



PARLIAMENT OF TASMANIA

**HOUSE OF ASSEMBLY SELECT COMMITTEE
ON THE HOUSE OF ASSEMBLY RESTORATION BILL**

Final Report

MEMBERS OF THE COMMITTEE

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1 BACKGROUND, APPOINTMENT, TERMS OF REFERENCE AND CONDUCT OF THE INQUIRY

1.1 Background

- 1.1 The House of Assembly has historically had up to 38 Members. In the 163 year history of the House of Assembly there have been 30 or more Members for 142 years, including 35 or more Members for 81 years.
- 1.2 When the House of Assembly was reduced to 25 Members in 1998, its membership was reduced by almost a third.
- 1.3 In 1856, the Tasmanian population was approximately 65,000 with 45 Members of Parliament, including 30 in the House of Assembly.
- 1.4 Today, the Tasmanian population is approximately 534,000 with only 25 Members in the House of Assembly.
- 1.5 The House of Assembly, and the people of Tasmania, now have fewer elected representatives than at any time since the establishment of responsible government in 1856.
- 1.6 In addition, the Tasmanian Government has all the public service and Executive responsibilities as any other jurisdictions to fulfill.
- 1.7 Proposals to reduce the number in the House of Assembly from 35 to 25 were first floated in the 1982 election campaign. This followed a Royal Commission into the Tasmanian Constitution which did not consider there was any need to change the membership of either House.¹
- 1.8 A brief history of the downsizing of the Parliament of Tasmania is as follows:
 - *In 1983 Liberal Premier Robin Gray established an advisory committee, which reported in 1984. The Ogilvie Report recommended against any reduction in the size of the Tasmanian Parliament.*
 - *In November 1993 Liberal Premier Ray Groom introduced a pair of linked measures: a reduction in the House of Assembly from 35 to 30 members and a 40% salary increase for the remaining MPs. These issues were ‘untied’ during the parliamentary process and only the 40% pay rise was passed into law.*

¹ See Beaumont, B. A., Zines, L. R. & Fenton C. B. M. (1982), *Report of the Royal Commission into the Constitution Act 1934 Tasmania*.

- In March 1994 Liberal Premier Ray Groom established a board of inquiry into the size of the Tasmanian Parliament which reported in June 1994. The Morling Report recommended against any reduction in the size of the Tasmanian Parliament. However Morling did suggest that if a reduction became an ‘imperative’ then reducing the Parliament from 54 to 44 members was possible. The proposed model was a single Chamber comprising 7 members from each of 4 Hare-Clark multi-member seats and 16 Members from single member seats.
- In October 1995 ALP Leader of the Opposition Michael Field introduced a bill to reduce the Parliament to 40 – electing 5 in each of the five Assembly seats and 15 MLCs. This bill lapsed.
- In April 1997 Liberal Premier Tony Rundle, in a document entitled Directions, proposed a referendum to effect the reduction in the size of Parliament from 54 to 44 members, using the model proposed by Morling. The proposed referendum failed.
- Several attempts were made during mid to late 1997 and early 1998 to reduce the size of the Parliament. These included a recommendation of the 1997 Nixon Report for a 27-member Parliament comprising 9 MPs elected from three seats. However these proposals bogged down because the Liberal Government’s 44-seat model was not compatible with the 40-seat ALP model. The Legislative Council did not support the 44 seat model and resolved in October 1997 that there should be 25 MHAs and no fewer than 15 MLCs.²

- 1.9 On 21 May 1998, the then Leader of the Labor Opposition, Hon. Jim Bacon MP, introduced the Parliamentary Reform Bill,³ which reduced the membership of the House of Assembly from 35 to 25 and the membership of the Legislative Council from 19 to 15. The Bill was defeated as the Liberal Government did not support it although one Government Member did cross the floor to support the Opposition’s proposal.⁴
- 1.10 On 13 July 1998, the then Liberal Premier, Hon. Tony Rundle MP, recalled Parliament for a special two-day sitting to rescind the vote on the Parliamentary Reform Bill, and to allow it to be reconsidered by the House of Assembly.
- 1.11 On 22 July 1998, the Parliamentary Reform Bill passed the House of Assembly with the support of both the Government and the Opposition. The following day, the Bill passed the Legislative Council and received Royal Assent on 27 July 1998.

² See *Parliamentary Reform – Downsizing Parliament*, Tasmanian Parliamentary Library, last updated 12 July 2005.

³ No. 31 of 1998.

⁴ House of Assembly, Votes and Proceedings, 21 May 1998, pp. 112-3.

- 1.12 Premier Rundle called an election on 29 July 1998 which was held on 29 August 1998, where 25 Members were elected to the House of Assembly in a Labor Government.
- 1.13 In 2009, the Joint Select Committee on Ethical Conduct found restoring the numbers was worthy of further consideration. By September 2010, all political parties had made statements of support for restoration of the House of Assembly to 35 Members.
- 1.14 On 2 September 2010, the Leaders of the three political parties in Tasmania signed the *Agreement for Parliamentary Reform*, in which they each agreed to take to their respective party rooms the following resolutions:
1. Agree:-
 - that the House of Assembly be restored to 35 members with seven members from each of the State's five electorates;
 - to support legislation that will restore the House of Assembly to 35 members at the next election made up of seven members from each of the State's five electorates;
 - to allow for public submissions on the proposal with details to be agreed.
 2. Recognise that other parliamentary reform is more complex and requires greater community and parliamentary consultation and to that end agree to examine collaboratively the need for, and potential mechanisms to deliver, further reform which may include but not be limited to:
 - political donations;
 - candidate expenditure during elections;
 - fixed terms of parliament;
 - role and powers of parliamentary committees;
 - code of conduct for all members of Parliament;
 - declarations of conflicts of interest by members of Parliament;
 - resources available to members of Parliament.⁵
- 1.15 In October 2010, Emeritus Professor Peter Boyce AO, was appointed to undertake a review of public submissions and to report to the House of Assembly during the first sitting week of 2011.
- 1.16 On 16 February 2011, before the review was tabled, the Liberal Opposition Leader, Hon. Will Hodgman MP, announced his withdrawal from the agreement, and the following day, the Labor Premier, Hon. Lara Giddings MP, also withdrew her commitment to restore the House of Assembly to 35 Members.

⁵ *Agreement for Parliamentary Reform*, signed by David Bartlett MP, Will Hodgman MP and Nick McKim MP on 2 September 2010.

- 1.17 On 22 November 2012, the Leader of the Tasmanian Greens, Nick McKim MP, introduced the *Parliamentary Reform (Restore Assembly Numbers) Bill 2012*,⁶ which would restore the House of Assembly to its pre-1998 numbers. The Bill was defeated on 25 September 2013.
- 1.18 This was the last attempt to restore the House of Assembly to 35 Members prior to the introduction on 18 October 2018 of the Bill currently being considered by this Committee.

1.2 Appointment and Terms of Reference

- 1.19 On 21 November 2018, the House of Assembly referred the *House of Assembly Restoration Bill 2018* to a Select Committee with the following terms of reference:
- (1) A Select Committee be appointed, with power to send for persons and papers and records, to inquire into and report upon:-
 - (a) the House of Assembly Restoration Bill 2018 (No.55);
 - (b) Other matters incidental thereto.
 - (2) The Committee shall consist of six (6) Members, being: three (3) from the Government nominated by the Leader of the House, one of whom shall be the Speaker of the House; two (2) from the Opposition nominated by the Leader of the Opposition; and one (1) from the Tasmanian Greens nominated by the Leader of the Tasmanian Greens, whom shall be the Chair.
- 1.20 Following the prorogation of the Parliament in February 2019, the House re-established the Committee on 19 March 2019.

1.3 Conduct of the Inquiry

- 1.21 The Committee resolved to invite, by way of advertisement on the Parliament of Tasmania website and in the three major Tasmanian newspapers, interested persons and organisations to make a submission to the Committee in relation to the Terms of Reference. In addition to such general invitation, the Committee directly invited a number of persons and organisations to make a submission to the inquiry.
- 1.22 The Committee received 22 written submissions and held 6 public hearings, including one in Launceston, with a total of 30 witnesses providing oral evidence before the Committee.

⁶ No. 61 of 2012.

2 FINDINGS AND RECOMMENDATIONS

- 2.1 The Committee finds the evidence received from a broad range of stakeholders - from the Tasmanian Chamber of Commerce and Industry (TCCI) to the Tasmanian Council of Social Services (TasCOSS) – strongly supported restoration of the numbers in the House of Assembly.
- 2.2 The Committee specifically notes senior political figures and former Members of Parliament from across the political spectrum agree it was a mistake to reduce the numbers in the House of Assembly.
- 2.3 The Committee finds the reduction in the number of Members in 1998 eroded the underpinning purpose of the Hare-Clark system which is to achieve proportional representation.
- 2.4 The Committee finds the restoration of the House of Assembly to 35 Members would more accurately reflect the original representative purpose of the Hare-Clark system and voters' preferences.
- 2.5 The Committee finds compelling evidence was received during the inquiry that the reduction in Members undermined the democratic accountability of the House of Assembly, in that there are now too few Members, who are not part of the Executive, to effectively represent their constituencies.
- 2.6 The Committee finds the diversity of interests within the Tasmanian community would be better represented in a restored House of Assembly.
- 2.7 The Committee finds the reduction in the number of Members of the House of Assembly has reduced its capacity to undertake its Parliamentary functions, particularly its role in robustly debating legislation, undertaking inquiries, policy development and achieving timely quorums for Parliamentary Committees.
- 2.8 The Committee finds the House of Assembly's capacity to effectively scrutinise the Government and to hold it to account has been diminished with the reduction of Members. This is due to the reduced number of Opposition, Cross-Bench and Government Backbench Members relative to the number of members of the Executive.
- 2.9 The Committee finds the reduction in the number of Members, and the much smaller Government Backbench, has resulted in limited competition for ministerial positions and challenges replacing ministerial vacancies. This has negatively affected governance in Tasmania.

- 2.10 The Committee finds, since the reduction in numbers, there has been a proliferation of Ministerial advisers that are not directly accountable to the House of Assembly or the people of Tasmania.
- 2.11 The Committee finds restoring the House to 35 Members would provide better governance by ensuring there were more Members to scrutinise the activities of the Executive, including the work of government agencies and Ministerial advisers.
- 2.12 The Committee notes the Commonwealth Parliamentary Association’s *Recommended Benchmarks for Democratic Legislatures*, which codifies a set of benchmarks to reflect good Commonwealth parliamentary practice, specifies that:
- The Legislature shall have legislation, a constitutional provision or practice that ensures the size of the Cabinet is in proportion to the size of the Legislature.*⁷
- 2.13 This benchmark was agreed to in 2018, in order to:
- ... ensure that a Parliament’s oversight function is not restricted by the size of the Cabinet (a particular concern in small Legislatures). A small Cabinet ensures a larger parliamentary component for the oversight Committees and relieves pressure on backbenchers from the ruling party/parties.*⁸
- 2.14 The Committee finds that, despite Tasmania’s smaller population, the Tasmanian Government has the same range and complexity of responsibilities as other jurisdictions in Australia.
- 2.15 The Committee finds Tasmanian Ministers have more portfolio responsibilities and thus a greater workload than their interstate counterparts, which impacts on good governance.
- 2.16 The Committee finds, however, the size of the Ministry needs to be weighed against the capacity of the House of Assembly to be an effective forum for scrutiny of the Executive, and therefore finds the size of the Ministry should not be increased beyond the 10 Ministers in a 35 seat House, as provided for in the *House of Assembly Restoration Bill 2018*.
- 2.17 The Committee finds a rationalisation of portfolios is warranted to more closely align with government agencies.
- 2.18 The Committee recognises there is a financial cost associated with restoring the House of Assembly to 35 Members.
- 2.19 The Committee finds the cost to democracy and good governance of not having an effective Parliament to undertake its functions on behalf

⁷ Commonwealth Parliamentary Association, *Recommended Benchmarks for Democratic Legislatures*, 2006, p. 13.

⁸ *Ibid*, p. 22.

of the Tasmanian people, is significantly greater than the monetary cost of restoring the House of Assembly.

- 2.20 The Committee remains concerned that the revised estimates provided by the Department of Treasury and Finance are based upon a number of assumptions that do not reflect the experience of Members of the House of Assembly, and can be disputed.
- 2.21 The Committee finds the costs associated with restoring the House of Assembly to 35 Members are justified to improve governance, accountability, representation and to provide for a better functioning Parliament which enhances democracy and in turn improves public services.
- 2.22 The Committee finds evidence was received that some savings could be achieved, and governance improved, by decreasing the reliance on political advisers, and making greater use of policy specialists in the State Public Service.
- 2.23 The Committee finds the under-representation of Tasmanian Aboriginal people in Parliament is an historic and contemporary failing that requires remedy.
- 2.24 The Committee acknowledges that, while there have been Members elected to the Tasmanian Parliament who are Aboriginal, there is no formal Aboriginal representation in the Parliament of Tasmania.
- 2.25 The Committee finds the lack of formal representation for Aboriginal Tasmanians has negatively impacted on the communities' capacity to agitate for, and progress reforms, to the benefit of all Tasmanian Aboriginal people.
- 2.26 The Committee finds the establishment of dedicated parliamentary seats for Tasmanian Aboriginal people is warranted to improve representation and outcomes for Aboriginal Tasmanians.
- 2.27 The Committee finds there are a number of issues that need to be resolved before legislation can be enacted to provide for dedicated seats for Aboriginal Tasmanians.
- 2.28 The Committee finds these issues include: ensuring all Aboriginal Tasmanians are represented; how eligibility will be determined and by whom; whether dedicated seats should be in the House of Assembly or the Legislative Council; and how the election of Aboriginal Members would work within the Tasmanian electoral framework.
- 2.29 The Committee therefore finds that the establishment of dedicated seats for Tasmanian Aboriginal people needs to be further examined by a Joint Parliamentary inquiry.

- 2.30 The Committee acknowledges the representations received for the electoral system to be changed to single member electorates, however, considers that the Hare-Clark system has served the Tasmanian people well since 1909.
- 2.31 The Committee does not agree there is an argument for moving to seven electorates of five Members as this would create additional and unnecessary complexities and costs.
- 2.32 The Committee finds other proposed changes to the electoral system, such as altering electoral boundaries or abolishing Hare-Clark, are not supported and are outside the scope of the Bill.
- 2.33 The Committee finds the reduction of the number of Members in 1998 reduced the representative nature of the Hare-Clark system due to the rise in the quota required to be elected.
- 2.34 The Committee notes the concern raised that the informal vote may increase with restoration of the House of Assembly, which would require voters to vote 1 to 7 instead of 1 to 5 on their ballot papers.
- 2.35 The Committee, however, acknowledges the evidence of the Electoral Commissioner about the importance of preferences in the Hare-Clark system, particularly for ensuring votes are not exhausted.

Recommendation 1: That the *House of Assembly Restoration Bill 2018* be passed by the Parliament of Tasmania.

Recommendation 2: That a Joint Parliamentary Inquiry be established in this term of Parliament to develop a preferred model that provides for dedicated seats for Tasmanian Aboriginal people in the Parliament.

3 THE BILL

- 3.1 The *House of Assembly Restoration Bill 2018* seeks to restore the House of Assembly to 35 Members. The Long Title of the Bill is “A Bill for an Act to amend the *Constitution Act 1934* and the *Electoral Act 2004* to provide for the restoration of seats to the House of Assembly and for related matters.”
- 3.2 Part 2 of the Bill provides for amendments to the *Constitution Act 1934* to provide for an increase in the membership of the House of Assembly, an increase in the number of Ministers that may be appointed and an increase in the number of Members required for a quorum in the House of Assembly.
- 3.3 Clause 5 of the Bill provides for an increase in the number of Members that may be appointed to the Ministry from 9 to 10. The current provisions of the *Constitution Act 1934* place a limitation on the number of Ministers of the Crown at 9, or 8 Ministers and a Secretary to Cabinet. The proposed increase to 10 Ministers is a return to the number of Ministers that could be appointed under the *Constitution Act 1934* prior to the reduction in the membership of the House of Assembly in 1998.
- 3.4 Clause 6 of the Bill provides for an increase in the number of Members elected to the House of Assembly from 25 to 35. It also provides for an increase in the number of elected representatives from each of the existing 5 Tasmanian electorates from 5 to 7 Members. Both these proposed changes are a return to the provisions of the *Constitution Act 1934* prior to the reduction in the membership of the House of Assembly in 1998.
- 3.5 Clause 7 of the Bill provides for an increase in the quorum required for the House of Assembly from 10 to 14. Again this proposed change is consistent with the provisions of the *Constitution Act 1934* prior to the 1998 reduction in numbers.
- 3.6 Part 3 of the Bill provides for amendments to the *Electoral Act 2004* which are consequential on returning the House of Assembly to 7 Member electorates.
- 3.7 Clause 9 of the Bill modifies the arrangements in the circumstances where a candidate dies before polling day. This is to reflect the increase in elected representatives from each electorate from 5 to 7.

- 3.8 Clause 10 of the Bill provides for a change to the instructions on ballot papers for the House of Assembly to reflect the return of 7 Members from each electorate.
- 3.9 Clause 11 of the Bill provides for changes to reflect the need for voters to mark a minimum of 7 candidates on the ballot paper when voting in a House of Assembly election.
- 3.10 Clause 12 of the Bill provides for changes to the rules regarding informal votes to reflect the updated requirement for voters to mark at least 7 candidates on the ballot paper in a House of Assembly election.

4 PREVIOUS INQUIRIES

- 4.1 There were four inquiries between 1982 and 1997 that considered the size of Tasmania's Parliament. None of these inquiries recommended a reduction in the number of Members of the House of Assembly under the bicameral system, but a number did suggest the number of Members could be reduced if the Parliament moved to a unicameral system.
- 4.2 After the reduction of Members of the House of Assembly in 1998 a subsequent review was conducted in 2011, which recommended that the House of Assembly be restored to 35 Members. This Chapter provides a summary of these inquiries.

4.1 The Beaumont Report - 1982

- 4.3 In 1982, the *Royal Commission into the Constitution Act 1834 Tasmania* was established to inquire into whether the Constitution Act should be amended to provide a mechanism for dealing with deadlocks between the two Houses of the Tasmanian Parliament.
- 4.4 While the question of whether the House of Assembly should be reduced was not specifically considered, the inquiry thoroughly examined the role and functions of both Houses of the Tasmanian Parliament and did not consider there was any need to change the membership of either House.⁹

4.2 The Ogilvie Report - 1984

- 4.5 In 1983, the then Liberal Premier, Hon. Robin Gray MP, established an Advisory Committee to report on the number of Members elected to both Houses of the Tasmanian Parliament. The Advisory Committee reported in 1984 and recommended against any reduction in the number of Members. The Committee stated:

The proposed reductions... which we have been commissioned to investigate would leave Tasmania with a 25 Member House of Assembly in a 40 Member Parliament or fewer elected representatives than at any time since the establishment of responsible government. During this time the population has increased five-fold.¹⁰

⁹ Beaumont, B. A., Zines, L. R. & Fenton C. B. M. (1982), *Report of the Royal Commission into the Constitution Act 1934 Tasmania*.

¹⁰ Ogilvie, A.G., Foot, G. & Cartland, G. (1984). *Report of the Advisory Committee on the Proposed Reduction in the Number of Members Elected to Both Houses of the Tasmanian Parliament*, p. 12.

4.6 The Committee considered that a reduction in the number of Members of the House of Assembly would be detrimental for selecting a Cabinet, diminish the effectiveness of the Parliament in scrutinising the Government of the day, and affect the quality of committee work.

4.7 In relation to selecting Ministers, the Committee considered that a reduction in Members of the House of Assembly would allow little scope for Cabinet selections and would greatly reduce the backbench. It noted:

... If the membership of Parliament is reduced the choice of potential Ministers would be diminished to the extent that in a Parliament with a lower house of 30 or 25, there may be virtually no choice as to who is to be a Minister.¹¹

4.8 The Committee further commented:

We are concerned that a reduction in the membership of Parliament... would virtually eliminate the Government Backbench and greatly weaken that of the Opposition.

This would adversely affect the ability of the backbench to fulfil the roles we have referred to above and in particular, would limit the number of experienced members available for appointment to Cabinet or to the shadow Ministry.

In our view a reduction in the backbench would be detrimental to the effectiveness of Government both in the present and long term.¹²

4.9 In regards to the committee system, the Committee noted:

A reduction in the numbers of the House of Assembly must either affect the quantity or quality of Parliamentary committee work because of its effect on each Member's workload.

In our view the Parliamentary committee system will be adversely affected by any reduction in numbers of Members. Should a reduction take place, the effectiveness of the committee system, especially that concerning parliamentary Government party committees, would need to be re-evaluated, for we doubt if it could effectively function with a 30 or 25 Member Lower House.¹³

4.10 The Committee considered whether Tasmania was over-governed and argued:

It is true that Tasmania with 54 Members of Parliament, has the second highest number of Parliamentarians per head of population in Australia.
.....

¹¹ *Ibid*, p. 30.

¹² *Ibid*, pp. 34-5.

¹³ *Ibid*, p.p. 44-5.

On the basis of our firm view that the number of Parliamentarians in any legislature must take into account the minimum number required to constitute an effective Parliament and Government, and not be based solely on the size of the population it represents, then the size of the Tasmanian Parliament in comparison with other Australian States is not excessive.¹⁴

4.11 The Committee concluded:

It is our opinion that it would not be in the best interests of the State of Tasmania for a reduction of the number of Members of Parliament to be included among the measures to be taken to economise in the cost of the Government of the State.¹⁵

4.3 The Morling Report - 1994

4.12 Ten years after the Ogilvie Report concluded that there should be no reduction in the number of Members of Parliament, another inquiry was established to consider the matter. The Board of Inquiry into the Size and Constitution of the Tasmanian Parliament considered the question of whether there should be a reduction in the number of Members of the Tasmanian Parliament and how this might best be achieved.

4.13 The Board of Inquiry did not recommend a reduction in the number of Members and referred to the findings of the Ogilvie Report noting:

The Ogilvie Report recommended against the reduction in the number of members of Parliament. In our opinion the conclusions reached by the Ogilvie Committee are as valid today as when they were made in 1984.¹⁶

4.14 The Board of Inquiry considered there was a need for a substantial backbench for an effective Parliament noting:

In our view a backbench of about 6 is close to the practicable minimum number if the backbench is to serve any real purpose.¹⁷

4.15 The Board of Inquiry considered that a reduction in the number of Members could only be made if the Parliament became unicameral. It commented:

A reduction in the number of members elected to the Tasmanian Parliament can only be achieved satisfactorily if a move is made to a unicameral Parliament. A House of Assembly with fewer than 35 members would have difficulty in discharging adequately its functions as the House of Government.

¹⁴ *Ibid*, p. 53.

¹⁵ *Ibid*, p. 63.

¹⁶ Morling, T.R., Chapman, R.J.K., Archer, B.R., and Miller, B.K., (1994) *Report of the Board of Inquiry into the Size and Constitution of the Tasmanian Parliament*, p. 3.

¹⁷ *Ibid*, p. 4.

We do not think a reduction in the number of members of the Assembly should be made at the risk of impairing its ability to discharge those functions.¹⁸

- 4.16 The Board of Inquiry noted that a move to a unicameral Parliament would be at the expense of scrutinising legislation and government:

We do not believe that reduction of the number of members of the Assembly to only 30 could be achieved in a bicameral Parliament without prejudicing its ability to operate effectively and efficiently.

We recognize that a unicameral Parliament would not afford the same prospect of scrutinizing legislation and government administration as would a bicameral Parliament. This would be a significant detriment but if a reduction in the number of members of Parliament is considered to be of compelling importance, the detriment is one which must be accepted.¹⁹

4.4 The Nixon Report - 1997

- 4.17 Three years after the Morling Report supported the findings of the Ogilvie Report and recommended against any reduction in the number of Members of the House of Assembly, another inquiry revisited the issue.
- 4.18 In October 1996 the Commonwealth-State Inquiry into the Tasmanian Economy was established. The report considered:

Tasmania has the highest level of representation for a sovereign State anywhere in the Western World.

The mix of electoral systems for the House of Assembly and the Legislative Council does not result in effective and accountable government.

The Legislative Council is not fully accountable to the electorate for its actions as a House of review.²⁰

- 4.19 The Inquiry recommended:

- *Both Houses of Parliament to be dissolved, and a new single chamber to be instituted, comprising 27 members elected from 9 three-member electorates;*
- *The Hare-Clark voting procedures to be retained;*
- *Parliament's operations to be overseen by a Public Bodies and Accounts Committee (PBAC), modelled along the lines of the Federal PBAC;*

¹⁸ *Ibid*, p. 1.

¹⁹ *Ibid*, p. 9.

²⁰ Nixon, P. (1997), *The Nixon Report: Tasmania into the 21st Century*, p. xiii.

- Cabinet to be reduced from 10 to 7 (including the Premier), each responsible for one of the 7 restructured government departments (reduced from the current 13).²¹

4.20 The Inquiry's Report also set out a number of options that had been proposed, most notably by the Monash University Graduate School of Government, which was a retention of both Houses of the Tasmanian Parliament with 15 members in the Legislative Council and 25 in the House of Assembly and 8 Ministers.²²

4.21 It was this model, with an additional Minister, that was enacted by the *Parliamentary Reform Act 1998*.

4.5 The Boyce Review - 2011

4.22 As noted in Chapter 1, in 2010, Emeritus Professor Peter Boyce AO, was appointed to undertake a review of public submissions on the proposal to restore the House of Assembly to 35 Members.

4.23 Despite support for the proposal being withdrawn by the Leader of the Opposition and the Premier, the review was concluded and tabled in the House of Assembly on 8 March 2011.

4.24 The Review noted that 18 out of 27 public submissions received supported the restoration of 35 Members to the House of Assembly for three main reasons:

*The first concerned the reduced representativeness of the Tasmanian Parliament, the second the reduced effectiveness of the Assembly as a deliberative and legislative body, and the third concerned the reduced capacity of a small Parliament to ensure efficient and properly accountable political executive.*²³

4.25 In relation to the effectiveness of the House of Assembly it was noted:

Several respondents emphasized the inability of a small Assembly to perform satisfactorily several of its basic functions, alleging a deterioration of standards through the past decade. Quite apart from the obvious fact that there is no critical mass of talent from which to recruit a ministry... a strong claim is made that the small backbench cannot assert much influence, that a broad range of parliamentary standing and select committees cannot function or are seriously

²¹ Australian Bureau of Statistics, 1384.6 – Statistics – Tasmania, 2002, *Feature Article – The Nixon Report: Tasmania into the 21st Century*.

²² Monash University Graduate School of Government, *Options for the Governance of Tasmania*, pp. 24-25, cited in Nixon, P. (1997), *The Nixon Report: Tasmania into the 21st Century*.

²³ *Review of the Proposal to Restore the House of Assembly to 35 Members*, Emeritus Professor P. J. Boyce AO, 8 March 2011, p. 7.

weakened, and that the parliamentary political parties cannot offer a high level of critical analysis.²⁴

- 4.26 Emeritus Professor Boyce AO, also noted that respondents to the Review considered that a 25 Member House reduced the effectiveness and accountability of the Executive:

The most frequent and vigorously argued complaints against the reduced size of Parliament were that it shrank the talent pool from which a ministry could be recruited, that it increased the likelihood of ministers being appointed without an adequate apprenticeship on the back bench, and that increased workloads for ministers in an era of more complex government, had resulted in a dramatic growth of ministerial support staff and reduced opportunities for direct public service access to ministers. The concerns of these critics were reinforced by the apparent incapacity of a truncated House of Assembly to perform an effective watchdog role on the political executive.²⁵

- 4.27 Emeritus Professor Boyce AO, also noted that the terms of reference for the Review precluded a firm set of recommendations but he did conclude that core principles of the Westminster system in Tasmania are at serious risk due to Parliament's reduced size:

Given widespread claims from members of the community through 2008-10 that neither the Parliament nor the Executive had been functioning effectively (claims implicitly endorsed by the three party leaders in their September 2010 agreement to restore the House of Assembly to its regular size), and given the recently declared reluctance of two party leaders to incur the cost of sustaining a more viable legislature in a period of financial stringency, serious consideration should perhaps be given in any future comprehensive review of the Tasmanian polity to the claims of those radical critics who advocate an abandonment of the structure or core principles of Tasmania's Westminster-derived system of responsible government. The Westminster "model" knows no fixed and final text-book version, even at Westminster, but Tasmania's adaptation of it appears to be placing its core principles at serious risk.²⁶

²⁴ *Ibid*, p. 9.

²⁵ *Ibid*, p. 10.

²⁶ *Ibid*, p. 18.

5 FACTORS RELEVANT TO THE SIZE OF THE MEMBERSHIP OF THE HOUSE

- 5.1 The size of the House of Assembly has changed a number of times since its establishment in 1856. The following table sets out the size of the Parliament of Tasmania since responsible Government:

Date	LC	HA	Total
1856	15	30	45
1870	16	32	48
1885	18	36	54
1893	18	37	55
1898	19	38	57
1900	18	35	53
1906	18	30	48
1946	19	30	49
1959	19	35	54
1998	15	25	40

Source: 'Tasmanian Parliament' published by the Tasmanian Parliamentary Library

- 5.2 The vast majority of submissions and witnesses who appeared before the Committee supported the restoration of the House of Assembly to 35 Members.
- 5.3 The arguments provided to the Committee for the restoration of 35 Members of the House of Assembly were directly related to the key roles of a Westminster Parliament, namely: adequate representation of the Tasmanian community; the ability of the House to fulfil its legislative and parliamentary committee functions; and the effective scrutiny of government. This Chapter considers each of these key roles.

5.1 Adequate representation of the Tasmanian community:

- 5.4 One of the fundamental roles of the Parliament is to represent the people. The Committee heard that the reduction in the membership of the House of Assembly in 1998 has reduced representation and diminished the representativeness of the Hare-Clark electoral system in Tasmania.
- 5.5 Mr Michael Bailey, CEO of the Tasmanian Chamber of Commerce and Industry, considered that the House of Assembly needed to be restored to improve democratic governance in Tasmania:

The Tasmanian Chamber of Commerce and Industry has been an advocate for the restoration of parliament for some years now. I know it's dead ground, but I'd like to remind everyone that a tripartite agreement was signed in 2010, where all parties also agreed with the notion that restoring the parliament to 35 was a move that would improve democracy and improve governance of our state.

From our point of view, it is somewhat frustrating that we find ourselves presenting once again to a parliamentary inquiry looking at something that has been looked at so many times. It seems the political courage to move on is lacking. To me it is a frustration. It's a frustration too to the businesses of Tasmania. They understand that good governance is key to the good operation of a business, and the same for a parliament.

I look at other states. I think New South Wales has 93 lower House members; Victoria, 88; South Australia, 47; and Western Australia, 59. I know Queensland is a different model and they have 93. We are lacking the depth in parliament to fully keep our executive honest. We lack the depth in the backbench, we lack the depth in the opposition, which is what was lost in the reduction of parliamentary size - the size of the opposition and also the backbench. I and the businesses of Tasmania believe that we lack the depth to function as we should.

.....
We believe that by restoring parliament, it would give us greater depth to ensure that first, ministers could be kept to account; and second, there would be greater work in communities by the backbenchers ensuring that the community is kept in the loop as to what is going on.²⁷

5.6 Mr Bailey went on to argue the restoration of the House of Assembly to 35 Members would improve governance of the State:

CHAIR - ... Do you think the view that you have just expressed is a view that is broadly shared throughout the business community?

Mr BAILEY - In the business community yes, because the businesses understand governance. Many have boards. Even not-for-profits understand the importance of good governance and why that makes for a better business. For the public at large why we would want to vote for more politicians is a difficult concept to understand; these politicians do not do anything for us, all that ridiculous stuff that we understand the everyday person believes. But those of us who work in industry and business understand the workload that politicians are under; they understand the incredible work that politicians do. Again, to expect 25 Tasmanians to do the job of 93 New South Welshman, or 88 Victorians, or 47 South Australians or 59 West Australians is unfair and ridiculous and does not lead to governance or good government.²⁸

5.7 Former Premier, Hon. Robin Gray, also considered that representation had been reduced with the reduction in the number of Members:

²⁷ Transcript of Evidence, 6 September 2019, pp. 1-2.

²⁸ *Ibid*, p. 2.

CHAIR - What difference do you think it makes to the lives of ordinary Tasmanians to have a House of Assembly ... that is restored, so you have a bit of weight taken off the ministry, and you have a backbench? There's resistance at some level to more politicians, but for Tasmanians themselves, having a healthy-sized parliament, what do you think that gives them?

Mr GRAY - I don't think many really take a lot of day-to-day interest, but in reality it means that if they have an issue they wish to raise, it is far harder for them to get heard. It is far harder to get, in the case of the House of Assembly, 25 members to do the work that 35 used to do.

When I was first elected, we had one lady secretary in Launceston who did the work for the Liberal members for Bass, the Wilmot members for Launceston and the surrounding areas, and all the Legislative Councillors. Now, of course, they have their offices everywhere, but the important thing is that the availability of members to deal with local issues must be less than it was.

In my own personal experience, I have written to a couple of ministers over the last couple of decades and it has taken weeks and weeks to get a response. It is frustrating, even for a former premier, to have this situation.

I had a rule that every letter had to be responded to within a week, and a full reply provided within a month. Well, I have not heard yet from a couple of these ministers at all. While it is hard to define how that is affecting individual people, I think the general checks for parliamentarians as a whole are for no good reason. I know they all have to work hard, particularly in the Hare-Clark system, to be re-elected, but there is a limit to how much they can do. They cannot do as much as members did in the past. They do not have the same personal relationship, in my view, as members did in those days, and therefore their representation is very much reduced.²⁹

5.8 Mr Gray further commented:

*I think the electors are there to elect the government, and they ought to be given a greater choice, and greater numbers to help represent them.*³⁰

5.9 Former Tasmanian Greens' Leader, Peg Putt, reflected on the impact on constituents:

This business of the backbench is very important. Of course, I was in parliament before and after the change. I saw it happen and, in fact, I had some of it rebound on me in the sense that people no longer had the sort of access to their representatives that they used to have and bitterly resented it. They would go looking elsewhere. Since I was that sort of Member of Parliament, who sort of stuck out a bit as being different, a lot of people came to me. It was overwhelming the way people would say, 'I used to be able to ring up and go to see the minister about this stuff. There used to be backbenchers that I could go and see and I'd be able to find the right one and now they're just not there.'

²⁹ Transcript of Evidence, 14 November 2019, p. 3.

³⁰ *Ibid*, p. 7.

That's really important for people, being represented, but it's also really important for the parliament, being in touch with how the people are feeling, not getting ambushed by things. Understanding what's going on out in the ground and bringing it back to the decision-makers in the party, in the parliament, and bringing it back to the parliament. The loss of that, I think, has been really quite significant.³¹

5.10 Ms Putt also commented:

There are other issues in relation to representativeness as well. When the parliament was cut to 25, we cut two members out of each electorate, so it went to five-member electorates as opposed to seven-member electorates. That reduced the proportion of the vote needed to get elected: 12.5 per cent was the quota for seven-member electorates; and now it's 16.7 per cent. The 12.5 per cent was set very advisedly. The Morling Inquiry report goes into this, that is the point at which you can obtain the best replication of the views that exist in the community into the parliament. The Hare-Clark system operating in Tasmania has been lauded around the world, when it had those seven-member electorates, for doing exactly that. Sure, it means things are a little more complicated and we have to deal with how do you marry up the different expectations across the community, but that is the point. That's what the job is. It's not winner takes all. It's doing things for the population of Tasmania in the way that best suits their wishes. If that's a bit more complicated by having more different views in the parliament, that's actually good....

Then there's the matter of stability. This got mixed up with representativeness a bit when the debate happened. Really, it was all about getting rid of the Greens because the Greens had the balance of power a few times and the major parties didn't like it. They wanted to be totally in control. Interestingly, setting the quota at 16.7 per cent was just a bit more than the record Greens vote. It was sort of a bit of a no-brainer that this would get rid of the Greens; and therefore, it was thought that would lead to stability, which is actually a completely separate issue. The Greens obviously were able to build up their vote again and that hasn't worked for keeping them out of the parliament anyway.

The Morling Report also said that the more you reduce the numbers, the more likely it is that you will have hung parliaments and instability, so going down to 25 members made it more likely to have hung parliaments than when you had 35 members, and a bigger buffer that would be elected for a prospective government party.³²

5.11 Ms Cath Hughes noted that when the House was reduced to 25 Members, Tasmanians lost a degree of democratic accessibility and accountability:

Over twenty years ago in July 1998, the majority of the Tasmanian Parliament voted to reduce the House of Assembly by ten elected representatives to its current 25 MPs, and the Legislative Council by four from 19 to 15 MLCs. Ironically this so-called trade-off to justify the deeply unpopular 40 per cent pay rise

³¹ Transcript of Evidence, 13 September 2019, p. 2.

³² *Ibid*, p. 4.

(under the Ray Groom majority Liberal government) to Members of Parliament, saw the Tasmanian voters in a lose-lose situation. They lost the degree of democratic accessibility to their elected representatives previously enjoyed, lost the degree of democratic accountability, and also lost both parliamentary (in the form of a functioning committee system) and government productivity, while financial costs of highly payed unrepresentative political appointee staffers increased.³³

5.12 In evidence before the Committee, Ms Hughes considered that the representative nature of the Hare-Clark system in Tasmania has been undermined:

...I think something that has been lost there is the other crucial cost - the representative nature of the Hare-Clark system. It seems unanimous that Hare-Clark is something for Tasmania to be extremely proud of. If you go back to some of the submissions presented to the Morling and Ogilvie inquiries, we are referred to as the 'cradle of true Australian democracy' because the proportional representation system devised by Thomas Hare and Andrew Inglis Clark - and, I would also point out, Catherine Helen Spence, who always seems to get left out of that historic record - who deliberately and painstakingly developed an electoral system...

The fundamental principle a layperson can understand is when in ensuring whether a party, a loose coalition or independent has a certain percentage of an electorate's vote, that was accurately reflected in the number of seats won. This has always been a major complaint we have seen either in our federal parliament or other jurisdictions, that you can win a huge number of seats but only have 40 per cent of the vote or something like that. The experts warned of this in the Morling inquiry, but also in public rallies, the only forum provided in 1998, because there was no actual scrutiny beyond the parliamentary chamber - that by cutting the numbers of each electorate by two, you were distorting that mathematical purity to some extent. With that raise of a quota from the original 12.5, and there are seven by five, the electorates have changed over the history of the Tasmanian Hare-Clark system.

.....

Without taking up too much of your time, on the key point, that shift from 12.5 to 16.7 isn't just about, 'Oh yes, we know we are making this a real meaningful hurdle that you have to earn that amount of the electorate'. What we were doing was distorting that purity of the Hare Clark system that your vote would actually be reflected as much as physically as possible but if you got whatever the percentage was that should equate 12.3 seats then that is what the parliament reflected.

That was distorted. That therefore means the democratic integrity of what is recognised internationally as the most democratic electoral system was undermined and corrupted. That is where I believe that very strong words, such as collusion and corruption, shouldn't be bandied about lightly. That is where it applies; not necessarily that there was a bipartisan agreement to go

³³ Submission No. 17, Cath Hughes.

this way or not. It was that knowing and deliberate move to disenfranchise the capacity of the Hare-Clark system to do what it was intended to do. The disenfranchisement also meant that by the time we get to what we consider the modern parliament of the 1950s onwards, post-World War II, where we had the establishment of the two major party system, the Australian federal system; the deliberate 'What we will do is reduce the numbers by removing those last two seats of the electorate'. That is where those not necessarily associated with either of the two major parties tended to be elected.

When Bruce Goodluck was elected as an independent in Franklin, he was number six or seven. They thought at the time the Greens would get elected but also you would see that other minor parties - say the Jacquie Lambie Network, T4T, Fishers shooters - all probably start to get a foothold in those last two seats if it was truly reflecting the Hare-Clark intention.³⁴

5.13 The Tasmanian Constitution Society raised similar concerns about a loss of democratic representation:

*The Restoration of the House of Assembly is long overdue. Its continuance in its present truncated form has degraded both the quality of Government and the confidence of the Tasmanian people in their democratic representation. This is of great concern given the unique democratic flavor of Tasmanian political culture.*³⁵

5.14 Ms Madeleine Ogilvie considered that the levels of representation were at an historical low:

Since the establishment of the Tasmanian parliament in 1856 our political landscape has of course changed. In 1870 for example we had 32 lower house MPs and electors numbered 11,171. That meant the ratio of politicians to electors was 1:349...

In 1906 when women were first permitted to vote, Tasmania had 30 lower house MPs, electors of 88,294 and a voter ratio 1:2943. The number of constituents was growing, because the Tasmanian population was growing. In 1984, the number of members of Parliament was 35 and the number of voters was 281,453 giving a voter ratio of 1:8042. That is one MP for about 8,000 constituents – a fairly sizeable number.

*Today there are 25 MPs in the Lower House and Tasmania has an electoral roll numbering 359,779 – a voter ratio of 1:14,391. At no time in Tasmania's political history have Tasmanians had less access to their local MP.*³⁶

5.15 Mr Tony Ibbott also noted the historically low levels of representation, which combined with a more complex society is impacting on the capability of a small House of Assembly:

The first 29 years of the House were relatively stable in numbers with 30 members in 1856, raised to 32 in 1870.

³⁴ Transcript of Evidence, 2 August 2019, pp. 34-5.

³⁵ Submission No. 11, Tasmanian Constitution Society.

³⁶ Submission No. 6, Madeleine Ogilvie.

The latter years of the 19th century were a time of rapid social, political, and economic change, and in that context numbers fluctuated to 36 in 1885, 37 in 1893, and 35 in 1900 in efforts to have an effective House capable of managing the turbulent conditions of the day, before being reduced to 30 again in 1906. That number proved problematic again as we approached the turbulence of the late 1950's and 1960's and in an attempt to achieve a working majority was again raised to 35 in 1959.

Of the 163 year history of the House of Assembly, for 142 years there has been equal to or more than 30 members, and for 81 years there have been equal to or more than 35 members.

It must be noted that these historical numbers existed in an era with a smaller population, a simpler society with a slower rate of change, and less complex machinery of Government. All these things require additional human capacity and capability in the House of Assembly, notwithstanding the advances in technological support.³⁷

- 5.16 The Committee also heard that the reduction in Members of the House of Assembly had undermined the representative functions of the House with the proportion of Members serving in the Ministry increased. Professor Richard Herr OAM commented:

For more than two centuries, genuine and responsive representation has been the sine qua non of modern democratic legitimacy. However, since 1998, the almost total absorption of the human resources of the Tasmanian House of Assembly in the ministry or shadow ministry has severely undermined the representative functions of this chamber. These functions range from presenting petitions, asking questions, debating bills and policies, and pursuing committee enquiries, to presenting constituency views in the party room and taking up grievances with ministers and/or the ministry.³⁸

- 5.17 In evidence before the Committee, Professor Herr OAM noted that improving representativeness required the Parliament to have an adequate number of Members to act independently of the executive:

... I think at the minimum you have to have a lower House that has enough numbers to allow the parliament to act independently of the executive, essentially through the committee system but also in grievance debates and all the other times when backbenchers get a chance to get up and speak for the community and make the community feel they have a stake in what happens in parliament.³⁹

- 5.18 Professor Herr OAM also commented on the importance of backbench Members in representing the views of the community:

³⁷ Submission No. 16, Tony Ibbott.

³⁸ Submission No. 20, Professor Richard Herr OAM.

³⁹ Transcript of Evidence, 22 July 2019, p. 9.

Ms DOW - On page 6 of your submission you outline very well the roles of a parliamentarian but we have not talked a lot about electorate sizes and the increase to seven-member electorates as proposed under this bill. I want you to quickly cover your thoughts on that and the roles as a local member, which are equally as important and have lots of competing priorities as to your role as a parliamentarian.

Prof HERR - I think that the capacity to share the load of representation gives greater confidence to the public that somebody will be available to see them. The minister who lost his seat and blamed it on the fact that he was too busy being a minister and not being a local member. I make the same point here that I would make about the committees: governments have as much of an interest in having local members protecting the ministry by making sure they are well connected with their electorate as the representational role of the parliament. The ministry needs to have local members who are effective, who build a constituency of support for what the minister is doing. Putting it in self-interested terms, the ministry should be delighted to have more backbenchers looking after the constituents and making sure that the constituents know that what the government is doing, what the minister is doing is suiting their interest.

For those people who do not support the government, having more backbenchers or having more people who are focused on constituency work gives them confidence that they have someone they can speak to.⁴⁰

5.19 Dr Julian Amos also considered that a reduced government backbench has led to inadequate representation:

The present problem is that there's inadequate representation. I think you all recognise that. There's too shallow a talent pool and that has been put to you strongly. There is no government backbench to keep the government to account.

I've heard, Joan, you talking about some of these arguments about the role of the backbench. In former times when there was a government of 10 and a political party of 18, there were eight on the backbench, and those eight were querying government all the time, and the government was coming to them to seek their advice all the time.

I would say to you, for example, being a backbench of one or two, that in reality how many times are they coming to you to seek your advice about political matters, about legislative matters, and what have you? It is not, I suspect, that common and certainly wouldn't have been as common as it was when there was a stronger, more vibrant backbench. I say that by virtue of numbers, not by virtue of personalities. The government recognised its responsibility to its backbench, and therefore recognised its responsibility to parliament, because they are members of parliament first and foremost.⁴¹

5.20 Dr Amos also commented on the three Liberal Members in Bass who are all Government Ministers:

⁴⁰ *Ibid*, p. 12.

⁴¹ Transcript of Evidence, 6 September 2019, p. 14.

Everybody who has been before you recognise the work a parliamentarian does. I might have mentioned in my initial comment to you about Bass, where the Government has no backbench in Bass. Therefore, Bass is actually being ignored by the Government in terms of its parliamentarian role. It is strong in terms of a government role, but in terms of a backbench role and parliamentarian role and representing its electorate role it is failing in Bass because the numbers are so small in the parliament and everybody from that particular electorate are made ministers. Therefore, the right thing as parliamentarians is not being done for that particular electorate.⁴²

- 5.21 Professor Richard Eccleston also considered that a backbench was crucial for a Parliament to fulfil its functions and provide strong representation:

What we need to consider here is: what are the functions of a parliament in a Westminster system? ... They are to provide really strong representation and representing the diversity of our community. They are to provide a government and a Cabinet, and they are also about that really important issue of accountability. Having a backbench is important for a couple of reasons that are particularly prominent in the debate. A backbench - and many of you are or have been in this situation - is important as a training ground and learning the skills of being a parliamentarian and often a minister. It's really important for constituency work as well. A government can both perform that executive function and govern, but also retain those connections to the community, so a backbench is really important. The size and diversity of the opposition is really important for a parliament as well.⁴³

- 5.22 The Tasmanian Constitution Society's President, Peter Chapman, commented:

Dominance in majority parties is not necessarily a good thing. Therefore, the arbitrary reduction in 1998 was a great shock. It was a reduction by 29 per cent of the capacity of parliament to cope with legislation and constituents. It caused damage, as I say, to really a piece of heritage political architecture, if you like, that over 100 years had worked perfectly well, and it needs to be restored so that the ministries can be managed without too much exhaustion and, above all, from the point of view of government parties, there will be some chance of members of parliament to attend to their constituents. If all of you are ministers, you cannot do so.⁴⁴

- 5.23 Mr Phil Kaufman, Committee Member of the Tasmanian Constitution Society, also noted:

In 1959 we had a population, as you would have read, of about 350 000 with 35 members. Today we have a population of 510 000 with 25 members. We understand the politics of it in 1998. We believe it's time for change. We believe performance is a real issue in the parliament because of numbers - not calibre but numbers. There is also a problem with contacts with constituents.

⁴² *Ibid*, p. 18 .

⁴³ Transcript of Evidence, 2 August 2019, p. 45.

⁴⁴ Transcript of Evidence, 22 July 2019, p. 46.

*It is hard to get a politician, there is hardly a backbencher. There are only opposition people you can talk to.*⁴⁵

5.24 Other submissions noted that restoring the House of Assembly to 35 Members would improve constituency workloads for all Members. Dr Andrew McMahon noted:

*With the increasing complexity of life and of government activities, the lower numbers of MHA's have an ever-growing workload of constituency matters to deal with, in addition to their parliamentary duties. Restoration of the number of Members to 35 would allow a more even and reasonable workload.*⁴⁶

5.25 The Committee heard that the Tasmanian House of Assembly is one of the smallest Parliaments, relative to population, anywhere in the world. The Tasmanian Greens' commented:

We examined the numbers in all state or state equivalent parliaments in countries with federal systems globally. In this research Tasmania's Lower House does not perform well –

- *The average size of a Lower House for states with a population between 400,000 and 600,000 is 45 members.*
- *Of the 75 bicameral State Parliaments across the globe, Tasmania has the third smallest Lower House, beaten only by two states in the US with populations of approximately 55,000 each.*
- *Tasmania has the seventh smallest combined legislature of the 75 bicameral state Parliaments across the globe. All but one of these has smaller populations.*
- *Of 574 states in Federal models (both bicameral and unicameral), Tasmania has the 85th smallest Lower House.*
- *Of the 84 Parliaments smaller than ours, the Economist Intelligence Unit only classifies three as full democracies.*
- *Of the EIU classified 72 fully democratic states, our Lower House is ranked 69th in size, only larger than the three states with populations under 50,000 and tied with the Northern Territory and ACT, which both have smaller populations.*
- *Of the EIU classified 72 fully democratic states, our combined legislature is 12th smallest.*
- *There are 165 state or state equivalent parliaments in OECD countries. Of these, only nine have smaller Lower Houses, and most of these have significantly lower population levels. 11 have the same size lower house, and 145 have large lower Houses.*

.....
*The bottom line is that by any measure our Parliament is a very small one. It should also be noted that even should we restore the numbers to 35, we will still be 10 seats short of the average size of State Parliaments in our population range. This can hardly be argued to be too large.*⁴⁷

⁴⁵ Ibid, p. 48.

⁴⁶ Submission No. 7, Andrew McMahon.

⁴⁷ Submission No. 19, Tasmanian Greens.

5.26 Other witnesses also considered that, with the Tasmanian population projected to rise, Tasmanians need and deserve better representation. Mr Simon Boughey commented:

Both the Australian Capital Territory, with a population of 405,000 and the Northern Territory, with a population of 245,000, have a single house of Parliament consisting of 25 members and I think we deserve better representation than that with 520,000 people now living in Tasmania.

.....

I do believe we need better representation as the population continues to grow out to 2050 to 650,000. One of key aspects and strengths of the Tasmanian community is that we can easily contact our Local Government Councillors, State and Federal Politicians, that is lacking in other States across the country. This is vital as elected members of Parliament always need to be accountable to their electorate and for people who voted for or against them but also can hear the views of the people across Tasmania and its diverse communities.⁴⁸

5.27 Mr Boughey elaborated on why the House should be restored to 35 Members to improve representation:

I have worked in the community in regional development for 30 years, I also worked for ministers in parliament and I just believe that the decision made in 1998 to go back from 35 to 25 really cut a hole in Tasmanian democracy. I personally believe that over the last 20 years it has been detrimental to the community of Tasmania. One of the great things about Tasmania is the democratic representation and we are seeing this change all the time. It is a bit like saying let us amalgamate councils from 29 down to even three, as some people have suggested. People are losing that ability to have their communities represented.

The Australian Capital Territory and the Northern Territory have the same size Houses. I know they are very different and are perceived as being very different, but they seem to have a representation that represents all their population and the requirements of their particular areas. I still think that with 520 000 people going up to 650 000 in Tasmania into the future, we need to be able to adapt and change to suit that and that is why I think we should go back to 35.

.....

CHAIR - You talked earlier about the reduction in numbers cutting a hole in our democracy. Do you want to flesh that out a little bit? What does that look like?

Mr BOUGHEY - We lost 10 politicians who had access to the community. Tasmania is in a very unique situation as a state because we have the same five electorates federally as we do state. It would be like saying let's push Tasmania back to what they should really have as a state federally on a population, which would only be three-and-a-half members. You can imagine how you would break up the different electorates. I think that is the same thing. There was a lot of angst and it was very political in those days. I think it was quite a strong

⁴⁸ Submission No. 10, Simon Boughey.

political push by Labor and Liberals to cut out the Greens, if we're being honest about it, but I think at the same time it wasn't just about that. It was actually about getting rid of the right of people in those communities. I think if you have seven people representing your communities instead of five, it is a lot better and gives better access to those issues that affect people in different areas.⁴⁹

- 5.28 It was also put to the Committee that population in itself should not be a major factor in determining the size of the House of Assembly. Mrs Noela Foxcroft commented:

It is imperative that the House of Assembly be returned to, at least a 35 member house. The Tasmanian parliament is a very small one. Even if the numbers were restored to 35, it would still be 10 seats short of the average size of state parliaments in our population range.

Population should not be a major factor in determining the size of the Parliament. Under Australia's Federal system all State Governments have the same powers and responsibilities and the same functions to fulfil regardless of population.⁵⁰

- 5.29 A number of witnesses to the inquiry considered that restoring the House of Assembly to 35 Members would mean easier access by Tasmanians to their local Member. Mr Reg Watson commented:

... more politicians representing the people is of benefit to the electorate. Here in Tasmania we have the opportunity to know our local representative. The lower population of the electorate means easier access to their member. In large electorates on the mainland, most would not even know who their Parliamentary representative is, let alone ever meeting them. It's just too big. Tasmanians have a wonderful opportunity to be familiar with their representative. Increasing numbers of representatives would help this even further. Thus the ratio between member and population decreases, which is to everyone's advantage.⁵¹

- 5.30 Long-serving Speaker of the House of Assembly, Hon. Michael Polley AM, stated that people want to engage directly with their Members:

Mrs RYLAH - *I am interested in the engagement with parliament. The argument about restoring parliament for me is about getting the community engaged in the conversation about being engaged with parliament. We do not seem to have that conversation anymore. It is not a conversation you hear in the media - the benefits of being engaging with parliament. On the other hand, when you have people visit us from interstate they cannot believe how close we are as members of parliament with our constituents. We are all nodding, so how do you see those two things because they are telling us different answers to this issue about restoration? What are your thoughts?*

⁴⁹ Transcript of Evidence, 22 July 2019, pp. 22-23.

⁵⁰ Submission No. 12, Noela Foxcroft.

⁵¹ Submission No. 1, Reg Watson.

Mr POLLEY - First of all, people do not think you are working unless they are seeing you. In the seven seats I served in in the electorate of Lyons, earlier today someone said, oh well, you have five and six people turning up at the function. That is great. People love that. Not only do they like it, also you note if you did not respond to the request coming from a Labor voter they had, in most of my terms, three others to go to. You did your darndest they never left you, and they did the same and the same with the Liberal Party.

There is an expectation in the community that people want to engage with their members and the present system of five is not adequate enough. It certainly isn't in the big electorates of Braddon and Lyons.⁵²

5.31 Ms Kym Goodes, CEO of TasCOSS, also considered that the restoration to 35 Members would improve grassroots representation:

CHAIR -... Michael Bailey from the Tasmanian Chamber of Commerce and Industry presented to the inquiry this morning, and he made a very strong case on behalf of business for restoration. His arguments related to governance, stability and representation. He talked about the importance in a democracy of having members of parliament who are able to represent and connect with their constituents and how difficult it is for ministers.

When we talk about what is the problem, one of the recurrent themes that's come through submissions is the problem of adequate representation of communities. What's your response to that?

Ms GOODES - I would absolutely endorse and agree with Michael's comments. In thinking through what is good governance, one key element about good governance is that people have a voice in that. In that regard, public participation in the process of self-democracy, both at parliamentary level, but also at the community level. Our observation is that ministers, particularly because of workloads, the other pressures and factors that fill their days and the lack of backbenchers, who previously would have done a lot of grassroots constituent work in communities, are now strained because the number of people available to do that is very limited.

From a community perspective, while there are still a range of ways the public can participate in the parliament and in democracy, with the communities we're working in and the people we work with day to day, that is often not seen as a clear pathway for them.

Unless there are particular functions that members of parliament are attending, and community cabinet I know is held at particular points around the state, there are very few open forums available to people in the Tasmanian community to connect with their elected members across the three tiers of government, not just the state but equally at a state level, which is the level that impacts day to day in people's lives and decision-making. The ability for Tasmanians to have firsthand input into decision-making is reasonably limited in many communities.⁵³

⁵² Transcript of Evidence, 6 September 2019, p. 40.

⁵³ *Ibid*, p. 45.

5.32 A number of other submissions also commented on the Hare-Clark system and how restoring the House of Assembly to 35 Members would more closely reflect electors' preferences. Professor Richard Eccleston and Dr Zoe Jay commented:

Given our Hare-Clark electoral system the most visible consequence of an enlarged House is that the district magnitude (representatives per electorate) will increase from 5 to 7 and the associated quota to secure a seat will fall from approximately 16.7% to 12.5%. Reducing the quota in this way will improve the proportionality of the electoral system and will help ensure that representation in the House of Assembly more closely reflects the preferences of electors.⁵⁴

5.33 Professor Richard Eccleston and Dr Zoe Jay also commented:

There is a long-running normative debate on the relative merits of proportional vs majoritarian electoral systems: older democracies with established parties tend to favour majoritarian systems while proportional systems have become increasingly common in the second half of the 20th century.

Historically established political parties have opposed increasing the proportionality of electoral systems because, ceteris paribus, the lower the quota the easier it is for emerging parties to secure parliamentary representation. Indeed, there is significant international evidence that established parties engage in cartel-style behaviour to actively limit competition from new and emerging political actors.

.....
Given the broader trend towards dealignment, where a larger portion of the population abandon stable partisan affiliations, a more proportional electoral system will help ensure that parliamentary representation more accurately reflects voting preferences. Conversely, a single member preferential voting system such as that used to elect the House of Representatives won't prevent independents and emerging parties from securing representation given that political support for established parties has been declining.⁵⁵

5.34 Dr Peter Jones commented:

The advantage of 7 members per electorate rather than 5 is that it makes for more democratic representation in the parliament, reflecting the preference of the voters, although it also means it is more likely to result in a Coalition as no one party will get a clear majority so one of the two major parties would need to negotiate with smaller parties or independents to form a government. This means a more healthy democracy in the long run as legislation can then be properly debated beforehand rather than just waved through using the government majority based on one party. This is quite the norm in most European democracies and makes for healthier debate.⁵⁶

⁵⁴ Submission No. 15, Professor Richard Eccleston and Dr Zoe Jay, Institute for the Study of Social Change, University of Tasmania.

⁵⁵ *Ibid.*

⁵⁶ Submission No. 8 Dr Peter Jones.

- 5.35 Dr Kevin Bonham noted that while there was debate about a 35 seat House closer reflecting the proportional representation of voters, this could lead to disproportional power:

There is frequently debate about which of the 25 and 35 seat systems provides the most proportional representation of all views. The 35-seat system provides more proportional representation while the 25-seat system tends to be more favourable to the major parties. Unlike some analysts of proportional representation, I do not have a particular zeal for the 35-seat system because of that. I have observed that in Tasmanian parliaments where no party holds a majority, proportional representation can lead to disproportional power.⁵⁷

- 5.36 Dr Bonham did however consider that a 35 seat House could potentially provide more stable government:

While the 25-seat system appears to lead to a greater chance of majority government, it may also increase the chance that where majorities occur, they are majorities of one, which are more difficult for governments to manage – and potentially less stable – than majorities of more than one. The reason for this is simply that 25 is smaller than 35, so a similar proportion of seats will sometimes be a one-seat majority in the former but a more than one seat majority in the latter. The 2018 election is a case in point as under the 35-seat system, the Government would probably have recorded a majority of two. Under the 25-seat system it very narrowly missed out.⁵⁸

- 5.37 The Committee also heard from witnesses who considered that restoring the number of Members of the House of Assembly to 35 would not necessarily improve connection with the community. Ms Jessica Munday, Secretary of Unions Tasmania commented:

... I think the issue of local member connection with the community is multifaceted. I think there's generally an issue with people's disconnection with politics. Our members, by and large, have a really cynical view of political representation and how connected it is to their lives. That's been reflected to us, even in this debate and at various times, because we're talking about what they see as internal - it's talking about us instead of talking about the issues.

I think there are lots of ways for local members to be engaged, whether they're a minister or not: social media and other channels, and good local members who know their community. We don't sit a lot of the time. They're out there, they're doing that. You're doing that. I know some of you are doing that. I don't think it's necessarily that the connection stuff is just going to be solved by having more members.⁵⁹

- 5.38 Ms Munday went on to comment:

... There are bigger problems with vulnerable people accessing any systems of power like politics that's deeper than the number of representatives. There are

⁵⁷ Submission No. 9, Dr Kevin Bonham.

⁵⁸ *Ibid.*

⁵⁹ Transcript of Evidence, 6 September 2019, p. 58.

lots of barriers that vulnerable people have in accessing you as representatives, whether it be transport, literacy or just general confidence that politics is a space for them. I think those barriers are going to exist whether there are five or seven members. I think they need lots of work and we need to do a lot more. I think the key is probably investment in public services. I'm a public sector unionist at heart and I've got a big constituency there. To wrap those services around people and lift them out of disadvantage is where my focus is.⁶⁰

- 5.39 The Committee received only one submission which argued that the membership of the House of Assembly should remain at 25. Mr Bruce Neill considered there were already too many politicians in Tasmania:

...I argue that we already have a significant number of politicians to elect in Tasmania, some 57, which approximately represents one elected representative for every 9,000 Tasmanians. To increase by 10 new members changes the ratio to one for approximately every 7,600 Tasmanians.

This representation percentage is far out of balance when compared to other states. To illustrate, NSW has one member for approximately every 36,500 New South Welshmen.⁶¹

- 5.40 Mr Neill also considered that the quality of Members would lower, if more Members needed to be elected:

To elect further politicians is to appoint persons of likely inferior representation quality when compared with the current cohort. This is not a reflection on our people but simply the talent pool in Tasmania is already severely stretched.

By the time we elect 5 Federal Members, 12 Senators, 25 House of Assembly Members and 15 Upper House Members (plus approximately 230 Aldermen), appoint business leaders, community leaders, public sector leaders and university academics, the talent pool is potentially exhausted and any additional demands will only lead to a lower standard of participants.⁶²

Committee Findings:

- 5.41 The Committee finds the reduction in the number of Members in 1998 eroded the underpinning purpose of the Hare-Clark system which is to achieve proportional representation.
- 5.42 The Committee finds the restoration of the House of Assembly to 35 Members would more accurately reflect the original representative purpose of the Hare-Clark system and voters' preferences.

⁶⁰ *Ibid*, p. 63.

⁶¹ Submission No. 22, Bruce Neill.

⁶² *Ibid*.

- 5.43 The Committee finds compelling evidence was received during the inquiry that the reduction in Members undermined the democratic accountability of the House of Assembly, in that there are now too few Members, who are not part of the Executive, to effectively represent their constituencies.
- 5.44 The Committee finds the diversity of interests within the Tasmanian community would be better represented in a restored House of Assembly.

5.2 The ability of the House of Assembly to fulfil its Parliamentary functions effectively:

- 5.45 Much of the evidence received by the Committee considered the capability of the House of Assembly to perform a number of Parliamentary functions is being hampered by the reduced membership of the House.
- 5.46 Professor Richard Eccleston and Dr Zoe Jay considered the number of Members in the House of Assembly was key to the capacity of the Parliament to fulfil its core responsibilities and functions:

We support the proposal to restore the House of Assembly to 35 seats in principle. Tasmania currently has one of the smallest lower houses in the world, both in terms of the absolute number of seats, and relative to the size of the population. This has consequences for the capacity of the parliament to fulfil its core responsibilities under the Westminster model, particularly in terms of the relative sizes of the backbench, opposition and committees. Enlarging the House of Assembly is an important first step towards strengthening parliament's legislative and representative functions and enhancing the legitimacy and effectiveness of Tasmania's system of government.⁶³

- 5.47 In evidence before the Committee, Dr Zoe Jay commented:

Dr JAY - ... small is not inherently a bad thing, but it does become an economy-of-scale problem in Tasmania because we have this Westminster system that is meant to function in particular ways with a robust and engaged parliament, and it does not necessarily have the capacity to do that if it becomes too small. There are situations where very small parliaments are appropriate but in the Tasmanian context, because of the system we have, we need to be a little bigger to meet that function. I think it is about recognising the system we have and being able to unlock its full potential.

Mrs RYLAH - Dr Jay, are you saying that our Constitution which sets us up as a Westminster system requires therefore a particular size of parliament? Are you saying there is a direct relationship between that and the parliament?

⁶³ Submission No. 15, Professor Richard Eccleston and Dr Zoe Jay.

Dr JAY - It does not specify a specific number. There is no a hard-and-fast rule about how big is big enough. Since 1998 it has become apparent we cannot fulfil some of the functions our parliament is meant to do. It sounds like it can be quite tricky to organise committee sessions when there are not enough people to spread out across all of them at the same time. It is difficult to have a robust backbench and crossbench and opposition when half the parliament is made up of the executive. It means the parliament loses its oversight and deliberative capacities.⁶⁴

- 5.48 Tony Ibbott also stated there is a need for more Members to ensure the Parliament had the numbers and the capability to undertake the work required:

Of the 163-year history of the House of Assembly, for 142 years there have been equal to or more than 30 members. For 81 of those years there have been equal to or more than 35 members. The thing I would like to stress is that in looking at those historical numbers that was an era with a smaller population, a simpler society, a slower rate of change, less complex machinery of government, and all those things require human capacity in capital.

At the moment we clearly do not have the numbers or the capability. That is not an insult to anybody who is present because those of you who are present are the ones who can contribute. But there is just not enough to make a viable parliament and to have sufficient people to choose your cabinet from, to promote good performing people to cabinet, to relegate non-performers out of cabinet and to fill parliamentary committees. We have to take into account that we are in a competitive federalism. A competitive federalism means that if we as a state want to maximise our potential, we have to be able to put up good cases to the Commonwealth.⁶⁵

- 5.49 Ms Kym Goodes, CEO of TasCOSS, considered the restoration of the House would improve stability and functionality:

...One of the greatest advantages if the size of parliament were to be restored is that there would be a greater chance of stability for the parliament. At the moment, on any given day, it hangs on a knife edge and the community, the population, the business community and, in this case, our sector, and the people want to see a stable government and they want to see that stability -

CHAIR - And functionality.

Ms GOODES - and functionality, that's right.⁶⁶

- 5.50 Knowledge and experience of Parliament is directly linked to the capability of Members to undertake their roles effectively. The Committee heard the reduced number of Members had resulted in a lack of corporate knowledge being retained and passed on to new

⁶⁴ Transcript of Evidence, 2 August 2019, p. 46.

⁶⁵ Transcript of Evidence, 26 June 2019, p. 15.

⁶⁶ Transcript of Evidence, 6 September 2019, pp 53-54.

Members, and Members being placed in demanding positions in their first term of Parliament. Ms Cath Hughes commented:

... Without wanting to reflect on any current members here, I see a struggle and a frustration in an incapacity to deliver, either on individual agendas that people had promised their electorate or just good policy. I think it is fraught and that it means that there are unnecessary potential traps for new members because of the lack of corporate knowledge that is able to be transferred to newly elected members. That therefore has to have an erosion on quality of service delivered to the electorate; not necessarily because of maliciousness or an intellectual incapacity, but because people are thrown in the deep end. There is no blueprint or training for a parliamentary career whether it is as an adviser or an MP. It is such a unique environment that holds so much responsibility, particularly when you look at the integrity understanding of the ethics involved. So, you see people tripping up all the time in an avoidable manner.

A frustrating aspect of that is that we do not have the means to calculate the cost of it when people talk about the cost of parliamentarians. I see a paucity of people's talents being used effectively and efficiently. Unfortunately, there is no slack built into the numbers should somebody be elected who really does find themselves out of their depth. That happens in any workplace.

Then, unfortunately, the parliament is lumbered with them. That is very detrimental to that individual's mental health. Ideally, they would not be thrust into a position of responsibility but there are important positions that need to be filled, even if it is just on committees which I think are a vital part of the bloodstream.

That point is interesting. On the radio yesterday evening I heard the former Speaker Michael Polley making a very similar point. That surprised me, given that he was one of the architects of the current disaster.

CHAIR - *I think he is feeling a bit regretful.*

Ms HUGHES - *We all pay lip service to the fact of having the strength of character to admit you did something wrong is exactly that: it is much harder to do. The point that he was making was the lack of capacity for there to be corporate-knowledge handover. He was specifically speaking about people being thrust immediately into the position of, say, Speaker when they are first elected to the parliament and that there isn't that time or space to learn the ropes through observation, through having a mentor or corporate knowledge exchange, but literally being thrown in the deep end and also the deep end in a fishbowl scenario, where everything is watched and scrutinised and pressurised. That has to have a detrimental impact.⁶⁷*

5.51 Ms Peg Putt made similar comments:

It actually takes time to learn how to be a member of parliament and what all the different aspects of the job are and how to do them effectively. It's

⁶⁷ Transcript of Evidence, 2 August 2019, p. 36.

important that members have that time so that they can learn the ropes and find their place, and find how they ought to function within the parliament. To be just thrown straight into something like a ministry or shadow ministry without that time also means you're not getting that development of the new and fresh ideas that should come through for legislation and for directions for Tasmania. It really quashes a lot of that. We've lost that whole quality of what parliament can do. It's just snowed under with this massive quantity of tasks and not enough people to do them effectively and properly.⁶⁸

- 5.52 Mr Michael Bailey, CEO of the Tasmanian Chamber of Commerce and Industry, also spoke of the difficulty of new Members in a small House to learn the role, including ministerial roles:

... how can we blood new, talented political minds into this important role by whacking them straight into being a minister? Surely, they need time on the backbench to learn the ropes, to learn the system, to learn the committees, to then be the best possible minister for Tasmania so they do have the knowledge, so they don't need the advisers.

I don't want to mention names but we have all seen in years gone by some of the Estimates' presentations with a brand-new minister. One springs to mind who had an adviser on either side and the poor kid, who was a fresh-faced young person, was having to refer every question to an adviser because he had not had the opportunity to learn the ropes, to learn his role.

What else can you do when you have got such a lack of numbers so to me that is the issue? The advisers will decrease in time as people can build skills, as we can have secretaries in place that can support parliamentary secretaries and support that sort of function, and again a better functioning committee system. At the moment I agree, it is not performing the service it should for the Tasmanian people.⁶⁹

- 5.53 The Committee heard that a robust Opposition and Cross-Bench, together with a functioning Backbench, is integral to the House of Assembly having the capability to undertake its Parliamentary functions effectively.
- 5.54 The need for a strong Opposition was raised by a number of witnesses. Ms Madeleine Ogilvie stated:

The Opposition is considered to be essential for the proper working of democratic government and the Parliamentary process in our Westminster system. The Opposition has a special role – to scrutinize legislation, examine expenditure, seek information, appraise and criticize government administration.

A reduced opposition, also reduces the functions and capacity of government. Parliamentary committees are affected, fewer MPs stretched then must logically affect the quality or the quantity of work able to be done.

⁶⁸ Transcript of Evidence, 13 September 2019, p. 4.

⁶⁹ Transcript of Evidence, 6 September 2019, pp. 3-4.

.....
If we look at the lack of access to MPs, the scope of work to be done, the challenges of modern public life, the requirements for good government – such as a strong backbench and a strong opposition – we must accept that there is a minimum number of MPs that a State needs to fully function. We can only conclude the numbers in the House of Assembly of the Parliament of Tasmania should be restored.⁷⁰

- 5.55 Professor Richard Eccleston and Dr Zoe Jay also considered that the effectiveness of the Parliament in holding the Government to account had been challenged by a small Opposition:

The traditional structure of Westminster systems places parliament at the centre of the legislative process in addition to providing oversight of government decision making and administration. Given this function, the opposition has a formal status and a specific role in a Westminster parliament. In the 25-seat parliament, the relationship between government and parliament has occasionally been challenged by the limited size of the opposition and of the back and cross benches – all of which play crucial roles in reviewing legislation, holding government policy to account and for providing engaged and meaningful representation of the electorate. In other words, ‘the smaller the parliament, the fewer the number of backbench members there are to challenge the party’s frontbench and moderate the executive’s control of the public agenda.’ Enlarging the parliament will help to ensure there are sustainable oppositions and backbenches available to balance the executive, provide effective review, and engage directly with constituents.⁷¹

- 5.56 The Committee also heard that a functioning Backbench was vital for an effective Westminster Parliament. Ms Cath Hughes commented:

The importance of a functioning Backbench in a Westminster-style parliament cannot be underestimated. These MPs are responsible for the populating of Parliamentary Committees responsible for the refinement of the legislative and policy development function, as well as facilitate access and involvement of constituents with the government. Of particular importance is the feedback loop that members of the public can provide the Ministry via Backbenchers, who are meant to be the ‘eyes and ears’ of government on the ground, plus provide an accountability mechanism upon government members, This is the training ground for newly elected Members and as such, a prospective source of skilled future Ministers. However, as experts and inquiries warned prior to the 1998 cut, an insufficient number of Backbenchers risked the few remaining MPs being over stretched in an attempt to cover all committee and other parliamentary responsibilities, and as such becoming ‘invisible’ to the public to the same degree as Cabinet members. The clear warning from these reports was that a reduced Backbench risked severing the communication feedback loop between government and the electorate.⁷²

⁷⁰ Submission No. 6, Madeleine Ogilvie.

⁷¹ Submission No. 15, Professor Richard Eccleston and Dr Zoe Jay.

⁷² Submission No. 17, Cath Hughes.

5.57 The Committee heard from a number of witnesses who spoke about the capability of the House of Assembly to fulfil its legislative and parliamentary inquiry functions.

5.58 In regards to the legislative function of the House of Assembly, the Committee heard that the reduced number of Members has had an impact on the quality of legislation. Mr John Biggs AM noted:

... the very working of the House requires backbench-ministerial committee work so that bills can be thoroughly scrutinised before being put to the House. Today, it is fairly obvious that bills haven't been properly vetted and their consequences unforeseen before they are rushed through the House. For just one example, the High Court found that the Anti-Workplace Protest Bill was "confusing, vague and poorly written", Justice Gageler describing the provisions as of "Pythonesque absurdity". Considered debate before rushing that Bill through the House might have saved the Government and the taxpayer a not inconsiderable amount of money, not to mention embarrassment. There are many other examples of hasty and ill-considered legislation that are too numerous to list here. Easing the workload of individual ministers, and using backbenchers in committee with ministers, would surely improve the quality of legislation and the costs consequent on poor legislation.⁷³

5.59 Mr Reg Watson also raised concerns, arguing:

Quality debate on Bills because of the low number has to be substantially reduced.⁷⁴

5.60 Professor Richard Herr OAM also considered the capacity to effectively scrutinise legislation had been diminished:

The shortage of parliamentarians in the House of Assembly is actually unhelpful to Government whatever its partisan stripes. The primary political role of backbench MPs for the ministry is to keep ministers in touch with public opinion. Even while not opposing their party's ministers' legislation, the backbencher's contributions to debate on bills helps to explain to supporters why legislation is in their interest. The current inadequate numbers in the House of Assembly spread the Opposition so thinly that their capacity to fully scrutinise legislation is limited.

Public trust in the legislative outcomes of the parliament is a vital part of a law-abiding, well-ordered society. Voluntary compliance with the law depends on this trust. When the people accept the decisions and acts of parliament (laws, regulations policy decisions and the like) as binding even if they disagree with them, this is the very definition of democratic legitimacy.⁷⁵

5.61 Professor Herr also commented:

⁷³ Submission No. 4, John Biggs AM.

⁷⁴ Submission No. 1, Reg Watson.

⁷⁵ Submission No. 20, Professor Richard Herr OAM.

Parliamentarians meet important representational responsibilities when they inject public interest into their scrutiny of Government legislation. Voters are increasingly skeptical (or worse) that their views actually influence legislation which is seen as an extension of self-serving managerialism between ministers and their departments. Full debate in parliament is essential for the adequate deliberation of the public interest in legislation and it is vital for the transparency which is the foundation of public trust.⁷⁶

5.62 Mr Michael Bailey also considered that legislation was less robust:

CHAIR - Thank you, Mr Bailey. I am interested in your thoughts on the quality of legislation and policy that might be possible if we restore the parliament, have a robust backbench, one more minister. How do you see that playing out in terms of what comes out of parliament?

Mr BAILEY - It's a terrific question. Talking to some of our Legislative Councillors, they lament the days when legislation would pass to them in a way that was robust and not needing to be modified, tweaked and changed. They would argue, because of the lack of committees and the lack of time to spend massaging legislation, that's the case. I think we would see an improvement in legislation. I think we would see an improvement in policies because there would be a greater connection to our communities through our backbenchers working more effectively and the opposition working more effectively.

Fundamentally, I believe that legislation going to the Legislative Council would be much tidier by the time it got there than we are currently seeing because there are more people and more time to spend making sure that it's actually robust before it goes there.⁷⁷

5.63 Hon. Robin Gray also considered that the lack of Members meant legislation was less thoroughly scrutinised:

Can I just give you an example of what sometimes happens when you do not have enough members of parliament?

In my latter days in parliament, I was the minister for primary industries. One of my roles was to put forward nominations for some of the statutory boards. On this occasion, it was the Egg Marketing Board. I wanted to test the thoroughness with which the legislation was being considered. I nominated Penny Pullet, Crowy Cockerill, Robert Road Island, and they went in on the Cabinet submission. The submission was about to be approved when one of my colleagues said, 'Robin, who is this Penny Pullet, who is this Crowy Cockerill?' For those of you who are not agriculturally minded, cockerels are male chickens, pullets are female chickens, and Rhode Island is a breed of poultry. I said, 'I am very pleased you noticed that.'

CHAIR - Were you pulling a 'swiftie' on them?

Mr GRAY - Yes, I was testing it. It demonstrated at the end to me the dangers of not having enough people in parliament to vet the legislation. I know a lot

⁷⁶ *Ibid.*

⁷⁷ Transcript of Evidence, 6 September 2019, p. 9.

of the legislation is prepared by parliamentary draftsmen and it is full of flaws and faults and all sorts of things, or it was in those days, but there was no excuse for the ministers not reading their Cabinet papers - except that they either did not have time, or they did not give enough to the process. I would prefer that they did not have time to read all of them.⁷⁸

- 5.64 Many witnesses raised concerns about the ability of the House of Assembly to adequately perform parliamentary committee work. Ms Peg Putt commented on the need for the Members of the House of Assembly to be restored to 35 to enable a better functioning committee system and policy development:

The parliamentary committee system would be adversely affected. I don't think there's any doubt that has occurred. Committees might still exist in name, but they're not functioning the way they used to, and they're not carrying the load they used to.

This was really important. We actually had, off and on, each parliament, a working arrangements of parliament committee, or a reform of parliament committee, that examined the way parliament worked. We were going through a series of changes to actually broaden the work of the committee system, to elaborate a system of pre-legislation committee so that proposed legislation, if it was going to be all tricky or controversial, would go through a committee for consideration in the same way that this matter is. So that the issues could get thrashed, but so could the way that legislation tried to deal with those issues.

CHAIR - *Is that a bit like the New Zealand model?*

Ms PUTT - *Yes, it was based from the New Zealand model which, of course, had come into place because they no longer had an upper house. But at the same time it was felt there was this situation where legislation would arrive on the floor of the House. It was the first time often that many members had seen it and you might have two days to look at it.*

Ms HADDAD - *It happens all the time at the moment.*

Ms PUTT - *Then you're debating it and you don't get a proper, thorough consideration of it that way, especially if there are tricky or unforeseen aspects. Trying to do amendments on the run is only marginally satisfactory. A government often won't accept those and sends it up to the upper House. I will get to the upper House in a moment because I think there has been a knock-on effect in relation to the way the upper House is functioning that has happened as a result to the cut to numbers in the House of Assembly and the lack of really effective committee exploration and scrutiny of issues.*

The other thing that doesn't so much come forward now through committees is, if a member or some members have a particular issue, something burning with them that they brought to parliament that they really wanted to act on, even thinking about being elected, then you could get up a committee to

⁷⁸ Transcript of Evidence, 14 November 2019, pp. 7-8.

consider that, to work it through and to educate other members of parliament about it and have it happen. I'm really happy that that's what I managed to do on genetically modified crops. I started from a minority of one for that and, in the end, we got every single member of a Joint House Committee agreeing to it. It was hard work, but it was a really important issue for Tasmania that was unforeseen. There are many, many cases where that might happen and we really lack that.

The thing that also flows, in my view, from this falling away of the capacity to operate the committee system simply because you don't have people to do it, and they haven't got the time and the brain space to deal with all this stuff, is that we have lost a lot of civility out of the parliament.

Ms HICKEY - Really?

Ms PUTT - It was much more balanced in the sense that we spent more time with each other working through issues and working through the mechanics of how to make things happen outside of that Chamber where it becomes adversarial and a theatre. I know it's not always like that, you know, but it seems to me that the adversarial pointscore nature of parliament that you see in question time and in the motions that follow now dominates the way politics happens in the House and around the parliament. Whereas previously, with the committee system functioning properly, we had actually developed a set of working relationships that went above and beyond that in quite a far-reaching way. I see that falling away and it really affects the civility of parliament, and that other really important work of finding commonalities and ways to move things forward. I'm not saying it's dead, but it's not as alive as it was.⁷⁹

5.65 Professor Peter Boyce AO also commented on the lack of enough Members to serve on committees:

The paucity of back-benchers to serve on parliamentary committees is not perhaps as dramatically obvious to the broader community as the difficulty of filling a ministry, but it is certainly a cause for worry for both government and opposition. It is not unknown for a single member to be drafted to eight committees.⁸⁰

5.66 In evidence before the Committee, Professor Boyce reinforced his view that more Members were required to enable the House to effectively fulfil its committee functions:

...You do need a significantly sized backbench, not merely to ensure that there will be ambitious potential ministers there, but also for committee work. I have heard from many public servants and officers of the parliament in the past that there simply isn't enough time for thorough committee work in the Tasmanian Parliament. Even this committee presumably has had to plan its timetable fairly carefully.⁸¹

⁷⁹ Transcript of Evidence, 13 September 2019, pp. 2-3.

⁸⁰ Submission No. 14, Professor Peter Boyce AO.

⁸¹ Transcript of Evidence, 2 August 2019, p. 24.

5.67 Professor Boyce also commented:

... but the committee role of parliamentarians is generally under-appreciated by the general public, yet it is really critical. Any legislative change that will make available more backbenchers to serve on committees will be a plus for the system as a whole. I wish I didn't sound so overly confident. I am not supposed to be overly confident in talking about parliamentary reform but I have had, over many years, strong convictions about the size of parliament. It is very difficult to allay those concerns and I believe they can be addressed without a lot of public fuss. If only the three party leaders could agree.⁸²

5.68 Mr Michael Bailey also agreed the committee system is not currently working well:

... committees are critical. I agree that the committee system is not working well at the moment.⁸³

5.69 Professor Richard Eccleston also commented on the importance of committee work and how a restored House of Assembly would make committee work more robust:

One of the functions of an effective parliament is around inquiry, as we are doing today. It is about engagement, about consultation and building a consensus.

I am of the view that parliaments should and could have a greater role in terms of policy development. The way to do that is through a robust and well-resourced committee system. The executive has its own very distinct and important function but having a parliament that has the resources, both in members and other resources and systems, is a way to try to build consensus and have a deeper conversation around many of the very complex and contested matters you are dealing with on a daily basis. With the adversarial nature of debate in the Assembly, we have a perennial risk of an impasse of a stand-off between the Council and the Assembly. One response: it takes time to develop these practices and cultures. If you have a slightly larger parliament and a more robust committee system, it can actually help.⁸⁴

5.70 Former Member of the Legislative Council, Mr Greg Hall, also reflected on how the reduction in Members has affected the work of parliamentary committees, particularly in forming a quorum:

Early in my time I was chair of one of the joint House committees, the environment, resources and development committee, and there was a community development committee, and they were joint House committees, but I noticed how difficult it was to get quorums on them. It was very difficult. It used to drive the secretaries mad to try to get quorums of four to attend, even on standing committees like Public Works, which I was on, and others. It became abundantly clear that there just weren't sufficient numbers on the

⁸² *Ibid*, pp. 26-7.

⁸³ Transcript of Evidence, 6 September 2019, pp. 10-11.

⁸⁴ Transcript of Evidence, 2 August 2019, pp 46-7.

*backbench and those few members who were able to serve on those committees were spread so thinly that it was difficult to achieve. That made me think at the time that there was something which wasn't quite right with the way things were in terms of that dimension.*⁸⁵

5.71 Ms Cath Hughes made similar comments:

*... the Tasmanian Parliamentary committee system has become collateral damage of the ideologically driven cut in Assembly numbers. The reduced Backbench and Opposition benches now makes it incredibly difficult to populate both Standing and Select Committees; those which are established see Terms of Reference drag out indefinitely due to difficulty in obtaining quorum on a regular basis due to over-stretched MPs juggling more numerous inquiries simultaneously; and there have been growing complaints that due to these pressures the substantive matter of committee inquiries are not scrutinised as rigorously as they should be. The insufficient number of Assembly MPs to go around has seen the number of Joint House Committees also diminish as Legislative Councillors have become frustrated in stalled terms of references and inquorate sessions due to their Assembly colleagues' regular unavailability.*⁸⁶

5.72 Dr Andrew McMahon also raised concerns about the current effectiveness of committees:

*The current number of Members (25) leaves insufficient Members for back bench duties, resulting in a small and overworked pool of Members to fill the places on those back bench Committees, and those Members may have a narrow range of experience to bring to the work of those Committees.*⁸⁷

5.73 Professor Richard Herr OAM raised similar concerns:

*... The main arena for parliamentarians, however, is off the floor of the chamber in the committee room. Committees are the acknowledged engine room of Westminster parliaments but they should only be staffed by parliamentarians. The current numbers in the House of Assembly make effective lower house committees almost impossible.*⁸⁸

5.74 Professor Herr went on to argue:

... it is clear that the House of Assembly cannot be strengthened institutionally to improve public trust and confidence without having a larger House of Assembly. Mechanisms to improve trust through access to the legislative process, to build trust through backbench accountability and trust through the transparency of wider debates on the matters before Parliament all depend on having the number of Members to service all these parliamentary responsibilities.

The loss of an effective body of parliamentarians (private Members/backbenchers) on either side of the Parliament has been a dreadful,

⁸⁵ Transcript of evidence, 26 June 2019, p. 26.

⁸⁶ Submission No. 17, Cath Hughes.

⁸⁷ Submission No. 7, Andrew McMahon.

⁸⁸ Submission No. 20 Professor Richard Herr OAM.

damaging and dangerous diminution of the Tasmanian Parliament in terms of backbench restraint and accountability on Government. Moreover, the 1998 reduction reduced the capacity of the House of Assembly to service a committee system that is able to oversight the Executive or reach to the community to promote public involvement in the governance of Tasmania.⁸⁹

- 5.75 The Committee also heard the restoration of the House of Assembly to 35 Members would only be one part of improving governance in Tasmania, and that an enlarged Parliament would strengthen and expand the Parliamentary Committee system. Professor Eccleston and Dr Zoe Jay commented:

The enlarged parliament presents an opportunity to re-evaluate the potential of the parliamentary committee process. Committees are one of the key mechanisms by which parliament is able to review and contribute to government policy and legislation – they present an opportunity to ask questions, collect evidence and commission additional research, consult experts, stakeholders and community members, consensus and broker compromise and to hold ministers and bureaucratic departments to account. In an era where there is growing concern that established political parties and leaders are too remote from the communities they serve, committees can facilitate ‘government by discussion’, helping to connect those doing the governing to those being governed.

If the House of Assembly is to be restored to 35 seats, expanding and strengthening the committee system alongside it would enable an enlarged parliament to engage in building consensus around policy and legislation, and to ensure that policy and legislation are aligned closely to evidence and community needs.

Similarly, an enlarged committee process in the House of Assembly would alleviate some of the pressure on the Legislative Council to conduct legislative review. As Richard Herr suggested in 2005, the smaller House of Assembly has put additional pressure on the Legislative Council to be a more visible and overt critic of the government and government-proposed legislation. Having more robust lower house and joint committees would help to develop and test legislation in a more deliberative and cross-partisan space, while still enabling the Legislative Council to review proposed legislation in line with its traditional function and responsibilities. Greater deliberation through an expanded committee system would therefore likely reduce the chances of deadlock between the two chambers of parliament while supporting a more thorough legislative review process.⁹⁰

Committee Finding:

- 5.76 The Committee finds the reduction in the number of Members of the House of Assembly has reduced its capacity to undertake its Parliamentary functions, particularly its role in robustly debating

⁸⁹ *Ibid.*

⁹⁰ Submission No. 15, Professor Richard Eccleston and Dr Zoe Jay.

legislation, undertaking inquiries, policy development and achieving timely quorums for Parliamentary Committees.

5.3 Effective scrutiny of government

- 5.77 A key tenet of the Westminster system of responsible government is that Ministers must be Members of the Parliament and accountable to it. Section 8A of the Constitution Act 1934 provides that:

No more than 9, or, where a Secretary to Cabinet has been appointed pursuant to section 8F, no more than 8, persons shall hold office as Ministers of the Crown at any one time.

- 5.78 In the current Parliament, 8 of the 9 Cabinet Ministers are Members of the House of Assembly, with one in the Legislative Council. This means that nearly a third of the Members of the House of Assembly are part of the Executive, with 61.5% of Government Members in Cabinet.
- 5.79 The Committee heard that the limited number of Members who are not part of the Executive has resulted in a diminished capacity for Ministers to be held to account as is necessary under the Westminster system.
- 5.80 Professor Richard Herr considered the reduction in Members in 1998 was a political manoeuvre that the media and public largely supported. He argued it was touted as reducing the number of politicians, but there was no public or media debate on the ramifications on the Parliament of being able to hold the Executive to account:

In 1998, the governing parties used populist wrath against a 40% pay rise by the institutionally myopic media and a public blind with righteous indignation to change electoral outcomes by altering the size of Parliament. The two governing parties offered this as an ostensibly ameliorating budget balancing manoeuvre by sacrificing surplus “politicians”. With skillful cynicism, the party leaders managed to focus the public’s gaze on the generic term “politician” rather than distinguishing between “parliamentarians” and “Ministers”. While both sets are made up of “politicians”, their roles are significantly different. Parliamentarians are the people’s representatives and the jury to which Government is meant to be responsible. “Ministers” make up the executive arm of government and they ought to have been answerable for any of the alleged “over-government” that was at the heart of public discontent with the size of the Parliament!

Using the pejoratively loaded epithet “politician” (rather than terms like parliamentarians, the “people’s representatives” or “constituency members”) made it easier to obscure the fact that the political axe of smaller government was bound to fall more heavier on the institution of Parliament than on the Government. The lack of any institutional nuance ensured that there was no thoughtful debate on the relationship between Parliament and Government or the significance that parliamentarians and ministers played in each. And

indeed, in the event, once the final adjustments were made, it has only been parliamentarians who have been eliminated. Ministerial ranks are the same today as pre-1998.

.....

Downgrading virtually all the important roles of the Parliament to that of supporting the Executive is democratically tragic and seriously misplaced. It basically overturns more than three centuries of democratic struggle by reducing the Parliament to a “rubber stamp” for an Executive. Yet Executive paramountcy is one that both Tasmanian voters and the media claim to distrust.⁹¹

5.81 In evidence before the Committee, Professor Herr elaborated on the power of the Executive over the Parliament:

I think that we have become more and more focused on the Executive. I don't know that the public could distinguish parliament from government. Governments on the whole like it. When I did my review for the United Nations of the strengthening of the Samoan Parliament I think there were two. One was very minor, but the one recommendation I made that the government refused to accept - they accepted everything; I was pleased that the parliament accepted my report and embraced it - was that the parliament should have a separate logo to the government logo. They wanted the public to believe that everything that came out of parliament was the government, not the parliament. Governments like that because that means that, by and large, parliamentarians are irrelevant; lobbyists, by and large, don't lobby parliamentarians, they lobby the bureaucracy or ministers or the Speaker, but they don't lobby backbenchers - why would you waste your time? I don't want to be deprecating but I am just saying people will go to backbenchers usually when they don't have any other option, and that is the problem.

In the history and development of parliament we have the lobby. When you talk about lobby or lobbyists, the lobby was for people to lobby parliamentarians. They didn't go there to talk to the ministers. They went to the ministerial officers and so forth to do that. Historically, if people wanted to get things done in parliament, they would go to the lobby of parliament and lobby a parliamentarian. They don't do it now.⁹²

5.82 Professor Herr also argued the House of Assembly needs to be restored to 35 Members to enable the system of responsible government to operate effectively:

CHAIR - ... you have detailed in your submission the unfortunate lack of action. I would argue courage after the 2009 agreement between the three leaders, David Bartlett, Will Hodgman and Nick McKim. If you had a message now to give to the parliament and the leaders in the House, what would it be in relation to the Restoration Bill?

⁹¹ Submission No. 20 Professor Richard Herr OAM.

⁹² Transcript of Evidence, 22 July 2019, p. 7.

Prof. HERR - I would have to say to the parliament - defend your historic rights, you are not the subordinate of an all-powerful king. The fact is that you exist to be the people's guardian against abusive government. That is it.

I would also say to the executive - remember your place. It is a responsible government. You are responsible to the parliament. It is not up to you to tell the parliament what the parliament should want, what the parliament should do.

I get angry then. This is it.

How can you have a responsible government where the government holds the parliament responsible for being a rubber stamp? It is ridiculous. I do not know how you can defend it. If the Premier comes to talk to you ask him on what grounds is he doing so? He is asking you for supply and then he is telling you what you can do with your supply?⁹³

- 5.83 Professor Herr also considered that a restored House of Assembly, which was able to hold the Government to account, would improve public trust in the system:

It is precisely because the tide of public trust has shifted so decisively against democratic institutions in recent years that it is so important that faith in the Tasmanian Parliament be strengthened by restoring its numbers. Parliamentarians who will represent the people's interests and hold Government to account more effectively will do more to rebuild public confidence than bemoaning an Executive-centric fear of shallow gene pools! The near absence of "parliamentarians" (private members) since 1998 matters on at least two levels. It matters at the institutional level and at the level of public trust in "the system".

More than 150 years ago, Walter Bagehot identified the institutional duties of the Westminster parliament as:

- Legislating (passing laws);
- Serving as the incubator to create and maintain a Government;
- Expressing the mind of the people;
- Informing the public; and
- Educating the public (in civic responsibility).

Each of these obligations require parliamentarians to play roles separate from, and distinctive to, the roles that fall to those MPs who have Executive responsibilities or even, to a slightly lesser degree, those in a shadow Executive capacity.⁹⁴

- 5.84 Dr Julian Amos also raised concerns that the Parliament had been subsumed by Ministers:

... the fundamental issue is the primacy of parliament. Parliament is more important than government and parliament must be in control of the

⁹³ *Ibid*, p. 12.

⁹⁴ Submission No. 20, Professor Richard Herr OAM.

government. If government controls the numbers in the parliament by virtue of it being a government - not by being members of a political party but by being ministers - then the role of parliament is totally subsumed. It doesn't have the opportunity to question or query government.⁹⁵

- 5.85 Mr Michael Bailey agreed the House of Assembly needs to be restored to ensure better governance and to keep the Executive in check:

... I believe in a robust democracy, and robust democracy requires robust debate. As a CEO, it would be lovely to have a board that agrees with everything the CEO says as well - but that's not the board that I want. I want a board that challenges and a board that puts forward different ideas, and a board that wants to drill down into the things I'm thinking about. That builds a better TCCI and a better organisation, and that's what we'll find here.

I want to have good questions from the opposition. I want to have a backbench that is agitating its executive to make sure that they are getting the best outcome. I want a smart parliament in that way. I don't want to have a rubber-stamp parliament that then throws things up to the upper House to try to fix.⁹⁶

- 5.86 Ms Kym Goodes, CEO of TasCOSS, considered the Backbench was important to hold the Executive to account:

CHAIR - *We had the three witnesses who came before this morning - the Chamber of Commerce and Industry, former speaker Michael Polley, and Dr Julian Amos, former Labor member and minister, all of whom put the case that you are more likely to have better public policy outcomes if you have an active backbench agitating the ministers and keeping the pressure on them to perform at a very high standard.*

Would you agree we are likely to see better representation of communities? As long as we have the structures in place to do that, but also potentially better public policy outcomes with a backbench keeping the ministry on its toes?

Ms GOODES - *Absolutely. It is a missing link in Tasmania now. We see nationally the backbench of the National Party and the backbench of the Liberal Party having a heavy influence on decision-making and the retraction of decision-making because they have tested it out in their community and can see that it is not going to hit home with their local electorate. At the moment that is a huge gap for Tassie.*

I can say as a representative of an organisation that advocates strongly, it is a gap for us. We can only really access directly into ministerial offices. That is not a terrible thing, don't get me wrong, but there is no testing on the ground across a range of different backbenchers. Our only avenue is through our members and others as opposed to backbenchers, also in the party room, having that really robust discussion about well, we make that decision, here is what I know my community is going to say.

⁹⁵ Transcript of Evidence, 6 September 2019, p. 13.

⁹⁶ *Ibid*, pp. 1-2.

*The Bass example, because that is where I come from and know well, I think that's felt out there at the moment. I go home most weekends and I hear and see that.*⁹⁷

- 5.87 Ms Cath Hughes argued the reduction in Ministerial and Executive accountability since World War II highlights the need to strengthen accountability. She argued that having a functioning Backbench and Opposition is vital to this role:

As the identified 'House of Government' a key function of the House of Assembly is to scrutinise the Executive. As summarised by the Beaumont Report, classic constitutional theory decrees that the Executive can only exist while it retains the confidence of the Lower House, making the Executive 'responsible' to the House. In turn, the House is 'responsible' to the people, as demonstrated by periodic elections. The solidification of the Party dominated parliamentary system since World War II has seen in fact that often the reverse is the case, that executive authority outweighs parliamentary authority. Hence this trend, serves to highlight the importance of maintaining, if not strengthening, the accountability mechanisms available to the House in ensuring good governance. A functioning Backbench is one such mechanism, as is a viable Opposition and Cross-bench.

.....

The Opposition, and also the Cross-bench where they exist, is recognised in Westminster-style Parliaments as the 'alternative government' and as such has vitally important accountability functions within the parliamentary system. These include: the articulation of differing or minority opinions within the community, to scrutinise, critique and seek to improve via amendments legislation, scrutinise public accounts and administration, pursue further information and clarification of policy, participate in committees, as well as pursue avenues for legitimate community grievances to be heard such as petitions etc.

The Ogilvie Report states simply, "any reduction in the size of the House of Assembly must necessarily reduce the size of the Opposition and thereby diminish its effectiveness in discharging [its] important duties..."

The report then went on to warn, "a reduction in the number of Members in either House of Parliament would adversely effect the nature and quality of public contact with and influence on, Members of Parliament."⁹⁸

- 5.88 Associate Professor Peter Chapman, President of the Tasmanian Constitution Society, agreed a larger backbench was required to hold the Executive to account:

... A backbench is a corrective within the party machine; you not only have to satisfy the electorate, but you've got your backbenchers as difficult people up in the wilds asking awkward questions. I can only see this as a thing for the

⁹⁷ *Ibid*, pp. 51-2.

⁹⁸ Submission, No. 17, Cath Hughes.

good, I can't see any harm in it. Certainly if everyone is a minister - pretty well everyone is a minister - and there are only one or two backbenchers, there is not much pushback.⁹⁹

- 5.89 Other submissions also considered there was a need for the House of Assembly to be restored to 35 Members for good governance. Dr Andrew McMahon argued:

I submit that the number of Members of the House of Assembly must be restored to 35, in order to restore good governance to Tasmania.

Those Members of the Government committed to the Ministry and of the Opposition to the Shadow Ministry are forced to carry too many ministries, and can be easily "snowed" by the workload generated by the executive arm of government.

.....

The net effect is that the public service and executive of the Tasmania Government operate with insufficient parliamentary oversight.

With the increasing complexity of life, and other government activities, the lower numbers of MHA's have an ever-growing workload of constituency matters to deal with, in addition to their Parliamentary duties. Restoration of the number of Members to 35 would allow a more even and reasonable workload.

As is currently evident, the resignation or death of only two Members of the Government may result in the effective paralysis of the Parliament.

The current situation has been allowed to continue for too long, and the number of MHA's should be restored to 35.¹⁰⁰

- 5.90 The Committee heard the small membership of the House of Assembly meant there was little or no competition for ministerial positions which affected the overall quality of government.

- 5.91 Dr Kevin Bonham commented:

... I think there are problems caused by the current system. I don't know whether that ratio of executive to parliament is relevant to my thinking. The small number of backbenchers is a problem in terms of replacing ministers if you need to replace ministers. Often there is an issue with the talent pool. There are usually some people in any parliament who are not really suitable to be ministers. Often there are very limited options available to governments.¹⁰¹

⁹⁹ Transcript of Evidence, 22 July 2019, pp. 55-6.

¹⁰⁰ Submission No. 7, Dr Andrew McMahon.

¹⁰¹ Transcript of Evidence, 22 July 2019, p. 40.

- 5.92 Professor Peter Boyce AO also commented on the limited talent pool from which to form a cabinet:

The negative consequences of a shrunken House of Assembly are at least four-fold: (1) the limited pool of talent for recruitment of a cabinet, (2) the near absence of a back bench to monitor government performance and undertake committee responsibilities, (3) increased reliance on ministerial aides or “minders”, and (4) reduced opportunities to negotiate effectively with Commonwealth and other state governments via the processes of Australian federalism. Although it might be naïve to expect a serving premier to publicly concede that the talent at the tail-end of a back-bench is less than inspiring, it is a matter of fact, not mere opinion, that the choice is limited. Perhaps Government could be spared some embarrassment by an acknowledgement of public perceptions that the quality of governance may have suffered.¹⁰²

- 5.93 Mr Tony Ibbott made similar comments:

The number and quality of the talent pool available from which to appoint Cabinet Ministers would increase in a 35 seat House of Assembly. In addition, performing Cabinet Ministers could be promoted and non performing Ministers relegated to the backbench.¹⁰³

- 5.94 Ms Madeleine Ogilvie also commented on talent being diminished in a small House:

We all understand that the strength of a government lies in the quality of its cabinet, and a backbench of 3 (once a 15 member majority government has provided the Speaker) does not provide a lot of depth. Choice and talent are both diminished.¹⁰⁴

- 5.95 The Tasmanian Greens also noted that the lack of choice in Ministers was impacting on the effectiveness of Executive Government:

A minimum number of elected representatives are required in order to provide for an effective Executive Government, a larger pool of talent for ministries and an effective backbench to fill Committees and respond to community interests. We understand prior to 1998 the only Parliamentary Secretary was Liberal MP, Bob Cheek. During the terms after the 1998 cut, an average of three Parliamentary Secretaries per term.

It seems clear backbenchers have been increasingly co-opted for portfolio administration, further limiting the time available for quality, considered Committee and electoral work.

These failings have been highlighted recently. In 2017, in an unprecedented move, the then Speaker had to be pulled from the Chair to fill a vacant ministerial position. More recently, the Government had only one backbench member in two Budget Estimates Committees.¹⁰⁵

¹⁰² Submission, No. 14, Emeritus Professor Peter Boyce AO.

¹⁰³ Submission No. 16, Tony Ibbott.

¹⁰⁴ Submission No. 6, Madeleine Ogilvie.

¹⁰⁵ Submission No. 19, Tasmanian Greens.

- 5.96 Former Member of the Legislative Council, Mr Greg Hall, also considered that a smaller House ultimately meant little or no reserves for ministerial changes:

I would like to talk about that fundamental, essential point that you have to have a critical mass to run a state government. There has to be an adequate number of competent elected representatives to oversight large, complicated departments, as well as a sufficient membership to service the needs of the constituencies. In a 25-seat parliament where the government may have 15 members or less, and under the Hare Clark system that's about where we usually seem to sit, for whoever is in government or in power, filling the ministry exhausts almost all or a large part of the government membership, leaving little or no reserve for committee capacity, constituency service or to cope with ministerial changes. That was the nub of that part.¹⁰⁶

- 5.97 The Tasmanian Constitution Society noted that previous inquiries into the size of the House of Assembly had warned of the ramifications for selecting a Cabinet:

There is no doubt that the attenuation of the Parliament has cast a shadow over Tasmanian politics which must be lifted: it can only be lifted by the restoration of the House of Assembly to 35 seats. As foretold in the Ogilvie report, of 1984: "if the House of Assembly were reduced to 25 members a party winning Government with 13 members would be faced with little scope in selecting a Cabinet". The consequence has been the overburdening of Ministers with multiple portfolios, and the virtual elimination of a back bench for the party in Government...¹⁰⁷

- 5.98 Ms Cath Hughes also reflected on the comments of previous inquiries:

As the Ogilvie Report states: "Cabinet is the principal institution in the decision-making process of Government." As such, it is expected that Ministers are selected from a competitive pool of talent, based upon proven parliamentary skills, expertise and competence. Not only is it deemed a privilege to serve as a Cabinet Minister, but with it comes extensive responsibilities. As such, under the Westminster-style Parliaments it is perceived as consisting of the 'cream' of a particular government, or parliamentary crop. An ascension to Cabinet had to be earned, and once there, be maintained in the face of parliamentary scrutiny and potential Backbench competition. These rigours were considered the 'check on power', and especially the risk of complacency and becoming 'out of touch' with the broader community.¹⁰⁸

- 5.99 Ms Hughes also commented:

The struggle to source a viable and fully accountable Cabinet, while still providing for a critical-mass Backbench continued to plague the subsequent majority governments of 2002 and 2006 respectively. The placing of the Treasurer in the Upper House (the Hon. Michael Aird MLC following Dr Crean's retirement) continued to heighten concerns about the inability of the reduced

¹⁰⁶ Transcript of Evidence, 26 June 2019, p. 26.

¹⁰⁷ Submission No. 11, Tasmanian Constitution Society.

¹⁰⁸ Submission No. 17, Cath Hughes.

Parliament to abide by established norms to deliver democratic accountability....

Both periods of government saw Ministers resign their respective Cabinet posts (The Hon Bryan Green and the Hon. Steven Kons) due to controversy, and others resign due to family or health reasons (the Hon Jim Bacon, and the Hon Paula Wriedt for example), creating additional dilemmas for the Premier of the day in sourcing appropriately skilled and competent Ministers as well as leaving an equally competent Backbench, that was not dominated by disgraced former Ministers. This culminated in a scenario in 2008 which saw then-Premier David Bartlett take the unprecedented move of sourcing three concurrent Ministers from the Legislative Council.

.....

... no matter which party is in government, even those with a majority, the inherent unpredictability of individuals' lives means that there will always be the potential of a Cabinet resignation (for example the Hon. Matt Groom, and the Hon. Adam Brooks), placing more pressure upon the Backbench, especially first-time MPs, and other components of the parliamentary system. Not only has the 1998 cut numbers seen the Backbench's capacity as a training ground for new MPs reduced, its membership has become overly-dominated, in a sort of defacto 'sin-bin', by disgraced ex-Ministers who in the main can no longer be Cabinet contenders.¹⁰⁹

5.100 The Committee heard that restoring the number of Members of the House of Assembly would broaden the talent pool, particularly for Cabinet positions. Professor Richard Eccleston and Dr Zoe Jay argued:

One of the key arguments in favour of restoring the House of Assembly to 35 seats is that the increased number of representatives broadens the talent and experience pool from which Cabinet (as well as the Shadow Cabinet) can be drawn. Strengthening the experience, expertise, and talent of the parliament is crucial.¹¹⁰

5.101 Hon. Michael Polley AM also considered there would be more competition for Cabinet positions in a restored House:

The actual dynamics of having 35 seats is very, very important. For instance, when I first came in as a very young man, the position of Whip was hotly contested. The reason it was hotly contested is that you had 10 ministers and it was a way to get close to the Premier of the day, sitting behind, a way to progress your way forward. It was hotly contested within the caucus because you were competing. You had a large backbench who wanted to be noticed. The first person to be elected Speaker was Hedley Farquhar, who then subsequently went on to become the Minister for Health after about two and a half years. Then, guess what? I was the next one to be elected and I went on to become a Minister at the age of 27 in 1976. Again, that was unusual in a way because the average wait to go into the ministry was about seven to eight years because you had a caucus, whether you were a Liberal government or a

¹⁰⁹ *Ibid.*

¹¹⁰ Submission No. 15, Professor Richard Eccleston and Dr Zoe Jay.

*Labor government, no less than about 18 and if you had a few in the upper House you would have almost a permanent caucus of over 20. The competition was very brisk and the talent tended to bubble to the top.*¹¹¹

5.102 Another issue relevant to the capacity of the House to scrutinise the Executive is the increase in advisers and Ministerial staff. The Committee heard from a number of witnesses who considered that the reduction of Members in the House coincided with an increase in Ministerial advisers who were not accountable to Parliament or the public.

5.103 Mr Tony Ibbott commented:

*One of the other things... is the replacement of 10 accountable elected representatives in a 25 seat House with "numerous" unaccountable and unelected 'minders' the numbers, names and salaries of which are not transparent to the general public, and the total cost of which is also not transparent, and should be. The outcome of this is that Ministers are shielded from hearing what they don't want to hear and should hear from their stakeholders. 35 accountable members would be preferable.*¹¹²

5.104 Mr Michael Bailey made similar comments:

... From our perspective, what we saw in 1998 with the change to a smaller parliament was a proliferation of advisors. The state didn't save any money, as was the intention at the time. We also saw a reduction in the process of democracy. We seem to have advisors and, at times, department heads who are acting almost as ministers.

... We would also argue that there is potential to increase the ministry by one, but that is a different argument. We can talk about it at a different time.

CHAIR - *It is in the legislation, so that is provided for.*

Mr BAILEY - *We certainly think that is wise. We look at the pressure on ministers, the number of portfolios that they need to try to manage. What often happens is the minister is fully reliant on department heads to essentially act as the minister. We see that playing out. We have spoken to ministers in years gone by who would say something and then a department head would say, 'The minister did not really mean to say that. What he meant to say was ...' or 'I am sure that is not what the minister meant; she would have been saying blah blah blah', which is worrying and, in my opinion, that is not democracy working.*

What can a minister be expected to do if they have three or four or five portfolios? It is an impossible workload. We support the addition of another minister, but certainly restoration of the Tasmanian Parliament is key to good governance and better democracy in the state. Again those across the table

¹¹¹ Transcript of Evidence, 6 September 2019, p. 36.

¹¹² Submission No. 16, Tony Ibbott.

*from me probably also agree with that and your parties agree with that. What we need is the intestinal fortitude to move on it.*¹¹³

Committee Findings:

- 5.105 The Committee finds the House of Assembly's capacity to effectively scrutinise the Government and to hold it to account has been diminished with the reduction of Members. This is due to the reduced number of Opposition, Cross-Bench and Government Backbench Members relative to the number of members of the Executive.
- 5.106 The Committee finds the reduction in the number of Members, and the much smaller Government Backbench, has resulted in limited competition for ministerial positions and challenges replacing ministerial vacancies. This has negatively affected governance in Tasmania.
- 5.107 The Committee finds, since the reduction in numbers, there has been a proliferation of Ministerial advisers that are not directly accountable to the House of Assembly or the people of Tasmania.
- 5.108 The Committee finds restoring the House to 35 Members would provide better governance by ensuring there were more Members to scrutinise the activities of the Executive, including the work of government agencies and Ministerial advisers.

5.4 The size of the Ministry

- 5.109 Integral to any discussion about the effective scrutiny of the Executive is the size of the Ministry relative to non-Executive Members. The Committee heard from a number of witnesses who considered that the small membership of the House of Assembly resulted in Ministers carrying multiple portfolios and larger workloads compared to other Australian jurisdictions.
- 5.110 Mr John Biggs AM stated:

I'll discuss the issue of ministerial overload in the present context of a 25 member House with the most stringent case of a one seat majority. This is when overload is maximum. As well as the duties of Premier, the Premier himself has 4 portfolios (pfs); the Deputy Premier has 3 pfs including one of the most demanding, Education and Training; the Attorney General additionally has 5 pfs; the Minister of Health perhaps the most demanding of all pfs, has 2 others to attend to.

Without commenting on the competence of any given individuals, this spread of workload is impossibly demanding. No reasonable person can expect the Premier of the State for example to handle 4 pfs as well as his duties as

¹¹³ Transcript of Evidence, 6 September 2019, p. 2.

Premier, or the holder of the already demanding position of Attorney General to handle an additional 5 pfs!

Some pfs are hugely demanding. Health for example is one such, and no reasonable person could say that that area is currently being handled well – or to be fair has been handled well in the past. Education and Training is another pf that by its nature demands the undivided attention of a competent Minister.

In a 35 seat House, and again taking the most stringent case of a one seat majority, the split between Government and Opposition would be 18 to 17. The best-case scenario would be for the Premier and Treasurer at least to be undistracted by other pfs, and if we give Health, Education and Training, to one minister each, we have 27 pfs remaining, some relatively minor, to be shared by some of the remaining government members, leaving others for the backbench for the specific contribution that backbenchers can give to the process of designing good legislation.¹¹⁴

5.111 Dr Andrew McMahon commented:

Those Members of the Government committed to the ministry and of the Opposition to the Shadow Ministry are forced to carry responsibilities for too many ministries, and can be easily “snowed” by the workload generated by the executive arm of government.¹¹⁵

5.112 Ms Noela Foxcroft commented:

In the Victorian Parliament there are 22 Ministers. The Tasmanian Parliament has only 8 (sic) Ministers which leads to Ministers having unacceptably heavy loads. This, in turn, opens the way for poor governance.¹¹⁶

5.113 Mr Reg Watson commented:

With the substantial reduction in numbers, particularly for the Lower House, there is simply not enough to choose from to accept not only portfolios, but to form Select Committees and to scrutinize legislation. At the time of the inquiry (1994) each Minister in Tasmania held an average of 2.3 portfolios. By March 2011, Bryan Green held six; with others holding four. Just about every sitting member of the Government held a ministerial position, regardless how long they have been elected. Clearly someone holding six portfolios, besides being at the time Deputy Premier, could not possibly handle the work load effectively.

Come 2019 little has changed. Will Hodgman while just not Premier is also Minister for Tourism; Hospitality and Events; Heritage; Trade; and finally Parks. Being Premier is a full time responsibility in itself.

The current Deputy Premier, Jeremy Rockliff, is not only Deputy Premier, but Minister for the following: Education and Training; Infrastructure; Advance Manufacturing and Defence Industries. The current Attorney-General, Elise Archer, while more than competent, holds six portfolios.

¹¹⁴ Submission No. 4, John Biggs AM.

¹¹⁵ Submission No. 7, Andrew McMahon.

¹¹⁶ Submission No. 12, Noela Foxcroft.

*With increased parliamentarians, there would be a greater number available to form Cabinet...*¹¹⁷

- 5.114 In evidence before the Committee, Mr Watson considered that having responsibility for multiple portfolios was not good governance and was bordering on being authoritarian:

... I am wondering whether those ministers that have five or six portfolios have the time or even the ability to skip between them. Some of them are quite different in nature to the other portfolios that they have. Better representation to the normal people - whether it is being overworked, for the ministers who have so many portfolios, such as the Premier, who has another five, I think, besides being the Premier, which I thought would have been enough in itself. Also, with such power having five or six portfolios, is it becoming a position of authoritarianism?

CHAIR - Do you want to elaborate on that a little bit? How could a smaller parliament and therefore ministers carrying numerous portfolios lead to authoritarianism?

Mr WATSON - I think with too many portfolios, too many ministerships, there is that possibility that one becomes a little bit drunk with the amount of power that they have. I think it is best to break up power as much as you possibly can and I believe that is what should happen with the increased numbers: there should be more politicians, more ministers with fewer portfolios. I can't see how a person, even though they are competent - and they are competent - can handle six positions besides the position of Premier or whatever position they may have. I couldn't do it. I couldn't devote adequate time to each. That would mean I would have to be overworked perhaps, and that's not good for the individual physically or mentally. We need the best type of politicians we can possibly have and we need them fit, mentally and physically. It is necessary for them not to be overloaded in their workload. I say that not out of sympathy for politicians, although I do know some and quite like them, but for the betterment of government in Tasmania; for the electorate, if you like. That's who I am representing today, just the people. Hopefully that has adequately answered your question.¹¹⁸

- 5.115 Dr Kevin Bonham also expressed concern about the multiple portfolios held by Ministers and considered there may be conflicts of interest:

*... I think there is the issue of ministerial conflicts of interest where ministers end up holding a number of different portfolios and some of them might conflict with others or the pressure to create super departments. Sometimes the super departments end up having sectors within themselves that conflict. All these things are suboptimal.*¹¹⁹

- 5.116 Mr Greg Hall noted that Ministers had heavy workloads and relied heavily on advisers:

¹¹⁷ Submission No. 1 Reg Watson.

¹¹⁸ Transcript of Evidence, 22 July 2019, pp. 15-16.

¹¹⁹ Transcript of Evidence, 22 July 2019, p. 40.

My observation still is that ministers have many portfolios are overworked and rely very heavily upon legions of advisers. That's just the way it is. It is hard and difficult for a minister of any political colour because of the number of those portfolios and the matters they have to try to balance.¹²⁰

- 5.117 Hon. Robin Gray considered that this reliance on advisers and the bureaucracy has resulted in Tasmania no longer being governed by the elected representatives:

The most immediate issue as I see it is the question of the size of the parliament. I think it was regrettable that Mr Rundle and Mr Bacon decided to reduce the size of the parliament. That was really a mistake for one very good reason: that the number of elected members of parliament was reduced and the size of the staff of the members of parliament, the size of the bureaucracy, was increased commensurately or by a greater degree. I have a strong view that Tasmania should be governed by elected members, not by departmental heads, not by bureaucrats.¹²¹

- 5.118 Mr Gray further commented:

There has been an increase of statutory authorities such as TasWater, which does not answer in any way, in my view, to the people of Tasmania. TasWater still, as I remember from so long ago, gets lots of complaints about TasWater's actions. That should be a matter for the elected people of Tasmania, not for appointed officials. Similarly, the Hydro-Electric Commission in the old days was a law unto itself. We managed to get it under ministerial control. I'm not sure what the situation is right now, but I get the view that Aurora and the other entities that were part of Hydro are now pretty much free-roaming and controlled by people mostly from interstate, not from Tasmania. Tasmanians need to get back control of the government.¹²²

- 5.119 Mr Gray also considered that more elected representatives would assist Ministers in covering their portfolio responsibilities:

Democracy is important, and it is the elected people who should have the responsibility. I had the experience of dealing with a number of heads of departments who thought that they should be the government and make the decisions. We changed a lot of that during my term. I don't believe that parliament at its present size can possibly deal with all the issues. I don't believe that individual ministers can cope with all of the issues they need to.

If you look at portfolios like health, like treasury, like state development, one minister cannot cope and understand and cover all those issues. They need the support of other members of parliament to help in decision-making. Tasmania has suffered a great deal by not having at least that number, and possibly, hopefully in the future, even a greater number of elected people controlling the state.¹²³

¹²⁰ Transcript of Evidence, 26 June 2019, p. 27.

¹²¹ Transcript of Evidence, 14 November 2019, pp. 1-2.

¹²² *Ibid*, p. 3.

¹²³ *Ibid*, p. 2.

- 5.120 Ms Peg Putt considered that the workload of Ministers has meant they are not across their portfolio responsibilities as much as they should be:

... It's really important to make that point that it's not just that you've got ministers struggling under massive loads, which means that they're not as fully across things in their portfolios as they could be, but are more reliant on advice out of departments. So you have ministers who almost become a puppet of the department rather than being in charge. That is a serious situation because we need the ability in a parliament, in a government, to figure out whether the advice they're getting is any good, and to have a bit of getup and go about that.

Similarly in opposition, you see now the opposition party will have to put people straight into shadow portfolios and everybody has to have a portfolio and it's got to be even more massive because there are smaller numbers.¹²⁴

- 5.121 The Committee heard the workload of Ministers with multiple portfolios is a reflection of the fact that the responsibilities of the Tasmanian Government were the same as any other State. The Tasmanian Greens noted:

It is also worth noting that Australian States have more responsibilities than average state equivalents in federal models of government. In addition, the Australian Constitution provides for one of the most extensive models of concurrent responsibility in the world. This means that there are fewer areas where the State has no responsibility than in many other federal countries, increasing the number of ministries required for effective administration.¹²⁵

- 5.122 Mr Michael Bailey made similar comments:

... To have ministers who are providing a function to the people of Tasmania, you clearly need to have a backbench that is big enough to keep them in check, as with an opposition, et cetera. To me, it is the same old discussion that we face in Tasmania of our size. We still need to function. If we are going to have a parliament in Tasmania, which I think everyone agrees we need, then we need to have a parliament that can perform the way we need it to perform. Yes, there might be smaller numbers in the electorates that need to achieve for a quota but the function and business of parliament does not change. Whether it is here, New South Wales or Victoria, I mean it is essentially the same function, essentially the same ministers.

To me, it comes down to that question: do we want to have a parliament that can perform or not? Yes, we do. Yes, we are smaller so if you look at the quota required here compared to New South Wales yes, it is different but we still need a treasurer, we still need a premier, we still need a minister for education, we still need - you know, it doesn't change. So, to me it is all about again governance and good business.¹²⁶

¹²⁴ Transcript of Evidence, 13 September 2019, p. 3.

¹²⁵ Submission No. 19, Tasmanian Greens.

¹²⁶ Transcript of Evidence, 6 September 2019, p. 12.

- 5.123 Professor Peter Boyce AO also commented on the extent of the responsibilities of Ministers in a federal system, noting:

It is doubtful whether the Tasmanian community fully appreciate the extent of the burden placed on state government by the federal system. They will be conscious of the generous allocation of senators by the 1901 federal Constitution but probably slow to acknowledge that this generous representation can only infrequently assist the governance of Tasmania. Preparing for federal-state ministerial Council meetings and the drafting of competitive bids for Commonwealth funds requires a concentration of minds and collective deliberation not readily available in hard-worked ministerial offices shared among several portfolios. Reports of failed opportunities to bid successfully for Commonwealth infrastructure funds may be largely anecdotal, but such claims can gain credence in their repeated telling.¹²⁷

- 5.124 In evidence before the Committee, Professor Boyce reinforced his view that, while Ministers may have significant workloads, this was a reflection of the fact that Tasmania needed to take responsibility for the same services as all other States:

... when we talk about workloads, we are talking about objective facts. The fact that Tasmania has to service a number of portfolio areas with less than half the number of ministers that larger parliaments can provide is a very serious issue indeed. When one considers that in 1856, with fewer than 70 000 Tasmanians at that time, it was thought necessary to have an assembly of 30 members, even though there weren't very many ministers needed at that time. I think that is a good starting point.

The role of government, especially the range of federal government services on which the state relies, has expanded considerably in the past few years. When I look at the responsibilities of the 24 ministers in New South Wales against the nine ministers in Tasmania, it is a formidable contrast. It is really not sufficient, I think, to say that the public service can fill in because that is not really why we elect legislators. Parliamentary democracy depends on the members of parliament for the efficiency and effectiveness of government. I think that the quality of governance in Tasmania is the main political issue of the time. It has a moral dimension, but it is also central to the very notion of parliamentary democracy.¹²⁸

- 5.125 Hon. Robin Gray also reflected on the increasing complexity of government and the need for more Ministers:

We have the same areas of government as every other state but we have 10 or so ministers to do the work that is done in other states by sometimes 20 to 30 ministers. The complexity of government is getting greater and greater all the time.

My view is that we should have an increase in the number of ministers in Cabinet, probably in our situation 12 or 13 ministers. Ministries like Health,

¹²⁷ Submission No. 14, Professor Peter Boyce AO.

¹²⁸ Transcript of Evidence, 2 August 2019, pp. 21-2.

Treasury, State Development, probably Education, ought to have two ministers each, working together and able to support one another, able to be delegated to do certain functions and certain activities.¹²⁹

5.126 Hon. Michael Polley AM considered that having one extra Minister was important:

Mrs PETRUSMA - Mr Polley, you would have been in parliament then when there were 10 ministers versus nine ministers. What do you see is the advantage? Do you believe we need 10 ministers, because that is part of this bill? Do you believe 10 ministers is better than nine?

Mr POLLEY - Yes, because it spreads the load and it allows for policy development. My first caucus the backbench outweighed the cabinet. This was a good thing because cabinet was made to explain their bills and be answerable to the backbench. You had that extra layer of scrutiny. Both parties now have members in the upper House, so if you went back to 35 and a Liberal government was elected you would finish up with 10 ministers and probably two or possibly three upper House members added to the 18 gives you 21. That exact situation used to happen in the larger parliament with Labor. We often had two or three members in the upper House who would then join the caucus, which took you to 18. In the Lowe government we had 20 seats. That way you are getting added pressure and competition because there were a lot of people who came into parliament at that time who never made the ministry for one reason or another.¹³⁰

5.127 Ms Peg Putt also commented on the complexity of modern government and the need for more Ministers:

... As the Ogilvie Report said - and we have seen since - the reduction in numbers, they said any significant reduction and of course that happened, affects the capacity to form a strong Cabinet capable of fulfilling the complex and demanding functions required of it. In fact, we have had a cut to the number of ministers as well which exacerbates that situation. In the period since 1998, government has been becoming more complex and requiring a lot more of ministers. Yet we are in a situation where we have had a reduced number of ministers trying to carry an increased load into the teeth of that increasing complexity as well. The comparison we need to make is with ministries in other states that have to fulfil the same functions, not simply with the fact that we might have a smaller population here. It is about the functions that have to be fulfilled by government and by parliament.

They also observed, and we have seen, that the backbench would be greatly reduced. That is a very important problem. It is not just a problem for government; it is also a problem for opposition and that has also been outlined in these reports.¹³¹

¹²⁹ Transcript of Evidence, 14 November 2019, p. 4.

¹³⁰ Transcript of Evidence, 6 September 2019, pp. 38-9.

¹³¹ Transcript of Evidence, 13 September 2019, pp. 1-2.

5.128 Ms Putt did however consider that while restoring the House of Assembly to 35 Members, including 10 Ministers, was important, maintaining an adequate backbench was also important:

Mrs PETRUSMA - Peg, thank you so much for what you have had to say this morning. I agree with you in regard to the functions of ministers. We are expected to know as much as our mainland counterparts, but there are quite a lot more of them and you could be on six different MINCOs, and everyone is in awe that there are only nine of you. What do you think is the ideal number of ministers for Tasmania?

Ms PUTT - We need to at least go back and restore the extra ministers so we have 10. Again, these reports said that was the absolute minimum number of ministers. I am not sure, with the increasing complexity of issues before parliaments now, whether we need more. It is possible, but I am not close enough now to the operations of government to be able to say something informed about this. It is about being able to have those ministers, a Cabinet Secretary, a Speaker and a Chair of Committees, all those positions and still have a backbench of about six and preferably more.¹³²

5.129 Ms Cath Hughes considered the restoration of the House of Assembly to 35 Members is not only about increasing the number of Ministers but ensuring there is an adequate backbench who can undertake the constituency work that Ministers are unable to do:

One of the other points that kind of segues into is that there has been a lot of discussion about whether the restoration of those other 10 MPs primarily should mean that the ministers' workloads would be lightened or made more manageable. I think that is potentially a bit of a misunderstanding of the situation before 1998. There wasn't a huge number of ministers before 1998. As we know, in the Act it specifies the Cabinet numbers. If that is to be restored, you are not going to have a huge expansion of Cabinet. Where it helps in the ministerial load is when it comes to representing the electorates' requirements that you should therefore have more members keeping that minister connected to their electorate, whereas at the moment, certainly from the experience of minority government parliaments, Ms O'Connor, the pressure I saw on ministers of all colours being almost in tears because they knew they should be at that vital electorate meeting, and that they are letting down their own party branches, let alone constituents, but they have to be at the Cabinet meeting or they have to be at that COAG meeting. You just can't be in more than one place simultaneously.¹³³

5.130 The Committee heard evidence that while Ministers would continue to hold multiple portfolios in a restored House of 35 Members, the Cabinet should not be increased significantly.

5.131 Professor Richard Herr OAM commented:

¹³² *Ibid*, pp. 6-7.

¹³³ Transcript of Evidence, 2 August 2019, p. 37.

... Within the structure of the modern Westminster system, there have been mechanisms used to ensure there is some effective parliament-based influence over the Executive's dominance in the Parliament. One of these devices is particularly relevant to this Committee's inquiry.

By the maths of the Westminster system, the Opposition does not have the votes to impose ministerial responsibility. However, the role of the Government's own backbench has been recognised in some Westminster systems as a work-around political solution. Both Samoa and Papua New Guinea, for example, have implemented constitutionally limits on the size of the ministry to preserve a backbench large enough to provide a political rather institutional restraint on the ministerial frontbench.

Article 32 of the Samoan Constitution has limited the maximum size of its Cabinet to 12 in a Parliament with 49 seats. Similarly, Section 144 of PNG's Constitution sets the maximum number of Ministers at no "more than one quarter of the number of members of the Parliament". In both cases, there is a clear constitutional aspiration that the numbers on the backbench should be large enough to hold the Government accountable in the parliamentary party room if not openly on the floor of the chamber. Fear of the effectiveness of this measure has sadly led the Executives in both countries to use various devices to circumvent this constraint. Nevertheless, the constitution benchmark remains important and valid mechanism for setting the size of a parliament by the right balance between parliamentarians and ministers.

Those who framed the constitutional standards for governance in these two countries attempted use practical politics to establish a relationship between parliament and Government that recognised the contemporary effects of party dominance. The Government's own backbench might impose responsibility on ministers if for no other reason than the ambitions of those who would see removing weak ministers as making room for their promotion!

As an aside, I would note that in a Westminster parliamentary world dominated by party politics, the Samoan and PNG standards suggest that there is an implied calculus in deciding the appropriate way to "right size" a Westminster-based parliament. The math is so simple even novice party apparatchik should be able to do it. Decide how many Ministers a polity might need for an effective Government; multiply that number by four and then add at least one. The result is the minimal number needed to have a notional backbench larger than the frontbench.

Somewhat surprisingly, there is even some indication that other parliaments around Australia have perhaps unconsciously operated to implement this desirable ratio between the size of the ministry and the size of the parliament.¹³⁴

- 5.132 In evidence before the Committee, Professor Herr reiterated his concerns about the need for more Members of the House as 'parliamentarians' who are not part of the Executive.

¹³⁴ Submission No. 20, Professor Richard Herr OAM.

... the fundamental benchmark is that the backbench ought to be larger than the front bench in the lower House.

Mrs RYLAH - That is the first principle, do you think?

Prof. HERR - Yes, then we can cope with the significant role that political parties play in the structuring of the activities of parliament, because you get a more representative spread and a front bench that realises it has to keep the backbench at least on side because if it doesn't it can lose control of it and that's even more frightening than going to the polls almost. That is the principle. In my appendix I show you that other parliaments have tried to use the upper House as a way of regaining that balance to a certain degree, because as long as the backbench in the lower House is larger than the ministerial numbers in that chamber at least you get a nod in the direction of that. We just fail, absolutely, in that regard.

Mrs RYLAH - Okay. Could I paraphrase then? I think what I am hearing you say is that the lower House should have no more than 25 per cent of members as ministers. Is that what you're saying?

Prof. HERR - That would be at least my ideal starting point, yes.¹³⁵

5.133 The Committee heard there should be a rationalisation of portfolios to assist with the workload issue. Mr Reg Watson commented:

Mr WATSON - ... We do need direct government and that is important. As I said, I think direct access to even ministers. What you are saying comes back to my point that competent as these politicians may be - most of them - how a person can have a portfolio of, say, Premier - and again I am just using that as an example - and have five other portfolios? I can't see how they could devote an equal amount of time to them all. I can't see how effectively that portfolio can operate under such a workload. Either you've got to increase the number of politicians to have less portfolios per minister - I think we have nine ministers and 35 portfolios - or get rid of the number of portfolios and have fewer portfolios for each minister.

CHAIR - Like Defence Industries, for example.

Mr WATSON - If you go through the list, which I have left at home, I guess there is a number that you could.¹³⁶

5.134 Dr Julian Amos agreed there should be a rationalisation of portfolios:

The issue that has been raised with you is the issue of whether government is being overworked or not, and what we need to do about government. In the good old days, and I'm sure you'll ask me some questions about the good old days, we had 10 ministers. Although there are 33 portfolios now that ministers manage, in my view there are 10 fundamental areas of government responsibility, and therefore the argument for having 10 ministers is a pretty

¹³⁵ Transcript of Evidence, 22 July 2019, pp. 8-9.

¹³⁶ *Ibid*, p. 19.

strong one. Whether they are being overworked or not depends on the way in which they manage themselves in many respects.

I don't believe that they need to be overworked; it's a matter of delegation. It's a matter of trust in your own people, and what have you. That is what they are getting paid to do - to be responsible and to manage themselves responsibly.

I can go through the 10 areas, if you wish, just for the record: premier, treasurer and attorney-general - they are the three fundamental things that government does. There are four areas of service provision in education, health, community services and police and emergency services; they are services that are being run by government. Then there are three areas which I call land management - planning; environment; heritage; national parks, resources like mining, water, et cetera; and then industry and infrastructure. That is, 10 fundamental, and you can say, separate areas.

If you start to argue about the need for a minister for advanced manufacturing and defence industries, well that's not really a portfolio. That's infrastructure and industry. I think those 33 can be boiled down reasonably to the 10.¹³⁷

- 5.135 The Committee also heard ministerial responsibilities should be aligned more closely with government departments to improve efficiency. Professor Richard Eccleston and Dr Zoe Jay commented:

The current division of Cabinet portfolios means some Government Departments serve several different Ministers, and that Ministers all too often have to engage with multiple Departments to administer their portfolio. Although this allows for flexibility in the allocation of portfolios, and for communication and information sharing across Ministers and Departments, it can also lead to doubling up of, or confusion over responsibilities.

If the number of MPs in the Cabinet is to be increased from 9 to 10, a reassessment of the distribution of portfolios relative to departments may help to ensure ministerial roles are as streamlined and efficient as possible.¹³⁸

- 5.136 In evidence before the Committee, Professor Richard Eccleston commented:

Ms HADDAD - ... Professor Eccleston, you mentioned that in Westminster systems the executive is usually one-third of the lower House. Do you have a view around the size of Cabinet? What would be ideal in Tasmania, noting that this bill would intend to increase it from nine to 10? Is that a sufficient increase? Do you have any views the ideal size of the executive?

Prof. ECCLESTON - Your committee colleagues would have been in the hot seat as it were. A couple of observations. In a sense, our brief submission posed a range of questions that require deeper exploration. Currently we have nine ministers. In any Westminster system there may be exceptions. They are not

¹³⁷ Transcript of Evidence, 6 September 2019, pp. 13-14.

¹³⁸ Submission No. 15, Professor Richard Eccleston and Dr Zoe Jay.

set in stone. For example, the ACT has had a relatively stable bureaucratic structure and ministerial portfolio structure with seven (sic) ministers. However, in Canberra, the size of the economy is larger and it's a wealthy city-state. I think that governing in the ACT, with all respect to our colleagues in Canberra, is probably easier than governing the state of Tasmania.

Nine or 10, I'm not sure. My other observation, and I think we mention this is passing in our brief submission, is that part of systematic reforms to improve governance in a small jurisdiction like Tasmania is the rationalisation, the relationship between portfolios and agencies. The Government of Tasmania's key responsibility is service delivery. You have some quite clearly defined service delivery portfolios which are very significant. Then you have associated policy portfolios.

I think there is an opportunity for rationalisation there. The idea of particular agencies answering to six or seven ministers or to the entire Cabinet, adds to the complexity. It might be nine or it might be 10. Obviously, there are some cost implications of 10, but one of the overall contentions of our submission is that restoration of parliament really needs to be the beginning of the conversation about how we can provide effective and efficient governance in a small jurisdiction like Tasmania. How can we ensure that the 10 or so billion dollars a year spent by the Commonwealth, by the Government of Tasmania and by local government on services and infrastructure and all of the public goods we need is done efficiently and effectively?¹³⁹

- 5.137 Ms Jessica Munday, Secretary of Unions Tasmania, agreed ministerial responsibilities could be better aligned with agencies:

There has been some feedback; I spoke to some of my public sector unions which have made some comments around, particularly, ministerial portfolios. If we are talking about better utilising public sector staff within existing frameworks, it would be really helpful to have a minister whose portfolios were all in one agency.

You don't increase people on the front line by having lots of departmental secretaries and lots of departmental liaisons and lots of multiple briefings of ministers, which we all know takes a fair bit of time to prepare for.

From a governance perspective, there is probably some benefit in looking at that.¹⁴⁰

Committee Findings:

- 5.138 The Committee notes the Commonwealth Parliamentary Association's Recommended *Benchmarks for Democratic Legislatures*, which codifies a set of benchmarks to reflect good Commonwealth parliamentary practice, specifies that:

¹³⁹ Transcript of Evidence, 2 August 2019, p. 47.

¹⁴⁰ Transcript of Evidence, 6 September 2019, p. 57.

*The Legislature shall have legislation, a constitutional provision or practice that ensures the size of the Cabinet is in proportion to the size of the Legislature.*¹⁴¹

5.139 This benchmark was agreed to in 2018, in order to:

*... ensure that a Parliament's oversight function is not restricted by the size of the Cabinet (a particular concern in small Legislatures). A small Cabinet ensures a larger parliamentary component for the oversight Committees and relieves pressure on backbenchers from the ruling party/parties.*¹⁴²

- 5.140 The Committee finds that, despite Tasmania's smaller population, the Tasmanian Government has the same range and complexity of responsibilities as other jurisdictions in Australia.
- 5.141 The Committee finds Tasmanian Ministers have more portfolio responsibilities and thus a greater workload than their interstate counterparts, which impacts on good governance.
- 5.142 The Committee finds, however, the size of the Ministry needs to be weighed against the capacity of the House of Assembly to be an effective forum for scrutiny of the Executive, and therefore finds the size of the Ministry should not be increased beyond the 10 Ministers in a 35 seat House, as provided for in the *House of Assembly Restoration Bill 2018*.
- 5.143 The Committee finds a rationalisation of portfolios is warranted to more closely align with government agencies.

¹⁴¹ Commonwealth Parliamentary Association, *Recommended Benchmarks for Democratic Legislatures*, 2006, p. 13.

¹⁴² *Ibid*, p. 22.

6 FINANCIAL IMPLICATIONS OF THE BILL

- 6.1 Since the 1990s, the size of the membership of the House of Assembly has been linked to financial considerations. In March 1994, Premier Groom introduced a pair of 'linked' measures which would see a reduction in the number of Members in the House of Assembly from 35 to 30 and a 40% increase in salary for the remaining Members of Parliament. Only the salary increases, however, passed the Parliament.
- 6.2 Following this salary increase, there were a number of proposals to bring about a reduction in the size of Parliament as a whole¹⁴³ but it was not until 1998 that the Parliament passed legislation reducing the House of Assembly from 35 to 25 Members and the Legislative Council from 19 to 15 Members.
- 6.3 Since the cut in numbers of the House of Assembly, financial implications have been argued as the main reason to maintain a smaller House.¹⁴⁴
- 6.4 In a submission to the inquiry, the Hon. Will Hodgman MP, then Premier, provided the Department of Treasury and Finance's preliminary indicative costs of restoring the House of Assembly to 35 Members:

Indicative estimates prepared by Treasury based on information provided by DPAC and House of Assembly finance officers show that, based on the particulars of the proposed Bill, there are likely to be establishment costs of approximately \$7.9 million and ongoing costs of approximately \$7.2 million per annum. These estimates are based on a number of important assumptions including that any increase in House of Assembly seats will commence in 2022-23. In addition, there may be other costs which have not been identified as part of the preliminary analysis....

On 8 March 2011, the Review of the Proposal to Restore the House of Assembly to 35 Members by Emeritus Professor Peter Boyce AO was tabled in Parliament. This report summarised submissions and community feedback in relation to

¹⁴³ Premier Groom established the Morling Inquiry, which reported in 1994 recommending against change to the number of parliamentarians. In October 1995, Leader of the Opposition Michael Field, proposed a 40-Member unicameral Parliament; 15 single-Member seats and five 5-Member seats, but this Bill lapsed. In April 1997 Premier Rundle released a Directions statement, in which the Morling 'imperative' model was recommended; albeit to be implemented only after a successful referendum but this proposal also failed. (See Tasmanian Parliamentary Library History Briefs *Number of Parliamentarians: Constitutional Changes since 1825*).

¹⁴⁴ See *Bid to add MPs stalls* in *The Mercury*, 13 November 2018, page 7 in which the Deputy Premier indicated that the Bill to restore the House to 35 members is not a priority stating "Our priority is investment in schools, in hospitals, in community safety, balancing budgets growing the economy and supporting small, medium and large businesses in Tasmania to continue to grow and continue to employ people."

restoring the House of Assembly to 35 members. The report also included a cost estimate of \$3.1 million per annum. It is important to note the factors that have led to the difference in cost estimate between this report and Treasury's indicative estimates. These factors include:

- Costs associated with the inclusion of an additional Minister;
- Additional payments to opposition or minor parties;
- Costs of accommodating additional staff at Parliament Square; and
- General indexation-related cost increases that have occurred since 2011.

While the Tasmanian Government acknowledges that there is some community support for an increase in the size of the House of Assembly it must be considered in the context of other competing funding priorities.¹⁴⁵

- 6.5 In evidence before the Committee, Mr Tony Ferrall, Secretary of the Department of Treasury and Finance, tabled revised estimates. These revised estimates indicate that establishment costs associated with the restoration of 10 Members to the House of Assembly, together with one additional Minister, are approximately \$5.9 million, almost \$2 million less than the estimates provided by the then Premier.
- 6.6 The Treasury Secretary also advised that the revised recurrent costs of the restoration of the House of Assembly was approximately \$6.4 million. This is almost \$1 million less than the Committee was originally advised. The revised estimates are set out in Appendix A of this report.
- 6.7 The Committee was informed that the revised estimates are based on a number of assumptions. Mr Ferrall stated:

... the estimates are indicative only and they can be nothing other than indicative, given where we are at.

A number of the assumptions that we have previously made around factors such as office space, the number of opposition and minority party members, the number of members taking vehicles, office staffing, car parking - all those are quite variable. So, we have had to pick a set of numbers and say, 'There's a base set of assumptions'.

A number of the costs are also based on recent year averages. We have looked at some things and said, 'What have they cost over the last couple of years?', and used those as averages. Again, that doesn't mean they will be exactly as they may play out in a year or two, or three, when a decision may be made.

There are also some other costs which we may not have included. So, there are potential knock-on impacts of the change that we may not have been able to pick up or we may not have picked up yet. An example of that might be some impacts on Legislature-General that we have not necessarily factored in. Again, we have still relied on information from both Treasury but also from Premier

¹⁴⁵ Submission No. 18, Hon. Will Hodgman MP.

and Cabinet in relation to existing costs around ministerial and parliamentary support, and also data from the House of Assembly.

The key differences between the previous indicative estimates and these updated estimates is that rather than focus on the administrative cost centres, such as the House of Assembly, and ministerial and parliamentary support, the updated estimates are presented on the basis of the major elements of the bill, such as the increase in the number of members of the House of Assembly and an additional Minister, together with the associated parliamentary and agency costs. So, it is a different cross-section of costing. We have presented them on a nominal basis; that is, they are in current day dollars. Obviously, due to the uncertainty over the timing of any potential change, then there is an escalation in costs potential if it was, say, to occur in 2022 or 2023, but we have not attempted to factor that in as we did in the previous estimates.

We have also reviewed the additional space that may be required in Parliament Square to potentially accommodate 10 additional members. From working on that, we have actually reduced the estimate that we had in the previous figures. That again is a little bit of, 'how long is a piece of string?', because although we have reduced it from approximately 1400 square metres to about 1000 square metres you could physically put the people in a much smaller space or it could be a much larger space, depending on the nature of the offices and the accommodation that people actually settle on or are required.

As a consequence of the further work on the potential costs it is now estimated that one-off cost would be approximately \$5.9 million and the additional recurrent costs would be approximately \$6.4 million. So, they are both lower than the previous estimates that were provided in March.

In terms of recurrent costs in the 2019-20 Budget papers, the operating appropriation for ministerial and parliamentary support is about \$22.8 million and \$9.9 million for the House of Assembly. Combined, the operating appropriation is roughly \$32.7 million, so the estimated recurrent cost of \$6.4 million represents an increase of just slightly under 20 per cent on those figures and again, over a typical budget and forward Estimates period of say four years, if you take the one-off costs and you take the additional recurrent cost - not including any indexation - you are looking at a total cost of about \$31.5 million for the proposed increase.¹⁴⁶

6.8 The Committee questioned Mr Ferrall on the detail of the revised estimates for office fit-out and leases:

CHAIR - I'm interested in the fit-out cost estimates because the previous assessment had fit-out for MPs' offices sitting at around \$50 000 to \$53 000 per office and we are given a one-off allocation of \$10 000 each for fit-out. I was wondering where numbers like that came from.

Mr FERRALL - Those fit-out costs have come from actual costs we have seen in the past. I accept the allocation is much lower but the real or actual cost has been much higher. They also vary. There's no standard that you could say every fit-out will cost x-dollars.

¹⁴⁶ Transcript of Evidence, 6 September 2019, pp 23-4.

.....
Ms HICKEY - I still have incredible issues with the lease cost. I don't know about anyone else at this table but I was stuck with a \$25 000 lease and no more. That really limits your choice and the suitability of your accommodation. This is stating the fit-out cost is \$50 000. Where does it list the lease? Here, \$35 000, yes. Almost \$100 000 doesn't seem to fit with what we are being told or experiencing. I can probably accept the staff because they are beyond costs.

.....
The fit-out of the electorate offices, I don't know about the other members - yours is nice but you have sacrificed other things - but a lot of it was second-hand and, even for the printing, second-hand printers came from someone's else's office, we had second-hand computers, we had second-hand desks, we had second-hand chairs; they were just out of the storerooms. I supplemented a lot of it with my own furniture from my old office.

CHAIR - It sounds like you got special treatment, Ms Hickey.

Ms HICKEY - Second hand, it was lovely. It was beautiful and I am not unhappy with my office, don't get me wrong, but to say we are getting \$26 000 in ICT set-up costs, with some of that coming out of our \$10 000 allowance; if you buy a shredder it comes out of that, if you have to buy a new printer for a staff member, it comes out of that. It is almost a double-up and the fit-out costs I find hysterical, somebody is getting a lot more than the rest of us.

Mr FERRALL - The most recent request we have seen for a fit-out for an electorate office is \$50 000.

.....
Ms HICKEY - That is probably skewing it because that is one person opposed to reality.

Mr FERRALL - I can't comment on individual offices in terms of what you may have been provided. We have worked that up off average costs we have seen. In cases where you have been given a set of second-hand furniture, we don't see any of that; what we see at the Treasury end is where there is a request for a costed fit-out and a fit-out gets delivered, and that indicative cost reflects what we are seeing.¹⁴⁷

6.9 Mr Ferrall also indicated the revised estimates were predicated on the additional offices for Members and the extra Minister being located in a building other than Parliament Square:

Mrs PETRUSMA - In regards to the Parliament Square offices, I know you said there are going to be different sizes. You measured on the current size of members who are in Parliament Square at the moment, both the backbench and the Greens are and the ministers. They are all rectangular boxes, so is that the current size you are looking at?

¹⁴⁷ Ibid, pp. 25-26.

Mr FERRALL - The previous estimate that we used was approximately a size required of about 1400 square metres. We used that on the basis that that is currently where Revenue and Gaming staff are located. So, we assumed that if parliament took that space then we would not be able to leave Revenue and Gaming staff in the same area and that whole area would need to be for parliament. Looking at it subsequently we have said, okay, you don't really need 1400 square metres. No doubt people can expand to whatever space is available. It is much closer to 1000 square metres. So we have said, actually the podium space is closer to 1000 square metres. We have said, okay, working assumption, parliament would expand into the podium and would need 1000 square metres and that would still give a dedicated space with no other parties.

Mrs PETRUSMA - This is going to be a new building that is going to be built between now and then. So, it will still be close enough to parliament that if the bells ring they have three minutes, they can still run into parliament in time?

Mr FERRALL - Depends on how fast they run.¹⁴⁸

- 6.10 Mr David Bailey, Director, Budget Management Branch, Department of Treasury and Finance, advised that the revised estimates were based on 10 extra offices being provided and one additional ministerial suite:

Mr BAILEY - It assumes that the new minister's office is there. It assumes that there's 10 parliamentary offices for the new members and it assumes that there's a little bit of space as well essentially for the opposition and minority -

CHAIR - Cross-bench parties.

Mr BAILEY - Sorry, cross-bench parties.

Ms HICKEY - How many offices all up are we talking?

Mr BAILEY - The actual number of offices hasn't been calculated, but that's what it's assumed can fit in there: 10 sitting-day offices, a ministerial suite and the cross-bench party and opposition additional space.

CHAIR - We already have cross-bench offices that were set up clearly with the possibility of five cross-bench members, so we have five offices in our suite.

Mr BAILEY - It's assumed to be able to be accommodated within the space, so whether that 1050 is all used just for one particular purpose, or for all three purposes, that's still to be sorted out.

Mr FERRALL - We haven't got to the point of designing offices. At the start, we've made some base-level assumptions. They're not even predictive. If the parliament was restored to 35, or restored to 30, if you want restoration because it has been 30. I'm not making any assumption as to what the makeup of that is going to be, but we've had to put something down as a base.¹⁴⁹

¹⁴⁸ *Ibid*, p. 30.

¹⁴⁹ *Ibid*, pp. 31-32.

- 6.11 The Electoral Commissioner noted that, while the Tasmanian Electoral Commission had not done an analysis on how much the workload of an election for a 35 seat House of Assembly would cost, there may be some additional costs:

Mrs PETRUSMA - Do you have any indication of the extra cost for the electoral commission if we went to a 35-seat House?

Mr HAWKEY - Not really. There is a range of elements. If you look at the size of the fields, that can differ on issues other than the numbers. You may have a day for scrutiny but we don't have any real quantitative figures as to how many staff will be needed but it may be a 10 per cent increase in the work load and it is only for some elements. Polling places will be same. How much are we going to put into an advertising campaign? Really, we haven't done any sort of analysis on that at the moment.

Mrs PETRUSMA - Is that something that could be done? You would be coming back to the Government for extra funding to do the election.

Mr HAWKEY - Yes, we have a broad budget for an election but under the reserve, by law, there isn't a set budget, there is a 'this is what it costs us'. In that sense, I wouldn't have thought we would have necessarily come back and said we want an extra this or that. We try to do it as cost effectively as we can and we talk about systems that we bring in, but we don't have a process to say that we want another x-amount of money. Certainly, we are not in a position to do that at the moment.¹⁵⁰

- 6.12 The vast majority of evidence provided to the Committee considered that the cost to democracy of not having an effective Parliament to hold the Executive to account, and to undertake its functions, is significantly greater than the financial cost of restoring the House of Assembly.

- 6.13 Professor Peter Boyce AO noted:

With regard to the issue of costs, the expense of restoring ten members to the Assembly (estimated in 2010 at just over \$3 million annually), improvement of the quality of governance would be well worth the increased outlay.¹⁵¹

- 6.14 In evidence before the Committee, Professor Boyce considered the improvement in the quality of governance would offset any financial cost involved in restoring the House of Assembly to 35 Members:

There will inevitably be those who say it is going to cost too much but the cost factor should be laid to rest. It is a miniscule percentage of the state budget. It is not that one would want to be extravagant but the cost of increasing the number of parliamentarians to 35 is really a very, very small outlay to improve not just the quality of governance but, ultimately, the satisfaction of the electorate. No electorate is ever going to be entirely satisfied with the

¹⁵⁰ Transcript of Evidence, 2 August 2019, p. 16.

¹⁵¹ Submission No. 14, Professor Peter Boyce AO.

performance of its parliamentarians but, generally speaking, I think Tasmanians are closer to the organs of government than their counterparts on the mainland.¹⁵²

6.15 Professor Boyce went on to argue:

CHAIR - We have had some advice provided to us by Treasury and Finance about an estimate of the cost to restore the numbers and it sits in the order of \$7 million. There is nothing in that estimate that points to any potential offsets you were talking about, maybe there would be fewer minders if we restored the numbers. What is your response to the projected costs and the concern that has been stated by the current Premier in his submission about those costs?

Prof. BOYCE - I am not surprised at the amount that you cite because I knew it would be well over the ballpark figure mentioned in the 2010 report, which was \$3.1 million. I knew it would be well in excess of that. I still think it is a price well worth paying. It is a very small percentage of the overall budget, and how do you put a price tag on the quality of governance? It is the most critical element in the political system, so I would have thought \$7 million would be worth paying. When you consider the particular risks the state faces or has faced in the past in missing out on particular moneys, or emergency payouts that have had to be costed, I believe it would only be a very small percentage of that.

I can remember, just a few years ago, when Tasmania missed out on huge infrastructure grants because the minister and the public servants advising him at the time hadn't the time to prepare a submission. That doesn't happen very often, I hope, but I can't believe that the Tasmanian contributions to federal governance can be up to standard if the ministers are so hard pressed with four or five portfolios. I know there is one minister with five, another with four and I think the Treasurer has three.

On the mainland, two is considered enough for anybody. Most of the premiers have two, at least, I think, but not many more than that. So, the answer to that question, is that I would try to justify it. If I were writing a think piece, I would certainly justify that \$7 million-plus as a very worthwhile expenditure; that you'd get more in receipt than your outlay in the quality of governance and, overall public respect. I wish I could quantify all of that, Madam Chair.¹⁵³

6.16 This view was echoed by Professor Richard Herr OAM, who commented:

The "cost neutral" canard that was used to justify the 1998 reduction in numbers has long since been exposed for what it was. The fact that cost continues to be used as a pretext for delay is no less disingenuous today. It is a transparent attempt to present political cowardice as a populist virtue.

While I understand there has been evidence offered to Parliament at various times to demonstrate the Parliament is not as expensive as sometimes claimed,

¹⁵² Transcript of Evidence, 2 August 2019, p. 25.

¹⁵³ *Ibid*, pp. 27-8.

I do not have access to this information. The Peter Boyce review in 2011 did show that the budgetary cost of restoring numbers to the pre-1998 level would amount to about 6 hundredths of one percent of the Government's budget. This figure is impressive enough in itself but it does not take into account the savings that ought to be expected by rolling back the increased numbers of "minders" and parliamentary "support" staff employed to compensate ministers for the loss of parliamentarian colleagues after 1998.

Instead, I would draw on the private sector for some evidence that suggests the Tasmanian Parliament is seriously underfunded. OECD data shows that the loss of public confidence in corporate integrity, especially since the Global Financial Crisis has forced corporations to increase their investment in integrity compliance systems. The loss of public confidence was so serious that the OECD study found the majority of businesses have treated the increased budgetary allowances for integrity and transparency compliance as an investment for the firm rather than a cost.

The amount needed is difficult to quantify but one country requires companies over a certain size to devote at least 2 percent of their average net profit on securing integrity compliance. Parliament is the Tasmanian Government's basic integrity mechanism. If the private sector benchmark were applied, the budget papers suggest the Parliament is currently funded at less than a quarter of what would be delivered to fund the Tasmanian Parliament if the 2 percent benchmark were used.

I realise that this excursion into the funding of the Parliament may seem a bit whimsical but I would argue it has more empirical weight than the unsupported claims that any restoration would cost too much!

The undisputable fact is that the 1998 reduction made the Tasmanian Parliament unfit for purpose. In terms of value for money, being ineffectual is more costly than being effective and efficient. The current numbers are too low to meet the House of Assembly's core function in our system of responsible Government – holding the Government to account. The severe shortage of parliamentarians also short-changes the public purse and the public in terms of its other key functions – particularly representation – but also legislative scrutiny which is vital to the rule of law.¹⁵⁴

- 6.17 Professor Richard Eccelston and Dr Zoe Jay also considered a restored House of Assembly would improve governance, and this needs to be weighed against the financial cost:

A final concern about enlarging the House of Assembly is the increased cost. As noted by the Hon. Cassy O'Connor, MP, in her second reading speech introducing the bill to restore parliament, a 40% increase in House of Assembly costs equates to roughly \$3.7 million. Although this is a notable cost, a larger parliament can promote better governance, engagement and interest aggregation. In light of this, we suggest that the benefits of a more robust parliamentary system, some of which we have discussed above, outweigh the

¹⁵⁴ Submission No. 20, Professor Richard Herr OAM.

financial impact, and are a key step towards broader reforms aimed at promoting more effective small state governance.¹⁵⁵

6.18 Professor Eccleston and Dr Jay considered the cost of restoring the House of Assembly was a modest investment that would improve its functionality:

CHAIR - ... In your submission, Professor Eccleston, you talk about an issue raised with us in submissions and evidence, and that is the cost of restoration. You cite Emeritus Professor Boyce's original estimate of the costs of restoring the numbers by 10 and it sat at about \$3.5 million. We have advice provided to us by the Premier from the Department of Treasury and Finance that indicates that the cost of restoration would be \$7.4 million. Do you have any thoughts on the cost-benefit, perhaps, of restoring numbers in the House of Assembly?

Prof. ECCLESTON - I do. I noted the Premier's submission. We are talking about a significant sum of money but around 100th of the state's Budget. We are looking at that \$5- to \$6- to \$7-million investment. You noted the change in politics. It is easy to have a populist response to say that we want fewer politicians and better outcomes rather than spending that money on the enlargement of parliament. That is a populist position but it is up to advocates of the restoration and those of us who, from an academic perspective, see merit in it to make that argument. It is an investment but it is a relatively modest investment.

Dr JAY - In the medium and long term, I don't know exact savings, but I think that having a parliament that can function at its full capacity is more likely to be more efficient in the long term. It is more able to catch, perhaps, mistakes or make suggestions in the committee process and in the legislative review and policy-shaping process. You can get in from the ground up on projects rather than things slipping through the cracks if you are a little bit more thinly stretched. It is a notable cost that needs to be justified. It can be justified by the long-term strengthening of both the democratic representativeness of the parliament, you have more people involved in the policy-making process, in the functionality of how that policy-making is done and you can review things a little more thoroughly.

Prof. ECCLESTON - It's about effectiveness, isn't it? What is the quality of the outputs? The argument is if they are both, you would hope that the quality of the decision-making and scrutiny might be better. One of the issues we are grappling with is around legitimacy and the community's engagement with and confidence in our political system. I think that a larger House of Parliament, with more members being able to engage with their communities, is advantageous. A slightly larger parliament should ensure that our representatives more accurately represent the diversity of our community.¹⁵⁶

¹⁵⁵ Submission No. 15, Professor Richard Eccleston and Dr Zoe Jay.

¹⁵⁶ Transcript of Evidence, 2 August 2019, p. 49.

- 6.19 Mr Michael Bailey also considered that the costs involved in the restoration of the House of Assembly to 35 Members was a good investment in Tasmania's democracy:

CHAIR - We have a submission from the Department of Treasury and Finance which has put an estimate on the cost of restoration at somewhere between \$7 million and \$8 million. What is the TCCI's position on the extra costs associated with restoration?

Mr BAILEY - In the commercial world people are paid to be board members. That is because we understand the importance of having good directors. We would see that as being a good investment in Tasmania's democracy. I would be interested to see an analysis done in the increase in advisors in 1998 and the impact on the Tasmanian budget at that time. I wonder if there would be much difference if they were rationalised with an increase in the lower House.

Regardless of that, what we need is good government and good governance in our state; \$7 million is not much when you are looking at the role that you play in our state. It really is not much for good democracy; it is not much for good representation in local communities. How can a minister with four or five portfolios truly represent their community when, with a stronger backbench, that could be achieved? How can an opposition do its job properly with such low numbers? Again, with a stronger lower House that opposition could be achieved.

I don't think it is a question of money; that is a false argument. The question is: what is the best governance for our state? Businesses understand that. We pay our boards to be board members because we understand that we want the best governance of our operations and the value that gives to our businesses. What I see is the value that this would give to Tasmania and to Tasmanians.¹⁵⁷

- 6.20 Mr Bailey also considered that the benefit of improved governance outweighed the small investment required:

I don't believe the addition of a handful of parliamentarians is going to break the Tasmanian budget.

What it will do is improve governance, improve the checks, improve the connection with communities, improve committee work. It is such a small investment in a robust budget in an economy that is going well. It is the perfect time now to move on this. We have a good economy, we have the budget in a good position. It's a small cost, a very small cost.

I would argue the restoration of our parliament is not an increase in parliament; we are simply restoring our parliament to what it should be. So, it is not an increase, it's a restoration. It was a mistake to change parliament in 1998. What we achieved simply was a reduction in democracy. We received a lack of depth in our parliament. We received committee work falling by the wayside because there's just not time. What we got from that bad decision in

¹⁵⁷ Transcript of Evidence, 6 September 2019, pp 2-3.

1998 isn't what we hoped to achieve. So, we are simply restoring parliament back to what it should be.¹⁵⁸

- 6.21 Hon. Michael Polley AM, agreed the costs of restoring the House of Assembly to 35 Members was necessary to achieve better outcomes for the Tasmanian people:

Mrs PETRUSMA - You are the Chair of Catholic Education and many of the community sector organisations see a lot of need out there. We are told today the average cost is going to be \$6.2 million recurrent costs, how do you think we argue the cost argument when there is so much need. You have been there, you were the previous minister for welfare, so how do you argue that recurrent?

Mr POLLEY - You have to go out and perhaps compare it. On the Midlands Highway question, I do not have the exact figures, but think it is somewhere between \$4 million to \$5 million per kilometre, and that is without any huge fill in construction. That is about what you are looking at. You have to go out and say this is a necessity to get better outcomes. There is an ideal model you get to and that is how do you have a competent Speaker, Chairman of Committees, how do you have a committee system, be able to pick the best of the crop to be in the ministry? The cost savings would be enormous over a period of years because of better outcomes and better policy. The present government eventually will lose. All governments eventually lose and probably on the way out you may lose and have a minority and then the decision has to be made by the Governor as to whether you form a government or not. You may be trying to form a government under the present model. We were at the end of our 12 years of majority government, then in the minority and had to form a government. The best way to form a government whether you like it or not was to have a competent ministry. When you are sitting there with only 9 or 10 of you and under the Constitution you have to provide a Speaker, a Chairman of Committees as well as ministers, you are going to have to form an arrangement with some other group.¹⁵⁹

- 6.22 Ms Cath Hughes also considered that arguments about the cost of restoring the House to 35 Members fail to discuss the benefit of it, or the cost of reducing the number of Members, the public bear now:

The people of Tasmania should accept and acknowledge that the cuts in the House of Assembly have cost them.

I note the Premier's submission to the committee; it is useful to have the data of costs. It might be a bit different to what the Boyce report in 2011 flagged. In this day and age, it is absurd to just talk about the cost. It has always been cost-benefit, hasn't it? Where is the benefit in restoring the numbers in those equations? There are no figures given to that. I can understand the logistics of trying to calculate the cost lost over these last 20 years to the community, to the functioning of committees, the time lost with quorums not being able to be met and having to be rescheduled. That list can go on and on. I know it has

¹⁵⁸ *Ibid*, p. 5.

¹⁵⁹ *Ibid*, p. 39.

been raised - having core legislation that then results in High Court challenges, where are the costs of those in those figures provided by Treasury?

It has also been very succinctly elucidated to the committee that the problem you are now facing is the upper House being treated as the 'Legislative Chamber' with 'We will fix the problem up there'. The lower House is treated as almost a subordinate legislation committee.

CHAIR - Or a rubber stamp.

Ms HUGHES - Or a rubber stamp. Get the parliament operating properly.¹⁶⁰

6.23 Ms Peg Putt also considered that the cost of restoring democracy should not be linked to the price of doing it:

... It is about investment in democracy. Comparatively speaking, with the state budget, it is not a massive cost at all. Democracy should never be linked to the cost of the price of doing it.

.....
Or I could put it this way: it is a matter of cost and costs. Cost to Tasmanian democracy and government, versus the costs in dollar terms of doing it properly. It is a dead-end of an argument but, unfortunately, a really big populist argument.¹⁶¹

6.24 Former Labor Government Adviser, Mr Simon Boughey, also considered that democracy should not come at a price:

CHAIR - What is your response to the concerns raised about the potential cost of restoring the numbers?

Mr BOUGHEY - Well, 0.25 per cent of Tasmania's budget is \$15 million a year roughly, something like that, which is what it will cost -

CHAIR - To run parliament?

Mr BOUGHEY - An extra cost per year.

CHAIR - The extra cost estimate that Treasury and Finance has put to us is about \$7 million a year.

Mr BOUGHEY - That is 0.25 of the \$6.5 billion state budget. I mean, what is the price of democracy? Do we want Tasmanians to be represented in Tasmania through their parliament? If you add an extra \$7 million a year, that is \$7 million of roads et cetera. I think it is important that we have the ability to have a democracy and the cost is not the key factor. It is about social responsibility to all Tasmanians. I think that is the key for the future.¹⁶²

6.25 Associate Professor Peter Chapman noted:

¹⁶⁰ Transcript of Evidence, 2 August 2019, p 39.

¹⁶¹ Transcript of Evidence, 13 September 2019, p. 6.

¹⁶² Transcript of Evidence, 22 July 2019, p. 26.

Mr CHAPMAN - ...Cost is a great furphy in my view, as Mr Kaufman mentioned. In 1960 when parliament was elected with 35 seats, cost was never an objection. It just wasn't a factor. The report of the parliamentary select committee looking at that recommended an increase because with growth of population, the complexity of the government increased. Where this came from was the Groom government's 40 per cent increase, or it started off with everyone going in every direction. It was an absurd bargain that you would give the big increase but in reward for that people would get less parliamentary service by reducing the parliament - it was the most extraordinary proposition. It didn't happen because the parliamentarians in the end didn't vote to reduce themselves. The Morling report did not recommend a reduction either. It came out of that extraordinary episode and this cost bogy has been going on. From 1960 to 1998 there was no real problem with the cost of government. It wasn't a political issue back in 1960; we've got to have people to run the place.

CHAIR - We also didn't have advisers who are being paid \$260 000 a year.

Mr CHAPMAN - Probably not, no. We have been sucked in by the necessity of having people to carry the work. I think it is a Gilbertian situation. That is where it came from: this curious Faustian bargain that was floated about in 1993 that, yes, we are having this big increase in costs to make Tasmania's parliament better, but it will be all right because you have fewer parliamentarians. They didn't say that it will be all right, and you're going to get less parliamentary service, we will have your highly salaried advisers instead. That is where it came from, but it's now totally anachronistic. The origins of this sort of argument of reduction and the lies about that rests with it. That is my view.¹⁶³

- 6.26 Mr John Biggs AM considered that the reduced number of Members has resulted in poor legislation and bad decisions. Accordingly, he believes the costs of not restoring the House of Assembly are far greater than the financial costs associated with it:

One of the oft-cited and indeed populist reasons for not increasing the size of the House is the cost of having 10 more politicians when, sad to say, too many people increasingly hold politicians in contempt, whether state, federally or internationally. While such a view is understandable it is not sustainable. Professor Boyce... in 2011 estimated the cost of restoration to be \$3.1 million, which was almost a quarter the cost that was then being publicly touted in the press.

As argued, the 25 seat House almost certainly results in worse legislation – and worse also means that costly consequences will inevitably follow poor or loose legislation, much more costly than what \$3.1 million would be in today's dollars. A bad decision – and the rebuilding of the RHH on site of one example – can be very costly and not only in money terms: patients are badly affected by on-site noise and other inconveniences, some die that wouldn't otherwise, staff

¹⁶³ Transcript of Evidence, 22 July 2019, pp. 48-9.

*morale plummets. If the Health minister (note: lower case “m”) had only this issue to attend to some of this damage might be mitigated.*¹⁶⁴

6.27 Dr Julian Amos also considered the issue of governance and the primacy of the Parliament outweighed the cost:

... It is not an issue of an overwhelming cost. If you compared how much money is being spent on AFL football teams and which is more important for the governance of the state - an AFL football team or a properly working parliament? - the argument of cost doesn't really hold up.

*Anyway, does it necessarily have to be a zero-sum game? I save here to spend there. I think that the issue of governance and the primacy of parliament is the overwhelming issue, that needs confronting, needs stating; not, 'Oh, it is going to cost too much'.*¹⁶⁵

6.28 Ms Kym Goodes considered that, if governance improved, the cost would be value-for-money:

Mrs PETRUSMA - ... Today Treasury has told us it is going to be about \$6.15 million, it might be a bit less, in any year. Keeping in mind the organisations that TasCOSS represents, how do you think they will see that \$6.15 million being spent on the restoration of parliamentarians or restoration versus housing or mental health or other issues?

.....

Ms GOODES - I think that comes back to what would look different if the numbers were increased. What is the value-for-money proposition wrapped around \$6.15 million? What value will that bring back to people in the Tasmanian communities our members work with? Equally, often it is challenging at times to get in front of the minister we need to get in front of in a timely way because they are managing multiple portfolios. I think our sector would see that a range of advantages in doing that, but I would equally say that you would want to see good and improved public policy responses.

*One of the areas of good governance is that good governance is responsive. How would the parliament, the ministers and the layers that sit around a ministerial team be more responsive to the needs of the community sector and therefore the community? I think 'How would we see a more responsive policy coming out of government if the numbers were increased?' would be the question they would want answered.*¹⁶⁶

6.29 While the vast majority of witnesses to the inquiry considered the benefits of restoring the House of Assembly far outweighed the financial costs, the Committee heard that the money required to restore the House would be better spent on improving public services. Ms Jessica Munday, Secretary, Unions Tasmania commented:

¹⁶⁴ Submission No. 4, John Biggs AM.

¹⁶⁵ Transcript of Evidence, 6 September 2019, p. 20.

¹⁶⁶ *Ibid*, p. 50.

...We represent working people, about 50 000 of them across the public sector and private sector. They are not unaware of the conversation around governance in this state, I think, broadly, but also increasing the numbers of the House.

I would say that the question for us is probably not so much whether there are good reasons to restore the size of the House, but whether those reasons balance up against all other services that are currently in rather desperate and immediate need of proper resourcing - whether measured up against that - that is the need that comes out on top. At this point, we don't think it is, and I can't -

.....

I look at some of the costs estimated for restoring the House, and whether you take it to be on the \$3 million to \$4 million, or the \$7 million or \$8 million, I can't help but reflect on some of the calls for funding our members are looking for now. I particularly think of the Family Violence Counselling and Support Service. You could double the funding of that organisation which has less than 10 people in it taking about 6000 referrals versus the 10 it had 10 years ago when it was only taking 2000. You could double it for \$1.2 million.

It is hard to escape those sorts of comparisons. You could get 50 paramedics and 35 brand spanking new ambulances. It is not that we don't think that government shouldn't be able to do more than one thing at a time. They absolutely should. A very strong tenor of feedback we are getting from our members on this issue is around the fact that we can't even fund our essential public services to the level that they need.¹⁶⁷

6.30 Ms Munday went on to comment:

Mrs RYLAH - What I am trying to get at is: if we had more members, does that give you more availability because, at the moment, the first thing you raised was you were not supporting this restoration because of the cost issue. I have quickly done the sums - the \$450 million of efficiency dividend is 0.5 per cent of the budget, the number for this increase is about \$7.1 million.

CHAIR - According to Treasury's figures this morning.

Mrs RYLAH - Sorry, I used 7.1, so these figures are slightly out. It is 0.008 per cent of the state budget which is the cost of the increase on those numbers I did, so it is slightly less than that of increasing parliament but it gives your members greater opportunity to get to us, to get those changes they need. Do you not see value in that?

Ms MUNDAY - I do not think it is cost alone - \$6 million does not sound like a great deal in the scheme of a government budget, but to many of the people I represent, it would be more money than they could ever dream of or earn in their lifetime.

¹⁶⁷ Ibid, p. 6-7.

CHAIR - It is the message.

Ms MUNDAY - It is, and it is not just that the \$6 million potential investment in good governance is astronomical - it is weighed against other things that are critical priorities for so many of my members and the community they serve.¹⁶⁸

- 6.31 Mr Bruce Neill also considered that the cost of restoring the House of Assembly was not a good outlay of resources:

*Costs should also be a determinant, and to add a further \$8-10 million of political management expense to our costs is not a good outlay of precious resources. Had we been successful, or tried, to merge councils, we may have freed up leadership and finances but Parliament and Councils see this as logical but clearly not deliverable.*¹⁶⁹

- 6.32 The Committee heard that one offset to the costs of restoring the House of Assembly could be a reduction in the number of highly paid advisers. Ms Cath Hughes commented:

Clearly there are additional financial costs to a return to a fully functioning body of 35 MPs, including appropriate offices and staffing arrangements. However, it is beyond the means and scope of this submission to extrapolate in any meaningful way, the extent to which a reduced reliance upon highly paid political appointees assisting Ministers and Parliamentary Secretaries trying to cope with 'mega-ministries' could be offset by an increased capacity for elected representatives to undertake that work and share the load. Instead the crucial emphasis here is the potential to reforge democratic accessibility between the electorates and their range of elected representatives, including Backbench reps, Opposition reps and Ministers, democratic accountability, and both government and parliamentary productivity.

*Any financial argument which solely evaluates the financial cost of MP salaries and office arrangements, but which does not offer an equally rigorous evaluation of potential gains in democratic and productivity outputs must be recognised for what it is, which is a partial-only, incomplete and insufficient evaluation.*¹⁷⁰

- 6.33 Professor Richard Herr OAM commented:

CHAIR - It is a letter to the committee dated 28 March and it contains Department of Treasury and Finance cost estimates. The Premier says -

While the Tasmanian Government acknowledges that there is some community support for an increase in the size of the House of Assembly it must be considered in the context of other competing funding priorities.

We would argue restoration, rather than increase. There is an indicative estimate here from Treasury and Finance of restoration of the numbers. It

¹⁶⁸ *Ibid*, p. 62.

¹⁶⁹ Submission No. 22, Bruce Neill.

¹⁷⁰ Submission No. 17, Cath Hughes.

doesn't include offsets in a reduction in the number of political advisers. What are your thoughts on the costs to the public purse of restoring the numbers?

Prof. HERR - First of all the glib response, 'What price democracy?' It's not glib. I am pretty sure it was Rene Hidding who said in the first review after the 1998 change that the cost of minders and ancillary support vastly exceeded the cost that was saved on the salaries of the members. I think that says it all. You can confect figures to say if we start from now it's going to cost more. Go back historically to what the costs were, how they changed. Peter Boyce, in his submission eight years ago, made exactly the same point - the costs were vastly more serious than the bean counters would have you believe.

My first degree was in economics and I was smart enough to get out of that straightaway. I do not want to go back to saying that I follow the economics of it all. Anecdotally, and just in the experience of the Chamber, how much does it cost to undo a mistake that has been done because the government has backed a horse that would not have been backed had the parliament had been able to do its job?¹⁷¹

6.34 Hon. Robin Gray considered the increase in non-elected staff had added to the cost of government:

As I said, I think what happened when the parliament was reduced and I do not think your members would remember that in 1982 because some of them were not even born then, I took the Liberal Party to an election wherein we were going to reduce the size of the parliament. It was a mistake. When it came to more experience that we had we recognised that it was a mistake and I established a committee which was chaired by Sir Geoffrey Foot who was then just an immediate past member of the Legislative Council, that committee agreed that it would be a mistake to reduce the size of parliament.

I have that strong view because I cannot see how our ministry of such small numbers can possibly deal with all the issues that governments are now required to deal with. You might say we manage somehow, but I think we've only managed by giving more power to the public service. We've only managed by increasing the non-elected staff of ministers, and for that matter other members of parliament as well. We've only added to the cost of government; we haven't reduced the cost to government. I don't believe that the figures quoted by The Examiner recently are likely to be a true measure of what the reduction has saved or cost, or would have cost if it had been retained at its previous levels. The most immediate need is to get the size of the parliament at least back to what it was prior to that change.¹⁷²

6.35 Mr Gray further commented:

...The smaller the parliament, the more risk there is of public servants controlling the tiers of government in the state.

I think the \$6.1 million that Mr Moloney alluded to would not have taken account of all the extra staff that have been appointed, all the extra

¹⁷¹ Transcript of Evidence, 22 July 2019, p. 12.

¹⁷² Transcript of Evidence, 14 November 2019, p. 2.

arrangements that have been made. The figures probably came from Treasury, which obviously likes to control these things. I wouldn't literally do that when I was premier, but Treasury can twist the tail of a government very easily, and obviously their views about what should happen in Tasmania were not the views necessarily of the government of the day on all occasions.¹⁷³

6.36 Mr Reg Watson agreed costs could be saved by reducing the number of ministerial advisers:

Obviously there will be extra costs if we have 10 more politicians for the lower House and four for the upper House. However, as I explained before, there are ways and means of cutting back costs if you need to. One, as you have mentioned, is the extraordinary wage given to minders, and I've seen the number of minders expand. I think Mr Field had two, but since then it's grown to other ministers, so costs can be cut back there. I made mention of what Eric Reece once said about minders. Perhaps they are necessary, I don't know, but it seems to have ballooned out of all proportion. Perhaps it is also necessary to cut back portfolios.

I remember I interviewed old Bill Hodgman once about the workings of the Legislative Council, and he said, 'What you do with figures is just jumble them around'. It is a very Yes, Minister type of thing, but he is right. Just jumble them around, cut back here and add there. Cost is a concern and cost will be a concern for the electorate. I understand what Mr Hodgman is saying there, but I don't think that is a major factor in the whole thing. I think there are ways and means of overcoming that, going around it, skirting it, if you like.¹⁷⁴

6.37 Mr Greg Hall also argued for less highly-paid advisers:

CHAIR - Mr Hall, it has been put to us in one submission that the cost of restoring the numbers having another minister in Cabinet will be, on an ongoing basis, around \$7.2 million each year. What is your response to the kind of trade-off value judgment that this committee is going to have to make? It is going to have to argue this in the public domain, that the investment of those public funds is worth it for stronger representation and better governance, particularly in Cabinet?

Mr HALL - I suppose perhaps one of the trade-offs is that you could argue that you may require fewer very highly-paid advisers. That is the one trade-off that I see. You should be able to do that I would have thought. That is probably one of the strongest arguments in terms of recurrent expenditure because whenever anybody else has another labour component, all the extra costs of offices, staff, et cetera, does impinge upon the public purse going forward.

It is pretty clear to me just from sitting from outside budgets may well become tight and we live in an uncertain world. We are going to have to be pretty careful about expenditure no matter who the Treasurer of the state might be because we are impacted by federal and by world events, might I say, even more to the point. That is going to happen. To answer, yes, I really haven't got a more definitive answer that I can give you. It is a trade-off, even though I

¹⁷³ *Ibid*, p. 8.

¹⁷⁴ Transcript of Evidence, 22 July 2019, p. 21.

*think politicians in this state are probably more accessible than in many other jurisdictions.*¹⁷⁵

6.38 Dr Peter Jones made similar comments:

*The problem with the current arrangement of 25 members is that it prevents good government simply because the government never has enough members to draw on to form an adequate ministry, so relies heavily on consultants, while Ministers are overloaded and cannot adequately cope with all their portfolios. Despite the line that reducing the size of the Parliament would save money, it actually costs more when you factor in payment for extra consultants.*¹⁷⁶

6.39 In evidence before the Committee, Dr Jones commented:

*Parliament sort of shuttled back to the old arrangement of Liberal and Labor taking it in turns and also to give members a whacking great pay rise on the grounds that overall it would save money. I think the evidence is, from what I have read of various hearings and so on, that it has not saved any money; it has actually cost us more because of the hiring of consultants and advisers, and having been one myself I know the role they have. If you look at the list of the jobs that various ministers have, you can see why because the parliament is just far too small. Even the Premier has five different hats to wear and the others seem to vary between two, three, four and five. It's just absolutely impossible. I think it has been a complete failure.*¹⁷⁷

6.40 Dr Kevin Bonham also considered the reliance on advisers could conceal hidden costs:

Ms DOW - There has been some discussion through this process and some people believe there may be a reduction in cost associated purely around reductions in the size of ministerial advisers and those in bureaucracy. Is that a view that you hold? I note that in your submission that you don't want to talk about those things, you think other people have covered them, but are you able to provide a comment on that?

*Dr BONHAM - There does seem to be a view that hidden costs are created by the reduction in terms of increased reliance on advisers particularly. When someone is adding up the costs on either side, something they should be factoring into their cost estimates is what effect the reduction would have on the necessity for staffing costs. If someone is drawing up a cost estimate they should be looking at that. I have no expertise relevant to saying how much those costs are.*¹⁷⁸

6.41 Dr Julian Amos noted that whether costs could be reduced by having less advisers was a matter of government policy:

Ms DOW - Mine was in relation to your previous experiences and a lot of the people who have presented to this committee have spoken about their view on

¹⁷⁵ Transcript of Evidence, 26 June 2019, p. 30.

¹⁷⁶ Submission No. 8, Dr Peter Jones.

¹⁷⁷ Transcript of Evidence, 22 July 2019, p. 31.

¹⁷⁸ *Ibid*, p. 39.

the reduction of cost, if there were fewer advisers to ministers and the like. Do you see that the proposed change would, in fact, lead to that outcome?

Dr AMOS - I note that somebody has talked to you in the past about ministerial officers. I think that is what you are referring to now? In my time, and I don't think it necessarily needs to change, there was an administrative head of the office who managed cabinet papers and such, there was a political adviser not paid a fortune, there was a diary officer seconded from the department, there was a filing officer seconded from the department, and a receptionist.

The numbers weren't great but, as I said to you earlier, ministers take on responsibility for being a minister. They don't fall back and hide behind high powered political advisers. You are the political operator as a minister. The political advice you have is just another point of view; it is not the point of view. That was just the way ministers should be running their offices and, at that particular point in time, it was government policy that ministerial offices be structured in that way. It is a matter of will from the point of view of the government policy.¹⁷⁹

6.42 Ms Kym Goodes commented on the politicised nature of Ministerial staff and considered that, if the House of Assembly was to be restored to 35 Members, there are other changes that should be made to make the functions of government more effective:

... I think one of the challenges for all of us is the highly politicised nature of ministerial officers now relative to what they might have been at the time when the parliament was reduced. My observation is that there was a higher level of subject matter expertise in ministers' offices than there is today. How does that impact on the roles and the portfolios that ministers take on? What machinery would sit around that additional minister's role and the broader group of ministers and their portfolios?

.....

... We have seen nationally a move away from the more traditional role the public service used to play into ministers' offices. In about the early to mid-1990s that started to shift, with more and more advisors working directly with ministers coming from political party backgrounds as opposed to coming from the bureaucracy.

CHAIR - Policy backgrounds?

Ms GOODES - They are not policy backgrounds and it is not taking away from the important careers those people come from, but public policy is a discrete area. It is like an area of science. Social science is deeply steeped in research and is evidence-based. If we are not actually using our public service in those roles as key advisors anymore, in part this leads to the increased workloads of those ministers.

¹⁷⁹ Transcript of Evidence, 6 September 2019, p. 20.

The other thing we see, and I can say this because I am getting older, is that we have forgotten what happened before. More and more now I see ministers and the layers sitting around ministers thinking of something as if it is brand new, as if we have never done that before. In terms of public policy, there are multiple examples. The Youth at Risk strategy we talked about a couple of years ago, we are reinventing over and over again. Things we know worked, we dismantled. Things we know did not work, we are now putting back on the ground.

I argue in part that is because we do not have a resource sitting around ministers and decision-makers that necessarily has the deep subject matter expertise to be able to give that frank and fearless advice. Other parts of our system of government outside the executive arm heavily impact on the ability for the executive arm to function.¹⁸⁰

6.43 Ms Goodes went on to comment:

... what I am trying to say is ministers and members of parliament are more likely to have a higher number of people in their offices coming from their party-political backgrounds than they have staff with subject matter expertise backgrounds. If the public service input into a minister's role, office, functions and decision-making was at least equal if not greater - as it was in Tasmania when parliament was at the size we are talking about restoring it to - would the role of the ministers then also be more effective, because actually what they are getting is subject matter expertise from public servants? The ministers don't have to hope their advisors, who don't necessarily have that level of expertise, are giving them good advice about public policy, not just about the politics of the policy because that is what we see more and more. What would be the politics if we did that as opposed to what is the right thing to do for the Tasmanian community? How will we manage the politics around that and not the other way around?

I have gradually seen, having worked as a public servant myself for many years and then worked in private industry and now in this role, fewer and fewer public servants with no political affiliations advising ministers, and more and more people from other backgrounds who don't have public policy backgrounds. That is why I am saying that if the restoration were to occur, there would be other parts that I think would make a minister's role and its impact to its community more efficient, and the general public would see that as a much more effective way to run parliament and government in Tasmania.

I will add that I am not in any way making a judgment on people currently in those advisory roles because many of them are incredibly clever and bright people who understand but they aren't public servants and their advice isn't purely objective.¹⁸¹

¹⁸⁰ *Ibid*, pp. 50-51.

¹⁸¹ *Ibid*, p. 53.

Committee Findings:

- 6.44 The Committee recognises there is a financial cost associated with restoring the House of Assembly to 35 Members.
- 6.45 The Committee finds the cost to democracy and good governance of not having an effective Parliament to undertake its functions on behalf of the Tasmanian people, is significantly greater than the monetary cost of restoring the House of Assembly.
- 6.46 The Committee remains concerned that the revised estimates provided by the Department of Treasury and Finance are based upon a number of assumptions that do not reflect the experience of Members of the House of Assembly, and can be disputed.
- 6.47 The Committee finds the costs associated with restoring the House of Assembly to 35 Members are justified to improve governance, accountability, representation and to provide for a better functioning Parliament which enhances democracy and in turn improves public services.
- 6.48 The Committee finds evidence was received that some savings could be achieved, and governance improved, by decreasing the reliance on political advisers, and making greater use of policy specialists in the State Public Service.

7 ADDITIONAL PROPOSALS RECEIVED

- 7.1 In addition to the evidence relating to specific provisions of the *House of Assembly Restoration Bill 2018*, the Committee also received additional proposals for reform.
- 7.2 These proposals include providing for Aboriginal representation in the Parliament, changes to the electoral system, and mechanisms to deal with informal voting at elections.

7.1 Dedicated seats for Tasmanian Aboriginal People

- 7.3 The Committee heard the Aboriginal people of Tasmania currently have no formal representation in Parliament.
- 7.4 The joint proposal that was submitted to the Committee by the Elders Council of Tasmania Aboriginal Corporation, the Cape Barren Island Aboriginal Association, the Tasmanian Aboriginal Centre and the Aboriginal Land Council of Tasmania stated:
 - (a) *The proposed Clause 6 (amending section 22 of the Constitution Act) dealing with an increase in the numbers of members in the House of Assembly be altered to guarantee two Aboriginal members of the House of Assembly;*
 - (b) *Whether the proposed increase in numbers of MHAs is supported or not, two new Aboriginal seats should be created in the House of Assembly anyway.*
 - (c) *That the constitution should provide for two Aboriginals to be elected by Aborigines from a single state-wide electorate. Under this proposal, Aboriginals could elect to have their names entered on the State Aboriginal electoral roll or the general electorate division roll within which they reside, but not both. The whole of the State would constitute the Tasmanian Aboriginal electorate.¹⁸²*

- 7.5 In support of this proposal, it was submitted Tasmanian Aboriginal people have not had a formal representative voice in Parliament despite the election of a small number of Tasmanian Aboriginal people as Members over time. Mr Michael Mansell, Chair of the Aboriginal Land Council of Tasmania (ALCT):

If you have Aborigines enter the parliament through the political parties, like we have in the federal parliament, the problem remains that they are compromised because their loyalty is first of all to the political parties through which they enter parliament, so instead of being able to openly represent the

¹⁸² Submission No. 13, Joint Submission from the Elders Council of Tasmania Aboriginal Corporation, the Cape Barren Island Aboriginal Association, the Tasmanian Aboriginal Centre and the Aboriginal Land Council of Tasmania.

views and the issues that Aboriginal people want raised in the political context, they have to have one eye on the values of the political party and the policies while at the same time trying to represent Aboriginal people, so they're compromised.¹⁸³

7.6 Mr Mansell further commented:

When we looked at the terms of reference of the committee, which is considering the return from 25 seats in the parliament to 35, it raised directly the question of political representation. It is obviously implicit that the committee's task is considering broader representation in the parliament than is currently the case.

It seemed to us to naturally follow. If you are talking about parliamentary representation, as John Chesterman says, the makeup of parliaments should reflect the people the parliament governs. As we know in Tasmania, since the parliament opened in the 1850s Aboriginal people on Cape Barren Island in the 1800s were talking about not being represented - the George Everetts, the John Maynards, the Tom Mansells and those sort of people - and as a consequence of being excluded from the parliamentary processes of that time, they ended up with the Cape Barren Reserve Act, which was a form of apartheid, the only bit of legislated apartheid that Tasmania really has had.

Our view is that Tasmania should have Aboriginal representation guaranteed in the parliament.¹⁸⁴

7.7 Mr Mansell considered that two Aboriginal elected representatives could adequately represent the issues of all Aboriginal Tasmanians:

Ms DOW - *I would like to thank you for your submission and your proposal. We have had a lot of talk today about representation and the importance of that. Many have shared that there is the challenge of ensuring that the constituency work done by members is balanced with their parliamentary role. I am from regional Tasmania and I advocate strongly for that wherever I can. I would like to try to understand where those two positions you are proposing within the parliament would be drawn from? What sort of underlying assurity can you give around that being good representation around the state of all of the different Aboriginal communities within the Tasmanian community? How would you ensure they were adequately representing the interests of all Aboriginal people in Tasmania?*

Mr MANSELL - *The issues for Aboriginal people in Burnie are the same as the issues at Huonville as they are on Flinders. You have social inequality, you have legal issues and over-imprisonment, land returns, the sorts of things we talked about. It would not really matter whether someone came from Marrawah or Hobart, or both of them came from Hobart, because you would expect that if they want to attract the vote of Aboriginal people, they are going to have to get around. Get off their bums and go round and talk to people and represent all people on issues that are common to all of the Aboriginal groups. I think*

¹⁸³ Transcript of Evidence, 22 July 2019, p. 60.

¹⁸⁴ *Ibid*, p. 59.

that rather than divide it into a north-south thing like the old football stuff again -

Ms DOW - I am not suggesting that; I am just curious to see how it would work.

Mr MANSELL - Two things. I think it would work better if it were a statewide thing. ATSIC was always statewide. The Aboriginal Land Council is not. One of the problems there is that if you do not get enough people suddenly standing from Hobart, or Launceston or the Burnie area, all of a sudden you are struggling and you have to run out and encourage people to stand. They think it is boring on the Land Council. It would be good if it were statewide like ATSIC was and then you had a lot of people standing, a lot of people voting.

The other thing is about how many Aboriginal people. If this thing gets up, it would be terribly hard for one Aboriginal person in the parliament, especially in the initial stages, to be able to deal with this. They really would like one of their own people to be able to run things past and work with. I am sure with the makeup of the parliament now there would be some very good people in the parliament that they could go to, but you need them to be able to go to those very friendly people in the parliament.¹⁸⁵

7.8 Palawa Elder, Mr Rodney Dillon, also spoke of the need to have dedicated Aboriginal representation in Parliament:

... Understanding that having Aboriginal people represent Aboriginal people is of the utmost importance, I would think.

As Aboriginal people, we have Aboriginal sites, whether they are rock tools, a quarry, an ochre site or whether it is just a place where they stopped and had their lunch and have a fire hearth and stuff like that. These things are all that we have left, all our history. If you have a look around, you see a lot of history of everyone else's but you don't see us. We feel very responsible to keep that bit of history of who we are and when we see that torn away, whether it is for one thing or another - and usually it is for other people to make out of our sites - I find it difficult. It is about the politics you are all in, different parties will pull things apart differently, but it still ends up that we lose as Aboriginal people.

If we had two people within this who could cater for Aboriginal issues, there wouldn't be an Aboriginal person who would come into this place and allow one of our sites to be destroyed. It would be upheaval; they would tear up the Table. Until we can get to the stage where we have representation, we will always be as we are today - just allowing people to destroy our sites in front of us. I haven't even got my own great grandmother in a grave. I go to the grave and I know the grave is empty.

Standing as people, we have no capital in our own country. We have nothing. Our sites can be destroyed. You know when they destroyed that house up in South Hobart and everyone jumped up and down about that house, could you imagine if we could get people to that level about our sites and protecting our heritage? We have vulnerable sites today in the World Heritage Area, all those caves. If they start putting tracks in through there and people start walking in,

¹⁸⁵ *Ibid*, pp. 65-6.

*all that is just going to go. We are going to lose that in my time; as a person, I feel proud and strong, but I feel fairly responsible as well. I feel that I take on these things personally and Aboriginal people do, not just me but all people. All those things contribute to why we need representation, whether it's at the federal level, the state level or both, until we get that we are not going to have any say in what happens to our people.*¹⁸⁶

7.9 Mr Dillon did however consider that Tasmanian Aboriginal people should be able to vote for their own Aboriginal representatives as well as for their local members:

Mrs RYLAH - Rodney, a proposal that has been put to us has been that if you choose to be on the Aboriginal roll, you wouldn't be voting on the normal electoral roll. It's an either/or choice. What do you think of that? I know it's the first time you have heard of it so you might want to think about that.

Mr DILLON - I could go back to prior to 1967 when we didn't have the vote at all.

Mrs RYLAH - The proposal has come to us from TAC. They suggested that if someone voted on this one, they wouldn't vote on the other one.

Mr DILLON - I wouldn't think that. It's important to vote for everyone that you want to put into parliament. It's about having that relationship with those people as well.¹⁸⁷

7.10 Mr Dillon noted there were two distinct groups of Tasmanian Aboriginal people who would require representation:

Mrs PETRUSMA - Rodney, what would you see as the best model of representation for the Tasmanian Aboriginal people in parliament?

Mr DILLON - I think you need two people. You have two distinct groups. Whether you like it or not, we have always had two groups. It is not something that has happened in the last two years. Those two distinct groups have been there for all my life. It is not something that's just been created.

.....

Mrs PETRUSMA - For those two people, do you have a preferred model of how they would be elected?

Mr DILLON - No, not really. I have gone past probably thinking about what is preferred and what is not. We have never got to that stage, but I think you need one from both groups. I suppose, if you voted in Aboriginals under a Commonwealth Act, Tasmanian Aboriginal, TAC wouldn't get one in. If you voted it in under the old definition, we would not get one in. So, you need something that is in the middle. I do not know what that is.

¹⁸⁶ Transcript of Evidence, 2 August 2019, p. 2.

¹⁸⁷ *Ibid*, pp 7-8.

Ms HICKEY - Are they represented statewide or 50 per cent northern, 50 per cent southern?

Mr DILLON - No. Probably the south would have a bit of a majority, but the north-east and the north-west together would probably be a similar amount to the south. Probably a bit close to half.

Ms HICKEY - You are recommending that if there two, that one would be open only to TAC members?

Mr DILLON - I certainly think so because otherwise it is not fair on them.

Ms HICKEY - Are they equal numbers?

Mr DILLON - No, they wouldn't be. I would not like to think that you put one in from TRACA and not one from the other. They would probably think differently. That's their call and that's fine. I think you need something, somewhere how you can address both. But it is interesting the Garma Festival of Traditional Culture is starting today. They are talking about it at a federal level at Garma today. This same issue.¹⁸⁸

7.11 Mr Dillon also commented:

CHAIR - So that we are really clear, we are dealing with a piece of legislation that doesn't include the proposition that has been put by yourself, TAC and the Elders, but when we look at the proposal for two members of the Aboriginal communities to be elected, do you believe that the best model is for direct election out of the communities?

Mr DILLON - Yes, I think so.

CHAIR - Off the ATSIC roll or the ALCT roll? How do you do that?

Mr DILLON - One of each. You could use the ALCT roll for the TAC and the ATSIC roll, the Commonwealth one, for the wider one.

Mrs PETRUSMA - That was similar to the question I had. On the ALCT roll there are only few hundred people. If you are saying there is going to be two seats, how would we expand - I think nearly 26 000 identified as Tasmanian Aboriginal at the last census. How do we get in place a system that captures the 26 000 for both sides?

Mr DILLON - That's why you have the Commonwealth roll and the ALCT roll. It is up to the ALCT group to get those very few. How many are on the ALCT roll?

Mrs PETRUSMA - It's only a few hundred. It's not very many people.

Mr DILLON - Is it 700, 500?

Mrs PETRUSMA - I think it was only 342 or something - and representative, like you said, of both groups. What is that Commonwealth roll? Our definition of -

¹⁸⁸ Ibid, pp 3-4.

Mr DILLON - There are three identifications you've got to have. You have to be recognised in the community, you have got to self-identify, and what's the third one?

Mrs PETRUSMA - An organisation needs to recognise you. The Tasmanian Government's definition is now the same as the Commonwealth's.

Mr DILLON - I can see where you are coming from and that's fine, but that old group of TAC people still needs representation. We need representation and they do too. It would be unfair of me to come here and say to you that we just accept the Commonwealth roll because then they wouldn't be recognised. I think they have to have the same recognition.

Mrs PETRUSMA - That's very honourable.

Mr DILLON - It's important to have that. I wouldn't be comfortable going in and thinking that one person could speak on behalf of either group because it's not like that.¹⁸⁹

7.12 Mr Michael Mansell considered the issue of eligibility to vote for dedicated Aboriginal seats should rest with the independent Electoral Commission:

CHAIR - How many people are on the ALCT roll?

Mr MANSELL - I think about 500 or 600, not that many, although it is not compulsory voting. We need to keep in mind that compulsory voting seriously increases the number of people who go on rolls, but if it's voluntary and they know they're going onto boring committees, the number of people is hard to increase. But if you're going to be a member of parliament representing at the highest political level in Tasmania the political interests of Aboriginal people, the numbers of adult electors could be as many as 10 000. It would certainly be far and above anything that the Land Council could put forward and it would be higher than ATSIC, which was just an election of people to distribute revenue, nothing more.

CHAIR - I think the ATSIC roll is sitting at about 4000 or 5000, from memory.

Mr MANSELL - I think it was about 1100.

CHAIR - Okay. I am interested in this because it comes back to the conundrum of Aboriginality. In your submission you talk about the ABS figures where in 2016, 23 572 Tasmanians identified as Aboriginal, which in some ways is amazing and wonderful, but also must present some challenges to the Tasmanian Aboriginal Centre and other Aboriginal organisations. How do you resolve that issue if you even need to? If we're going to a situation where there is a statewide vote for Aboriginal representation, you will have to be really explicit about who has the responsibility and the right to vote.

¹⁸⁹ *Ibid*, p. 7.

Mr MANSELL - The Electoral Commission would decide that. It is an independent body that depoliticises this whole process and it would look at the adult members of the 23 000 figure and apply criteria the same as with the 15 people who were disentitled to be in federal parliament. They would apply criteria, presumably that the person identifies an Aboriginal -

CHAIR - Community recognition.

Mr MANSELL - Community recognition, and has Aboriginal ancestry. They would apply the criteria. If they came up with a figure of 15 000 adults or 5000, that is an independent body applying this process. We can't put forward a process and say Aboriginal people should be represented in the parliament but it can only be those people who everybody knows is Aboriginal and there is no question about it. That is not the way the political system works. Once you agree that there will be Aboriginal representation in parliament, it necessarily follows that someone other than the core Aboriginal community will go on to decide who is eligible. We accept that.¹⁹⁰

7.13 Mr Andrew Hawkey, Electoral Commissioner, noted there were a number of ways that dedicated seats could work but that the question of determining eligibility to vote was an issue that needed resolution:

Mrs PETRUSMA - Before you came in, we had one of our Aboriginal Elders talking to us and I have read another submission from the Tasmanian Aboriginal Community. One of the suggestions put forward is that we go to a 35-seat parliament but on top of that we also have two Tasmanian Aboriginals to represent the community. One suggestion is that two could come from a separate Aboriginal electoral roll, or there might be two different rolls to represent the two different Tasmanian Aboriginal groups in the state. How do you see that as working, potentially?

Mr HAWKEY - Again, it is an interesting submission put forward.

In looking at this, the key thing was to look at New Zealand because it has that arrangement. I busily chatted to some friends and colleagues over there.

New Zealand has two rolls: the Maori roll and what is called a general roll. In their process, someone, when they have an enrolment form, can tick a box that says they wish to be put on the Maori roll, and effectively it's self-identification, which is the process that puts them on that roll. They are on that roll and stay on that roll until they have a process, which I think is every three or four years, called the options process, where they basically review that roll.

The number of Maori representatives in the parliament is based on special calculations that are done between those on the roll and those on the census. There is quite a complicated process, which I certainly don't know anything about, but it's based on those two factors.

I also read what Mr Mansell was talking about, that the candidates would represent Aboriginal people. In the New Zealand case, they can either stand as a candidate for a recognised party or as an individual.

¹⁹⁰ Transcript of Evidence, 22 July 2019, p. 67.

The other interesting thing to note is they don't actually have to be on the Maori roll to be a candidate for the Maori electorate. These are just their variations. I don't think it would necessarily suit at all here, but I am just giving the broad picture.

Another question that's an interesting one in this sense is, the number of 29 000 was put forward in one of the earlier submissions. At the recent review of the Maori option in August 2018, 52 per cent of the Maori population abroad were on the Maori roll and 47 per cent were on the general roll. So there may be people who identify as Aboriginal but don't necessarily want to go into that process. I have also asked them what sort of proportion wouldn't want to be on either roll, because we certainly know there are some feeling in Tasmania, people saying that's 'white man's business, not ours'. They don't have any figures in relation to that.

That is effectively the process that they have there. I think the critical issue for Tasmania is who is a Tasmanian Aboriginal. This is not a simple issue or process. As the administrator, in the sense of the Aboriginal Land Council process, that is not a comfortable process for anyone involved because of the requirement for the individual to prove evidence against three criteria: personal identification, which is straightforward, it's an application; community recognition, which again isn't necessarily a complicated process; but it is for the ancestral heritage.

As you are probably aware, we have a very divided, broader Tasmanian environment along those issues. The process of the Aboriginal Land Council is both very important to one side that feels that, as you have heard before, so many things have been taken from the Tasmanian Aboriginal community that they want to make sure it's their people that are part of it.

But on the other side, there are people who haven't been able to necessarily find their heritage, who feel very affronted and challenged by a white person who is doing that. This is the process under the legislation and there are issues around it. The Aboriginal Land Council of Tasmania is under review at the moment, and so it is an issue for far wiser, more involved heads to look at those issues rather than me.

I don't think, in any way, we should not think that that is a real issue. How we find a solution, I don't know. It may be well worth trying to find that solution for this representation, but it's not an easy process.

CHAIR - How many people are on the Aboriginal Land Council roll at the moment?

Mr HAWKEY - Around 700.

Mrs PETRUSMA - I think there are only a couple of hundred who took part in the last election process, 300-something.

Mr HAWKEY - I can't recall - probably something along those lines.

The other question you would ask then as well is: would this other roll make enrolment compulsory or voting compulsory? That has issues within the Aboriginal community as well.

There are things that need to be considered, that need not to be left out if heading down that way.¹⁹¹

- 7.14 The Committee heard from a number of witnesses who supported dedicated seats for Tasmanian Aboriginal people. Ms Kym Goodes, CEO of TasCOSS, commented:

I absolutely support and endorse the positions put forward by the Aboriginal community to this committee, and TasCOSS agrees that the need to have dedicated Aboriginal representation in the parliament is well and truly overdue. We look at democracies, and we look to New Zealand or Canada where we are starting to see improved outcomes for First Nation peoples in democracies where they have directly elected members of the parliament. On every measure you might want to look at, Tasmanian Aboriginal people are not currently, through lack of voice, performing and having access to the outcomes the general population does. I don't think we'll ever achieve a true treaty. We'll never achieve a truly inclusive and equitable parliament until we give a voice directly to those Tasmanian Aboriginal people.¹⁹²

- 7.15 Mr Simon Boughey commented:

I think for the community it is important we go back to 35. You could even say 37 now, with the Aboriginal community wanting a couple of representatives. If you are going to go to 35, you can't go to 36, you have to go to 37. Perhaps two representatives who could represent them.

Tasmania is different. If you try to do it as a federal system as part of a party process, I don't think you would get - and this is no respect to the community - Aboriginal members into parliament, unless you had some very high profile people who would like to do it.¹⁹³

- 7.16 Mr Paul Dare commented:

Increase the House of Assembly to 41 seats, do away with the Legislative Council (Queensland survives admirably, they have no less or more issues than any other state) and become a one parliament state.

Divide the existing federal electorates into 8 separate electorates, with the boundaries to be reviewed in conjunction with federal reviews.

The 41st seat required to avoid a hung parliament is to be set aside for an indigenous person, to be voted on by all people of aboriginal descent across Tasmania.¹⁹⁴

¹⁹¹ Transcript of Evidence, 2 August 2019, pp. 16-18.

¹⁹² Transcript of Evidence, 6 September 2019, p. 46.

¹⁹³ Transcript of Evidence, 22 July 2019, p. 24.

¹⁹⁴ Submission No. 3, Paul Dare.

7.17 The Committee heard that to address the lack of formal Aboriginal representation, the House of Assembly should first be restored to 35 Members. This would result in a more broadly representative Parliament able to progress further reforms, including the question of dedicated seats for Aboriginal Tasmanians.

7.18 In evidence before the Committee, Associate Professor, Peter Chapman, President of the Tasmanian Constitution Society, commented:

There is a lot more reform that needs to be done, but in my view a cardinal blunder was made by the politicians of the day, particularly by the past premier, who thought he was going to win and bring in a reform program and restore the parliament to what it was. Then the parliament needs to go on a bit further and fully restore the numbers and then a more mature parliament can deal with the minister issues, refinements can be brought in, the Aboriginal issue can be dealt with and, dare I say it, the nexus of the Legislative Council at some stage should be looked at too.¹⁹⁵

7.19 The Tasmanian Constitution Society was open to exploring how dedicated Aboriginal seats could work within the Hare-Clark system:

CHAIR - We have asked a few of our witnesses today about the question of representation of Aboriginal people in the parliament and the proposal - and some of you may have heard it in the media - is that there be a 35 seat House and two seats representation for Aboriginal people -

Mr CHAPMAN - It wasn't clear to me whether it was going to be a 35- or a 37-seat House.

CHAIR - It would be a 37-seat House, 35 of which are elected through the Hare-Clark system, and two who would be elected by Aboriginal people on a statewide basis. Have you any thoughts on that?

Mr BRIGGS - That sounds good to me.

Mr CHAPMAN - We have discussed it vaguely. I have no objections to that, actually. The only concern was that the Hare-Clark system might be upset if it is going to be a statewide electorate and totally independent of it. I have no prima facie objection. We didn't develop a position on it; we more or less had one, but the alternatives are to have representation in the Senate on a national basis with seven Aboriginals - an extra senator for each state. It would certainly make the major parties pay more attention to Aboriginal issues. The Legislative Council could also have representation there, but if the Aboriginal community is strong for this two-seat statewide separate electorate and it doesn't in any way upset the Hare-Clark operation for the rest of it, I don't have any objection. It just wasn't in our original remit when we were looking at it.

Historians look at these things and I think the dispossession of Aborigines was a disgraceful episode. Governor Arthur said it was a fatal error no treaty was

¹⁹⁵ Transcript of evidence, 22 July 2019, p. 50.

negotiated with the Aborigines. Had one been, we would not be visited with these injurious consequences, which will always be a stain on the history of Van Diemen's Land, so it is certainly something we ought to put right.¹⁹⁶

- 7.20 Dr Kevin Bonham raised concerns about the establishment of dedicated seats. He commented:

CHAIR - ... We have a proposition being put to us by the Aboriginal leaders and communities that I am really interested in your thoughts on. Essentially it is that because there is no representation of Aboriginal concerns and issues specifically by Aboriginal people, Mr Mansell, the TAC and the Elders Council are proposing we examine the possibility of adding an extra two seats specifically for Aboriginal people to run. What are your thoughts on that?

Dr BONHAM - I noticed one proposal was that Aboriginal people would have a choice whether they chose to be enrolled on the normal roll or on a specific Indigenous roll.

CHAIR - It is the Aboriginal Land Council, from what I can gather.

Dr BONHAM - Yes. It is obvious that in a reasonably balanced parliament these seats will become very powerful. For the numbers of people involved, it sounds to me like they could be getting disproportionately represented in terms of the number of seats for the number of votes. That is one thing that would have to be looked at. I think that if the parliament were to support such an idea, they should make sure that the ratio of seats per vote is similar, unless the parliament feels it wants to create a skew as an act of historical reparation, but I think that would be very controversial. That is one comment I would have about that.¹⁹⁷

- 7.21 The Electoral Commissioner considered the simplest process would be to have a 37 seat House of Assembly that includes two state-wide dedicated seats for Tasmanian Aboriginal people:

CHAIR - From an administrative point of view, if you had a House restored to 35 seats and if we moved towards Aboriginal representation in the parliament and allocated seats towards Aboriginal people, and you have a general election where the 37 seats are up, from the TEC's point of view, administratively how do you see that playing out?

Mr HAWKEY - The simplest process would be to have the five divisions of seven and have the two statewide because you are not developing any further electoral boundaries. You would have two rolls at a polling place and you would have two separate lines of ballot papers. At the moment you can vote at any polling place in the state for any division. We have all five divisions there, all five ballot papers. Within our process, you would have a sixth for those electors. How you went to count them on the night, you would probably look at a separate one because we only count the in-division votes at the moment, we do not do the out-of-division. Off the top of my head, you probably wouldn't want to count them on the night because you might have

¹⁹⁶ *Ibid*, p 51.

¹⁹⁷ *Ibid*, p 41.

three or four in some polling places; you are risking the privacy and secrecy of the ballot if you have such small numbers. For example, there are three people in Waddamana, we know who those three are going to be and they have all voted for X. There is a general principle that you don't release any figures under 20 and that could be a possibility. You might not publish any figures on the day or that evening. You might bring them back and do them centrally.

CHAIR - Could you see the count being conducted more or less like a Senate count or by applying the Hare-Clark principles to the count?

Mr HAWKEY - I would look at the Hare-Clark system. It is something Tasmanians know and accept. Again, you would probably look at Robson rotation. If you have that, you have the recount process with the Hare-Clark. You just have a Hare-Clark election for two, which is not as good as large numbers but it is still practical. You could still undertake those same processes.¹⁹⁸

7.22 Mr Rodney Dillon said the Aboriginal seats should come out of the 35 Member House rather than creating an additional two state-wide seats:

Mrs PETRUSMA - Rodney, the bill does indicate a change from 25 to 35 seats. I have a two-part question. Do you support increasing the numbers to 35 with two members of parliament to be identified Aboriginal positions? Do you suggest they are out of the 25 or out of the proposed 35?

Mr DILLON - Out of the new 10, yes.

CHAIR - With the Tasmanian Aboriginal Centre's model and the Elders, too, I think it is desired to restore the numbers to 35 and you have delegated seats for Aboriginal people on top of that, so a 37-seat House is what you would have.

Mr DILLON - Yes. I don't have a formal request, I haven't thought about it, to be honest, but if you had the two people in that 35, you would have that representation covered well enough.

CHAIR - We have the Tasmanian Electoral Commission coming in shortly. The Tasmanian Aboriginal Centre's model is to have the extra because we have a Hare Clark system, which is a five-seat system, so it is a bit difficult to neatly fit it into that.

Mr DILLON - I haven't put a great deal of thought into that but I would have presumed that having them in that 35 would have been as important. If you have two in 35, you are more than if you are two in 37.¹⁹⁹

¹⁹⁸ Transcript of Evidence, 2 August 2019, p. 19.

¹⁹⁹ *Ibid*, pp. 8-9.

- 7.23 Mr Michael Mansell, while acknowledging that issues had been raised about how dedicated seats would work under Hare-Clark, considered the opportunity to act was now:

On that basis, we put this proposal that there be two Aboriginal seats based on a statewide electorate. Yes, it does tend to add a new element to your discussion about whether it is 25 or 35, but the issue is so significant that the fact that this wasn't primarily considered when the committee was set up, shouldn't be a reason not to consider it now. People may argue, 'Oh well, the consequences'. I have heard some of the discussion about how is that going to affect the Hare-Clark system. I wonder what they would have said back in 1902 when women were coming to get the vote. I can image those white males saying, 'Oh, you know, the women and all these problems they are going to cause' et cetera.²⁰⁰

- 7.24 A number of witnesses considered that dedicated Aboriginal seats would work better in the Legislative Council. Dr Julian Amos commented:

There is a growing awareness within the Australian community generally and the Tasmanian community specifically, to recognise claims by aboriginal communities for appropriate recognition and representation. Already geographical landmarks are being given aboriginal names, aboriginal culture and art is being promoted and more widely accepted, and claims for greater autonomy, including treaty and land rights are being acknowledged as being legitimate claims.

Your committee is concerned with the restoration of the Tasmanian Parliament to 35 members, and submissions have been made to the committee by members of the aboriginal community to provide dedicated representation in the House of Assembly, the house of government.

However, a restoration in the size of the House of Assembly lends itself to an equivalent (one for two) increase in the size of the Legislative Council.

In my submission to your committee I suggested that such representation could be provided in the Legislative Council, by the provision of 2 additional seats, as determined by a vote within the aboriginal community as defined. The existing boundaries would be retained for the current 15 seats.

The rationale for doing so is as follows:

Why a specific recognition of entitlement?

It is a recognition of a pre-existing aboriginal presence, and as such bestows an entitlement – and a responsibility - to review legislation to ensure aboriginal rights are not ignored.

Why the Leg Co and not the Hof A?

²⁰⁰ Transcript of Evidence, 22 July 2019, p. 60.

The House of Assembly is the chamber where government is made - and lost. There is a danger that the position could be used to hinder legislation or the workings of parliament generally in the case of a hung parliament. Although such a circumstance bestows an enormous power, the risk of backlash is also great and would be self-defeating.

The Legislative Council is a House of review. The purpose of creating the positions is not to control legislation – and governments – but to review legislation. The position in the Legislative Council is equally as powerful from a legislative point of view, but without the public perception – and odium - of determining governments.

A possible mechanism for doing so

The two positions would need to be elected at the same time, and not staggered. Persons would choose to be on an indigenous roll, and by doing so would be removed from the normal Leg Co roll. They would remain on the HofA roll, and vote as per normal. Voters on an indigenous roll would not be allowed to transfer to the normal Leg Co roll for a period of time, say 6 years. In other words, they cannot vote twice, or chop and change at whim.

Two options:

1 the two positions would be elected every 6 years, as per other positions in the Council. However, the logistics of running a state-wide vote at a Leg Co election would be prohibitive and unnecessary.

2 they would be elected at the same time as the HofA election, and would serve their term for a similar period as the HofA.²⁰¹

7.25 Hon. Michael Polley AM also considered that dedicated seats would be more appropriate in the Legislative Council so they did not impact on the outcome of an election:

CHAIR - Thank you. We have had the Aboriginal community leaders come before the committee and there is a proposal - which I am sure you are aware of - for two dedicated seats in the Tasmanian Parliament for the Aboriginal communities as in the parliament at the moment they really do not have a voice, even though we have one member of the current parliament who is a pakana woman but operating within the Labor Party. What is your view on a dedicated Aboriginal representation and potentially, as Dr Amos put this morning, in the upper House?

Mr POLLEY - If you look at it nationally, that is already emerging, both in the lower House and the Senate. My advice to this committee is not to confuse it with what you are looking at here and perhaps look at it down the track with another committee. If there was ever to be a voice added, it ought to be in the House of review, but that should be kept separate. If you are trying to overcome this problem, you can't confuse it with too many arguments going at once because if you do, it just becomes too convoluted. I've never really given it a lot of thought, but I think what Dr Amos said, if ever it were to happen, it would be in the Legislative Council. In the lower House you can change the

²⁰¹ Dr Julian Amos, Supplementary Submission.

whole balance of the outcome of an election. I've never given it enough thought, except I think it should be kept separate from what you are doing at the moment because you want to be able to have a concise, easy, simple change from five to seven and restoring parliament back to what it should be, to 35. Anything else just confuses the argument and there are too many balls in the air. That is my political view. I can see that in the future there may be a case made for that in the Legislative Council, but certainly not in the lower House.²⁰²

7.26 Ms Peg Putt spoke of her support for dedicated Aboriginal seats but questioned how this reform would be best achieved:

CHAIR - Peg, we have had the representatives from the Aboriginal communities come before the committee and advocate for representation and seats allocated to Aboriginal Tasmanians. One proposition is that those seats be in the lower House. Then, Julian Amos, former Labor member, came before the committee last time we sat and proposed that those two seats could be in the upper House, which, in his view, would be more appropriate because it is that House of review, not the House of government as such. What are your thoughts on the need to have Aboriginal representation?

Ms PUTT - I've always been a supporter of having Aboriginal representation, expressly Aboriginal representation in the parliament. I actually proposed during a State of the State address as leader at one point that there should be two dedicated seats for the Aboriginal population. That was after I had spent some time in New Zealand and had spent quite a lot of time speaking with people about the then system operating in New Zealand and the representation of Maori. I have to say my family has a long history in relation to representation of Maori. My family predecessors were the legal advisers to the Maori on the Waitangi Treaty, so it is a big deal for me.

I think there should be Aboriginal seats; I'm not quite sure how you achieve it. I have that belief that we need to represent this culture, this community and these views, and to do it very purposefully in the parliament, not just to say somebody is of Aboriginal descent and they are in the parliament so that's okay. That's not what this is about. We do need to do it, but how you fit that into a Hare-Clark system boggles my mind. Maybe that idea of Julian Amos's that you do it in the upper House has some merit. However, you do want the Aboriginal representatives able to contribute properly to decision-making and be counted in those decisions, not simply reviewing decisions coming from somewhere else. Therefore, a policy input is needed and you need to insert that in the lower House.

At the time I raised it, this was floating a way-out idea because you have to start bringing ideas into parliament and I hadn't resolved how it would occur. I confess I have not really worked it through since then.

CHAIR - Mr Amos's model would have been like a Senate election, so two state-wide seats elected to the upper House, which may step outside that Hare-Clark difficulty in the lower House.

²⁰² Transcript of Evidence, 6 September 2019, p. 42.

Ms PUTT - That is right. I think it was the Morling Inquiry that recommended the reform should be made to the mode of election of the Legislative Council so they were elected on a state-wide electorate under Hare-Clark, with six-year terms and elections three years apart and not necessarily concurrent with the House of Assembly. In which case you might be able to insert something in there.²⁰³

- 7.27 When asked whether it was better to have two dedicated seats in the Legislative Council to avoid issues that might arise with a hybrid electoral system in the House of Assembly, Mr Michael Mansell reaffirmed the joint community submission is for two dedicated seats in the House of Assembly:

Mrs RYLAH - Earlier today I asked some questions of some witnesses with regard to what they expressed as the potential or the realities of having a hybrid system within one House of parliament - in other words, having some seats based on an electorate that is part of the state and other seats on a different basis. I asked them specifically about a statewide basis as you proposed. They are saying there is history that says there are problems when you have differences in the same House. Could I put to you two options? Either we consider changing the Legislative Council in this state to being elected like the Senate, in other words on a statewide basis and have Aboriginal seats in that House, or is it that Aboriginal seats would be best if it was on a statewide basis in the Senate itself and not in the state House. Could you give me some comments on both those options, please?

Mr MANSELL - The whole proposal is to give Aboriginal people a voice in the House of Assembly at the state level, not to review government legislation, but to be able to agitate Aboriginal issues in the House of policy, which is the lower House.

Despite what Sue was saying, it is a real issue, 'Hang on what about the deals that are struck?' We would say our Aboriginal representatives should be able to act the same as other politicians and do what has to be done politically within the rules to get the best deal for Aboriginal people. It is not intended to hold up government or hold up supply. The whole point of it is to give Aboriginal people a voice. For that reason, we are looking at the House of Assembly.²⁰⁴

Committee Findings:

- 7.28 The Committee finds the under-representation of Tasmanian Aboriginal people in Parliament is an historic and contemporary failing that requires remedy.
- 7.29 The Committee acknowledges that, while there have been Members elected to the Tasmanian Parliament who are Aboriginal, there is no formal Aboriginal representation in the Parliament of Tasmania.

²⁰³ Transcript of Evidence, 13 September 2019, p. 11.

²⁰⁴ Transcript of Evidence, 22 July 2019, pp. 64-5.

- 7.30 The Committee finds the lack of formal representation for Aboriginal Tasmanians has negatively impacted on the communities' capacity to agitate for, and progress reforms, to the benefit of all Tasmanian Aboriginal people.
- 7.31 The Committee finds the establishment of dedicated parliamentary seats for Tasmanian Aboriginal people is warranted to improve representation and outcomes for Aboriginal Tasmanians.
- 7.32 The Committee finds there are a number of issues that need to be resolved before legislation can be enacted to provide for dedicated seats for Aboriginal Tasmanians.
- 7.33 The Committee finds these issues include: ensuring all Aboriginal Tasmanians are represented; how eligibility will be determined and by whom; whether dedicated seats should be in the House of Assembly or the Legislative Council; and how the election of Aboriginal Members would work within the Tasmanian electoral framework.
- 7.34 The Committee therefore finds that the establishment of dedicated seats for Tasmanian Aboriginal people needs to be further examined by a Joint Parliamentary inquiry.

7.2 Changes to the electoral system and boundaries

- 7.35 The Committee heard that the *House of Assembly Restoration Bill 2018* did not tackle issues associated with the current electoral system nor its boundaries. A number of witnesses considered the current electoral system was in need of reform.
- 7.36 Mr Paul Dare argued the Hare-Clark system should be abolished and replaced with single Member electorates, and that Parliament should become unicameral:

Increase the House of Assembly to 41 seats, do away with the Legislative Council (Queensland survives admirably, they have no less or more issues than any other state) and become a one parliament state.

Divide the existing federal electorates into 8 separate electorates, with the boundaries to be reviewed in conjunction with federal reviews.

The 41st seat required to avoid a hung parliament is to be set aside for an indigenous person, to be voted on by all people of aboriginal descent across Tasmania.

Voting would be simplified, using a full preferential system, with the indigenous member to be voted on by postal vote.

The increase in parliament size would be one, a ruling party/coalition would need 21 seats therefore allowing plenty of backbenchers to assist, and

improving the talent pool available. The cost increase would be minimal and it also recognises the first Australians, and rightly enshrines their place in Tasmanian politics.

As to not having the 'house of review', people will still be able to vote with their ballots to change policy every four years and ruling parties/coalitions will still need to prove their worth to the majority to stay in power.²⁰⁵

7.37 In evidence before the Committee, Mr Paul Dare commented:

Mrs RYLAH - ... In your submission, you talk about a unicameral parliament, and in your opening statement you talked about single member electorates. What are you seeing there, Mr Dare? Are they things that you think make it better or different? What are the issues?

Mr DARE - I actually think it makes it a lot better. I would see, for example, Lyons electorate. For a politician to cover Lyons, you have Sorell and you have Deloraine, two completely different worlds. How do you fix that up? How do you actually get the people to be a local member rather than a member who just occasionally visits? The gain is that people actually get a local member and not just a visiting member, for want of a better term. Rebecca White is in Sorell; I notice her office is in Sorell. Then you notice other people's offices at other places, and you go, 'Where do they actually live and where do you go and see them?' The gain for the public would be they would actually have a local member. I look at the MLCs and they are more local than the House of Assembly.²⁰⁶

7.38 Mr Greg Hall, former Member of the Legislative Council, commented that the electorate of Lyons was large and he suggested there could be merit in reviewing the boundaries and the electoral system as a whole:

I have no firm mindset regarding numbers and I note that this committee-correct me if I am wrong, Madam Chair - is about restoring the lower House to 35. I am not particularly sure about that. You could argue in many different ways there. It could be seven electorates of five or 30 members instead. You could break away from the federal boundaries. A former member, Dr Amos, suggested that, as did the former Speaker, Mr Polley - it was one of his ideas that it should be a seven-by-five breakaway.

CHAIR - What do you think the benefit is in the seven electorates of five members?

Mr HALL - If you look at the electorate of Lyons, which is a massive beast, if you had smaller electorates you might find a greater affinity with people. We are out of kilter as a bicameral parliament with every other state in the way we do it. The upper Houses interstate are all multi-member electorates. When you used to go away, they would say, 'How does that work?'. Nobody understands it. Nobody understands, apart from the ACT, the Hare Clark system and the fact that we have multi-member electorates in the lower House, so we are

²⁰⁵ Submission No. 3 Paul Dare.

²⁰⁶ Transcript of evidence, 26 June 2019, pp. 3-4.

*absolutely in reverse to every other jurisdiction. I am not saying it is wrong, it is just the way it is.*²⁰⁷

7.39 Despite these concerns, the vast majority of submissions and witnesses supported the continuation of the Hare-Clark system for electing Members to the House of Assembly.

7.40 Ms Cath Hughes argued:

Notwithstanding the few detractors of Hare-Clark in general, prior the 1998 cut in numbers a consistent theme emerging from expertise and advice at the time was the concern that the integrity and intent of the Hare-Clark electoral system must be retained. Changes to the number of MPs risked undermining the finely-tuned ratio designed to ensure an accurate translation of votes cast into seats obtained, which was most accurately expressed in the model of 35 MPs sourced from five seven-member electorates.

*A recognised advantage of multi-member electorates, especially from the voter's perspective, is the opportunity for there to be at least one MP who more accurately 'fits' or represents a voter's opinion depending on the issues of the day. The accessibility of a range of MPs elected by one electorate, clearly ramps up a sense of competition both inter-and intra-party lines, ensuring that the diligent can also contribute to both a greater and direct sense of accountability and reduced complacency, as well as accessibility.*²⁰⁸

7.41 There were however concerns raised that the current electoral boundaries were not conducive to good representation. Dr Julian Amos commented:

The existing electorates are large. Having 7 members to service an electorate is in many respects an overkill", and allows members to represent smaller constituencies within an electorate. The number of members (eg 5 or 7) determines the quota (16.7%, 12.5%), and some thought should be given to an appropriate minimum level of electoral support before a particular group can claim a seat in Parliament, especially when that person or group could hold the balance of power.

The present electoral system is based on Commonwealth electoral boundaries. Under the Constitution a State shall have a minimum of 5 seats. A variation worthy of consideration is to redraft boundaries to provide for 7 electorates, each with 5 members. Such a structure goes some way to address the concerns mentioned above, and unlike the Commonwealth boundaries provides electorates with obvious and logical "communities of interest". For example:

1	NW	(West Coast, NW Coast, Burnie and to the Leven R)
2	N	(from Leven R, Devonport and to the Tamar R)
3	NE	(Eastern Tamar and the NE)
4	Middle	(Midlands, E Coast and Upper Derwent)
5	East of Hobart	(Clarence, Sorell and Tasman)
6	North of Hobart	(North from the S Hobart Waterworks)

²⁰⁷ *Ibid*, p. 27.

²⁰⁸ Submission No. 17, Cath Hughes.

The essential point to consider is the value in following federal boundaries. In my view, there is none.

- No other state does it, and there is no logical reason why Tasmania should do so.
- In the days of electronic rolls, making such an adjustment is pretty much a keystroke, and thus the cost of doing so is minimal.
- Having operated in an environment of 7 members per division, the duplicated effort by members is in most instances a wasted one, and the inducement to concentrate on only a part of the electorate is high.
- It separates in the voters' minds the federal arrangements and issues from the state arrangements and issues.²⁰⁹

7.42 Dr Amos elaborated on why he was of the view there should be seven electorates of five members:

... What are the options if we are going to restore the parliament to 35? The simplest is to increase the number of members in each electorate from five to seven. That is the simplest and probably will be the thing that happens, if it happens at all.

My argument against that, is two things.

The first is that it tends to be an overkill. I have lived in an environment of seven members in an electorate. It is an overkill in the sense of seven members going to the same functions; seven people being lobbied by the same group. There would be a contest amongst yourselves within a political party to get the best deal from the Glenorchy Football Club, or whatever, to get the highest level of recognition, and so it goes on. It becomes a wasted effort. It is a duplicated effort, and it is an effort that, in my view, tends to lower the standing of parliamentarians in the community because 'I am better than you'.

Although seven is the more likely outcome, I think it is an overkill. It reduces the quota from 16 and two-thirds per cent, to 12.5 per cent. Everybody likes a reduced quota because it means a greater ability to get back in.

At the same time, the subliminal view, which is never really expressed overtly, is that we don't want to make it too easy for minor parties to get in. The major parties like the idea of having control. Therefore, there will be a level of detachment from the argument to decrease the quota to 12.5 per cent. I state that as a matter of fact. You reflect on the 1998 circumstance where the quota was increased, and therefore made it harder for minor parties to get representation

CHAIR - Or independents as well.

Dr AMOS - Yes, minor parties, independents, not major party members.

²⁰⁹ Submission No. 21 Dr Julian Amos.

I have been arguing for some time, that if the parliament is to be restored to 35, that can also be done by having seven electorates of five members, as distinct from five electorates of seven members. Why would I argue that? I argue that it makes a smaller electorate for the individual member and therefore they can service that electorate better.

I argue it in the sense that the electorate itself has a greater community of interest or better community of interest than they have at the moment. If I said to you, Chair, Howrah versus Huonville, what is the community of interest there? Or Austin Ferry versus Taroona, what is the interest there or Smithtown versus Latrobe, what is the interest there?

It is disparate, to say the least, whereas under a seven-electorate system you will find when you draw those boundaries that those communities of interest become much clearer, much more logical. What issue about that would you would say no to? An argument of cost is associated with it, which has been raised in the past, but my argument is that no other state runs its parliament on the basis of federal boundaries; there is absolutely no reason why we should. It is not a novel idea to run your own boundaries.²¹⁰

- 7.43 Ms Peg Putt did not support moving to seven electorates of five Members, as she considered it would not tackle the lack of representativeness:

Ms DOW - *Thanks, Peg, for your contribution today and my apologies for not being there face-to-face. My question relates to a proposal put to the committee regarding changing electoral boundaries and with the view to having greater representation localised in electorates. This would put forward to the creation of seven electorates of five members. I wonder if you have a view on this?*

Ms PUTT - *I do not support this because it goes to keeping the proportion of the vote higher to be elected. You do not tackle the representativeness of the parliament properly if you do it that way. You may have a slightly more local member, but you do not have the same restoration of representativeness of the parliament with five-member electorates.*

From my experience, when we had seven-member electorates you would have someone fairly local for your area. Within an electorate you would have people who were located in different parts of the electorate, who would basically divvy up responsibility - often within a party - for the different parts of the electorate. You would have that local representation. You would almost know the pothole they were talking about.²¹¹

Committee Finding:

- 7.44 The Committee acknowledges the representations received for the electoral system to be changed to single member electorates,

²¹⁰ Transcript of Evidence, 6 September 2019, pp. 15-16.

²¹¹ Transcript of Evidence, 13 September 2019, pp. 11-12.

however, considers that the Hare-Clark system has served the Tasmanian people well since 1909.

- 7.45 The Committee does not agree there is an argument for moving to seven electorates of five Members as this would create additional and unnecessary complexities and costs.
- 7.46 The Committee finds other proposed changes to the electoral system, such as altering electoral boundaries or abolishing Hare-Clark, are not supported and are outside the scope of the Bill.
- 7.47 The Committee finds the reduction of the number of Members in 1998 reduced the representative nature of the Hare-Clark system due to the rise in the quota required to be elected.

7.3 Informal Voting

- 7.48 The Committee heard the restoration of the House of Assembly to 35 Members could increase the informal voting rate and that consideration should be given to enacting ‘saving’ provisions to enable votes to remain valid up to the point of the first error. Dr Kevin Bonham commented:

Currently a voter must number at least 1-5 without omission or repetition. The Bill would amend this to 1-7. This would be very likely to increase the rate of unintended informal voting. Historical evidence shows that there was a sudden jump in informal voting under the old 35-seat system in 1982, and that at the last five elections under that system the informal vote averaged 5.38% and was only below 5% in one year. Since the reduction of the House to 25 members, with the resultant change from being required to vote 1-7 without error to being required to vote 1-5 without error, the informal voting rate has averaged 4.55%, and has not been above 5% in any year.

.....

On this basis, a change in the formality rules to require seven boxes to be numbered is likely to increase the informal vote rate by between 0.5% and 1.0% of the total vote. This is a significant increase and should be avoided. If the Bill is to proceed at any time, it should be accompanied by ACT-style savings provisions such that, whatever the ballot instructions, any vote marked with a unique 1 is “saved” as a formal vote up to the point of the first error.²¹²

- 7.49 Dr Bonham further commented:

The one issue I identified with the Bill, particularly beyond the general nature of the 25 versus 35 seat debate, was a concern about informal voting. Voters are currently required to number from one to five without error for their vote to be counted. They can number more if they wish. The Bill would change this to one to seven. I have provided statistics showing that I think that would cause a substantial increase in the rate of unintended informal voting. Those of us who are heavily involved in politics and voting think that it is very easy for

²¹² Submission No. 9, Dr Kevin Bonham.

voters to number one to seven without making a mistake. When you look at how people actually vote, the numeracy problems out there in the electorate are severe. I am generally of the view that we should be looking for ways to include people's votes rather than exclude them.

In my submission I gave some historical evidence on the likely risks associated with amending it from one to five to one to seven. As a solution I suggested that we should look at the ACT system. The ACT has one to five but the ACT also has a method where if someone does just mark a one, their vote still counts. They do not say that on the instructions. With the Senate they say one to six but they in fact accept one. The ACT has a similar savings provision. The ballot paper will say number at least five but in practice they will accept just a one. They also have provision so that when someone gets much more than a quota, the ones that are just one are chosen to exhaust in preference to the others, so that the resourcing does not flow on to other candidates.²¹³

7.50 Dr Bonham elaborated on why a savings provision should be introduced and how it would work:

Mrs RYLAH - Going back to informal voting, to give me more of an understanding of the saved vote, if we go to a 35-seat parliament, would the ballot paper say the vote must be one to seven?

Dr BONHAM - That is what is in the bill at the moment.

Mrs RYLAH - We could choose for it to say one to five, or is there a numerical reason why you go one to seven or one to five?

Dr BONHAM - The concern for parties is if there are seven they may well run seven candidates. If the instructions on the ballot paper tell the voter to just vote one to five, some voters may be voting for some of a party's candidates but not others and votes may be exhausting, though this is really an issue for the major parties. The major parties would not want to see their votes exhaust.

They might respond to that by only voting five candidates. That can create problems of its own because when a major party does very well, it might actually win five in a seven-seat system and then you have no-one to replace so there is a good reason for the ballot paper instruction to say vote for the number you are electing in that electorate, so if you go to five lots of seven then there is a good reason to say vote one to seven. The question is what you do with votes that don't obey those instructions. I think this is also an issue within the current system. Within the current system, there can be more done to save votes, as they have done in the ACT, but it will become a more pressing issue if you went up to 35.

Mrs RYLAH - If the voter only accurately gets to, say, four out of seven - and under the scenario you have outlined here you have said one - does that become a saved vote if it gets - I am thinking of somebody with an excess of quota. How would that vote be dealt with?

²¹³ *Ibid*, pp. 36-7.

Dr BONHAM - It would flow on one, two, three, four, and then if it used up all of those numbers, it would then exhaust.

Mrs RYLAH - Yes, I know it exhausts, but you said in your verbal explanation that if a one saved one in the ACT, they use that first when there is a distribution of surplus over quota. How would the one that is greater than one - does that still happen?

Dr BONHAM - It would only happen further down the list if it happened to be transferred further down the list at a point that created a surplus. Otherwise it would exhaust.

Mrs RYLAH - What happens if it is being distributed from the bottom up? It's a bottom-up one, so we're not doing the top down, we're not distributing surplus, we're cutting from the bottom and going up - how does that work?

Dr BONHAM - If you're cutting from the bottom up, it exhausts.

Mrs RYLAH - It just exhausts in the normal way?

Dr BONHAM - Yes, in the normal way, just as if they had voted, one, two three, four, five and stopped and it was number five that was to be taken out. You get a small number of votes that wouldn't obey the instructions that would exhaust, but I think that is still better than not counting those votes at all, which is what happens at the moment, and the number of them would increase if you went up to seven. I get quite concerned about informal voting. I think it is very important to try to count people's votes, rather than rule people's votes out just because they're bad with numbers.

Surprisingly, I know very dedicated scientists who struggle to put the numbers one to five in order. It's surprisingly common; some people are just absent-minded. Some people start with who they want last and they run their vote back and then they make a mistake. I myself got a bit fancy with my Senate ordering process and discovered on double-checking in the ballot box that I had two sixes which would have resulted in my vote being informal but I did double-check it so I caught that, but it's easy to do.

Ms HICKEY - I am really interested in your argument for people who are innumerate or are struggling with literacy et cetera. You know how you see some people put an X instead of a one? Would that go through in the ACT model?

Dr BONHAM - I can't remember what the rules are. The rules for whether Xs and ticks are counted as ones vary between jurisdictions. Federally there is one rule for the House of Representatives and another rule for the Senate. I don't know what the rule we currently have in Tasmania is off the top of my head for ticks and crosses.

Ms HICKEY - I remember it became a problem with the lord mayor's votes somehow. It is interesting how we encourage people and whether we have a place to be able to deal with this. I do take your point and I think it is sad if someone has genuinely gone to the trouble to vote but just can't do the rest of it.

Dr BONHAM - I think it you have a vote with a cross, a two, a three, a four and a five, it is pretty obvious that the cross is a one. Even if you just have a single cross, it is probable that vote is a one and that the voter just comes from somewhere where they vote by putting crosses in the ballot box.²¹⁴

- 7.51 The Electoral Commissioner stated the Hare-Clark system works because of preferences which were important to ensure the integrity of the system by decreasing the number of exhausted votes:

Mrs RYLAH - Mr Hawkey, it has been raised with us that, in going from five to seven, the proportion of invalid votes will increase. Some theories have been put forward in that people fill it in backwards and make errors and so on. To alleviate that problem, it has been suggested we consider changing the voting system for an invalid vote, that a vote becomes valid if they have put the number 1 in it; as long as it has a 1, it is a valid vote to that point and it exhausts if they then make an error. At the moment everyone has to vote one to five to have a valid vote. Do you have a comment on that and what it really means statistically?

Mr HAWKEY - I do. I note the comments made by Dr Bonham, and some of the things he raised about the complications of seven, and the parties would have seven, I fully concur with those.

I am not a supporter of reducing formality, the main reason being that Hare-Clark works because of preferences. Hare-Clark works because you will get a candidate, like the Premier, who gets a very large first preference vote and that is passed on to other candidates. The lower the number of preferences placed, the higher the likelihood you will get exhausted votes. We saw in Lyons, over half a quota was exhausted. If you look at the ACT system, they have this saving provision - I had a look before coming - for those that have elected five members, often they have more than 15, 12, around that sort of percentage, of votes exhausted. In Tasmania about 4 to 6 per cent of a full vote is exhausted. There are implications at the other end.

A pure Hare-Clark system would have all preferences included but, in a practical sense, five or seven is a reasonable thing because you have to find a balance between making it too hard for people to fill in while you are making sure you ensure that Hare-Clark can facilitate properly. What we find with Hare-Clark is that it might come down to a few votes. If we look at Franklin at the last election, with one surplus to throw, there were four votes between the remaining Liberal and Greens candidates. Now, that surplus broadened the gap but if that surplus didn't have further preferences, you might have had a result down to four votes or less. I am a big believer that you have to find a balance, which I think going to seven does.

Looking at our historical data in our parliamentary reports, we do quite an analysis of informal votes for parliamentary elections. We divide what appears to be an apparently intentional informal vote, like leaving the ballot paper blank, those there are errors, and usually about a third appear accidental. A

²¹⁴ Transcript of Evidence, 22 July 2019, pp. 37-9.

blank might be because someone can't read it, so there might be a bit of both there. Looking back at the last three or four elections before we changed to five, around 500 people made an error with the sixth or seventh preference. That is 500 people across each division but that is still a lot less than the exhausted, where you have a few thousand exhausted at the end. My personal opinion is that five or seven is a reasonable number. I would be concerned with one, because there will be people promoting it, even if we don't have it on the ballot paper; to just put a 1 down. I don't think that serves a Hare-Clark election, it certainly doesn't serve a recount process. You want to make sure that someone can fill it through preferences.²¹⁵

- 7.52 The Electoral Commissioner also noted that preferences were important for the recount process as an effective mechanism for filling vacancies in the House of Assembly:

Ms HADDAD - Also, and this may be an issue of policy so it might be something you are not able to comment on. Do you have any views on the possibility, when it comes to countbacks, of political parties' tickets being exhausted? In the case of the Liberal Party at the moment, all of the members of their lower House ticket for Lyons are now sitting in the parliament in one way or another, and I am sure they will continue on very happily until the next election. If for some reason that didn't occur, I think there are provisions for a one-off by-election. What is the commission's view on having that buffer of having more people available for a countback and not having to resort to a one off by-election?

Mr HAWKEY - I think it is a very effective process having the recount process for two reasons. It's a timely and cost-effective process for a place like Tasmania, but also, there is a critical principle here that the parliament is elected on a day and the counting from that day, and that is the forty-second or whatever parliament. Having a recount allows you to restore that arrangement that was determined on that day. If you look at the by-elections in the federal government, they become other issues and you may change the parliament. The recount process says this is the will of the people and we can maintain that will of the people, whether it is the Greens candidates, the Liberal candidates or the Labor candidates.²¹⁶

Committee Findings:

- 7.53 The Committee notes the concern raised that the informal vote may increase with restoration of the House of Assembly, which would require voters to vote 1 to 7 instead of 1 to 5 on their ballot papers.
- 7.54 The Committee, however, acknowledges the evidence of the Electoral Commissioner about the importance of preferences in the Hare-Clark system, particularly for ensuring votes are not exhausted.

²¹⁵ Transcript of Evidence, 2 August 2019, pp. 14-15.

²¹⁶ *Ibid*, p. 18.

APPENDICES

APPENDIX A:

Revised Estimates on the cost of the Bill

House of Assembly Restoration Bill 2018 - Treasury Revised Indicative Financial Impact September 2019

Expenditure Area	Entity	Cost	
		\$'000	Cost Estimation Details
ADDITIONAL MEMBERS OF HOUSE OF ASSEMBLY COSTS			
RECURRENT COSTS			
Member Costs			
Salaries	HoA	1 402	Base Member salary of \$140 185 x 10 members.
Superannuation	HoA	133	Base Member Salary at 9.5 per cent x 10 members.
Mobile Phones	HoA	6	Estimate based on current spend for non-ministers or officers.
Vehicles	HoA	230	Assumes each Member takes a vehicle at average cost of \$23 000.
Electoral Allowance	HoA	437	Allowances for 10 Members reflecting current cost per electorate.
Travel Allowance	HoA	69	Estimate based on current spend for non-ministers or officers.
Resource Allowance	MPS	100	Based on allowance of \$10 000 x 10 members.
Total Member Costs		2 378	
Electorate Office Costs			
Leases	MPS	350	Average cost of \$35 000 per annum x 10 members.
Operating Costs	MPS	170	Average costs of \$17 013 per annum x 10 members.
Staffing Costs	MPS	842	Average costs of \$84 233 per annum x 10 members.
Total Electorate Office Costs		1 362	
Parliament Costs			
Member Car Parking	HoA	30	Parliament Square cost of \$3 000 per annum x 10 members.
Member Parliament Offices	HoA	323	Parliament Square 750 sq. m at \$430 per sq. m per annum.
House of Assembly Support Costs	HoA	91	Estimate for printing, stationery, communications, additional HoA staff costs (sitting time and committee costs).
Total Parliament Costs		444	
TOTAL RECURRENT COSTS		4 184	
ONE-OFF ESTABLISHMENT COSTS			
Electorate Offices	MPS	760	Fit-out cost of \$50 000 and ICT set-up costs of \$26 000 per office.
Parliamentary Offices	MPS	2 250	Parliament Square 750 sq. m at \$3 000 per sq. m.
TOTAL ONE-OFF ESTABLISHMENT COSTS		3 010	
ADDITIONAL MINISTER COST			
RECURRENT COSTS			
Minister Costs			
Salary	HoA	98	Minister additional salary at 70 per cent of base salary.
Superannuation	HoA	9	9.5 per cent of Minister salary loading.
Minister's Allowance	MPS	35	Based on current cost of \$35 000 per annum.
Total Direct Member Costs		142	
Ministerial Office and Support Costs			
			Based on rent of 300 sq. m at \$430 per sq. m and includes car parking of \$15 000 (5 parking spaces at \$3 000 pa) and other costs in Parliament Square.
Ministerial Office Lease and Outgoings	MPS	190	
Ministerial Office Staffing	MPS	798	Based on current costs of \$798 368 per annum.
Ministerial Office Operating Costs	MPS	76	Based on current costs of \$75 633 per annum.
Ministerial Transport Service	MPS	169	One additional driver and car and other associated costs based on current cost of \$168 762 per annum.
Total Ministerial Office and Support Costs		1 233	
TOTAL RECURRENT COSTS		1 375	

**House of Assembly Restoration Bill 2018 - Treasury Revised Indicative Financial Impact
September 2019**

Expenditure Area	Entity	Cost \$'000	Cost Estimation Details
ONE-OFF ESTABLISHMENT COSTS			
Ministerial Office Fit-out	MPS	750	Fit out of Ministerial Suite, 300 sq m. at \$2 500 per sq. m.
IT and Communications set-up	MPS	64	Cost of IT and communications set-up.
TOTAL ONE-OFF ESTABLISHMENT COSTS		<u>814</u>	
OTHER PARLIAMENTARY COSTS			
RECURRENT COSTS			
Leader Minority Party Additional Salary	HoA	54	Additional Leader of Minority Party additional salary allowance at 35 per cent of base salary and Superannuation loading.
Leader Minority Party Office	MPS	100	Assumed that a Minority Party has three members.
Leader of Opposition Office	MPS	444	Assumed that the recognised Opposition party has 14 elected members, this covers FTE and other operating costs.
TOTAL RECURRENT COSTS		<u>598</u>	
ONE-OFF ESTABLISHMENT COSTS			
Opposition Office and Minority Party Fit-out	MPS	150	Additional fit-out costs to configure space for a mix of parties. Lease and general fit-out costs are incorporated in the costs for Member Parliamentary Offices.
TOTAL ONE-OFF ESTABLISHMENT COSTS		<u>150</u>	
ADDITIONAL AGENCY COSTS			
ONE-OFF ESTABLISHMENT COSTS			
Fit out of new premises following relocation of current Parliament Square occupants	TBD	1 890	Fit out of another area the same size - 1 050 sq. m at \$1 800 per sqm.
TOTAL ADDITIONAL ONE-OFF AGENCY ESTABLISHMENT COSTS		<u>1 890</u>	
TOTAL ADDITIONAL RECURRENT COSTS		6 157	
TOTAL ADDITIONAL ONE-OFF ESTABLISHMENT COSTS		5 864	

Notes:

1. Information has been obtained from relevant agencies, House of Assembly, Ministerial and Parliamentary Support and Department of Treasury and Finance.
2. Cost estimates represent current/nominal costs and do not include indexation.
3. In some cases assumptions have been required to be made to enable calculations. Final outcomes may differ from these assumptions.
4. Recurrent cost estimates are full year estimates.
4. Cost estimates prepared as at 1 September 2019 and are subject to change.

APPENDIX B:

Submissions received

1. Reg Watson;
2. T4T – Tasmanians for Tasmania;
3. Paul Dare;
4. Professor John Biggs AM;
5. David Taylor;
6. Madeleine Ogilvie;
7. Dr Andrew McMahon;
8. Dr Peter D Jones;
9. Dr Kevin Bonham;
10. Simon Boughey;
11. Tasmanian Constitution Society;
12. Noela Foxcroft;
13. Joint Submission from the
Elders Council of Tasmania
Aboriginal Corporation; Cape
Barren Island Aboriginal
Association; Tasmanian
Aboriginal Centre; and the
Aboriginal Land Council of
Tasmania.
14. Emeritus Professor P J Boyce
AO;
15. Professor Richard Eccleston
and Dr Zoe Jay, Institute for the
Study of Social Change;
16. Tony Ibbott;
17. Cath Hughes;
18. Hon. Will Hodgman MP,
Premier of Tasmania;
19. Tasmanian Greens;
20. Dr Richard Herr OAM;
21. Dr Julian Amos
22. Bruce Neill.

APPENDIX C:

Documents received

1. Correspondence, dated 22 February 2019 received from Mr Greg Hall, with a speech made in the Legislative Council on the size of Parliament
2. *Recommended Benchmarks for Democratic Legislatures*, Commonwealth Parliamentary Association.
3. 'Essential Sources Relating to the Restoration of the Tasmanian House of Assembly', tabled by Peter Chapman, President of the Tasmanian Constitution Society on 22 July 2019.
4. Options for the restoration of the House of Assembly, tabled by Dr Julian Amos on 6 September 2019.
5. Revised Indicative Estimates of the Financial Impact of the House of Assembly Restoration Bill, tabled by Tony Ferrall, Secretary of the Department of Treasury and Finance on 6 September 2019.
6. Additional information received from Emeritus Professor Peter Boyce AO on what constitutes good governance.
7. Letter received from Tony Ferrall, Secretary, Department of Treasury and Finance, dated 29 November 2019, regarding costs of electorate office fit-outs, rental costs and a breakdown of ministerial staff costs.

APPENDIX D: Minutes

WEDNESDAY, 16 JANUARY 2019

The Committee met in Committee Room 3, Parliament House, Hobart at 12:30 p.m.

Members Present:

Ms O'Connor (Chair)
Ms Dow (by telephone)
Ms Haddad
Ms Hickey
Mr Hidding (by telephone)
Mr Shelton (by telephone)

TENTATIVE PROGRAM FOR THE INQUIRY The Committee considered the proposed program for the inquiry.

Resolved, That the closing date for submissions be extended from 1 March 2019 to 8 March 2019. (Ms Haddad)

ADVERTISEMENT

The draft advertisement having been previously circulated by the Secretary was taken into consideration by the Committee.

The Committee deliberated.

Amendments were proposed (Ms O'Connor):

1. by adding the word 2018 after the words 'House of Assembly Restoration Bill' and that the words 'House of Assembly Restoration Bill 2018' be in italics; and

2. by omitting '1 March' and inserting instead '8 March'.

Which amendments were agreed to.

An amendment was proposed (Mr Hidding) by inserting the following words after the words 'House of Assembly Restoration Bill 2018' 'which seeks to restore the House of Assembly to a 35 seat House,'.

Which amendment was agreed to.

Advertisement, as amended, agreed to with such advertisements to be placed in newspapers on Saturday, 19 January next.

INVITATIONS FOR SUBMISSIONS TO THE COMMITTEE

The Committee considered the proposed list of organisations and individuals to be directly invited to provide submissions to the Committee.

Ordered, That the following organisations and individuals be invited to make submissions:

1. Tasmanian Greens;
2. Tasmanian Labor;
3. The Liberal Party of Australia, Tasmanian Division;
4. Animal Justice Party;
5. Australian Christians;
6. Jacqui Lambie Network;
7. Pauline Hanson's One Nation;
8. Shooters, Fishers and Farmers Party Tasmania;
9. Socialist Alliance;
10. T4T – Tasmanians 4 Tasmania;
11. Dr Brendan Gogarty;
12. Dr Tom Baxter;

13. Dr Richard Herr;
14. Associate Professor Terese Henning;
15. Professor Tim McCormack FAAL;
16. Professor Richard Eccleston;
17. Associate professor Kate Crowley;
18. Department of Premier and Cabinet;
19. Tasmanian Electoral Commission;
20. The Tasmanian Constitution Society;
21. Tasmanian Chamber of Commerce and Industry;
22. Tasmanian Small Business Council;
23. Local Government Association of Tasmania;
24. Law Society of Tasmania;
25. Tasmanian Aboriginal Centre;
26. Tasmanian Regional Aboriginal Communities Alliance (TRACA);
27. Reg Watson;
28. Tony Rundle;
29. Christine Milne;
30. Peg Putt;
31. Saul Eslake;
32. Greg Hall;
33. Michael Field;
34. Lara Giddings;
35. Michael Polley;
36. Authors of former reports on the size of the House of Assembly.

REQUEST FOR INFORMATION

Resolved, That the Chair write to the Commonwealth Parliamentary Association (CPA) requesting information/discussion material in relation benchmarking the size of Westminster Parliaments vis a vis Executive Government. (Mr *Hidding*)

FUNDING FOR TRAVEL

It was noted that funding may be required for the Committee to travel as part of its inquiry.

CHAIR TO BE THE SPOKESPERSON *Resolved*, That the Chair be the spokesperson in relation to the operations of the Committee. (Mr *Hidding*)

PRESS STATEMENTS

Resolved, That unless otherwise ordered, press statements on behalf of the Committee be made only by the Chair after approval in principle by the Committee or after consultation with committee members. (Ms *Hickey*)

OTHER BUSINESS

Ordered, That the Secretary canvass Members of the Committee about potential dates for meetings and hearings.

At 1:02 p.m. the Committee adjourned until a date to be fixed.

Confirmed.

MONDAY 27 MAY 2019

The Committee met in Committee Room 3, Parliament House, Hobart at 1:00 p.m.

Members Present:

Ms O'Connor (Chair)
 Ms Dow
 Ms Haddad
 Ms Hickey
 Mrs Rylah
 Mr Shelton

CONFIRMATION OF MINUTES

The minutes of the meeting held on 16 January last were read and confirmed (Ms Dow).

SUBMISSIONS RECEIVED

Resolved, That the following submissions be received and published in full, with the personal contact details of individuals being removed (Ms Haddad):

1. Reg Watson;
2. T4T – Tasmanians for Tasmania;
3. Paul Dare;
4. Professor John Biggs AM;
5. David Taylor;
6. Madeleine Ogilvie;
7. Dr Andrew McMahon;
8. Peter D Jones;
9. Dr Kevin Bonham;
10. Simon Boughey;
11. Tasmanian Constitution Society;
12. Noela Foxcroft;
13. Joint Submission from the Elders Council of Tasmania Aboriginal Corporation; Cape Barren Island Aboriginal Association; Tasmanian Aboriginal Centre; and the Aboriginal Land Council of Tasmania;
14. Emeritus Professor P J Boyce AO;
15. Professor Richard Eccleston and Dr Zoe Jay, Institute for the Study of Social Change;
16. Tony Ibbott;
17. Cath Hughes;
18. The Hon. Will Hodgman MP, Premier of Tasmania;
19. Tasmanian Greens;
20. Dr Richard Herr OAM

CORRESPONDENCE RECEIVED

The Committee noted the submission received from Mr Greg Hall and considered that as it was a copy of speech he had made in the Legislative Council that it was not a submission to the inquiry.

Resolved, that the submission received from Mr Greg Hall be noted (Ms Haddad).

WITNESSES

Resolved, That the following persons and organisations be invited to give evidence (Ms Hickey):

1. Reg Watson;
2. Paul Dare;
3. Professor John Biggs AM;
4. Madeleine Ogilvie;
5. Dr Andrew McMahon;
6. Peter D Jones;
7. Dr Kevin Bonham;
8. Simon Boughey;
9. Tasmanian Constitution Society;
10. The Elders Council of Tasmania Aboriginal Corporation;
11. Cape Barren Island Aboriginal Association;
12. Tasmanian Aboriginal Centre;
13. Aboriginal Land Council of Tasmania;
14. Emeritus Professor P J Boyce AO;
15. Professor Richard Eccleston and Dr Zoe Jay, Institute for the Study of Social Change;
16. Tony Ibbott;
17. Cath Hughes;
18. Dr Richard Herr OAM;

19. Michael Bailey, Tasmanian Chamber of Commerce and Industry;
20. Andrew Hawkey, Tasmanian Electoral Commission;
21. Local Government Association of Tasmania;
22. Tasmanian Regional Aboriginal Communities Alliance (TRACA);
23. Saul Eslake;
24. Michael Field or Paul Lennon;
25. Tony Rundle;
26. Peg Putt;
27. Christine Milne;
28. Greg Hall; and
29. Michael Polley.

PUBLIC HEARING DATES

It was agreed that public hearings would be held on the following dates:

Wednesday, 26 June 2019 in Launceston;
 Monday, 22 July 2019 in Hobart;
 Friday, 2 August 2019 in Hobart; and
 Friday, 9 August 2019 in Hobart.

At 2:09 p.m. the Committee adjourned until Wednesday, 26 June 2019.

Confirmed.

WEDNESDAY, 26 JUNE 2019

The Committee met at Henty House, Launceston at 10.02 a.m.

Members Present:

Ms O'Connor (Chair)
 Ms Dow
 Ms Haddad

Ms Hickey
 Mrs Rylah

Apologies:

Mr Shelton

WITNESS

Mr Paul Dare was called. The witness made the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

WITNESS

Mr Tony Ibbott was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Suspension of sitting 11.48 a.m. to 12.06 p.m.

MINUTES

The minutes of the meetings held on 27 May last were read and confirmed. (Ms Haddad)

REQUEST TO GIVE EVIDENCE IN CAMERA

The Committee considered a request from a witness to give evidence *in camera*.

Resolved, That the witness be heard *in camera* (Ms Haddad)

CORRESPONDENCE

The Committee considered a draft letter to the Secretary-General of the Commonwealth Parliamentary Association requesting information in relation to benchmarking the size of

Westminster Parliaments vis-à-vis Executive Government in terms of assessing best practice for Parliament's in holding the Executive to account.

Ordered, That the letter with some minor amendments be sent (Ms Hickey)

PUBLICATION OF TRANSCRIPT

Ordered, That the transcripts of all the public hearings of the Committee be published. (Mrs Rylah)

MEDIA RELEASE

Ordered, That a media release be issued prior to the hearing in Hobart on 22 July advising of the witnesses who will be in attendance. (Ms Haddad)

EXTENSION OF REPORTING DATE *Resolved*, That the reporting date for the Committee be extended to 15 October 2019. (Ms Dow)

WITNESS

Mr Greg Hall was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

At 12.50 p.m. the Committee adjourned until 9.15 a.m. Monday, 22 July 2019.

Confirmed.

MONDAY, 22 JULY 2019

The Committee met at Committee Room 1, Parliament House at 9.20 a.m.

Members Present:

Ms O'Connor (Chair)

Ms Dow

Ms Hickey

Mrs Rylah

Apologies:

Ms Haddad

MINUTES

The minutes of the meetings held on 26 June last were read and confirmed. (Mrs Rylah)

CORRESPONDENCE

The Committee noted the correspondence and information received from the Commonwealth Parliamentary Association. (Ms Dow)

REQUEST FOR INFORMATION FROM THE PARLIAMENTARY RESEARCH SERVICE

The Committee considered the statistics provided by the Parliamentary Research Service.

Ordered, That the Parliamentary Research Service be requested to provide more context in regards to the size of lower Houses relative to population and the size of the Ministry. (Mrs Rylah)

PUBLIC HEARING DATES

The Committee agreed to move the public hearing scheduled for 9 August to 6 September to accommodate the availability of witnesses.

WITNESS

Dr Richard Herr was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

WITNESS

Mr Reg Watson was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Suspension of sitting 11.00 a.m. to 11.13 a.m.

WITNESS

Mr Simon Boughey was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

WITNESS

Dr Peter Jones was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Suspension of sitting 12.06 p.m. to 2.00 p.m.

WITNESS

Dr Kevin Bonham was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

WITNESSES

Mr Peter Chapman, President; Mr John Biggs, Vice-President; and Mr Phil Kaufman, Committee Member, Tasmanian Constitution Society were

called. The witnesses took the Statutory Declaration and was examined by the Committee in public.

Mr Chapman tabled the following paper:

‘Essential Sources Relating to the Restoration of the Tasmanian House of Assembly’

The witnesses withdrew.

WITNESSES

Mr Michael Mansell, Chair, Aboriginal Land Council of Tasmania; and Ms Denise Gardner, Cape Barren Island Aboriginal Association were called. The witnesses took the Statutory Declaration and was examined by the Committee in public.

SUBMISSION

The Committee considered a late submission received by Julian Amos.

Ordered, that the submission be received and published in full. (Ms Dow)

WITNESSES

Ordered, that Julian Amos be invited to appear before the Committee at the hearing on 6 September 2019. (Ms Dow)

Ordered, that representatives of the Department of Treasury and Finance be invited to appear before the Committee to provide evidence in relation to the cost estimates of the House of Assembly Restoration Bill provided in the Premier’s submission to the inquiry. (Ms Hickey)

At 4.33 p.m. the Committee adjourned until 9.00 a.m. Friday, 2 August 2019.

Confirmed.

FRIDAY, 2 AUGUST 2019

The Committee met at Committee Room 1, Parliament House at 9.00 a.m.

Members Present:

Ms O'Connor (Chair)
Ms Dow
Ms Haddad
Ms Hickey
Mrs Petrusma
Mrs Rylah

WITNESS

Mr Rodney Dillon was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

WITNESSES

Mr Andrew Hawkey, Electoral Commissioner; Mr Mike Blake, Commission Chair; Ms Karen Frost, Commission Member: Tasmanian Electoral Commission were called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

The witnesses withdrew.

Suspension of sitting 10.15 a.m. to 10.29 a.m.

WITNESS

Emeritus Professor P. J. Boyce AO was called. The witness took the Statutory Declaration and was examined in public.

The witness withdrew.

Suspension of sitting 11.19 a.m. to 11.27 a.m.

WITNESS

Ms Cath Hughes was called. The witness took the Statutory Declaration and was examined in public.

The witness withdrew.

WITNESSES

Professor Richard Eccleston and Dr Zoe Jay were called. The witnesses took the Statutory Declaration and were examined in public.

The witnesses withdrew.

Suspension of sitting 1.07 p.m. to 1.13 p.m.

WITNESS

A witness was called. The witness made the Statutory Declaration and was examined by the Committee in camera.

The witness withdrew.

The Committee consider further witnesses to the inquiry.

Ordered, That Michael Bailey, TCCI; TasCoss and Unions Tasmania with relevant public sector unions be invited to give evidence at the hearing on 6 September. (Ms Haddad)

At 2.08 p.m. the Committee adjourned until 10.00 a.m. Friday, 6 September 2019.

Confirmed.

FRIDAY, 6 SEPTEMBER 2019

The Committee met at Committee Room 1, Parliament House at 10.00 a.m.

Members Present:

Ms O'Connor (Chair)
Ms Dow
Ms Haddad
Ms Hickey
Mrs Petrusma
Mrs Rylah

WITNESS

Mr Michael Bailey, CEO, Tasmanian Chamber of Commerce and Industry was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

WITNESS

Dr Julian Amos was called. The witnesses took the Statutory Declaration and were examined by the Committee in public.

Dr Amos tabled a document setting out arguments and options for the restoration of the House of Assembly.

The witness withdrew.

Suspension of sitting 11.16 a.m. to 11.29 a.m.

WITNESSES

Tony Ferrall, Secretary, and David Bailey, Director, Budget Management Branch, Department of Treasury and Finance were called. The witnesses took the Statutory Declaration and were examined in public.

Mr Ferrall tabled revised Indicative Estimates of the Financial Impact of the House of Assembly Restoration Bill.

The witnesses withdrew.

WITNESS

Michael Polley AM was called. The witness took the Statutory Declaration and was examined in public.

The witness withdrew.

Suspension of sitting 12.58 p.m. to 1.45 p.m.

WITNESS

Kym Goodes, CEO, Tascoss was called. The witness took the Statutory Declaration and was examined in public.

The witness withdrew.

WITNESS

Jessica Munday, Secretary, Unions Tasmania was called. The witness made the Statutory Declaration and was examined in public.

The witness withdrew.

SUBMISSIONS

Resolved, That the submission from Bruce Neill be received. (Mrs Rylah)

Ordered, That the submission be published. (Mrs Rylah)

Ordered, That the revised cost estimates tabled by the Secretary of the Department of Treasury and Finance be published. (Ms Hickey)

The Committee considered the need for a further public hearing.

Ordered, That the following witnesses be invited to appear before the Committee at a public hearing on Friday, 13 September 2019:

Peg Putt;
Chris Jones, Editor, The Mercury;
Mark Baker, Editor, The Examiner/The Advocate;
Marcus Cheek, ABC News Editor; and
Brian Carlton, Tasmania Talks Producer.
(Mrs Petrusma)

At 3.19 p.m. the Committee adjourned until 9.00 a.m. Friday, 13 September 2019.

Confirmed.

FRIDAY, 13 SEPTEMBER 2019

The Committee met at Committee Room 1, Parliament House at 9.05 a.m.

Members Present:

Ms O'Connor (Chair)
Ms Dow (by Phone)
Ms Haddad
Ms Hickey
Mrs Petrusma
Mrs Rylah

WITNESS

Ms Peg Putt was called. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

The minutes of the meetings held on 22 July, 2 August and 6 September last were read and confirmed (Mrs Rylah).

Resolved, That the supplementary submission received from Dr Julian Amos be received and *Ordered*, That the supplementary submission be published. (Ms Hickey)

The Committee discussed whether it would hold any further hearings and agreed it would not.

Resolved, That the reporting date for the Committee be extended to 12 November 2019. (Ms Petrusma)

At 10.13 a.m. the Committee adjourned *sine dine*.

Confirmed.

THURSDAY, 14 NOVEMBER 2019

The Committee met at Committee Room 1, Parliament House at 1.15 p.m.

Members Present:

Ms O'Connor (Chair)
Ms Dow
Ms Haddad
Mrs Petrusma
Mrs Rylah

Apologies:

Ms Hickey

WITNESS

Mr Robin Gray was called by telephone. The witness took the Statutory Declaration and was examined by the Committee in public.

The witness withdrew.

Resolved, That the Chair write to the Secretary of the Department of Treasury and Finance seeking the following information:

- (1) The costs of the last 10 electorate office fit-outs of House of Assembly Members;
- (2) An average of rental costs for electorate offices of House of Assembly Members for the last financial year (2018-2019); and
- (3) A detailed breakdown of the staffing costs provided in the revised indicative financial impact, dated September 2019. (Mrs Rylah)

At 2.23 p.m. the Committee adjourned until 9 am, Friday, 29 November 2019.

Confirmed.

FRIDAY, 29 NOVEMBER 2019

The Committee met at Committee Room 1, Parliament House at 9.00 a.m.

Members Present:

Ms O'Connor (Chair)

Ms Dow
Ms Haddad
Mrs Petrusma
Mrs Rylah

Apologies:

Ms Hickey

CONFIRMATION OF MINUTES

The minutes of the meetings held on 13 September and 14 November last were read and confirmed (Mrs Rylah).

ADDITIONAL INFORMATION

The Committee considered the additional information received from Emeritus Professor Peter Boyce AO.

Resolved, That the additional information be received and published (Ms O'Connor)

CONSIDERATION OF DRAFT REPORT The Committee considered the Draft Report.

Paragraph 1.1, postponed.
Paragraph 1.2 agreed to.
Paragraph 1.3, amended and agreed to.
Paragraph 1.4 agreed to.
Paragraph 1.5, amended and agreed to.
Paragraph 1.6 to 1.15 agreed to.
Paragraphs 2.1 to 2.10 postponed.
Paragraphs 3.1 to 3.10 agreed to.
Paragraphs 4.1 to 4.17 agreed to.
Paragraph 4.18, amended and agreed to.
Paragraphs 4.19 to 4.27 agreed to.
Paragraphs 5.1 to 5.23 agreed to.
Paragraph 5.24 omitted.
Paragraphs 5.25 agreed to.
Paragraph 5.26 amended and agreed to.

Paragraph 5.27, amended and agreed to.

Paragraphs 5.28 to 5.29 agreed to.

Paragraph 5.30, amended and agreed to.

Paragraph 5.31, amended and agreed to.

Paragraphs 5.32 to 5.41 agreed to.

At 12.28 p.m. the Committee adjourned until 9 am, Wednesday, 5 February 2020.

Confirmed.

WEDNESDAY, 5 FEBRUARY 2020

The Committee met at Committee Room 1, Parliament House at 9.12 p.m.

Members Present:

Ms O'Connor (Chair)

Ms Dow (by telephone)

Ms Haddad

Ms Hickey

Mrs Petrusma (by telephone)

Mrs Rylah (by telephone)

CONSIDERATION OF THE DRAFT REPORT

Further consideration of the Draft Report.

Paragraphs 5.42 and 5.43 postponed.

Paragraphs 5.44 and 5.45 amended and agreed to.

Paragraph 5.46 agreed to.

Paragraph 5.47 amended and agreed to.

Paragraph 5.48 agreed to.

Paragraph 5.49 amended and agreed to.

Paragraph 5.50 agreed to.

Paragraph 5.51 amended and agreed to.

Paragraph 5.52 and 5.53 agreed to.

Paragraph 5.54 to 5.56 amended and agreed to.

Paragraph 5.57 and 5.58 agreed to.

Paragraph 5.59 amended and agreed to.

Paragraph 5.60 and 5.61 agreed to.

Paragraph 5.62 and 5.63 amended and agreed to.

Paragraph 5.64 to 5.66 agreed to.

Paragraph 5.67 to 5.69 amended and agreed to.

Paragraph 5.70 to 5.73 agreed to.

Paragraph 5.74 amended and agreed to.

Paragraph 5.75 postponed.

Paragraph 5.76 agreed to.

Paragraph 5.77 to 5.79 amended and agreed to.

Paragraph 5.80 to 5.83 agreed to.

Paragraph 5.84 omitted.

Paragraph 5.85 amended and agreed to.

Paragraph 5.86 agreed to.

Paragraph 5.87 amended and agreed to.

Paragraph 5.88 to 5.89 agreed to.

Paragraph 5.90 amended and agreed to.

Paragraphs 5.91 to 5.101 agreed to.

Paragraph 5.102 amended and agreed to.

Paragraph 5.103 and 5.104 agreed to.

Paragraphs 5.105 to 5.108 postponed.

Paragraph 5.109 amended and agreed to.

Paragraph 5.110 to 5.120 agreed to.

Paragraph 5.121 amended and agreed to.

Paragraph 5.122 to 5.127 agreed to.

Paragraph 5.128 amended and agreed to.

Paragraph 5.129 agreed to.
Paragraph 5.130 amended and agreed to.
Paragraph 5.131 to 5.137 agreed to.
Paragraph 5.138 omitted.
Paragraphs 5.139 to 5.144 postponed.

Suspension of sitting 12.30 pm to 1.42 pm.

Paragraphs 6.1 and 6.2 agreed to.
Paragraphs 6.3 and 6.4 amended and agreed to.
Paragraph 6.5 amended and split into two paragraphs, agreed to.
Paragraph 6.6 agreed to.
Paragraphs 6.7 amended and agreed to.
Paragraph 6.8 and 6.9 agreed to.
Paragraph 6.10 and 6.11 amended and agreed to.
Paragraph 6.12 to 6.27 agreed to.
Paragraph 6.28 omitted.
Paragraph 6.29 to 6.32 agreed to.
Paragraph 6.33 amended and agreed to.
Paragraphs 6.34 and 6.35 agreed to.
Paragraph 6.36 and 6.37 amended and agreed to.
Paragraph 6.38 to 6.43 agreed to.
Paragraphs 6.44 to 6.49 postponed.
Paragraph 7.1 amended and split into two paragraphs, agreed to.
Paragraph 7.2 amended and agreed to.
Paragraph 7.3 moved to after paragraph 7.5 and agreed to.
Paragraph 7.4 and 7.5 agreed to.
Paragraph 7.6 to paragraph 7.15 agreed to.
Paragraph 7.16 omitted.
Paragraph 7.17 split into two agreed to.
Paragraph 7.18 amended and agreed to.
Paragraphs 7.19 to 7.24 agreed to.

Paragraph 7.25 amended and agreed to.
Paragraph 7.26 agreed to.
Paragraphs 7.27 to 7.31 postponed.
Paragraph 7.32 to 7.40 agreed to.
Paragraphs 7.41 to 7.44 postponed.
Paragraph 7.45 to 7.49 agreed to.
Paragraphs 7.50 omitted.
Paragraphs 7.51 to 7.53 postponed.

At 3.18 p.m. the Committee adjourned until 9 am, Thursday, 6 February 2020.

Confirmed.

THURSDAY, 6 FEBRUARY 2020

The Committee met at Committee Room 1, Parliament House at 9.18 p.m.

Members Present:

Ms O'Connor (Chair)
Ms Haddad
Ms Hickey
Mrs Petrusma (by phone)
Mrs Rylah (by phone)

Apologies:

Ms Dow

CONSIDERATION OF DRAFT REPORT

Further consideration of the Draft Report.

Paragraph 5.42 amended and split into two paragraphs and agreed to.
Paragraph 5.43 agreed to.
New paragraph inserted after paragraph 5.43.
Paragraph 5.75 amended and agreed to.
Paragraph 5.105 agreed to.

Paragraph 5.106 to 5.108 amended and agreed to.

Paragraphs 5.139 and 5.140 amended and agreed to.

Paragraphs 5.141 and 5.142 agreed to and moved above paragraph 5.139.

Paragraph 5.143 omitted.

Paragraph 5.144 amended and agreed to.

Paragraphs 6.44 to 6.48 amended and agreed to.

New paragraph inserted before paragraph 7.27.

Paragraph 7.27 and 7.28 amended and agreed to.

New paragraph inserted after paragraph 7.28.

Paragraphs 7.29 to 7.31 amended and agreed to.

Paragraphs 7.41 to 7.44 amended and agreed to.

Paragraphs 7.51 and 7.52 agreed to.

Paragraph 7.53 omitted.

Suspension of sitting 12.36 pm to 1.00 pm.

New paragraphs 1.1 to 1.6 agreed to.

Paragraphs 2.1 to 2.35 agreed to.

Recommendation 1 agreed to.

Recommendation 2 amended and agreed to.

Resolved, That the draft report, as amended, be the report of the Committee (Ms O'Connor).

Ordered, That a list of submissions, documents received and the minutes of the Committee be appended to the report (Ms Haddad).

Resolved, That the minutes of the meetings held on 5 and 6 February 2020 once circulated and agreed to, be read and confirmed and appended to the report (Ms Hickey).

Ordered, That the report be tabled with the Speaker on Tuesday, 25 February 2020 and be published on the Parliament's website once tabled (Mrs Petrusma)

CONFIRMATION OF MINUTES

The minutes of the meetings held on 29 November last were read and confirmed (Mrs Rylah).

At 2.14 p.m. the Committee adjourned.

Confirmed.