

## LEGISLATIVE COUNCIL ELECTIONS

### BACKGROUND

The Tasmanian Legislative Council today is the fourth body to bear this title. When first created the Council was merely an advisory body to the Colonial Lieutenant-Governor while the next two Legislative Councils were a mixture of appointed and elected members. This was an indication of the growing notion of representative government - that is, the idea that the people have a democratic right to choose their representative Member of Parliament via the ballot box. The first parliamentary election held in Tasmania was for the Legislative Council on 21 October 1851.

Whilst not a comprehensive description, the annual report of the Legislative Council suggests that the role of the Council is twofold:

- to examine the merits of legislation from alternative perspectives and to authorise expenditure of State moneys; and
- to provide a parliamentary check on the Government of the day. In modern times, the Legislative Council has expanded from being a purely legislative body to a House that involves itself with the examination and analysis of actions, decisions and working of the Executive Government.

### ELECTORAL BACKGROUND

When established as part of the bicameral Parliament in 1856 the Legislative Council had 15 Members, one third of whom were to go to an election every three years. In 1859 a fixed six-year term for each Member of the Legislative Council was applied. This was necessary because in part a series of deliberate resignations had muddled the election pattern and also because the Tasmanian Constitution does not allow the State Governor ever

to dissolve the Legislative Council. The Council therefore never faces the voters together, not even as a 'half' election as in other Australian States. This is designed to make it a continuing body able to act as an independent House of review.

In 1871 the Division of Mersey was added making 16 seats. Two more seats were added in 1885 (Russell and Westmorland) and the periodic elections scheme was introduced whereby three Members would go to an election in May each year. In addition, Members of the Legislative Council elected to fill casual vacancies as a result of death or resignation would only serve the remaining years for that seat.

In 1898 another seat was added to make 19; this was reduced again to 18 in 1907, but after the creation of West Devon in 1947 the total remained at 19 until reduced to 15 in 1999. Therefore, periodic elections must now rotate two or three seats on the first Saturday in May each year. This is said, in part, to generate the high number of independent MLCs.

Many other consequences of this system have been argued but suffice it to note that in 1956 Prof. W.A. Townsley wrote in *A Century of Responsible Government* that, whilst it was good that younger Members of the Legislative Council were being elected, 'less reassuring is the habit of returning members un-opposed' (p. 35).

The election of younger MLCs is in part also a result of constitutional change. In 1856 the original eligibility age for a candidate was 30 years. In 1946 this was reduced to 25 years and the current age of entitlement is 18 for both electors and candidates.



## ELECTORAL SYSTEM

The Council uses a version of the single-transferable vote (STV) method of election, but unlike the multi-member House of Assembly it has 15 single-member electorates. This system, which is the same as that used for the Federal House of Representatives, is a preferential voting method known as the 'alternative vote'. The Legislative Council uses the partial preferential system where voters express their first, second, third preferences to register a valid vote and further preferences are optional. Candidates are elected if they gain 50% of the vote plus one (an absolute majority). If no candidate achieves such a majority the lowest is excluded and that candidate's second preferences are distributed as full votes (i.e. a value of one). This recurs until one of the remaining candidates gains the required absolute majority.

The franchise requirements today no longer favour the propertied class (as was the original intention) having been progressively relaxed since 1949. In addition, war-time servicemen and female nurses gained the vote in 1920. In 1954 the wives of landowners were given the right to vote for the Legislative Council. In 1969 full adult franchise was granted for those over 21, and the age of majority was reduced to 18 in mid-1973.

In 1985 when the House of Assembly abolished expenditure limits for candidates the Parliament set the Legislative Council a limit of \$5,000 plus \$250 each year thereafter. The Council also adopted the rotational printing of candidates' names on the ballot paper in 1979.

## BY-ELECTION

As noted, casual vacancies as a result of death or resignation result in by-elections for the remaining term for that seat. A writ for a by-election must be issued by the State Governor within 40 days, although if only 4 months remain until the annual May election, the vacancy may be held over.

Legislative Council electoral boundaries are set by an independent Boundaries Commission. The electorates are intended to be roughly the same in terms of population, but vary greatly in size. This is reflected in the amount of the electorate allowance the Members receive, as this allowance is designed to help them service their electorate.

### EVOLUTION OF THE CURRENT LEGISLATIVE COUNCIL

Type of Council	Period	Size	Composition
Crown Council	1825—28	7	Appointed by the Crown
Nominee Council	1828—51	14	8 Official Nominees; 6 People's Nominees
Blended Council	1851—55	24	8 Official Members; 17 Elected Members
Modern Council	1856—71	15	All Elected
	1871—85	16	"
	1885—98	18	"
	1898—1907	19	"
	1907—47	18	"
	1947—99	19	"
	1999—	15	"

