

Smith, Anthony David Hawthorn (Tony): Speaker 2015–2021

Stephen Wilks

Anthony David Hawthorn Smith, political adviser and thirtieth Speaker of the House of Representatives, was born on 13 March 1967 in Melbourne, third child and only son of Alan Leslie Hawthorn Smith, chemistry teacher, and his wife Noel Patricia, née Bickford, medical secretary. Tony began his education at Kerrimuir Primary School in suburban Box Hill North, followed by secondary studies at Carey Baptist Grammar School.

Carey marked Smith's family's first association with a figure who would greatly influence his political career; his father taught Peter Costello there, and Costello's father Russell later taught Smith history and politics. He attended the University of Melbourne (BA Hons, 1990; BCom, 1992), where his study of history and politics contributed to his awareness of parliamentary tradition. To meet his costs he worked variously as a nightshift cook, rowing coach, and history tutor. He was active in student politics, becoming president of the university Liberal Club (1988, honorary life member), and of the Victorian branch of the Liberal Students' Association (1989). It was in the latter capacity that he first met Costello, now a rising young industrial relations lawyer, when seeking advice on the issue of compulsory student union fees. He was at once impressed by Costello's energy and political savvy.

In line with the changing composition of the House of Representatives, Smith was the first Speaker with a professional background as a political activist. His first major job outside university began in 1989 as a part-time research assistant at the public policy think tank the Institute of Public Affairs. He took an early interest in the Commonwealth parliament, writing in the *IPA Review* on the importance of the Speaker's preparedness to enforce standing orders during question time, without which 'governments are able strategically to waste time through verbose replies, long on rhetoric promoting the government but short on relevance' (Smith 1990, 10). Later he considered Prime Minister Paul Keating's attempts to improve question time and alleviate the legislative workload as 'at best cosmetic and at worst a further erosion of parliamentary accountability' (Smith 1994, 12).

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Figure 62: Tony Smith.

Source: Australian Government Photographic Service (Auspic).

A few months before the 1990 federal election, Smith offered to work for Costello, now the Liberal Party's candidate for the inner Melbourne seat of Higgins. He became his 'researcher, press secretary, letter-writer, trouble-shooter and personal adviser' (Costello 2008, 52), and later was his senior media adviser. Smith stayed with him through the party's narrow loss in 1990 and its unexpected defeat in 1993; Costello later predicted that his former staffer 'will go a long way in politics' (Costello 2008, 40). During 1993–94 Smith was involved in preparing the political case against the Keating government's minister for the environment, sport and territories, Ros Kelly, over the allocation of sporting grants to marginal electorates held by the government. The minister admitted that details of short-listed applications were recorded on a whiteboard in her office that was routinely wiped clean without a permanent record being retained. Reportedly, it was Smith who coined the term 'sports rorts' as shorthand for this affair. After Costello appointed journalist Niki Savva as his press secretary late in 1997, Smith became Costello's senior political adviser with a focus on tax reform. The two worked on helping to lay foundations for the introduction of the goods and services tax in 2000. On 21 December 1997 Smith married Pamela Jayne Read. They had two sons.

In 1998 Smith made his first attempt to enter parliament when he sought party preselection for the House of Representatives seat of Casey, based on Melbourne's eastern fringe, the Dandenong Ranges and the Yarra Valley, and from which a former Speaker, Bob Halverson, was retiring. Preselection went to the minister for health and aged care Michael Wooldridge, who sought a safer alternative to his electorate of Chisholm. Smith instead entered the Commonwealth parliament when Wooldridge retired at the election of 2001. He won Casey comfortably, and held it at the next six elections. As a promising young member, he was chair of the Joint Standing Committee on Electoral Matters (2004–06) and of the Joint Statutory Committee on Public Accounts and Audit (2006–07), and served as parliamentary secretary to Prime Minister John Howard (2007). After the government lost office at the 2007 election he held a series of shadow portfolios, including education, apprenticeships and training (2007–08), assistant treasurer (2008–09), and broadband, communications and the digital economy (2009–10).

Press speculation late in 2010 that Smith could be Tony Abbott's running mate in a leadership challenge to Malcolm Turnbull proved ill-founded. Smith was demoted after the election of 2010, reportedly because Abbott felt he had failed to adequately sell to the electorate the opposition's policies on communications. He became shadow parliamentary secretary for tax reform (2010–13), and deputy chair of the coalition policy development committee (2010–15). When the Abbott government was elected in 2013 he was not appointed to the ministry. Instead, he was again chair of the Joint Standing Committee on Electoral Matters (2014–15), and then of the House Standing Committee on Appropriations and Administration (2015–16, 2016–21).

Smith attributed his elevation to the Speakership to 'sudden and unusual circumstances' (Alcorn 2018, 24). Despite his regard for parliamentary tradition, he had no prior ambition to be Speaker, considering that 'most Speakers of the House of Representatives ... are quite a bit older', as the Speakership 'was something they tended to do for the last couple of terms of their careers' (Alcorn 2018, 24). But on 2 August 2015 came the announcement of Bronwyn Bishop's resignation as Speaker, the result of widespread criticism of her use of public funds to pay for her travel by helicopter between Melbourne and Geelong to attend a party fundraising event. Both sides of politics sought a more low key figure than Bishop and one who would stress even-handedness. In the party room ballot Smith received strong support from his fellow backbenchers, despite opposition from Prime Minister Abbott. He comfortably defeated three other contenders, winning the final vote 51–22 over his fellow Victorian backbencher Russell Broadbent.

On 10 August 2015 Smith was unanimously chosen as Speaker by the House. He announced at once that he would absent himself from his party room, as he felt strongly that 'the Speaker should not only be but also be seen to be independent of the partisan day-to-day fray' (H.R. Deb. 10.8.2015, 7747). Press profiles noted his interest in restoring old cars by bestowing on him the tag 'revhead'. He was welcomed effusively by the opposition, but did not pursue a hopeful request by its leader, Bill Shorten, to allow supplementary questions during question time. Smith's elevation was also seen as marking a generational change, affirmed by his being the first male non-Labor Speaker not to don the gown when in the chair. He soon established himself as a firm and even-handed presiding officer. Just nine days after becoming Speaker he used standing order 94 (a) to eject from the chamber his own nominator for the Speakership, Michael Sukkar.

Appreciation by the opposition and the press of Smith's even-handedness grew steadily, drawing on a series of much-publicised statements and rulings. In September 2018 the House Standing Committee on Economics began an inquiry into the proposed removal of refundable franking credits, which was opposition policy. The committee's chair, Tim Wilson, supported claims that Labor was effectively proposing a 'retiree tax' on savings and superannuation balances. In February 2019 the opposition alleged that his conduct of the inquiry raised serious legal and procedural questions that amounted to contempt of parliament. Reportedly, party political material had been handed out at committee hearings; assistance to the inquiry had been provided by a consultant who was a distant relative of Wilson and also managed an asset management investment fund; Wilson had authorised a partisan website partly funded by this relative to collect submissions using a prefilled submission while also gathering personal information for non-committee purposes; the timing and location of a committee hearing had been organised to coincide with a nearby protest against the opposition's policy; and Wilson had not declared that he was a shareholder in his relative's investment fund.

Nonetheless, Smith concluded that Wilson had not ‘unduly prevented the committee from performing its work’ (H.R. Deb. 21.2.2019, 1329), and so his actions did not meet the high threshold for constituting contempt of parliament. But press reporting stressed Smith’s measured comments that the chair nonetheless ‘could be seen to have caused damage to the committee’s reputation and the reputation of the House committee system more generally’ (H.R. Deb. 21.2.2019, 1328), and had ‘not always conformed with what I see as the conventions usually observed by chairs of House committees’ (H.R. Deb. 21.2.2019, 1329). He also found that ‘the handing out of party political material or a display of signs by individual members at hearings of parliamentary committees should not be tolerated by chairs’ (H.R. Deb. 21.2.2019, 1329).

On 12 February 2019 Smith presided over a rare defeat for the government in the House on a substantive piece of proposed legislation, the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill, aimed at speeding up immigration medical evacuations from Australia’s offshore processing centres. He had received a copy of advice from the solicitor-general, Stephen Donaghue, to the attorney-general, Christian Porter, suggesting that some amendments to the bill passed by the Senate the previous year were unconstitutional, as expanding membership of the Independent Health Advice Panel would increase expenditure under a standing appropriation for remuneration of tribunal members. This seemed contrary to section 53 of the Constitution preventing the Senate from originating laws imposing taxation or appropriating revenue, while section 56 states that a proposed law for appropriation has to have had its purpose recommended by the governor-general to the House in which the proposal originated and in the same session. The Senate should have instead cast the relevant amendments as a request to the House to make these itself.

Porter gave the solicitor-general’s advice to Smith on the basis that it was only to assist him in considering the Senate amendments, and expressly requested that it not be distributed any further. Smith disagreed, feeling that ‘as Speaker, it’s important I ensure in this instance all material available to me is also available to all members of the House’ (H.R. Deb. 12.2.2019, 64). He also disagreed with the attorney-general’s request that the House not consider the bill as amended by the Senate, instead leaving it to the House itself to decide how it would proceed. Smith’s stance at once drew widespread praise from the media. The issue was resolved by the opposition leader successfully moving that most of the Senate amendments be accepted by House, but with an amendment of its own to ensure that the panel members in question would not receive remuneration. Members agreed, 75 votes to 74.

The Speakership also saw Smith dealing with some major new management issues. An electronic petitions website and system for the House was introduced early in 2016, as recommended by the Standing Committee on Petitions. The next year further security measures were implemented at Parliament House following advice

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from police and security agencies, most prominently a new security fence around the building perimeter. This required balancing security with the public expectation that it remain accessible, with Smith sympathetic to the latter consideration. During 2019 he and the President of the Senate, his old university friend Scott Ryan, had to manage the new phenomenon of cyber attacks on the parliament, believed to be the work of a sophisticated state actor. Significantly and rarely, his nomination for the Speakership at the commencement of the forty-sixth parliament that year was seconded by an opposition member, Maria Vamvakinou.

In January 2020 Smith was elected president of the Asia Pacific Parliamentary Forum, the last major international event held at Parliament House before the advent of the COVID-19 pandemic. As Speaker, he helped to maintain the effective functioning of the entire parliament amidst hard borders between states, quarantine rules, and social-distancing requirements. In March 2020 just ninety members attended the House in person. Keeping chamber doors open to reduce the need to touch door handles opened up a view directly from the Speaker's chair over 163 metres to that of the President of the Senate. Advice from the Commonwealth's chief medical officer in July led Smith to cancel the forthcoming early August sitting. On 24 August 2020 members convened for a meeting that observed the Agreement for Members to Contribute Remotely to Parliamentary Proceedings reached between the government and the opposition. Members unable to attend in person contributed to debate remotely via secure video link from their electorate offices or nearest Commonwealth parliamentary office; instead of calling for order, the Speaker directed them to mute themselves. The sitting featured containers of hand sanitiser sited throughout the chamber, parliamentarians and parliamentary officers wearing face masks, and members' benches that looked 'spookily sparse' (Wright 2020, 26).

Late in his Speakership Smith made his most publicised assertion of the Speaker's independence from party ties. This arose in October 2021 from Porter's use of a blind trust to receive anonymous donations to partially cover his legal fees for a defamation action he had brought against the Australian Broadcasting Corporation, but subsequently withdrew. The opposition considered this a failure to comply with a House resolution on the registration of members' interests, amounting to contempt of parliament. Tony Burke, the manager of opposition business in the House, thought that 'it beggars belief' that Porter 'has no idea who donated to this trust' (H.R. Deb. 18.10.2021, 9342), and saw a potential precedent for using blind trusts to escape disclosure obligations. The opposition moved that Porter be referred to the House Standing Committee of Privileges and Members' Interests.

Smith was not required to rule on the contempt of parliament question, but rather on whether the opposition motion to refer the matter to the committee should proceed to be debated. Two days later, being satisfied of a *prima facie* case for scrutiny by the House Privileges Committee, he gave the matter precedence for debate, a ruling which

would normally lead to the matter being sent to the committee. Burke welcomed this, adding that ‘it would be the cover-up to end all cover-ups if this House prevents the Privileges Committee from even being able to look at this resolution before us’, while recognising that it ‘might come back with an answer that I don’t expect’ (H.R. Deb. 20.10.2021, 9746). But the leader of the House, Peter Dutton, responded that it was ‘a workplace entitlement issue and I think it’s a broader discussion that should be had’, adding that the issue in question ‘applies to a number of other members in this place over a period of time in relation to defamation trials’ (H.R. Deb. 20.10.2021, 9748, 9747). The motion was defeated on party lines. Again, press reporting heavily favoured Smith.

In July 2021 Smith issued a statement that he would not contest the next election, to allow the Liberal Party and the people of Casey ‘the opportunity for renewal’ (Grattan 2021). Three months later he added that he would shortly resign as Speaker and return to the backbench. This was not because of any weariness of being Speaker—‘I doubt I would ever tire of it’—but so as to be able to spend his remaining time in parliament ‘working exclusively for the people of Casey’ (H.R. Deb. 28.10.2021, 10308, 10307). His last day in the chair was 22 November 2021, and the following day Andrew Wallace was elected his successor. It was widely reported that had Smith stayed on as Speaker, a then putative future Labor government may well have tried to retain him in the chair.

The tall, blonde, and stern-looking Smith had become known for his firmness in dealing with unruly members. He had little hesitation in rebuking prime ministers and senior ministers for turning parliamentary answers into lengthy political attacks of doubtful relevance to the question asked. Prime Minister Scott Morrison nonetheless lauded him as ‘an outstanding Speaker, in the true Westminster tradition’ (Morrison 2021). Perhaps more tellingly, Burke said that Smith was ‘consistent, principled, and most importantly, fearless’ (Burke 2021). With Sir Frederick Holder and Sir John McLeay, he was one of only three Speakers elected by the House unopposed three times in a row, and Holder and he the only two never to have faced such opposition at all.

Smith left the Speakership on a note of reappreciation of the dignity and traditions of the office. As Speaker, he came into his own and had realised his potential. Labor’s Tanya Plibersek said as early as 2016 that ‘it really does take someone who loves our democracy, who loves our Westminster system and our Westminster traditions, to do your job well. I see that love in you’ (H.R. Deb. 30.8.2016, 8). After leaving parliament, he became chief executive of the Australian American Leadership Dialogue, a private diplomatic initiative in support of this bilateral relationship. In February 2022 he shared the 2021 McKinnon Prize in Political Leadership for his work in upholding parliamentary standards and ensuring bipartisan accountability, and in August that year became professor in the practice of politics at The Australian National University.

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