

# Submission to the Consultation Draft *Expansion of Parliament Bill 2022*

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## INTRODUCTION

I welcome this opportunity to comment on the *Consultation Draft Expansion of Parliament Bill 2022*.

Public debate on the status, performance and effectiveness of our State Parliament is not new – Tasmanians have been here before, many times.

The history of so-called parliamentary reform in this state is long, circuitous and vexed, plagued by self-interest, and populist-based inertia in the face of calls to address the negative impacts of the 1998 cuts to the numbers of Members of Parliament particularly in the House of Assembly.

Over the last twenty four years, this history of political apathy in some quarters and policy inertia by decision makers, has resulted in many within the community and the political commentariat experiencing ‘consultation fatigue’ on this issue, as best expressed by Dr. Richard Herr’s contribution to the 2011 Boyce Inquiry when he stated, “*I have found it hard to work up any enthusiasm for defending a decision that appears at one level to be a fait accompli but at another level appears not to be supported politically with the courage it deserves.*”<sup>1</sup>

The problem has not been the lack of a clear verdict on how best to resolve the current dysfunctional Assembly, but the lack of political will.

The release of a government draft Bill for consultation is a welcome circuit-breaker in the decades long previous well-trodden pattern of previous reform attempts being resisted by government.

There is now a palpable sense of a genuine commitment by government to not only cease blocking the necessary remedial restoration of Assembly numbers, but to also facilitate this long-overdue change. Following recent public statements made by the Premier, Jeremy Rockliff MP, including a commitment to a legislative timeframe in which Assembly numbers will be restored to 35 to be put into effect at the next general election, there is now a cautiously optimistic confidence that this time appropriate action may follow yet another round of consultation on this issue.<sup>2</sup>

In light of this welcome break in the historic political malaise it would be logical to assume the current round of consultation should not need to revisit nor prosecute the case for restoring MP numbers. Instead, it could be argued the merit of this policy reform can be read as established and recognised, with the consultation process able to focus solely on whether and how well the draft Bill delivers on that policy outcome. However, given the vested interest-driven and populist-politically charged history which has shaped this public debate over recent decades, it remains necessary to locate current comment within the broader historic context to ensure a fully informed public debate.

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<sup>1</sup> Dr Richard Herr OAM, submission to the *Review of the Proposal to Restore the House of Assembly to 35 Members*, undertaken by Independent Appointee, Emeritus Professor Peter J. Boyce AO, March 2011.

<sup>2</sup> Premier Rockliff made his initial undertaking to table legislation by the end of 2022 to return the Assembly to 35 MPs, during debate on a Tasmanian Greens’ ‘Restoration of Number of Seats in House of Assembly’ motion, see *Hansard* HA debate, Wednesday 25 May 2022; with further reiterations made in media statements of 25 May 2022, 9 August 2022, and 31 August 2022 which also saw the public release of the Consultation Draft Bill.

Therefore, this submission to the Consultation Draft Bill is in three Parts:

- **Part 1** discusses the historic context regarding the current composition of the Tasmanian parliament, and the need for the current proposed legislative reform;
- **Part 2** examines the *Consultation Draft Expansion of Parliament Bill 2022* in detail; and
- **Part 3** raises additional related matters for consideration.

## PART 1: CONTEXT AND BACKGROUND – *How Did We Get Here?*

The cut in the Tasmanian Parliamentary numbers occurred over 20 years ago in July 1998. For many Tasmanians, whether current MPs, journalists, political commentators, or voters, this all happened ‘*before their time*’. Hence, for many, the current composition of the Tasmanian Parliament is all they have known.

Before the 1998 cut to MP numbers, Tasmania’s bicameral parliament consisted of 19 Upper House members in the Legislative Council and 35 Lower House members in the House of Assembly.

Since the 1859 establishment of Tasmania’s Westminster-style bicameral parliament, there were a series of fluctuations regarding the perceived optimal numbers of MPs in both Chambers. Although the composition of the Legislative Council remained relatively stable, primarily oscillating between 18 and 19 MPs, in contrast the Assembly, while attempting to settle on a workable model, fluctuated from its original 30 Members in 1856 to 38 MPs in 1898, then back to 35 in 1956 which remained the case until its cut to 25 MPs in 1998 – the lowest numbers of Lower House elected representatives serving the Tasmanian community in its 142 year existence.

Despite the solidification of the two-party system post World War 2, it was not unusual for one or two independents to also be elected to the House of Assembly, and even provide support to minority governments. However, in the main these independents were sympathetic to the larger party in power, such as Independent Liberal candidates.

The early 80s saw an emerging trend of independents (Dr Bob Brown) and minor parties (Norm Sanders, the Australian Democrats) who challenged both the fundamental precepts of both major parties as well as the power wielded by dominant industries such as the Hydro and forestry. A minority government was not as assured of striking a ‘gentleman’s agreement’ to secure confidence on the floor of the House. Hence, the early 1980s saw the two major parties flirting again with the idea of reducing the number of MPs elected to the Tasmanian Parliament. However, each had a different preferred model, resulting in an impasse.

Between 1982 and the 1998 cuts to MP numbers, various Tasmanian governments established three independent inquiries into the composition of Tasmania’s Parliament:

- **1982 – the Beaumont Report.** This resulted from the Royal Commission established by the Holgate Labor government into whether the *Constitution Act 1934* should be amended to provide a dispute resolution mechanism between the Tasmanian Parliament’s two chambers. While not strictly tasked with examining the composition of each House it did provide a broad ranging examination of Parliament’s operations.
- **1984 – The Ogilvie Report.** Established by Liberal Premier Robin Gray, the *Report of the Advisory Committee on the Proposed Reduction in the Number of Members Elected to Both Houses of the Tasmanian Parliament*, was undertaken by Albert Ogilvie, Sir Geoffrey Feet, Sir George Cartland, specifically recommended that there be no reduction in the size of Parliament.
- **1994 – The Morling Inquiry.** Liberal Premier Ray Groom commissioned a four-member board to inquire into “The Size and Constitution of the Tasmanian Parliament”, chaired by retired NSW judge, Trevor Morling. This inquiry also recommended reducing the size of the bicameral parliament, but did flag that should such a reduction be an imperative, the most feasible option was moving to a unicameral parliament consisting of 44 MPs.

It is telling that despite the establishment of both the 1984 Ogilvie Inquiry and the 1994 Morling inquiry being motivated by the government of the day’s hope each inquiry would provide justification for the goal to reduce MP numbers, and by doing so reduce the risk of potential minority governments by eliminating the election risk of disruptors such as unaligned independents, both advised against any cut to representation.<sup>3</sup>

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<sup>3</sup> Boyce, 2011, *Review of the Proposal to Restore the House of Assembly to 35 Members*: pg 3.

Inquiries continued to be held following the 1998 cut in numbers, including:

- **2011 – The Boyce Report.** Following the 2010 tripartite Leaders Agreement to restore the Assembly numbers to 35, signed by then Labor Premier David Bartlett, Liberal Opposition Leader Will Hodgman, and Greens Leader Nick McKim, a public consultation on the process was established with Emeritus Professor P. J. Boyce AO commissioned as Independent Appointee to review submissions received. However, that Agreement collapsed following the withdrawal of support by Mr Hodgman.
- **2020 – Report of the House of Assembly Select Committee on the *House of Assembly Restoration Bill*.** This Parliamentary Committee, consisting of one Greens MP, two Labor MPs and three Liberal MPs, was established to examine the *House of Assembly Restoration Bill 2018*, and made the unanimous recommendation that the Bill be passed by the Parliament.

In the context of the current consultation on the draft Expansion of Parliament Bill 2022, it is useful to review the findings of these previous inquiries as they provide a clear ‘before’ picture against which to evaluate the proposed legislation.

When reviewing these previous government-initiated reports into the size and role of Tasmania’s Parliament consistent themes emerge regarding key parliamentary roles and functions crucial to the functioning of a Westminster-based Parliament:

1. functionality of Government and the Executive,
2. effectiveness of the Parliament, and
3. the Parliament’s representativeness of, and connection with, the broader community.

These criteria reflect the fundamental principles which should provide the basis for any evaluation of the composition of Tasmania’s Parliament, and as such they provide pertinent and useful benchmarks for the current debate.

### **1. *Functionality of government and the Executive***

Winning majority government on its own does not guarantee an effective, or competent government. As discussed above a skilled Cabinet, or Executive, will either be built or limited by its members’ understanding of parliamentary practices, and accountability expectations. For most MPs this is learned by the ‘on the spot’ training an exposure provided by the participation in parliamentary forums such as committees and an apprenticeship on the backbench.

Diligent and robust crossbench and Opposition benches are a vital component of training not only prospective new Cabinet Ministers, but also training those whose key responsible role is to hold the ministry to account on behalf of the electorate. As the 1994 Morling Report stated:

*“in order for a Parliament to work effectively it must have sufficient members to enable it to discharge its functions adequately”, and advised, “a House of Assembly with fewer than 35 members would have difficulty in discharging adequately its functions as the House of Government. 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.”<sup>4</sup>*

This was reiterated in an Open Letter to Parliamentarians at the time of the 1998 cut in numbers in which 10 eminent academics warned:

*“There are serious implications for the democratic scope of government in any cut to Parliamentary numbers... There is also a need to revisit and debate the extent to*

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<sup>4</sup> *Report of the Board of Inquiry into the Size and Constitution of the Tasmanian Parliament*, The Hon T. R. Morling QC (Chair), Ralph JK Chapman PhD, Mr BR Archer, and Hon. BK Miller AO, December 1994: pg 1.

*which reduced numbers will curtail Parliament's capacity to provide effective oversight and control of Executive action... the very institution of Parliament itself may be debased by the proposal to reduce parliamentary numbers."* (Snell et al, 1998).<sup>5</sup>

Expert advice has consistently emphasised the fact that in democratically elected parliaments, an effective and functioning government requires effective and functioning opposition and cross-benches.

#### A Robust Cabinet and Ministerial Responsibility

The Ogilvie Report states: *"Cabinet is the principal institution in the decision-making process of Government."*<sup>6</sup> As such, it is expected that Ministers are selected from a competitive pool of talent, based upon proven parliamentary skills, expertise and competence. In Westminster-style Parliaments it is expected that promotion to Cabinet must be earned, and once there, be maintained in the face of parliamentary scrutiny and potential Backbench competition. This dynamic encourages a 'check on power', while discouraging complacency.

In relation to Ministers delivering on the range of responsibilities, the 1984 Ogilvie Report warned the Tasmania's ratio of portfolio responsibilities to ministers was amongst the highest when compared with other Australian jurisdictions.

*"It obviously stretches the principle of individual ministerial responsibility to its limits when one Minister is responsible for say five Departments, five Authorities and a great diversity of staff."*<sup>7</sup>

#### A Viable Backbench

Since the 1998 cut in numbers, it is understandable that most of the commentary has focused upon the negative impact upon the capacity of a reduced Cabinet and Executive government. However, the impact upon the viability and capacity of the backbench is also significant. The Ogilvie report provided a very clear assessment of the implications of reducing the Assembly to 25 Members upon the viability of the backbench, particularly should a governing Party consist of 13 MPs or less. In a hypothetical scenario with a government of only 13 MPs in the Assembly, as per the current Fiftieth Parliament, the Ogilvie Advisory Committee evaluated:

*"in such circumstances, after providing for the Speaker and Chairman of Committees, the Government would have a backbench of only two Members. Plainly a Backbench of that size would not constitute an adequate number within which new Members may gain parliamentary experience and from which future ministerial aspirants could be selected ... 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 virtually be no choice as to who is to be a Minister."*<sup>8</sup>

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<sup>5</sup> *An Open Letter to the Members of the House of Assembly & the Legislative Council*, Rick Snell, Dr Kate Crowley, Dr Ralph Chapman, Dr Dallas Hanson, Prof. David Hogan, Assoc. Prof Richard Herr, Assoc. Prof. Peter Hay, Dr Bruce Davis, Assoc Prof John Todd, Prof W.A. Townsley, 20 July 1998.

<sup>6</sup> *Report of the Advisory Committee on the Proposed Reduction in the Number of Members Elected to Both Houses of the Tasmanian Parliament*, Mr Albert Ogilvie, Sir Geoffrey Feet, Sir George Cartland, 19 October 1984: pg 29.

<sup>7</sup> *Report of the Advisory Committee on the Proposed Reduction in the Number of Members Elected to Both Houses of the Tasmanian Parliament*, Mr Albert Ogilvie, Sir Geoffrey Feet, Sir George Cartland, 19 October 1984: pg 32.

<sup>8</sup> *Ibid*: pg 30.

The 1994 Morling Inquiry is similarly unequivocal: *“in our view a backbench of about 6 is close to the practicable minimum number if the backbench is to serve any real purpose.”*<sup>9</sup> Currently, the Liberal government has only four Assembly backbenchers, not including the Speaker.

A functioning backbench in a Westminster-style parliament is crucial. As mentioned above, they should provide an accountability check on their own Ministers by providing a direct link between the electorates and the Executive, as the ‘eyes and ears’ of government on the ground. Backbench MPs should also represent constituents on Parliamentary Committees. As such, the backbench is meant to be the training ground for newly elected Members, and as such, a prospective source of skilled future Ministers. However, as experts and inquiries warned prior the 1998 cut, an insufficient number of backbenchers risks 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 role of Opposition backbenchers is also important, playing a similar role for the prospective ‘alternative government’s shadow Cabinet. The clear warning from these reports was that a reduced backbench risks severing the communication and accountability feedback loop between government and the electorate, and also between parliament and the electorate more broadly.

### **Impacts upon Good Governance**

As mentioned above, just as a critical mass is required to provide a functioning backbench, a critical mass is equally important for viable Opposition and the Cross-bench to ensure the House of Assembly can deliver on its key responsibility to scrutinise and hold to account the Executive.

Significantly, four months after their commissioning the Ogilvie Advisory Committee requested their Terms of Reference be amended specifically to allow the evaluation of the proposed cuts against key criteria including good governance:

*“We thought it desirable that any proposal to reduce the number of members of Parliament should be examined in the light of its likely effect on the overall constitutional, political, legislative and electoral requirements necessary for the good government and due administration of the State.”*<sup>10</sup>

Following the expansion of the Inquiry’s terms of reference, the Ogilvie Report recommended, *“... that having investigated the proposal to reduce the number of Members elected to both Houses of Parliament in accordance with our terms of reference and having reached the conclusions recorded in this Report, it is our opinion that it would not be in the best interest 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.”*<sup>11</sup>

According to the Ogilvie Report, *“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...”*<sup>12</sup>

Further, *“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.”*<sup>13</sup>

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<sup>9</sup> *Report of the Board of Inquiry into the Size and Constitution of the Tasmanian Parliament*, The Hon T. R. Morling QC (Chair), Ralph JK Chapman PhD, Mr BR Archer, and Hon. BK Miller AO, December 1994: pg 4.

<sup>10</sup> *Report of the Advisory Committee on the Proposed Reduction in the Number of Members Elected to Both Houses of the Tasmanian Parliament*, Mr Albert Ogilvie, Sir Geoffrey Feet, Sir George Cartland, 19 October 1984: pg 3.

<sup>11</sup> *Ibid*: pg 63.

<sup>12</sup> *Ibid*: pg 37.

<sup>13</sup> *Ibid*: pg 62.

## Parliamentary Committee System

Parliamentary committees are an integral component of Westminster-style parliaments. They allow for more detailed and in-depth examination of legislation and/or matters of policy, and also provide a mechanism by which non-elected experts and other interested members of the public can provide their expertise on the matter at hand. As an extension of the Parliament, via the delegated authority provided by their respective Chamber(s), Committees have been described as a mechanism by which ‘parliament is taken to the people’. The membership of Committees were traditionally drawn from the Opposition, Cross-bench, and Backbench members.

The Ogilvie Report states, *“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”*.<sup>14</sup>

This was reiterated by the later 1994 Morling Inquiry Report which warned, *“a reduction in the number of members of the Assembly would prejudice the implementation of a sound and effective committee system...”*<sup>15</sup>

## Representativeness of the Assembly and the Hare-Clark System

Tasmania’s electoral system for the House of Assembly, Hare-Clark, has received global recognition as being amongst the fairest and most democratic in the world.

The Hare-Clark voting system was first introduced for Assembly election in 1909. Recognised Hare-Clark authority, George Howatt MA, stated the following:

*“With five seven-member electorates instead of seven five-member ones, the variations in party voting strengths within electorates are smaller because larger electorates encompass a wider range of people.... Fewer and larger electorates provide a better cross section of the State than smaller, more numerous ones.”*<sup>16</sup>

Fundamental intents of the Hare-Clark system include:

1. Reflecting the vote accurately. Hare-Clark seeks to ensure that the vote received by candidate groupings (such as political parties) is reflected as accurately as possible by seats gained, ie if 51% of vote received, that group should secure 51% of seats – unlike some parliaments where majority seats can go to parties whose received a lower vote.

As Howatt states, *“The Hare-Clark system is purposely designed to give effect to the wishes of as many electors as is technically possible.”*<sup>17</sup>

And further, *“equal party representation on unequal voting strength is a denial of electoral justice to the voters.”*<sup>18</sup>

Hare-Clark’s strengths were summarised in the 1982 Beaumont Report:

*“The major advantage claimed for the system is that the composition of the House of Assembly tends to reflect faithfully the wishes of the electors viewed on a State*

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<sup>14</sup> Ibid: pg 44.

<sup>15</sup> *Report of the Board of Inquiry into the Size and Constitution of the Tasmanian Parliament*, The Hon T. R. Morling QC (Chair), Ralph JK Chapman PhD, Mr BR Archer, and Hon. BK Miller AO, December 1994: pg 4.

<sup>16</sup> Howatt, 1958: pg 22. This Paper informed debate at the time to increase the Assembly from 30 MPs to 35.

<sup>17</sup> Howatt, 1958: pg 7.

<sup>18</sup> *Democratic Representation Under the Hare-Clark System: The need for Seven-Member Electorates*, George Howatt MA, 1958: pg 27.



*basis, and that a party with a minority of first preferences is most unlikely to obtain a majority of seats, as sometimes occurs in systems with single-member constituencies. A further significant advantage claimed is that all electors have a wide choice of candidates within the major parties, whereas in single-member electorates there is often no choice of candidates for an elector...*"<sup>19</sup>

This perspective was reiterated by the 1984 Ogilvie Report which states unequivocally that: *"retention of the existing number of Members of the House of Assembly is desirable to minimise the risk of deadlocks and balance of power situations occurring and to maximise the effectiveness if the Hare-Clark electoral system so that a majority of voters is likely to be represented by a majority of Members in the House of Assembly."*<sup>20</sup>

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 of those MPs are continuing to work hard to be across the issues important to a range of constituent, not just their own party members and supporters. The impetus to remain so diligent can also contribute to both a greater and direct sense of accountability and reduced complacency, as well as accessibility.

The 35 MPs of 7 MPs elected from 5 electorates model's quota of 12.5% reflects this democratic principle more accurately than the current quota of 16.7% required for the 5 MPs by 5 electorates model.

2. Provide the capacity for a broad range of opinions held within an electorate to be represented in the Parliament, rather than just the main dominant views.

According to Howatt, *"as the underlying principle of the Hare-Clark philosophy of representation is securing the best possible reflection of public opinion, provision for minority representation is a necessary feature of its electoral machinery."*<sup>21</sup>

Both the subsequent Ogilvie and Morling inquiries reiterated Howatt's assessment that seven seats electorates provides the capacity for a deeper cross section of the community to achieve representation, rather than just the two dominant political parties.

The TEC's (2022b) advice to the Rockliff government also details specific logistical obstacles presented by any attempt to change the current 5 established electorates.<sup>22</sup>

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<sup>19</sup> *Report of the Royal Commission into the Constitution Act 1934 Tasmania*, Mr Bryan Beaumont QC (Chair), Prof Leslie Zines, the Hon. Charles BM Fenton AC, 31 May 1982: pg 6.

<sup>20</sup> *Report of the Advisory Committee on the Proposed Reduction in the Number of Members Elected to Both Houses of the Tasmanian Parliament*, Mr Albert Ogilvie, Sir Geoffrey Feet, Sir George Cartland, 19 October 1984: pg 60.

<sup>21</sup> Howatt, 1958: pg 13.

<sup>22</sup> TEC (2022b) – *Advice to the Premier in relation to revising Tasmania's electoral boundaries from 5 to 7 divisions*, dated 24 June 2022, but released by Premier Rockliff on 9 August 2022.



## Summary of the 1998 Cut in Numbers Historic Context:

- At the time of the 1998 move to reduce numbers the Legislative Council had 19 MLCs, and the Assembly had 35 MPs (known as MHAs at the time), via five seven-member electorates (Assembly had 35 MPs since 1959 when it was increased from 30 to 35 to avoid even 'split').
- The 1998 cut reduced the Parliament to the current 15 MLCs and 25 MPs.
- Cabinet was cut from 10 Ministers to 8 (*although 2002 saw that amended to 9. Or 8 plus Cabinet Secretary*).
- At the time of the 1998 cut to numbers the Assembly's make-up was 16 Liberal, 14 Labor, 4 Greens and 1 independent (Bruce Goodluck MP, Franklin).

It was a Liberal minority government, under Premier Tony Rundle, with Greens on the cross-benches providing confidence (but no formal arrangement in place).

During the 2000s criticism grew of the detrimental impact the cut in MP numbers had made on the Assembly's capacity to fulfil its democratic and parliamentary functions, reduced effective representation, reduced capacity for the Opposition to keep the government to account, increased instability as the Executive was hit with scandal with limited capacity to replace resigning Ministers, the decimation of a functioning committee system, and ironically, increased 'risk' of minority government.

By 2010 the fact the cuts to the Assembly was a critical mistake impacting Tasmania's system of democratic governance, had gained broad acceptance, culminating in the signed agreement by the three Party Leaders to restore the number back to 35, and reinstating the previous model of seven MPs per each of the five established electorates.

## PART 2: THE *EXPANSION OF PARLIAMENT BILL 2022* – CONSULTATION VERSION

This submission provides in principle support to the restoration of the House of Assembly numbers of elected representatives back to the pre-1998 cuts of a total of 35 Lower House MPs.

However, despite that in-principle support, the Consultation Draft *Expansion of Parliament Bill 2022* contains particular details which warrant closer examination and comment.

### *Clause 1. Short title*

The *Expansion of Parliament* title of the Bill, and proposed title should it become an Act, is misleading to some extent. The Tasmanian Parliament is bicameral – it consists of both the House of Assembly and the Legislative Council. Yet despite the 1998 cut to numbers seeing the Upper House reduced from 19 Members to 15, this Bill does not seek to restore the Council back to its pre-1998 number of 19 MLCs.

Instead, the Bill seeks solely to restore the House of Assembly's numbers back to its pre-1998 cut total of 35 MPs from its current 25.

This submission recognises that the Bill's focus on restoring the Assembly numbers is consistent with the emphasis of the decades-long public debate calling for that Chamber to be prioritised. It is also consistent with the informal 'understanding' in place between the two Chambers– established after the 1998 cut once it became apparent the Assembly was unable to function as it should – that any proposed reform involving the Legislative Council would not be imposed without that Chamber's involvement and consent. Hence the 20210's tripartite Leaders' Agreement only referred to restoring the House of Assembly back to its pre-1998 numbers. Therefore, the single Chamber focus should be reflected accurately in the Bill's title. This is not an expansion of the parliament as a whole: the membership of the Legislative Council will not expand from its current number of 15 MLCs back to 19.

The term 'expansion' also seems unnecessarily inflammatory and divisive, particularly in light of rhetoric from both major parties since they reneged on their 2010 Parliamentary Reform commitment, that additional Members of parliament is not a key priority given other policy and budgetary pressures, and that it is not a popular position with the public.

**Hence, consideration should be given to amending the draft Bill to clarify and provide a more accurate representation of the Bill's intent by changing its title to the *Restoration of the House of Assembly Bill 2022*.**

### *Clause 4. Section 8A amended (Limit on number of Ministers of the Crown)*

This section of the Bill proposes to increase the number of Ministers from nine to eleven, or if a Cabinet Secretary is appointed to ten Ministers plus the Cabinet Secretary.

This is one Minister more than at the time of the 1998 cuts.

There may be a good reason for this proposed increase on the 1998 baseline of Cabinet numbers, but if so the government has yet to share it with the public.

Nor was it appraised by the 2020 Assembly Select Committee when examining the *House of Assembly Restoration Bill 2020* which proposed returning Cabinet numbers to that in place at the time of the 1998 cuts.

On the surface there may be justification in having a larger Cabinet due to the increased range of demanding and complex portfolios. However, the case for this proposed increase does need to be made upfront, clearly and thoroughly. The case also needs to demonstrate how it is in the public interest, how it will benefit good governance, and deliver improved functionality of government and the executive on behalf of the electorate.

While it may be appealing and seem sensible to spread the ministerial workload it must also be noted that by doing so it can risk decreasing the number and capacity of the backbench as already raised as a confirmed concern arising from the current situation which can see government numbers become 'top heavy' due to the disproportionate size of the Executive in relation to remaining backbench numbers. The latter are still required to fulfil the other necessary roles and functions contributing to the effectiveness of the Parliament, particularly undertaking the vital committee work.

It is also important to note that the optimal size of Cabinet has not been a specific focus of any of the public inquiries held prior or since the 1998 cut in numbers. The *House of Assembly Restoration Bill 2018*, which was the focus of the Assembly Select Committee Inquiry, proposed restoring Cabinet numbers back to the pre-1998 cut maximum of ten Ministers, or nine plus a Cabinet Secretary. Hence the Consultation Draft Bill is the first time this size Cabinet has been raised publicly as an option. It is therefore disconcerting to see it proposed without substantial rationale being provided.

Should the proposed increase in Cabinet members go ahead, it should then see a decrease of governments of the day resorting to appointing Ministers in the Legislative Council. There certainly should not be any excuse to repeat the previous placing of a future Treasurer in the Upper House as occurred under the Bacon government following the 1998 cut in numbers. Of all Ministries it is the antithesis of the Westminster system to remove the Treasurer from the Lower House 'treasury benches' and place them in the Upper House instead.

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 Parliament to abide by established norms to deliver democratic accountability. The Lower House, as the 'House of Government' is the main Chamber responsible for Money Bills, and the financing of government policy decisions, hence it is embedded and hard-wired into the scrutiny and accountability roles and tools of the opposition 'alternative government' parties and independents to have direct access to the Treasurer.

Recognised political analyst, Professor Richard Herr wrote:

*"Tasmania's Parliament is already in serious breach of Westminster conventions by having the Treasurer in the Upper House. Everywhere in the Westminster world, the Government sits on the 'Treasury benches' in the Lower House precisely because that is where the power of the purse is located to enable the people to control the Crown."*<sup>23</sup>

History has shown the negative and perverse outcome of the Treasurer's placement in the Legislative Council, as well as Ministers more generally, is the increased party presence and influence in the Upper House eroding its traditionally more independent and unaligned composition. Additionally, Upper House members who are also ministers are then unavailable to share the Legislative Council parliamentary committee roles and responsibilities. The Upper House is the smaller of the two Chambers, and as discussed the current Bill is not proposing to change that situation. It would be untenable for the members available to contribute to the vital committee work undertaken by the smaller chamber, continue to be reduced due to holding ministerial portfolios.

**To reiterate the government needs to explain on what basis the decision has been made to expand the Cabinet even beyond the pre-1998 cut in numbers. There also needs to be a clear commitment to prioritise sourcing those government members from the House of Government, the Assembly.**

As demonstrated in the table below, the proposed increase in Cabinet members does provide a slight reduction of the Executive's dominance of the Assembly, with an improved balance of returning it to a subset of the combined Parliament when compared with the current size of Parliament. However, the Executive to

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<sup>23</sup> Prof. Richard Herr, *the Mercury* newspaper, 25 September 2008: pg 32.

Assembly, and Executive to entire Parliament ratio of the 1998 pre-cut composition remains the optimum option.

| Pre 1998 Cuts Cabinet Size      |                           | Current Cabinet Size            |                           | Proposed Cabinet Size            |                          |
|---------------------------------|---------------------------|---------------------------------|---------------------------|----------------------------------|--------------------------|
| 10 Ministers                    | 28.5 % of 35 MP HoA       | 9 Ministers                     | 36% of 25 MP HoA          | 11 Ministers                     | 31.4% of 35 MP HoA       |
|                                 | 18.5% of 54 MP Parliament |                                 | 22.5% of 40 MP Parliament |                                  | 22% of 50 MP Parliament. |
| 9 Ministers + Cabinet Secretary |                           | 8 Ministers + Cabinet Secretary |                           | 10 Ministers + Cabinet Secretary |                          |

## Clause 5. Section 22 amended (Constitution of the Assembly)

**This submission endorses the Draft Bill's intent to restore the Assembly numbers by returning to the model of seven MPs elected from the current five electorates.**

While noting the Tasmanian Electoral Commission's advice detailing substantial logistical and financial obstacles to the alternative model of seven electorates electing five MPs each, ultimately it should have been a question of which model was the most democratic and representative option.<sup>24</sup>

It is worth reiterating in context of this discussion the significance of honouring the intent of the Hare-Clark electoral system as discussed earlier in this submission.

Political commentator Wayne Crawford made the following assessment of the impact of the 1998 cut in numbers:

*"The fact is that to ensure representation of all shades of opinion, as the framers of the Hare-Clark electoral system sought to do, there is an optimum size below which the parliament becomes unworkable... If we have sacrificed anything by slashing the number of politicians, it is only democratic representation."*<sup>25</sup>

This highlights the fact that any new model for the House of Assembly must be based upon the imperative of delivering on the intent and principles of the internationally-acclaimed Hare Clark electoral system.

Recognised Hare-Clark authority, George Howatt MA, stated the following:

*"With five seven-member electorates instead of seven five-member ones, the variations in party voting strengths within electorates are smaller because larger electorates encompass a wider range of people.... Fewer and larger electorates provide a better cross section of the State than smaller, more numerous ones."*<sup>26</sup>

Fundamental intents of the Hare-Clark system include:

1. Reflecting the vote accurately. Hare-Clark seeks to ensure that the vote received by candidate groupings (such as political parties) is reflected as accurately as possibly by seats gained, ie if 51% of vote received, that group should secure 51% of seats – unlike some parliaments where majority seats can go to parties whose received a lower vote.

As Howatt states, *"The Hare-Clark system is purposely designed to give effect to the wishes of as many electors as is technically possible."*<sup>27</sup>

<sup>24</sup> TEC (2022b), [Advice to the Premier in relation to revising Tasmania's electoral boundaries from 5 to 7 divisions](#), 24 June 2022, (released by Premier on 9 August 2022).

<sup>25</sup> Mr. Wayne Crawford, *the Mercury* newspaper, 2 May 2008: pg 38.

<sup>26</sup> Howatt, 1958: pg 22. This Paper informed debate at the time to increase the Assembly from 30 MPs to 35.

<sup>27</sup> Howatt, 1958: pg 7.

2. Provide the capacity for a broad range of opinions held within an electorate to be represented in the Parliament, rather than just the main dominant views.

According to Howatt, “...as the underlying principle of the Hare-Clark philosophy of representation is securing the best possible reflection of public opinion, provision for minority representation is a necessary feature of its electoral machinery.”<sup>28</sup>

Previous investigations were consistent in their recommendations to respect the intent of the Hare-Clark system to provide the potential for an accurate reflection of the diverse make-up of the electorate.

Recognising that for the Parliament to be genuinely of the people it needs to reflect the diversity of the people, both the Ogilvie and Morling inquiries were adamant that any changes which would erode the capacity of the Hare-Clark electoral system to deliver this should be avoided, with the latter specifically stating:

*“We recommend that members of the Assembly should continue to be elected from the existing five electorates each returning 7 members...”*<sup>29</sup>

This was reiterated by Howatt’s assessment that seven seats per each five electorate provides the capacity for a deeper cross section of the community to achieve representation, rather than just the two dominant political parties.

In this regard, the intent and principles of the Hare-Clark system is integral to determining which is the most democratic model by which to serve the community’s interest – as differentiated to the perceived self-interest of what model may best suit political parties hoping to gain power.

The 2010 three Leaders Agreement to restore the Assembly committed to returning to the model of seven members from each of the five electorates. Further, the *House of Assembly Select Committee on House of Assembly Restoration Bill 2018* [Final Report](#) – unanimously supported the restoration of Assembly MP numbers back to seven MPs per five established electorates.

Hence, the Consultation Draft Bill’s proposal to restore the House of Assembly numbers to the previous five electorate by seven MPs is consistent with the Morling and Ogilvie inquiries, as well as the subsequent 2020 Select Committee inquiry recommendation.

#### [Voting: Informal and Formal Voting Considerations](#)

Concerns have been raised that voters being required to vote 1 to 7 on their ballot paper may risk increasing the number of informal – and therefore invalid – votes. While the issue of informal votes is a valid concern at elections for any tier of government, we need to be clear on all contributing factors.

The recent TEC (2022a) *2019 to 2021 Report on Parliamentary Elections*, provides a breakdown of unintentional informality trends which reveals the following:<sup>30</sup>

- The category with the largest number of invalidating errors (3527 ballot papers) is due to voters marking their ballot papers with ticks or crosses instead of numbers – this error is not due to voters losing track of voting 1 to 5, or 1 to 7, but reflects a fundamental lack of understanding of how to vote in state elections.

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<sup>28</sup> Howatt, 1958: pg 13.

<sup>29</sup> Morling Report, 1994 – see Summary of Report. *Report of the Board of Inquiry into the Size and Constitution of the Tasmanian Parliament*: pgs 1-2.

<sup>30</sup> TEC (2022a), *2019 to 2021 Report on Parliamentary Elections*, see Informal ballot paper survey; pg 31.

- The next highest category (3346 ballot papers) recorded repetitions or omissions between numbers 2 and 5 – this is the relevant category to these specific concerns regarding 1-7 potentially increasing the risk of informal votes.
- The third highest category (3232 ballot papers) were informal due to voters repeating the number 1 two or more times - this error also reflects a fundamental lack of understanding of how to vote in state elections.

This data points to the need for further investment in pre-election voter education, as informal voting rates concerns will not be resolved solely by reducing the formal vote requirement to a 1-5 vote only.

## PART 3: ADDITIONAL CONSIDERATIONS

### Dedicated Aboriginal Seats

Amending the *Constitution Act 1934* for the purposes of increasing the representativeness of the Assembly's composition provided a potential opportunity to address finally the outstanding matter of securing dedicated seats for Tasmanian Aboriginal representatives.

The joint submission made to the 2020 Assembly Select Committee from the Elders Council of Tasmania Aboriginal Corporation; Cape Barren Island Aboriginal Association; Tasmanian Aboriginal Centre; and the Aboriginal Land Council of Tasmania emphasises the fundamental inequity that after almost 200 years of the state having its own formal democratic parliament, Tasmanian Aboriginal voices have yet to be provided a dedicated voice in that process. In fact, Tasmanian Aboriginal have not had the opportunity to vote specifically for a Tasmanian Aboriginal member of parliament to represent them. Although there have been MPs of Tasmanian Aboriginal heritage, that has not been the basis of their candidacy nor subsequent election – they have either been elected via an endorsed Party ticket, or as an unaligned independent.

Providing dedicated Tasmanian Aboriginal seats is consistent with the above discussion on the fundamental democratic goal of ensuring our electoral systems facilitate a representative slice of the range of diverse community voices are reflected in our parliament.

It is worth noting that the 2020 Assembly Select Committee, comprising of Liberal, Labor and Green MPs, unanimously found:

*“the under-representation of Tasmanian Aboriginal people in Parliament is an historic and contemporary failing that requires remedy.”*

Further, the Committee recommended:

*“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.”<sup>31</sup>*

This submission reiterates the 2020 Committee's findings and endorses its recommendation on this matter. As a matter of natural justice, equality and genuine reconciliation, the government must act swiftly on resolving this outstanding gap in our democratic system. **If it is determined that the current Consultation Draft Bill is not the appropriate vehicle by which to do so, the government must announce the process and timeframe by which it intends to proceed toward securing dedicated Tasmanian Aboriginal seats in our Parliament.**

### Proposed Constitution Act 1934 Amendment: Two Thirds Majority Needed

Tasmania's *Constitution Act 1934* may be amended by a simple majority of parliamentarians voting in favour of a Bill to enact any changes. While there is precedent for requiring a two-thirds majority vote, referred to as a special vote, in order to successfully amend the Act, currently the only special vote necessary is for any change to the four-year term of the House of Assembly, which requires the approval of a two-thirds majority of the Assembly members before alteration (Section 41A).

**It would be an appropriate democratic ‘insurance policy’ to insert a requirement following the restoration of the Assembly numbers that any future attempt to change the composition of the Parliament, or the**

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<sup>31</sup> HA Select Committee on House of Assembly Restoration Bill 2018, 2020, *Final Report*: pgs9-10.



**mode of election and voting systems employed for either Chamber, in any consequential or fundamental way requires a two-thirds majority vote.**

There is also an argument that any such proposed changes, such as we saw in 1998 to reduce Tasmanians' representation, should go to a referendum. However, if that option is not taken, then we need the added protection of the two-thirds majority vote.

#### Proposed Electoral Act 2004 Amendment – Fixed Four-Year Term Elections

Another reform which would make the state's system of governance more robust and accountable is the introduction of Fixed Four-Year Term Elections for the Assembly.

This is not an unheard of concept in relation to Tasmania's Parliament. For example, although not the House of Government, the Upper House's current periodic election cycle is a form of fixed term election – MPs and their electorates know when to expect those elections which serve as a sound accountability mechanism while also providing certainty.

Previously all three political parties represented in the Lower House supported the introduction of fixed four-year terms for the Assembly. A Liberal government under Ray Groom, previously legislated a fixed four-year term between 1992 – 1996.

Following the Liberal Opposition releasing a Bill in 2008 to introduce fixed four-year terms, the Labor Bartlett government circulated draft legislation to introduce fixed four-year terms in 2009 just prior the 2010 state election.

Fixed four-year elections help avoid ongoing and distracting speculation and political game-playing around potential early elections which have been identified as damaging to business confidence, while distracting the government of the day from addressing the real issues facing Tasmanians like cost of living, health and housing services, education, climate change, and economic reform

Legislating a fixed term of government ensures everyone knows when the election will be, and the electors of Tasmania get the stability they seek. It also contributes to providing a more equal playing field for those intending to contest the next election, by eliminating the 'element of surprise' which enables the government of the day to go to an election when it best suits them after quietly organising candidates, fund raising, advertising and promotional campaigns behind the scenes. While it would be naïve to expect any government to not seek to use incumbency to their advantage to some degree, that understanding makes even more pressing the need to introduce provisions to make elections more accessible and equitable wherever possible.

NSW, Victoria, South Australia and the ACT all have legislated fixed terms of Parliament. There is no good reason for Tasmanians to not be provided an equally robust, fair and equitable parliamentary democratic system.

**Noting there has not yet been specific consultation with the Tasmanian community on the introduction of fixed four-year elections, it would be appropriate during consideration of this restoration of House of Assembly Bill for a commitment to be made that formal public consultation will occur and a timeline set within which this further reform will be considered by Parliament.**

## CONCLUSION

As detailed above, the consultation process on the Draft *Expansion of Parliament Bill 2022*, is the latest in a long series of inquiries into the number of Assembly MPs specifically, and the size of Tasmania's Parliament more broadly. Since the establishment of the Tasmanian Parliament in 1856 there have been "*more than twenty attempts... made to expand or contract*" its numbers.<sup>32</sup>

Restoring the Assembly, while a long overdue righting of a serious wrong, will not in itself be a panacea to the range of outstanding obstacles to all current good governance challenges faced by Tasmania's broader system of democratic governance and oversight. The opportunity provided by the Consultation Draft Bill to consider additional measures to make our parliamentary democracy more robust and representative should be considered, such as providing for dedicated Tasmanian Aboriginal seats, introducing fixed four-year terms, and protecting our parliament from future self-interested and party politically motivated attempts to alter the parliament's compositions by introducing the requirement of a two-thirds majority vote.

These – additional to the fundamental need to restore the Assembly to a functioning and representative Chamber – would help ensure our Parliament delivers sound modern good governance, as expected by the Tasmania community.

Regarding the specific focus of this consultation process upon the Consultation Draft Expansion of Parliament Bill 2022, and with the caveat that the proposed Cabinet expansion is clearly addressed by government, this submission notes that the Bill's proposal ***to return to the five electorates by seven MPs model is consistent with, and finally respects, all previous independent consultation and inquiry processes, and is supported on that basis.***

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<sup>32</sup> *Review of the Proposal to Restore the House of Assembly to 35 Members*, Emeritus Professor P. J. Boyce AO, Independent Appointee, 8 March 2011: pg 2.

## APPENDIX A: TIMELINE OF KEY EVENTS

### Historic Context ...

- **19 February 1955** – State election for 30 seat Assembly returned 15 Labor and 15 Liberal MPs.
- **1958** - [\*Democratic Representation Under The Hare-Clark System: The Need for Seven-Member Electorates\*](#), George Howatt, presented to the Tasmanian House of Assembly.
- **29 May 1958** - Bill increasing Assembly from 30 MPs to 35, based on 5 electorates returning 7 MPs model, passes House of Assembly. Premier at the time was Labor's Robert Cotgrove.
- **3 December 1958** - above Bill passes Legislative Council.
- **2 May 1959** - *First Assembly election held returning 7 MPs for each of the 5 electorates. Labor 17 seats, Liberals 16, Independents 2 seats (Bass and Denison). Premier is Labor's Eric Reece.*

### ... Contributing to Current Situation ...

- **1980** – Dr Norm Sanders (Australian Democrats) elected as Member for Denison (now Clark).<sup>33</sup>
- **January 1983** – Dr Bob Brown elected as an independent Member for Denison on countback upon Dr Sanders' resignation.
- **1983** - Liberal Premier Robin Gray established an advisory committee into the size of the Tasmanian Parliament, known as the **Ogilvie Inquiry**.
- **1984** - The Ogilvie Inquiry Report released and recommended against cuts to MP numbers - *Report of the Advisory Committee on the Proposed Reduction in the Number of Members Elected to Both Houses of the Tasmanian Parliament to the Premier the Honourable Robin Trevor Gray, M.H.A, 1984.*
- **1 November 1984** - Premier Robin Gray delivers a Ministerial Statement in response to the Ogilvie Report, declaring that due to its recommendations to not reduce the number of MPs, his government will no longer pursue that policy.
- **February 1986 state election** – *Liberals 19 seats, Labor 14 seats, Independents 2, with Dr Gerry Bates elected as Green independent Member for Franklin additional to Dr Brown in Denison.*
- **1989 – 1992** – *the Labor-Green Accord following 1989 election. Labor minority government led by Premier Michael Field MP, supported by 5 Green Independents (later the Tasmanian Greens Party), one in each of the 5 electorates.*
- **February 1992 state election** – *Liberals one 19 seats, Labor 11, Greens 5 (one in each electorate).*
- **November 1993** – then Liberal Premier Ray Groom tried to link two measures: a reduction in the House of Assembly from 35 to 30 members and a 40% salary increase for the remaining MPs (seeking to address the freeze on salaries in place since the 1980s). The Parliament 'untied' the two and only passed the 40% pay rise.
- **March 1994** - then Liberal Premier Ray Groom established the **Morling Board of Inquiry** into the Size and Constitution of the Parliament.
- **June 1994** - The Morling Report released and recommended against any reduction in MP numbers - *Report of the Board of Inquiry into the Size and Constitution of the Tasmanian Parliament, 1994.*

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<sup>33</sup> Dr Sanders was elected following a highly unusual state by-election. In December 1979 the Supreme Court of Tasmania found the earlier election of three Labor candidates, Julian Amos, John Devine and John Green, to be void, as they had exceeded their spending limits. As a result, all elected members for the electorate of Denison were required to face another election.

- **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 without debate.
- **February 1996 – state election**, saw a minority Liberal government returned, under Premier Tony Rundle MP. The 4 Greens MPs on the cross-bench provided confidence but without any formal agreement between parties. One independent (Mr Bruce Goodluck MP) was also elected in Franklin, seeing for the first time since 1948<sup>34</sup> a state electorate return two alternatives to the major parties: 3 Labor, 2 Libs, 1 Green and 1 Independent.
- **April 1997** - Liberal Premier Tony Rundle, via the joint Federal-State funded Nixon *Directions Report*, proposed a referendum on reducing the size of Parliament from 54 to 44 members, using the unicameral model the Morling Inquiry flagged as the only acceptable fall-back option should reducing numbers be an imperative. Establishing the proposed referendum failed to pass the Parliament.
- **October 1997** - The Legislative Council opposed the unicameral 44 seat model and instead passed a motion supporting a model of 25 MPs in the Assembly and no fewer than 15 MLCs (the Labor model).

### ... and ... Parliament Guttled ...

- **May 1998** – New Labor Opposition Leader, Jim Bacon MP, introduced the *Parliamentary Reform Bill 1998* which mirrored the 1995 ALP Bill's model of an Assembly of 25 MPs, and Council of 15 MPs.
- **21 May 1998** - the Labor Opposition brought on for debate the *Parliamentary Reform Bill 1998*. Although the Bill was defeated (*Liberals & Greens voted against*), Liberal backbencher, Bob Cheek MP, controversially crossed the floor and voted with Labor.
- **13 July 1998** - following the Greens' refusal to support the government's proposed sale of the Hydro, Liberal Premier Tony Rundle announced Parliament would be recalled for a special sitting to reduce the size of the Tasmanian Parliament.
- **22 July 1998** – Debate in the Assembly to rescind the vote on Labor's failed *Parliamentary Reform Bill 1998*, to allow a second debate and vote on the same Bill. Bill passes Assembly, with the Liberals backflipping on previous rejection of Labor's 5 x 5 model and voting to cut MP numbers (*Labor & Liberal vs Greens*).
- **23 July 1998** – *Parliamentary Reform Bill 1998* passes the Legislative Council.
- **29 August 1998** – first general election returning 25 MPs in the Assembly: 14 Labor, 10 Liberal, and 1 Green (former Tasmanian Greens Leader Peg Putt MP) returned. Jim Bacon's Labor obtained majority government which they did not lose until 2010 balance of power parliament.

### ... Buyers' Remorse ...

- **2002** – *Constitution Act 1934*, S. 8A amended to increase Cabinet from 8 Ministers to either 9, or 8 Ministers plus 1 Cabinet Secretary.
- **2008** – 10 years later, the *Mercury* newspaper editorialises that the cut to Assembly numbers was a mistake which should be rectified.
- **2009** – Joint Select Committee on Ethical Conduct [\*Final Report 'Public Office is Public Trust'\*](#), (No. 24) raised need to revisit restoring MP numbers.
- **April 2010 - 2014** – state election returns a balance of power parliament: 25 Labor, 25 Liberals, and 5 Greens (one in each electorate). Minority Labor government with 2 Greens MPs in Cabinet.

<sup>34</sup> The 1948 state election was on the 30 MP numbers model: then-Denison electorate returned 3 Labor, 1 Liberal, 1 Independent Liberal and 1 Independent.

- **September 2010** – Three Political Leaders Agreement on Parliamentary Reform, including restoring Assembly numbers to 35 along the 5 electorates by 7 MPs model, signed by Premier David Bartlett, Opposition Leader Will Hodgman, and Greens Leader Nick McKim.
- **March 2011** – *Review of the Proposal to Restore the House of Assembly to 35*, by Independent Appointee Emeritus Professor Peter J. Boyce AO, tabled 8 March 2011. Report recommends the restoration of the Assembly to 35, via 5 electorates returning 7 MPs each.
- **May 2011** – former Labor Minister David Llewellyn admits on ABC radio that the Labor and Liberal parties ‘conspired’ in 1998, “to reduce the size of Parliament on the basis that it would take more percentage from minor parties to actually win a seat...”
- **2020** - *House of Assembly Select Committee (est. 2019) on House of Assembly Restoration Bill [Final Report](#)* released, unanimous recommendation to restore Assembly numbers to 35 on 5 electorates with 7 MPs model.
- **1 May 2021** – then-Premier Peter Gutwein calls an early state election. Majority Liberal government returned, Liberals 13 seats, Labor 9 seats, Greens 2 seats, plus 1 independent (Ms Kristy Johnston MP) elected in the seat of Clark (this electorate returning two alternatives to the major parties with the election of 1 Green and 1 independent – *25 years since electorate of Franklin returned this degree of diverse representation*).<sup>35</sup>

**14 May 2021 – 1<sup>st</sup> govt resignation:** 1 day after election Liberal MP Adam Brooks resigns.

**10 February 2022 – 2<sup>nd</sup> govt resignation:** Liberal Minister Sarah Courtney MP resigns from Parliament.

**25 February 2022 – 3<sup>rd</sup> govt resignation:** Liberal Minister Jane Howlett MLC resigns from Cabinet.

**4 April 2022 – 4<sup>th</sup> govt resignation:** Liberal Premier Peter Gutwein MP resigns from Parliament. *Tasmanian Parliament prorogued due to government being in minority during countback.*

### On the Road to Righting a Wrong ...

- **25 May 2022** – Premier Jeremy Rockliff’s [media statement](#) announcing intention to restore Assembly numbers to 35, during Assembly debate on a Greens’ motion to restore numbers, 25 May 2022.
- **6 June 2022** – Premier Rockliff states (during Budget Estimates hearings) he has sought advice from the TEC regarding the 5 electorates with 7 MPs model versus 7 electorates with 5 MPs model.  
  
**25 July 2022 – 5<sup>th</sup> govt resignation:** Liberal Minister Jacquie Petrusma resigns from Parliament. *Tasmanian Parliament prorogued due to government being in minority during countback.*
- **9 August 2022** – Premier Rockliff [announces intention](#) to move forward restoring Assembly numbers back to 35 along previous established model of 5 state electorates each returning 7 MPs. Decision is based upon TEC (2022b) [Advice to the Premier in relation to revising Tasmania’s electoral boundaries from 5 to 7 divisions](#), detailing logistical and financial obstacles to moving to a 7 electorates with 5 MPs model, which Premier also releases on this date.

<sup>35</sup> This denotes the diverse electorate make-up as elected by voters on polling day, as distinct from MP changes occurring *between* elections. For example, elected on the countback following Labor MP Scott Bacon’s resignation in 2019, Madeleine Ogilvie took her seat as an independent, despite contesting the 2018 election as an endorsed Labor candidate, giving the Clark electorate 2 Liberals, 1 Labor, 1 Green and 1 independent). Later that same term of government, following Liberal Clark MP Sue Hickey’s resignation from the Party on 21 March 2021, the electorate of Clark’s representative make-up was: 1 Labor, 1 Liberal, 1 Green and 2 independents.