weeks, including: on 2 January 1992 to hear US President George Bush’s address; on 17 November 2011 to hear US President Barack Obama’s address; on 8 July 2014 to hear Japanese PM Shinzo Abe’s address; on 14 November 2014 to hear British PM David Cameron’s address; on 17 and 18 November 2014 to hear Chinese President Xi Jinping and Indian Prime Minister Narendra Modi. Also included as another week were the sitting days at the end of 2009, where Monday 30 November, Tuesday 1 and Wednesday 2 December were classified as ‘resumption of the previous day’s sitting’ but occurred in another calendar week. For the same reason Monday 29 November 2010 is included as a separate sitting week. The effect of these short sitting weeks slightly lowers the statistical frequency of disciplinary action against members.

However, the disciplining of four or more members on a day would suggest a higher level or concentration of disorder. Comparing the percentage of all disciplinary days where four or more disciplinary actions are taken gives an indication of the concentration of disorderliness.

Four or more members have been disciplined on a single day on 61 occasions. Of these, 85.2 per cent have occurred in the last three parliaments.

The speakership of Bronwyn Bishop (12.11.2013 – 2.8.2015) saw the most instances of disciplinary action: four or more members were disciplined on 39.1 per cent of the days upon which any disciplinary action was taken. This was followed by Peter Slipper's speakership (24.11.2011 – 9.10.2012), during which four or more members were disciplined on 31.7 per cent of the days upon which any disciplinary action was taken.<sup>92</sup> Speaker Slipper's successor was Speaker Anna Burke (9.10.2012 – 12.8.2013), who disciplined four or more members on 21.4 per cent of the days she took any disciplinary action. See Table 19 for details.

During the 44th Parliament four or more members were disciplined on 31.8 per cent of all days when disciplinary action occurred. This compares to zero in the 38th Parliament and 23.1 per cent in the 43rd. See Table 21 for details.

**Table 19: Number of days on which four or more members were disciplined, by speakership and expressed as a percentage**

Speakership	Days on which 4+ members disciplined	Days when any number of members disciplined	Percentage of days on which 4+ members disciplined over all days on which disciplinary action taken	Total sitting days under speakership	Percentage of sitting days on which 4+ members disciplined over all sitting days under speakership
Cameron, Archie (22.2.1950 – 9.8.1956)	1	34	2.9%	424	0.2%
Martin, Stephen (4.5.1993 – 29.1.1996)	1	23	4.3%	184	0.5%
Andrew, Neil (10.11.1998 – 31.8.2004)	7	144	4.9%	406	1.7%
Hawker, David (16.11.2004 – 17.10.2007)	17	92	18.5%	196	8.7%
Jenkins, Harry (12.2.2008 – 24.11.2011)	16	134	11.9%	256	6.3%
Slipper, Peter (24.11.2011 – 9.10.2012)	13	41	31.7%	54	24.1%
Burke, Anna (9.10.2012 – 5.8.2013)	6	28	21.4%	44	13.6%
Bishop, Bronwyn (12.11.2013 – 2.8.2015)	43	110	39.1%	130	33.1%
Smith, Tony (10.8.2015 – 9.5.2016)	7	47	14.9%	60	11.7%
<b>Total</b>	<b>111</b>	<b>653</b>	—	—	—

### ***Extent of disciplinary actions taken***

By this measure, a parliament may be considered more disorderly if a greater number of individual members are disciplined. Although 30 per cent of all members have been disciplined for disorderly behaviour at least once during their parliamentary careers, most of the disorderly conduct is carried out by a small percentage of members.

92. Anna Burke took the Chair when Speaker Slipper stepped aside from May to October 2012, although he was still officially the Speaker. During this period, four of the occasions when four or more members were disciplined occurred whilst Anna Burke occupied the Chair.

From 1901, just 36 of the 1,136 members who have served in the House of Representatives accounted for 50 per cent of all disciplinary actions. This figure is shown as a percentage in Table 20, which also provides the statistics for the 38th–44th parliaments for comparison. Over the past twenty years, between 4.7 and 7.3 per cent of all members have accounted for 50 per cent of the disciplinary actions undertaken.

**Table 20: Members repeatedly disciplined, who account for half of all disciplinary actions by parliament**

Parliament number	Members repeatedly disciplined, who account for half of all disciplinary actions in Parliament	Those same members repeatedly disciplined as a percentage of all members in Parliament
38 (30.4.1996 – 15.7.1998)	7	4.7%
39 (10.11.1998 – 8.10.2001)	10	6.7%
40 (12.2.2002 – 30.8.2004)	10	6.7%
41 (16.11.2004 – 15.10.2007)	9	6.0%
42 (12.2.2008 – 19.7.2010)	9	6.0%
43 (28.9.2010 – 5.8.2013)	11	7.3%
44 (12.11.2013 – 9.5.2016)	7	4.7%
<b>1–44 (9.5.1901 – 9.5.2016)</b>	<b>36</b>	<b>3.2%</b>

Each of the seven parliaments in Table 20 had between 148 and 150 members. The number of different members involved in disorderly behaviour is a measure of how widespread such behaviour is. In the 38th Parliament, only 34 different members were involved in disorderly conduct; but this rose to 61 members in the 43rd Parliament. One-third of all members were disciplined during the 44th Parliament.

By the broad measures of disorderly conduct used in this paper—the number of disciplinary actions, frequency of disciplinary actions, the concentration of disorderly conduct, and the extent of disorderly conduct—disorderly behaviour has indeed increased over time.

### Most disorderly parliament?

After the 2010 election, and before the Independents had agreed to support Julia Gillard to form a minority Labor Government for the 43rd Parliament, Opposition Leader Tony Abbott said:

I think we can have a kinder, gentler polity. I think we can be a more collegial polity than we've been. I think that the spirit of Parliament has been needlessly confrontational, especially over the last three years ...<sup>93</sup>

At the beginning of the 44th Parliament (November 2013), Leader of the Nationals and Deputy Prime Minister Warren Truss (NPA, Wide Bay, Qld) said:

The last parliament was a challenging time for the Speaker. The fact that there were three Speakers obviously did not help. It was a parliament that I think many of us would like to put behind us. The public expect our parliament to behave better in the future. They want a parliament that is orderly and businesslike. I believe that you have the skills, talent and ability to lead the parliament to aspire to achieve reform and to make sure that the business of the parliament is conducted in an orderly and businesslike manner in the future. It is, of course, up to us as members of parliament to support you in that role so that we can have a parliament that the people of Australia will respect for the 44th class.<sup>94</sup>

93. T Abbott, [Press conference](#), Canberra, 24 August 2010.

94. W Truss, House of Representatives, [Debates](#), 12 November 2013, p. 9.

So, how 'kinder, gentler' was the 43rd Parliament compared to other recent parliaments? And was the public's desire for 'a parliament that is orderly' fulfilled during the 44th Parliament?

Table 21 outlines the four measures of disorderly behaviour during each parliament from the 38th to the 44th. The 38th Parliament was selected as the starting point as this was the first full Parliament after the sin bin sanction was introduced. It was also the first term for the Howard Coalition Government, so enables a comparison with the Rudd/Gillard Labor governments and the Abbott/Turnbull Coalition governments.

**Table 21: Measures of disorderly behaviour in the House of Representatives by parliament**

Measure	Parliament number	Number	Frequency	Concentration		Extent	
Average or total by government		Number of disciplinary actions	Percentage of sitting weeks in which a member was disciplined	Days when 4+ members were disciplined (number and percentage)		Members disciplined (number and percentage)	
<b>Howard</b>	38 (30.4.1996 – 15.7.1998)	73	74.5%	0	0.0%	34	23%
	39 (10.11.1998 – 8.10.2001)	123	82.5%	5	6.6%	43	29.1%
	40 (12.2.2002 – 30.8.2004)	97	74.5%	2	2.9%	39	26%
	41 (16.11.2004 – 15.10.2007)	223	88.7%	17	18.5%	54	36%
<b>Howard average</b>		<b>129</b>	<b>80.1%</b>	<b>6</b>	<b>7.0%</b>	<b>42.5</b>	<b>28.5%</b>
<b>Rudd/Gillard</b>	42 (12.2.2008 – 19.7.2010)	168	87.2%	8	9.3%	42	28%
	43 (28.9.2010 – 12.8.2013)	278	95.9%	27	23.1%	61	40.7%
<b>Rudd/Gillard average</b>		<b>223</b>	<b>91.6%</b>	<b>17.5</b>	<b>16.2%</b>	<b>51.5</b>	<b>34.3%</b>
<b>Abbott/Turnbull</b>	44 (12.11.2013 – 9.5.2016)	524	92.3% <sup>(a)</sup>	50	31.8%	50	33.3%
<b>Abbott/Turnbull total</b>		<b>524</b>	<b>92.3%<sup>(a)</sup></b>	<b>50</b>	<b>31.8%</b>	<b>50</b>	<b>33.3%</b>

(a) This includes three weeks when Parliament sat for two, one and one days to be addressed by foreign heads of state.

Prior to the 44th Parliament, on all measures of disorderly behaviour, the 42nd and the 43rd Parliaments were the most disorderly.

On each of the above measures, there was more disorderly behaviour during the Rudd/Gillard years than during the Howard years. An average of 223 disciplinary actions in the House of Representatives per parliament were taken during the Rudd/Gillard years compared to 129 such actions during the Howard years. Disciplinary action was taken in a larger percentage of sitting weeks during the Rudd/Gillard terms than during the Howard years (91.6 per cent compared to 80.1 per cent). The Rudd/Gillard parliaments had a greater percentage of days when four or more members were disciplined (an average of 16.2 per cent) compared with the Howard Government terms (an average of 7.0 per cent). Finally, a greater number of individual members were considered disorderly in the Rudd/Gillard years than during the Howard years.

As to whether the 44th Parliament was the most disorderly of all recent parliaments, this depends on which of the four measures is used. In terms of the number of disciplinary actions taken, the 44th Parliament was clearly the most disorderly with 524 such actions—an increase of 88.5 per cent on the number taken in the previous Parliament.

The percentage of sitting weeks during which at least one member was disciplined was slightly less during the 44th Parliament (92.3 per cent) than during the 43rd Parliament (95.9 per cent).

The concentration of disorderly behaviour—as measured by the proportion of disciplinary days upon which four or more members were ejected—was higher in the 44th Parliament (31.8 per cent) than during the 43rd Parliament (23.1 per cent). Not only was behaviour more disorderly on this measure during the 44th Parliament, but this Parliament also recorded the highest number of members ejected on a single day: Speaker Bishop ejected 18 members from Question Time on Thursday 27 November 2014.

The 44th Parliament was less disorderly than the 43rd Parliament in the sense that disciplinary actions were taken against fewer individual members (50 in the 44th compared to 61 in the 43rd).

Compared to the 43rd Parliament, the 44th Parliament was more disorderly on two of the measures (number and concentration) but less disorderly on the other two measures (frequency and extent). However, given that there was a much bigger increase in disorderliness based on number and concentration than there was a reduction based on frequency and extent, it would be reasonable to conclude that the 44th Parliament was more disorderly than the 43rd and earlier parliaments.

## Conclusion

The calls for a more orderly, well-behaved parliament—a ‘kinder, gentler’ one that is ‘conducted in an orderly ... manner’—do not appear to have been realised. However, disorderly behaviour is not widespread throughout the parliamentary sitting day: since 1994, it has been overwhelmingly confined to Question Time and other parliamentary proceedings that occur during the period from 2–4 pm.

The reasons for disorderly behaviour are complex and beyond the scope of this paper. Some of the factors may include members’ attitudes towards disorderly behaviour, the balance of the parties within Parliament (e.g. a hung parliament), the extent to which disorderly behaviour is spontaneous or forms part of political strategy, the role of the Speaker, the effect of the standing orders and parliamentary procedures, and the broader view of disorderly behaviour by general society.

This study of 1,876 instances of disorderly behaviour in the House of Representatives from 1901 to the end of the 44th Parliament has identified a number of patterns and trends.

Of the 1,136 members who have served in the House of Representatives during this period, 329 (or 30 per cent) have been named and/or suspended or sin binned for disorderly behaviour in the Chamber.

Parliamentary proceedings were found to be most disorderly during Question Time and towards the latter part of each week. Opposition front benchers and parliamentary office holders received the most disciplinary actions and this remained the case whichever party was in Opposition.

From 1994—when the sin bin sanction was introduced, making it easier for the Speaker to restore order to the House—the number, frequency and concentration of disciplinary actions against disorderly members has increased.

Whether such trends continue throughout the 45th Parliament remains to be seen.

## Appendix A: Standing Orders relating to the disciplining of Members of the House of Representatives

SO No.	Period of Operation and Text
	<b>From 6 June 1901</b> Chapter 7: Disorderly Conduct and Arrest
55	Members ordered to attend If any member shall wilfully disobey any lawful order of the House, he may be ordered to attend in his place to answer for his conduct; and unless his explanation be deemed satisfactory, the House may direct the Serjeant-at-Arms to take such Member into custody.
56	Members not explaining or retracting Any Member having used objectionable words, and not explaining or retracting the same, or offering apologies for the use thereof, to the satisfaction of the House, shall be named by the Speaker, or otherwise dealt with as the House may think fit; and any member called to order shall sit down, unless permitted to explain.
57	House will not permit Quarrels The House will interfere to prevent the prosecution of any quarrel between Members arising out of debates or proceedings of the House or of any Committee thereof.
58	No Noise or Interruption allowed in Debate No member shall converse aloud or make any noise or disturbance whilst any member is speaking, or whilst any Bill, Order, or other matter is being read or opened; and in case of such noise and disturbance being persisted in after the Speaker has called to order, the Speaker shall call upon the Member making such disturbance by name, and such Member will incur the displeasure and censure of the House.
59	Order in Debate – Suspension of Members Whenever any member shall have been named by the Speaker or by the Chairman of Committees, immediately after the commission of the offence of disregarding the authority of the Chair, or of abusing the Rules of the House, by persistently and wilfully obstructing the business of the House, or of disorderly conduct, or otherwise disregarding the authority of the Chair, then, if the offence has been committed by such Member in the House, the Speaker shall forthwith put the question, on the motion being made, no amendment, adjournment or debate being allowed. “That such Member be suspended from the service of the House”; and if the offence has been committed in a Committee of the whole House, the Chairman shall, on a motion being made, put the same Question in a similar way, and, if the motion be carried, shall forthwith suspend the proceedings of the Committee and report the circumstance to the House; and the Speaker shall thereupon put the same Question without amendment, adjournment or debate, as if the offence had been committed in the House itself. If any member be suspended under this Order, his suspension on the first occasion shall be for the remainder of that day’s sitting; on the second occasion for one week; and on the third or any subsequent occasion for one month. Nothing herein shall be taken to deprive the House of the power of proceeding against any Member according to ancient usages.
227	The same rules for regulating the conduct of business shall be observed in Committees as in the House itself, the Chairman of Committees being invested with the same authority as the Speaker for the preservation of order. Order shall be maintained in the House by the Speaker, and in the Committee by the Chairman of Committees but disorder in a Committee can only be censured by the House on receiving a report.
	<b>From 21 March 1950</b> Chapter XX Infringement of Order, and Arrest
300	If any member has – <ul style="list-style-type: none"> <li>• persistently and wilfully obstructed the business of the House; or</li> <li>• been guilty of disorderly conduct; or</li> <li>• used objectionable words, which he has refused to withdraw; or</li> <li>• persistently and wilfully refused to conform to any Standing Order; or</li> <li>• persistently and wilfully disregarded the authority of the Chair-</li> </ul> he may be named by the Speaker, or, if any of the above-named offences has been committed by a Member in Committee, by the Chairman.

SO No.	Period of Operation and Text
301	If the offence has been committed in the House, the Speaker shall forthwith put the question, on a motion being made, no amendment, adjournment, or debate being allowed, "That such Member be suspended from the service of the House"; and if the offence has been committed in Committee, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the House; and the Speaker shall thereupon, without a motion being necessary, put the same Question without amendment, adjournment, or debate, as if the offence had been committed in the House itself.
302	If any Member be suspended under the foregoing Order, his suspension on the first occasion shall be for twenty-four hours; on the second occasion during the same year for seven days excluding the day of suspension; and on the third or any subsequent occasion during the same year for twenty-eight days excluding the day of suspension. Provided that any suspension in a previous Session shall be disregarded.
303	The Speaker or the Chairman shall order a Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of the day's sitting; and the Serjeant-at-Arms shall act on such orders as he may receive from the Chair in pursuance of this Standing Order. Any Member ordered to withdraw from the House pursuant to this Standing Order shall not return during the same sitting except by permission of the Speaker or Chairman.
304	In the case of grave disorder arising in the House, the Speaker may adjourn the House without Question put, or suspend any sitting for a time to be named by him.
305	If any member shall wilfully disobey any order of the House, he may be ordered to attend to answer for his conduct; and, unless his explanation be deemed satisfactory, the House may direct the Serjeant-at-Arms to take such Member into custody.
	<b>From 13 August 1963</b> Chapter XXI Disorder
303	If any member has – <ul style="list-style-type: none"> <li>persistently and wilfully obstructed the business of the House; or</li> <li>been guilty of disorderly conduct; or</li> <li>used objectionable words, which he has refused to withdraw; or</li> <li>persistently and wilfully refused to conform to any Standing Order; or</li> <li>persistently and wilfully disregarded the authority of the Chair-</li> </ul> he may be named by the Speaker, or, if any of the above-named offences has been committed by a Member in Committee, by the Chairman.
304	If the offence has been committed in the House, the Speaker shall forthwith put the question, on a motion being made, no amendment, adjournment, or debate being allowed, "That such Member be suspended from the service of the House"; and if the offence has been committed in Committee, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the House; and the Speaker shall forthwith, on a motion being made, put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the House itself.
305	If any Member be suspended under the foregoing order, his suspension on the first occasion shall be for twenty-four hours; on the second occasion during the same year for seven consecutive days excluding the day of suspension; and on the third or any subsequent occasion during the same year for twenty-eight consecutive days excluding the day of suspension. For the purposes of this standing order, any suspension in a previous session shall be disregarded, and "year" means a year commencing on the 1 <sup>st</sup> day of January and ending on the 31 <sup>st</sup> day of December.
306	When the conduct of a Member is of such a grossly disorderly nature that the procedure provided in standing order 304 would be inadequate to ensure the urgent protection of the dignity of the House, the Speaker or the Chairman shall order the Member to withdraw immediately from the Chamber and the Serjeant-at-Arms shall act on such orders as he receives from the Chair in pursuance of this standing order. When the Member has withdrawn, he shall forthwith be named by the Speaker or the Chairman, as the case may be, and the proceedings shall then be as provided in standing orders 304 and 305, except that the question for the suspension of the Member shall be put by the Speaker without a motion being necessary. If the question for the suspension of the Member is resolved in the negative, he may forthwith return to the Chamber.
307	A Member who has been suspended from the service of the House shall be excluded from the Chamber and all galleries thereof.

SO No.	Period of Operation and Text
308	In the case of grave disorder arising in the House, the Speaker may adjourn the House without question put, or suspend any sitting for a time to be named by him.
309	If any Member wilfully disobeys any order of the House, he may be ordered to attend to answer for his conduct; and if he fails to attend, or if his explanation be deemed unsatisfactory, the House may direct the Serjeant-at-Arms to take such Member into custody.
	<b>From 21 February 1994</b> Chapter XXI Disorder
303	If any member has – <ul style="list-style-type: none"> <li>• persistently and wilfully obstructed the business of the House; or</li> <li>• been guilty of disorderly conduct; or</li> <li>• used objectionable words, which he or she has refused to withdraw; or</li> <li>• persistently and wilfully refused to conform to any Standing Order; or</li> <li>• persistently and wilfully disregarded the authority of the Chair-</li> </ul> the member may be named by the Speaker.
304	Following the naming of a Member, the Speaker shall forthwith put the question, on a motion being made, no amendment, adjournment, or debate being allowed, “That the Member be suspended from the service of the House”.
304A	If the Speaker considers the conduct of a Member is disorderly, the Speaker, instead of calling on the provisions of standing order 303 or 306, may order the Member to withdraw from the House for one hour, which order shall not be open to debate or dissent. If a Member fails to leave the Chamber immediately when ordered to do so by the Speaker, the Speaker may name the Member and shall forthwith put the question, on a motion being moved, no amendment, adjournment, or debate being allowed, “That the Member be suspended from the service of the House”.
305	If any member is named and suspended under standing order 304 or 304A, the period of suspension on the first occasion shall be for 24 hours; on the second occasion during the same calendar year for 3 consecutive sittings excluding the day of suspension; and on the third or any subsequent occasion during the same calendar year for 7 consecutive sittings excluding the day of suspension. For the purposes of this standing order, any suspension in a previous session or any order to withdraw pursuant to standing order 304A shall be disregarded.
306	When the conduct of a Member is of such a grossly disorderly nature that the procedure provided in standing order 304 or 304A would be inadequate to ensure the urgent protection of the dignity of the House, the Speaker shall order the Member to withdraw immediately from the Chamber and the Serjeant-at-Arms shall act on any orders received from the Chair in pursuance of this standing order. When the Member has withdrawn, he or she shall forthwith be named by the Speaker and the proceedings shall then be as provided in standing orders 304 and 305, except that the question for the suspension of the Member shall be put by the Speaker without a motion being necessary. If the question for the suspension of the Member is resolved in the negative, he or she may forthwith return to the Chamber.
307	A Member who has been suspended from the service of the House or ordered by the Speaker to withdraw from the House for one hour shall be excluded from the Chamber, all its galleries and any room where the Main Committee is meeting.
308	In the case of grave disorder arising in the House, the Speaker may adjourn the House without question put, or suspend any sitting for a time to be named by him.
309	If any Member wilfully disobeys any order of the House, he may be ordered to attend to answer for his conduct; and if he fails to attend, or if his explanation be deemed unsatisfactory, the House may direct the Serjeant-at-Arms to take such Member into custody.
310	The Serjeant-at-Arms shall take or deliver into custody any stranger who causes a disturbance in any part of the Chamber or the room in which the Main Committee is meeting or any gallery of those places, or who does not withdraw when strangers are directed to withdraw, while the House or the Main Committee is sitting.
311	When any member or other person has been taken into the custody of the Serjeant-at-Arms, such arrest shall be reported to the House by the Speaker without delay, and the House shall fix the time for such Member or other person to be brought to the Bar, to be dealt with by the House.

SO No.	Period of Operation and Text
	<b>From 1 January 1998</b> Chapter XXI
303	If any member has – <ul style="list-style-type: none"> <li>persistently and wilfully obstructed the business of the House; or</li> <li>been guilty of disorderly conduct; or</li> <li>used objectionable words, which he or she has refused to withdraw; or</li> <li>persistently and wilfully refused to conform to any Standing Order; or</li> <li>persistently and wilfully disregarded the authority of the Chair- the member may be named by the Speaker.</li> </ul>
304	Following the naming of a Member, the Speaker shall forthwith put the question, on a motion being made, no amendment, adjournment, or debate being allowed, “That the Member be suspended from the service of the House”.
304A	If the Speaker considers the conduct of a Member is disorderly, the Speaker, instead of calling on the provisions of standing order 303 or 306, may order the Member to withdraw from the House for one hour, which order shall not be open to debate or dissent. If a Member fails to leave the Chamber immediately when ordered to do so by the Speaker, the Speaker may name the Member and shall forthwith put the question, on a motion being moved, no amendment, adjournment, or debate being allowed, “That the Member be suspended from the service of the House”.
305	If any member is named and suspended under standing order 304 or 304A, the period of suspension on the first occasion shall be for 24 hours; on the second occasion during the same calendar year for three consecutive days excluding the day of suspension; and on the third or any subsequent occasion during the same calendar year for seven consecutive sittings excluding the day of suspension. For the purposes of this standing order, any suspension in a previous session or any order to withdraw pursuant to standing order 304A shall be disregarded.
306	When the conduct of a Member is of such a grossly disorderly nature that the procedure provided in standing order 304 or 304A would be inadequate to ensure the urgent protection of the dignity of the House, the Speaker shall order the Member to withdraw immediately from the Chamber and the Serjeant-at-Arms shall act on any orders received from the Chair in pursuance of this standing order. When the Member has withdrawn, he or she shall forthwith be named by the Speaker and the proceedings shall then be as provided in standing orders 304 and 305, except that the question for the suspension of the Member shall be put by the Speaker without a motion being necessary. If the question for the suspension of the Member is resolved in the negative, he or she may forthwith return to the Chamber.
307	A Member who has been suspended from the service of the House or ordered by the Speaker to withdraw from the House for one hour shall be excluded from the Chamber, all its galleries and any room where the Main Committee is meeting.
308	In the case of grave disorder arising in the House, the Speaker may suspend the sitting for a time to be specified, or adjourn the House without any question being put.
309	A Member who wilfully disobeys any order of the House may be ordered without notice to attend to answer for his or her conduct.
310	The Serjeant-at-Arms shall remove any stranger who causes a disturbance in any part of the Chamber or the room in which the Main Committee is meeting or any gallery of those places, or who does not withdraw when strangers are directed to withdraw, while the House or the Main Committee is sitting.
311	When any member or other person has been taken into the custody of the Serjeant-at-Arms, such arrest shall be reported to the House by the Speaker without delay.
	<b>From 16 November 2004<sup>95</sup></b> Disorder
60	Order kept by Speaker or Chair

95 In February 2012 the name of the Main Committee was changed to the Federation Chamber. As this has been the only change to the standing orders relevant to disorder listed in Appendix A, the title ‘Federation Chamber’ is coupled with ‘Main Committee’ throughout the text.

SO No.	Period of Operation and Text
	<p>(a) The Speaker, or the occupier of the Chair of the House at the time shall keep order in the House.</p> <p>(b) The Deputy Speaker, or the occupier of the Chair of the Main Committee/Federation Chamber at the time shall keep order in the Committee/Federation Chamber. The House may address disorder in the Committee/Federation Chamber after receiving a report from the Deputy Speaker.</p>
88	<p>Use of certain names</p> <p>A Member must not refer disrespectfully to the Queen, the Governor-General, or a State Governor, in debate for the purpose of influencing the House in its deliberations.</p>
89	<p>Offensive words</p> <p>A Member must not use offensive words against:</p> <p>(a) either House of the Parliament or a Member of the Parliament; or</p> <p>(b) a member of the Judiciary.</p>
90	<p>Reflections on members</p> <p>All imputations of improper motives to a Member and all personal reflections on other Members shall be considered highly disorderly.</p>
91	<p>Disorderly conduct</p> <p>A Member's conduct shall be considered disorderly if the Member has:</p> <p>(a) persistently and wilfully obstructed the House;</p> <p>(b) used objectionable words, which he or she has refused to withdraw;</p> <p>(c) persistently and wilfully refused to conform to a standing order;</p> <p>(d) wilfully disobeyed an order of the House;</p> <p>(e) persistently and wilfully disregarded the authority of the Speaker; or</p> <p>(f) been considered by the Speaker to have behaved in a disorderly manner.</p>
92	<p>Intervention by Speaker</p> <p>(a) The Speaker can intervene:</p> <p>(i) to prevent any personal quarrel between Members during proceedings; and</p> <p>(ii) when a Member's conduct is considered offensive or disorderly.</p> <p>(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.</p>
93	<p>Member ordered to attend House</p> <p>A Member who wilfully disobeys an order of the House may be ordered to attend the House to answer for his or her conduct. A motion to this effect can be moved without notice.</p>
94	<p>Sanctions against disorderly conduct</p> <p>The Speaker can take action against disorderly conduct by a Member:</p> <p>Direction to leave the Chamber</p> <p>(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.</p> <p>Member named and suspended</p> <p>(b) The Speaker can name a disorderly Member. Immediately following a naming, on a motion being moved, the Speaker shall put the question—</p> <p>That the Member be suspended from the service of the House.</p> <p>The question must be resolved without amendment, adjournment or debate.</p> <p>Urgent action</p> <p>(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 withdrawn, 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.</p> <p>Term of suspension</p> <p>(d) If a Member is named and suspended, the term of the suspension shall be:</p> <p>(i) on the first occasion, for the 24 hour period from the time of suspension;</p> <p>(ii) on the second occasion during the same calendar year, for the three consecutive sittings following the day of suspension; and</p>

SO No.	Period of Operation and Text
	<p>(iii) on a third or later occasion during the same calendar year, for the seven consecutive sittings following the day of suspension.</p> <p>A suspension in a previous session or an order to withdraw for one hour shall be disregarded in the calculation of these terms.</p> <p>Exclusion from Chamber and Main Committee</p> <p>(e) A Member who is serving a one hour withdrawal or a suspension for 24 hours or more, shall be excluded from the Chamber, its galleries and the room in which the Main Committee is meeting.</p> <p>Removal of Member</p> <p>(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 Main Committee/Federation Chamber or take the Member into custody.</p>
95	<p>If grave disorder, House suspended or adjourned</p> <p>In the event of grave disorder occurring in the House, the Speaker, without any question being put, can:</p> <p>(a) suspend the sitting and state the time at which he or she will resume the Chair; or</p> <p>(b) adjourn the House to the next sitting.</p>
96	<p>Serjeant-at-Arms to remove persons</p> <p>If a visitor or person other than a Member disturbs the operation of the Chamber or the Main Committee/Federation Chamber, the Serjeant-at-Arms can remove the person or take the person into custody.</p> <p>If a visitor or other person is taken into custody by the Serjeant-at-Arms, the Speaker must report this to the House without delay.</p>
55	<p>Lack of quorum</p> <p>(e) If a quorum is in fact present when a Member draws attention to the state of the House, the Speaker may name the Member in accordance with <i>standing order 94(b) (sanctions against disorderly conduct)</i>.</p>
	<p><b>From 9 February 2006</b></p>
187	<p>Maintenance of order [in the Main Committee/Federation Chamber]</p>
	<p>(a) In the Main Committee/Federation Chamber the Deputy Speaker has the same responsibility for the preservation of order as the Speaker has in the House.</p> <p>(b) If disorder occurs in the Committee/Federation Chamber, the Deputy Speaker:</p> <p>(i) may direct the Member or Members concerned to leave the room for a period of 15 minutes [<i>standing order 94(e) (exclusion from Chamber, etc.)</i> does not apply]; or</p> <p>(ii) may, or on motion moved without notice by any Member must, suspend or adjourn the sitting. If the sitting is adjourned, any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting.</p> <p>(c) Following a suspension or adjournment of the Committee/Federation Chamber or a refusal of a Member to leave when so directed under paragraph (b), the Deputy Speaker must report the disorder to the House.</p> <p>(d) The Deputy Speaker may report the conduct of a Member whether or not action has been taken under paragraph (b).</p> <p>(e) Any subsequent action against a Member under <i>standing order 94 (sanctions against disorderly conduct)</i> may only be taken in the House.</p>

## Appendix B: Removal from the Chamber by the Serjeant-at-Arms

Instances where the Serjeant-at-Arms has been called upon to escort a member from the House of Representatives Chamber

Date	Member	Circumstances of Serjeant-at-Arms being called upon
22 Feb 1917	Maloney, William (ALP, Melbourne, Vic.)	Directed to be escorted from the Chamber after having been named and suspended and continuing to address the House.
5 Sep 1917	Anstey, Frank (ALP, Bourke, Vic.)	Interjecting and refusing to be silent; was named for defying the Chair. The Chairman called upon the Serjeant-at-Arms to remove the honourable member, who thereupon retired. As Anstey was being escorted out of the Chamber by the Serjeant-at-Arms, he said: 'You need not lay your hand upon me, I will walk out.'
22 Jul 1920	Fenton, James (ALP, Maribyrnong, Vic.)	Named and suspended for accusing the Deputy Speaker of being 'one-eyed'. He refused to leave but did so escorted by the Serjeant-at-Arms when the official was called upon to remove him.
19 Aug 1920	Lavelle, Thomas (ALP, Calare, NSW)	Named and suspended for disregarding the authority of the chair. He refused to leave the Chamber and so was escorted from it by the Serjeant-at-Arms at the direction of the Speaker.
20 Oct 1920	Blakeley, Arthur (ALP, Darling, NSW)	Named and suspended for 'deliberately defying the authority of the chair' and refused to leave the Chamber.
22 Oct 1920	Mathews, James (ALP, Melbourne, Vic.)	Refused to resume his seat calling on the Speaker to name the Prime Minister. The Speaker then called on the Serjeant-at-Arms to remove him 'for disregarding my direction to resume his seat.'
17 Aug 1923	McGrath, David (ALP, Ballaarat [sic], Vic.)	Required escorting from the Chamber after being named and suspended for refusing to withdraw a question which was considered by the Speaker to be a reflection upon the Justices of the High Court.
10 May 1950	Cameron, Clyde (ALP, Hindmarsh, SA)	Called attention to the fact that a quorum of members was not present; the Speaker, having counted the House and forming a quorum, named Cameron as grossly disorderly by disputing the count made by the Chair.
26 Oct 1950	Haylen, Les (ALP, Parkes, NSW)	Was grossly disorderly by continuing to interject after warnings had been given by the Chair.
6 Nov 1951	Curtin, Daniel (ALP, Watson, NSW)	Was grossly disorderly by continuing to interject after a warning had been given by the Chair.
13 Mar 1953	Curtin, Daniel (ALP, Watson, NSW)	Was grossly disorderly by using an unparliamentary expression.
16 Oct 1957	Cameron, Clyde (ALP, Hindmarsh, SA)	Reflected on the Chair.
16 Oct 1957	Haylen, Les (ALP, Parkes, NSW)	Interjected.
6 Sep 1961	Ward, Eddie (ALP, East Sydney, NSW)	Continued to defy the Chair.
23 May 1963	Ward, Eddie (ALP, East Sydney, NSW)	Continuing to interject after having been warned from the Chair.

Date	Member	Circumstances of Serjeant-at-Arms being called upon
9 Apr 1970	Bryant, Gordon (ALP, Wills, Vic.)	Defying the Chair. After being suspended he refused to leave and the Serjeant-at-Arms was ordered to direct him to leave. Bryant still refused to leave and grave disorder arose which caused the Speaker to suspend the sitting. When the sitting was resumed, Bryant again refused to leave the Chamber. Grave disorder again arose and the sitting was suspended until the next day, when Bryant then expressed regret and withdrew from the Chamber.
18 Oct 1973	Calder, Stephen (CP, Northern Territory, NT)	Disregarding the authority of the Chair.
27 Nov 1974	Wentworth, William (LP, Mackellar, NSW)	Continuing to disobey the Chair and not having resumed his seat when directed to do so by the Chair.
16 May 1991	Tuckey, Wilson (LP, O'Connor, WA)	Disorderly conduct. Was named and suspended for referring to a personal relationship of another member. Tuckey objected that there had been no division on the suspension motion.
2 Jul 1998	Zammit, Paul (IND, Lowe, NSW)	Persistently disregarding the authority of the Chair.
23 Oct 2003	Sen Brown, Bob (AG, Tas.)	Continuing to interject after a warning had been given from the Chair during a Joint Sitting to hear US President George W Bush's address to Parliament in the House of Representatives Chamber.
23 Oct 2003	Sen Nettle, Kerry (AG, NSW)	Continuing to interject after a warning had been given from the Chair during a Joint Sitting to hear US President George W Bush's address to Parliament in the House of Representatives Chamber.
22 Feb 2008	Ciobo, Steven (LP, Moncrieff, Qld)	Gross disorderly conduct in refusing to leave the Chamber for one hour under Standing Order 94(a).

## Appendix C: Members listed alphabetically by the type and number of disciplinary actions taken against them

Member and Party	Named but not proceeded with	Named but negated	Named and suspended	Sin binned	Total
Abbott, Joseph (CP)	–	–	1	–	1
Abbott, Tony (LP)	–	–	1	7	8
Adams, Dick (ALP)	–	–	2	9	11
Albanese, Anthony (ALP)	–	–	4	44	48
Aldred, Ken (LP)	–	–	6	–	6
Andren, Peter (IND)	–	–	–	1	1
Andrews, Kevin (LP)	–	–	–	1	1
Anstey, Frank (ALP)	1	–	1	–	2
Anthony, Doug (NP)	1	–	2	–	3
Anthony, Hubert (CP)	2	–	5	–	7
Anthony, Larry (NP)	–	–	–	1	1
Bailey, Fran (LP)	–	–	–	3	3
Baldwin, Bob (LP)	–	1	1	7	9
Barnard, Lance (ALP)	1	–	–	–	1
Bate, Jeff (LP)	–	–	2	–	2
Bayley, James (NAT)	1	–	–	–	1
Beale, Howard (LP)	–	–	1	–	1
Beazley, Kim C (ALP)	1	–	–	–	1
Beddall, David (ALP)	–	–	–	1	1
Bevis, Arch (ALP)	–	–	2	11	13
Billson, Bruce (LP)	–	–	–	4	4
Bird, Sharon (ALP)	–	–	–	3	3
Bishop, Bronwyn (LP)	–	–	–	17	17
Bishop, Julie (LP)	–	–	–	8	8
Blakeley, Arthur (ALP)	3	–	4	–	7
Bowen, Chris (ALP)	–	–	–	11	11
Brennan, Frank (ALP)	3	–	–	–	3
Briggs, Jamie (LP)	–	–	–	13	13
Broadbent, Russell (LP)	–	–	1	–	1
Brown, Neil (LP)	–	–	3	–	3
Brown, Sen Bob (AG)	–	–	1	1	2
Bryant, Gordon (ALP)	1	–	1	–	2
Bryson, William (ALP)	–	–	2	–	2
Buchholz, Scott (LP)	–	–	–	2	2
Burke, Anna (ALP)	–	–	–	2	2
Burke, Thomas (ALP)	–	–	2	–	2
Burke, Tony (ALP)	–	–	–	5	5
Butler, Mark (ALP)	–	–	–	2	2
Butler, Terri (ALP)	–	–	–	35	35
Byrne, Anthony (ALP)	–	–	–	1	1
Cadman, Alan (LP)	–	–	1	–	1
Cairns, Jim (ALP)	1	–	4	–	5
Calder, Stephen (NP)	3	–	1	–	4

Member and Party	Named but not proceeded with	Named but negatived	Named and suspended	Sin binned	Total
Calwell, Arthur (ALP)	1	–	–	–	1
Cameron, Archie (CP, LP)	–	–	3	–	3
Cameron, Clyde (ALP)	2	1	3	–	6
Cameron, Ian (NP)	–	–	1	–	1
Cameron, Ross (LP)	–	–	–	2	2
Campbell, Graeme (ALP)	–	–	1	–	1
Catts, James (ALP)	–	–	2	–	2
Chalmers, Jim (ALP)	–	–	1	23	24
Champion, Nick (ALP)	–	–	–	80	80
Chaney, Fred M (LP)	–	–	2	–	2
Chester, Darren (NP)	–	–	1	3	4
Chesters, Lisa (ALP)	–	–	–	12	12
Christensen, George (NP)	–	–	–	11	11
Ciobo, Steve (LP)	–	–	1	5	6
Clare, Jason (ALP)	–	–	–	1	1
Clark, Joseph (ALP)	1	–	1	–	2
Claydon, Sharon (ALP)	–	–	–	5	5
Cobb, John (NP)	–	–	–	1	1
Cobb, Michael (NP)	–	–	1	–	1
Collins, Julie (ALP)	–	–	–	4	4
Connolly, David (LP)	–	–	1	–	1
Conroy, Pat (ALP)	–	–	–	34	34
Considine, Michael (ALP)	–	–	5	–	5
Cook, Joseph (LP)	–	–	1	–	1
Cope, Jim (ALP)	1	–	2	–	3
Corser, Bernard (CP)	2	–	3	–	5
Costello, Peter (LP)	1	–	–	2	3
Courtney, Frank (ALP)	–	–	1	–	1
Cox, David (ALP)	–	–	1	1	2
Crean, Frank (ALP)	1	–	–	–	1
Crean, Simon (ALP)	–	–	3	17	20
Crosio, Janice (ALP)	–	–	–	15	15
Curtin, Daniel (ALP)	–	–	6	–	6
Daly, Fred (ALP)	1	–	1	–	2
Danby, Michael (ALP)	–	–	–	16	16
Dargavel, Steve (ALP)	–	–	–	1	1
Darling, Elaine (ALP)	1	–	–	–	1
Dawkins, John (ALP)	1	–	2	–	3
Downer, Alexander (LP)	1	–	2	4	7
Draper, Trish (LP)	–	–	–	3	3
Dreyfus, Mark (ALP)	–	–	3	36	39
Duffy, Michael (ALP)	–	–	1	–	1
Duthie, Gilbert (ALP)	2	–	–	–	2
Dutton, Peter (LP)	–	–	–	26	26
Edmonds, William (ALP)	–	–	3	–	3
Edwards, Graham (ALP)	–	–	–	7	7

Member and Party	Named but not proceeded with	Named but negatived	Named and suspended	Sin binned	Total
Eldridge, John (LANG LAB)	3	–	1	–	4
Elliot, Justine (ALP)	–	–	–	1	1
Ellis, Annette (ALP)	–	–	–	1	1
Ellis, Kate (ALP)	–	–	–	13	13
Emerson, Craig (ALP)	–	–	1	11	12
Evans, Gareth (ALP)	–	–	–	2	2
Evans, Richard (LP)	–	–	–	2	2
Evatt, Bert (ALP)	1	–	–	–	1
Everingham, Paul (LP)	1	–	2	–	3
Farmer, Pat (LP)	–	–	–	1	1
Feeney, David (ALP)	–	–	–	2	2
Fenton, James (ALP)	4	–	1	–	5
Ferguson, Laurie (ALP)	–	–	–	1	1
Ferguson, Martin (ALP)	–	–	3	7	10
Ferguson, Michael (LP)	–	–	–	1	1
Filing, Paul (LP)	1	–	–	–	1
Fitzgibbon, Joel (ALP)	–	–	2	21	23
Fletcher, Paul (LP)	–	–	1	3	4
Forbes, Jim (LP)	–	–	1	–	1
Forde, Frank (ALP)	–	–	1	–	1
Foster, Richard (LP)	–	–	1	–	1
Fraser, Allan (ALP)	2	–	4	–	6
Fraser, Jim (ALP)	–	–	2	–	2
Fraser, Malcolm (LP)	–	–	1	–	1
Freeth, Gordon (LP)	–	–	1	–	1
Frydenberg, Josh (LP)	–	–	–	2	2
Gabb, Joel (ALP, UAP)	2	–	3	–	5
Gallus, Christine (LP)	–	–	–	2	2
Gambaro, Teresa (LP)	–	–	–	2	2
Garland, Vic (LP)	2	–	–	–	2
Gash, Joanna (LP)	–	–	–	1	1
Georganas, Steve (ALP)	–	–	–	1	1
George, Jennie (ALP)	–	–	–	2	2
Gibbons, Steve (ALP)	–	–	–	1	1
Giles, Andrew (ALP)	–	–	–	3	3
Gillard, Julia (ALP)	–	–	1	6	7
Goodluck, Bruce (LP)	3	–	1	–	4
Gorton, John (LP)	–	–	1	–	1
Green, Roland (CP)	2	–	1	–	3
Griffin, Alan (ALP)	–	–	1	7	8
Griggs, Natasha (CLP)	–	–	–	2	2
Gullett, Henry (LP)	–	–	1	–	1
Haase, Barry (LP)	–	–	2	5	7
Hale, Damian (ALP)	–	–	–	5	5
Hall, Jill (ALP)	–	–	–	4	4
Halverson, Bob (LP)	–	–	–	1	1

Member and Party	Named but not proceeded with	Named but negatived	Named and suspended	Sin binned	Total
Harrison, Eli (ALP)	–	–	2	–	2
Hartsuyker, Luke (NP)	–	–	2	3	5
Hatton, Michael (ALP)	–	–	–	1	1
Hawke, Alex (LP)	–	–	–	4	4
Hawke, Bob (ALP)	1	–	–	–	1
Hayden, Bill (ALP)	2	–	3	–	5
Haylen, Les (ALP)	2	–	8	–	10
Higgs, William (ALP)	2	–	3	–	5
Hoare, Kelly (ALP)	–	–	–	8	8
Hockey, Joe (LP)	–	–	–	27	27
Hodgman, Michael (LP)	–	–	3	–	3
Hollis, Colin (ALP)	–	–	1	–	1
Holloway, Edward (ALP)	–	–	1	–	1
Holt, Harold (LP)	–	–	1	–	1
Horne, Bob (ALP)	–	–	–	4	4
Howard, John (LP)	–	–	3	–	3
Howe, Brian (ALP)	–	–	1	–	1
Hughes, William (ALP)	1	–	–	–	1
Hunt, Greg (LP)	–	–	–	12	12
Husic, Ed (ALP)	–	–	1	22 <sup>(a)</sup>	23
Irons, Steve (LP)	–	–	–	2	2
Irwin, Julia (ALP)	–	–	2	28	30
Jackson, Sharryn (ALP)	–	–	–	1	1
James, Rowland (ALP)	10	1	3	–	14
Jensen, Dennis (LP)	–	–	1	9	10
Jess, John (LP)	–	–	1	–	1
Johnson, Leonard (ALP)	–	–	1	–	1
Johnson, Les (ALP)	2	–	1	–	3
Johnson, Michael (LP)	–	–	–	2	2
Jones, Charlie (ALP)	3	–	2	–	5
Jones, Ewen (LP)	–	–	–	18	18
Jones, Stephen (ALP)	–	–	–	2	2
Katter, Bob Carl (NP, IND, KAP)	2	–	2	4	8
Keating, Paul (ALP)	2	–	2	–	4
Kelly, Craig (LP)	–	–	–	1	1
Kelly, De-Anne (NP)	–	–	1	–	1
Kelly, Jackie (LP)	–	–	1	–	1
Kelly, Mike (ALP)	–	–	–	3	3
Kent, Lewis (ALP)	–	–	1	–	1
Keon, Stan (ALP (A–C))	–	–	1	–	1
Kernot, Cheryl (ALP)	–	–	1	3	4
Kerr, Duncan (ALP)	–	–	–	17	17
King, Catherine (ALP)	–	–	–	18	18
King, Robert (NP)	–	–	1	–	1
Klugman, Dick (ALP)	–	–	1	–	1

Member and Party	Named but not proceeded with	Named but negatived	Named and suspended	Sin binned	Total
Laming, Andrew (LP)	–	–	2	19	21
Lane, Albert (UAP)	–	–	1	–	1
Latham, Mark (ALP)	–	–	2	9	11
Lavelle, Thomas (ALP)	–	–	1	–	1
Lawrence, Carmen (ALP)	–	–	–	1	1
Lazzarini, Hubert (LANG LAB)	1	–	1	–	2
Lee, Michael (ALP)	–	–	–	3	3
Leigh, Andrew (ALP)	–	–	–	1	1
Lewis, Austin (ALP)	2	–	–	–	2
Ley, Sussan (LP)	–	–	–	1	1
Lieberman, Lou (LP)	–	–	1	–	1
Lindsay, Peter (LP)	–	–	1	4	5
Lloyd, Bruce (NP)	1	–	–	–	1
Lucock, Philip (NP)	1	–	–	–	1
Lusher, Stephen (NP)	1	–	1	–	2
Lynch, Phillip (LP)	–	–	1	–	1
Lyons, Geoff (ALP)	–	–	–	2	2
Macklin, Jenny (ALP)	–	–	–	9	9
MacTiernan, Alannah (ALP)	–	–	–	20	20
Mahoney, Gerald (ALP)	3	–	–	–	3
Mahony, William (ALP)	–	–	1	–	1
Makin, Norman (ALP)	2	–	–	–	2
Maloney, William (ALP)	1	–	1	–	2
Marino, Nola (LP)	–	–	–	2	2
Marles, Richard (ALP)	–	–	–	10	10
Martens, George (ALP)	1	–	–	–	1
Martin, Stephen (ALP)	–	–	1	–	1
Massy–Greene, Walter (LP)	–	–	1	–	1
Matheson, Russell (LP)	–	–	–	1	1
Mathews, James (ALP)	–	–	3	–	3
McCormack, Michael (NP)	–	–	–	8	8
McEwen, John (CP)	1	–	1	–	2
McGauran, Peter (NP)	1	–	3	1	5
McGrath, David (ALP)	–	–	2	–	2
McLeay, Leo (ALP)	–	–	4	7	11
McMullan, Bob (ALP)	–	–	–	2	2
McNamara, Karen (LP)	–	–	–	1	1
Menzies, Robert (LP)	–	–	1	–	1
Mirabella, Sophie (LP)*	–	–	1	11	12
Mitchell, Rob (ALP)	–	–	–	6	6
Morgan, Arthur (NAT)	1	–	–	–	1
Morgan, Charles (ALP)	–	–	1	–	1
Morris, Alan (ALP)	–	–	–	1	1
Morrison, Scott (LP)	–	–	1	13	14
Mullens, John (ALP (A-C))	–	–	1	–	1
Murphy, John (ALP)	–	–	–	1	1

Member and Party	Named but not proceeded with	Named but negatived	Named and suspended	Sin binned	Total
Neil, Maurice (LP)	1	–	–	–	1
Nettle, Sen Kerry (AG)	–	–	1	1	2
Newman, Kevin (LP)	1	–	–	–	1
Nikolic, Andrew (LP)	–	–	–	2	2
Nixon, Peter (NP)	–	–	3	–	3
O’Byrne, Michelle (ALP)	–	–	–	3	3
O’Connor, Brendan (ALP)	–	–	–	27	27
O’Connor, Gavan (ALP)	–	–	2	9	11
O’Dwyer, Kelly (LP)	–	–	–	7	7
O’Keefe, Neil (ALP)	1	–	–	18	19
O’Neil, Clare (ALP)	–	–	–	5	5
Osborne, Frederick (LP)	–	–	1	–	1
Owens, Julie (ALP)	–	–	–	16	16
Page, James (ALP)	2	–	1	–	3
Palmer, Albert (LP)	1	–	–	–	1
Parke, Melissa (ALP)	–	–	–	1	1
Pasin, Tony (LP)	–	–	–	2	2
Patterson, Rex (ALP)	–	–	1	–	1
Peacock, Andrew (LP)	2	–	–	–	2
Pearce, Christopher (LP)	–	–	–	2	2
Perrett, Graham (ALP)	–	–	–	58	58
Peters, Ted (ALP)	1	–	–	–	1
Plibersek, Tanya (ALP)	–	–	–	29	29
Pollard, Reg (ALP)	4	–	4	–	8
Price, Roger (ALP)	–	–	–	3	3
Pyne, Christopher (LP)	–	–	2	43	45
Quick, Harry (ALP)	–	–	1	–	1
Ramsey, Rowan (LP)	–	–	–	1	1
Randall, Don (LP)	–	–	–	14	14
Rankin, George (CP)	–	–	1	–	1
Reid, Bruce (LP)	–	–	–	1	1
Reith, Peter (LP)	–	–	1	–	1
Reynolds, Leonard (ALP)	–	–	1	–	1
Riley, Edward C (ALP)	2	–	1	–	3
Riordan, David (ALP)	2	–	1	–	3
Ripoll, Bernie (ALP)	–	–	–	18	18
Rishworth, Amanda (ALP)	–	–	–	4	4
Robb, Andrew (LP)	–	–	–	7	7
Robert, Stuart (LP)	–	–	1	13	14
Robertson, Hugh (CP)	–	–	1	–	1
Robinson, Ian (NP)	1	–	–	–	1
Rosevear, John (ALP)	1	–	–	–	1
Rowland, Michelle (ALP)	–	–	–	3	3
Roxon, Nicola (ALP)	–	–	–	4	4
Roy, Wyatt (LP)	–	–	–	2	2
Rudd, Kevin (ALP)	–	–	–	1	1

Member and Party	Named but not proceeded with	Named but negatived	Named and suspended	Sin binned	Total
Ruddock, Philip (LP)	–	–	1	–	1
Ryan, Joanne (ALP)	–	–	–	5	5
Sawford, Rod (ALP)	–	–	–	2	2
Scholes, Gordon (ALP)	1	–	–	–	1
Schultz, Alby (LP)	–	–	–	5	5
Scott, Bruce (NP)	–	–	–	1	1
Scott, John (ALP)	–	–	1	–	1
Sercombe, Bob (ALP)	–	–	–	2	2
Sharp, John (NP)	–	–	1	–	1
Sherry, Ray (ALP)	1	–	–	–	1
Sidebottom, Sid (ALP)	–	–	–	2	2
Simpkins, Luke (LP)	–	–	–	17	17
Sinclair, Ian (NP)	2	–	3	–	5
Slipper, Peter (LP)	–	–	3	2	5
Smith, Stephen (ALP)	–	–	–	2	2
Smith, Tony (LP)	–	–	–	9	9
Snowdon, Warren (ALP)	–	–	2	25	27
Southcott, Andrew (LP)	–	–	–	3	3
Spender, John (LP)	–	–	1	–	1
Spender, Percy (LP)	–	–	2	–	2
Stewart, Frank (ALP)	1	–	–	–	1
Stewart, Frederick (UAP)	–	–	1	–	1
Sukkar, Michael (LP)	–	–	–	1	1
Swan, Wayne (ALP)	–	–	6	17	23
Tanner, Lindsay (ALP)	–	–	2	25	27
Tehan, Dan (LP)	–	–	–	2	2
Theodore, Ted (ALP)	1	–	–	–	1
Thistlethwaite, Matt (ALP)	–	–	–	6	6
Thomas, Josiah (ALP)	1	–	1	–	2
Thompson, Cameron (LP)	–	–	–	2	2
Thomson, Kelvin (ALP)	–	–	–	5	5
Truss, Warren (NP)	–	–	–	2	2
Tuckey, Wilson (LP)	1	–	14	16	31
Tudge, Alan (LP)	–	–	–	3	3
Turnbull, Malcolm (LP)	–	–	–	1	1
Uren, Tom (ALP)	2	–	5	–	7
Vamvakinou, Maria (ALP)	–	–	–	7	7
van Manen, Bert (LP)	–	–	–	2	2
Ward, Eddie (ALP)	1	–	16	–	17
Watts, Tim (ALP)	–	–	–	11	11
Webster, William (ALP)	–	–	1	–	1
Wentworth, William (LP)	–	–	10	–	10
West, John (ALP)	1	–	–	–	1
White, Thomas (LP)	–	–	2	–	2
Whitlam, Gough (ALP)	1	–	1	–	2
Whittorn, Ray (LP)	–	–	1	–	1

Member and Party	Named but not proceeded with	Named but negatived	Named and suspended	Sin binned	Total
Wight, Bruce (LP)	–	–	1	–	1
Wilkie, Kim (ALP)	–	–	–	11	11
Williams, Matthew (LP)	–	–	–	1	1
Wilson, John (FT)	1	–	–	–	1
Wilton, Greg (ALP)	–	–	–	2	2
Windsor, Tony (IND)	–	–	1	–	1
Woods, Harry (ALP)	–	–	–	1	1
Yates, George (ALP)	1	–	–	–	1
Young, Mick (ALP)	1	–	–	–	1
Zahra, Christian (ALP)	–	–	1	9	10
Zammit, Paul (IND)	–	–	1	–	1
<b>Total</b>	<b>132</b>	<b>3</b>	<b>318</b>	<b>1 423</b>	<b>1 876</b>

(a) Includes one ejection from the Federation Chamber for 15 minutes

**Key:** The member's party affiliation is that when they were disciplined. ALP – Australian Labor Party; LP – Liberal Party; NP – National Party; CP – Country Party; NAT – Nationalist Party; ALP (A-C) – ALP (Anti-Communist); LANG LAB – Lang Labor; FT – Free Trade; IND – Independent; UAP – United Australia Party

## Appendix D: Disciplinary actions by speakership

Speakerships (bolded) and Chairs	Disciplinary actions per Chair	Disciplinary actions per speakership	Sitting days per speakership	Disciplinary actions per sitting day
<b>Holder, Sir Frederick</b> (9.5.1901 – 23.7.1909)	2	2	791 <sup>(a)</sup>	.003
<b>Salmon, Charles</b> (28.7.1909 – 19.2.1910)	0	0	74	.000
<b>McDonald, Charles</b> (1.7.1910 – 23.4.1913)	6	6	249	.024
<b>Johnson, William</b> (9.7.1913 – 30.7.1914)	5	5	108	.046
<b>McDonald, Charles</b> (8.10.1914 – 26.3.1917)	3	4	147	.027
<i>Dep Sp Chanter, John</i>	1	–	–	–
<b>Johnson, William</b> (14.6.1917 – 6.11.1922)	7	18	433	.042
<i>Chair/Dep Sp Chanter, John</i>	10	–	–	–
<i>Temp Chair Watkins, David</i>	1	–	–	–
<b>Watt, William</b> (28.2.1923 – 3.10.1925)	2	6	171	.035
<i>Temp Chair Bayley, James</i>	4	–	–	–
<b>Groom, Sir Littleton</b> (13.1.1926 – 16.9.1929)	2	7	245	.029
<i>Chair/Dep Sp Bayley, James</i>	5	–	–	–
<b>Makin, Norman</b> (20.11.1929 – 27.11.1931)	14	25	206	.121
<i>Chair/Dep Sp McGrath, David</i>	8	–	–	–
<i>Temp Chair Prowse, John</i>	1	–	–	–
<i>Temp Chair Crouch, Richard</i>	2	–	–	–
<b>Mackay, George</b> (17.2.1932–7.8.1934)	5	14	154	.091
<i>Chair Bell, George</i>	9	–	–	–
<b>Bell, George</b> (23.10.1934 – 27.8.1940)	14	23	323	.071
<i>Temp Chair Nairn, Walter</i>	1	–	–	–
<i>Chair Prowse, John</i>	8	–	–	–
<b>Nairn, Walter</b> (20.11.1940 – 21.6.1943)	–	4	140	.029
<i>Dep Sp Martens, George</i>	1	–	–	–
<i>Chair Prowse, John</i>	2	–	–	–
<i>Dep Sp Prowse, John</i>	1	–	–	–
<b>Rosevear, John</b> (22.6.1943 – 31.10.1949)	11	25	490	.051
<i>Temp Chair Martens, George</i>	2	–	–	–
<i>Chair Riordan, William</i>	2	–	–	–
<i>Dep Sp Clark, Joseph</i>	8	–	–	–
<i>Temp Chair Burke, Thomas</i>	1	–	–	–
<i>Temp Chair Lazzarini, Hubert</i>	1	–	–	–
<b>Cameron, Archie</b> (22.2.1950 – 9.8.1956)	28	42	424	.099
<i>Chair, Dep Sp Adermann, Charles</i>	11	–	–	–
<i>Dep Sp McLeay, John</i>	1	–	–	–
<i>Temp Chair Bowden, George</i>	1	–	–	–
<i>Dep Sp Harrison, Eric</i>	1	–	–	–

Speakerships (bolded) and Chairs	Disciplinary actions per Chair	Disciplinary actions per speakership	Sitting days per speakership	Disciplinary actions per sitting day
<b>McLeay, John</b> (29.8.1956 – 31.10.1966)	28	48	655	.073
<i>Dep Sp, Temp Chair Lawrence, William</i>	4	–	–	–
<i>Dep Sp, Chair, Temp Chair, Ag Sp Lucock, Philip</i>	12	–	–	–
<i>Temp Chair Chaney, Fred</i>	1	–	–	–
<i>Chair Bowden, George</i>	2	–	–	–
<i>Temp Chair Wight, Bruce</i>	1	–	–	–
<b>Aston, William</b> (21.2.1967 – 2.11.1972)	14	18	387	.047
<i>Dep Chair Hallett, John</i>	2	–	–	–
<i>Dep Sp Drury, Edward</i>	2	–	–	–
<b>Cope, James</b> (27.2.1973 – 27.2.1975)	19	28	155 <sup>(b)</sup>	.181
<i>Dep Sp Jenkins, Dr Harry</i>	2	–	–	–
<i>Dep Sp, Chair Scholes, Gordon</i>	5	–	–	–
<i>Dep Sp Martin, Stephen</i>	1	–	–	–
<i>Dep Sp Luchetti, Anthony</i>	1	–	–	–
<b>Scholes, Gordon</b> (27.2.1975 – 11.11.1975)	2	6	61 <sup>(c)</sup>	.098
<i>Dep Sp Berinson, Joe</i>	1	–	–	–
<i>Dep Sp Innes, Urquhart</i>	3	–	–	–
<b>Snedden, Billy</b> (17.2.1976 – 4.2.1983)	13	24	456	.053
<i>Ag Sp Lucock, Philip</i>	2	–	–	–
<i>Dep Sp, Ag Sp Millar, Percy</i>	5	–	–	–
<i>Dep Sp Jarman, Alan</i>	2	–	–	–
<i>Dep Sp Giles, Geoffrey</i>	2	–	–	–
<b>Jenkins, Dr Henry</b> (21.4.1983 – 20.12.1985)	14	16	167	.096
<i>Ag Sp Johnson, Les</i>	1	–	–	–
<i>Ag Sp Child, Joan</i>	1	–	–	–
<b>Child, Joan</b> (11.2.1986 – 28.8.1989)	12	20	251	.080
<i>Dep Sp, Ag Sp McLeay, Leo</i>	4	–	–	–
<i>Dep Sp Blanchard, Cecil</i>	3	–	–	–
<i>Dep Sp Rocher, Allan</i>	1	–	–	–
<b>McLeay, Leo</b> (29.8.1989 – 8.2.1993)	16	22	191	.115
<i>Ag Sp, Dep Sp Edwards, Ron</i>	5	–	–	–
<i>Dep Sp Scholes, Gordon</i>	1	–	–	–
<b>Martin, Stephen</b> (4.5.1993 – 29.1.1996)	24	27	184	.147
<i>Dep Sp Andrew, Neil</i>	1	–	–	–
<i>Dep Sp Rocher, Allan</i>	1	–	–	–
<i>Dep Sp Jenkins, Harry</i>	1	–	–	–
<b>Halverson, Robert</b> (30.4.1996 – 3.3.1998)	51	55	139	.396
<i>Dep Sp Nehl, Garry</i>	3	–	–	–
<i>Dep Sp Truss, Warren</i>	1	–	–	–

Speakerships (bolded) and Chairs	Disciplinary actions per Chair	Disciplinary actions per speakership	Sitting days per speakership	Disciplinary actions per sitting day
<b>Sinclair, Ian</b> (4.3.1998 – 31.8.1998)	16	18	37	.486
<i>Dep Sp Quick, Harry</i>	1	–	–	–
<i>Dep Sp Nehl, Garry</i>	1	–	–	–
<b>Andrew, Neil</b> (10.11.1998 – 31.8.2004)	192	220	406	.542
<i>Dep Sp Causley, Ian</i>	20	–	–	–
<i>Ag Sp Nehl, Garry</i>	7	–	–	–
<i>Dep Sp Price, Roger</i>	1	–	–	–
<b>Hawker, David</b> (16.11.2004 – 17.10.2007)	188	223	196	1.138
<i>Dep Sp Causley, Ian</i>	35	–	–	–
<b>Jenkins, Harry</b> (12.2.2008 – 24.11.2011)	252	265	256	1.035
<i>Dep Sp Burke, Anna</i>	5	–	–	–
<i>Dep Sp Slipper, Peter</i>	6	–	–	–
<i>Dep Sp Scott, Bruce</i>	1	–	–	–
<i>Dep Sp Bird, Sharon</i>	1	–	–	–
<b>Slipper, Peter</b> (24.11.2011 – 9.10.2012)	67	115	54	2.130
<i>Dep Sp Burke, Anna</i>	48	–	–	–
<b>Burke, Anna</b> (9.10.2012 – 5.8.2013)	66	66	44	1.500
<b>Bishop, Bronwyn</b> (12.11.2013 – 10.8.2015)	400	402	130	3.092
<i>Dep Sp Scott, Bruce</i>	1	–	–	–
<i>Dep Sp Griggs, Natasha</i>	1	–	–	–
<b>Smith, Tony</b> (10.8.2015 – 9.5.2016) <sup>(d)</sup>	121	122	60	2.033
<i>Dep Speaker Scott, Bruce</i>	1	–	–	–
<b>Total</b>	<b>1 876</b>	<b>1 876</b>	<b>7 801</b>	<b>0.24</b>

(a) Does not include the sitting day after Holder died.

(b) Includes the two joint sitting days that Cope presided over (6–7 August 1974) and the day he resigned (27 February 1975).

(c) Includes the day Scholes became Speaker (27 February 1975) which was the same day Cope resigned (hence an instance of double counting).

(d) Includes Smith's speakership during the 44th Parliament only.

## Appendix E: Types of disciplinary action by speakership

Speaker	Named but not proceeded with	Named and suspended	Sin binned	Total
Holder, Sir Frederick (9.5.1901 – 23.7.1909)	2	–	–	2
Salmon, Charles (28.7.1909 – 19.2.1910)	–	–	–	–
McDonald, Charles (1.7.1910 – 23.4.1913)	4	2	–	6
Johnson, William (9.7.1913 – 30.7.1914)	1	4	–	5
McDonald, Charles (8.10.1914 – 26.3.1917)	–	4	–	4
Johnson, William (14.6.1917 – 6.11.1922)	2	16	–	18
Watt, William (28.2.1923 – 3.10.1925)	3	3	–	6
Groom, Sir Littleton (13.1.1926 – 16.9.1929)	5	2	–	7
Makin, Norman (20.11.1929 – 27.11.1931)	22	3	–	25
Mackay, George (17.2.1932 – 7.8.1934)	7	7	–	14
Bell, George (23.10.1934 – 27.8.1940)	10 <sup>(a)</sup>	13	–	23
Nairn, Walter (20.11.1940 – 21.6.1943)	4	–	–	4
Rosevear, John (22.6.1943 – 31.10.1949)	3	22	–	25
Cameron, Archie (22.2.1950 – 9.8.1956)	8	34	–	42
McLeay, John (29.8.1956 – 31.10.1966)	16	32	–	48
Aston, William (21.2.1967 – 2.11.1972)	6	12	–	18
Cope, James (27.2.1973 – 27.2.1975)	12 <sup>(a)</sup>	16	–	28
Scholes, Gordon (27.2.1975 – 11.11.1975)	2	4	–	6
Snedden, Billy (17.2.1976 – 4.2.1983)	11	13	–	24
Jenkins, Dr Henry (21.4.1983 – 20.12.1985)	6	10	–	16
Child, Joan (11.2.1986 – 28.8.1989)	2	18	–	20
McLeay, Leo (29.8.1989 – 8.2.1993)	6	16	–	22
Martin, Stephen (4.5.1993 – 29.1.1996)	–	11	16	27
Halverson, Robert (30.4.1996 – 3.3.1998)	–	12	43	55
Sinclair, Ian (4.3.1998 – 31.8.1998)	–	3	15	18
Andrew, Neil (10.11.1998 – 31.8.2004)	2	27	191	220
Hawker, David (16.11.2004 – 17.10.2007)	–	8	215	223
Jenkins, Harry (12.2.2008 – 24.11.2011)	1 <sup>(a)</sup>	17	247	265
Slipper, Peter (24.11.2011 – 9.10.2012)	–	1	114	115
Burke, Anna (9.10.2012 – 5.8.2013)	–	–	66	66
Bishop, Bronwyn (12.11.2013 – 2.8.2015)	–	7	395 <sup>(b)</sup>	402
Smith, Tony (10.8.2015 – 9.5.2016) <sup>(c)</sup>	–	1	121	122
<b>Total</b>	<b>135</b>	<b>318</b>	<b>1 423</b>	<b>1 876</b>

(a) Includes one negated.

(b) Includes one ejection from the Federation Chamber for 15 minutes.

(c) Includes Smith's speakership during the 44th Parliament only.

## Appendix F: Comparison of disciplinary actions taken in the first and second weeks of a sitting fortnight, 1990–2016

Year	Number of consecutive weeks ('sitting fortnights')	Number of consecutive weeks where the number of disciplinary actions was less in the second week than the first week		Number of consecutive weeks where the number of disciplinary actions was the same in the second week as the first week		Number of consecutive weeks where the number of disciplinary actions was more in the second week than the first week		Consecutive weeks where the number of disciplinary actions was the same or more than the first week	
1990	4	0		2		2		4	
1991	8	0		6		2		8	
1992	7	2		2		3		5	
1993	6	1		2		3		5	
1994	7	1		5		1		6	
1995	8	4		1		3		4	
1996	7	3		1		3		4	
1997	9	6		0		3		3	
1998	5	3		0		2		2	
1999	7	4		1		2		3	
2000	8	2		1		5		6	
2001	5	2		2		1		3	
2002	7	1		1		5		6	
2003	8	2		0		6		6	
2004	7	2		1		4		5	
2005	8	1		1		6		7	
2006	6	3		1		2		3	
2007	6	2		1		3		4	
2008	8	1		1		6		7	
2009	8	3		0		5		5	
2010	6	1		2		3		5	
2011	6	3		1		2		3	
2012	6	1		0		5		5	
2013	6	1		1		4		5	
2014	8	3		0		5		5	
2015	8	4		0		4		4	
2016 <sup>(a)</sup>	2	1		0		1		1	
<b>Total</b>	<b>181</b>	<b>57</b>	<b>31.5%</b>	<b>33</b>	<b>18.2%</b>	<b>91</b>	<b>50.2%</b>	<b>124</b>	<b>68.5%</b>

(a) To the end of the 44th Parliament on 9 May 2016.

© Commonwealth of Australia



Creative Commons

With the exception of the Commonwealth Coat of Arms, and to the extent that copyright subsists in a third party, this publication, its logo and front page design are licensed under a [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia](#) licence.

In essence, you are free to copy and communicate this work in its current form for all non-commercial purposes, as long as you attribute the work to the author and abide by the other licence terms. The work cannot be adapted or modified in any way. Content from this publication should be attributed in the following way: Author(s), Title of publication, Series Name and No, Publisher, Date.

To the extent that copyright subsists in third party quotes it remains with the original owner and permission may be required to reuse the material.

Inquiries regarding the licence and any use of the publication are welcome to [webmanager@aph.gov.au](mailto:webmanager@aph.gov.au).

This work has been prepared to support the work of the Australian Parliament using information available at the time of production. The views expressed do not reflect an official position of the Parliamentary Library, nor do they constitute professional legal opinion.

Any concerns or complaints should be directed to the Parliamentary Librarian. Parliamentary Library staff are available to discuss the contents of publications with Senators and Members and their staff. To access this service, clients may contact the author or the Library's Central Enquiry Point for referral.