
12 February 2019

The Secretary,
Select Committee on the House of Assembly Restoration Bill
Parliament House
Hobart TAS. 7000

Dear Ms. Hesford,

Submission on Restoring the Size of the House of Assembly

I strongly support the restoration of the size of the House of Assembly to 35 members. I discuss below some of the more important reasons for my view.

Ministerial overload.

First, 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 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, and 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.

The last point is important because 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.

Relation to the Legislative Council

When a government is running low in ministerial talent, the temptation is to "poach" a minister from the Legislative Council. To do this is to confuse, indeed to damage, the way the system should work. The function of the Lower House is to present Bills to be reviewed by the LC, possibly to be amended and sent back to the House. If a Minister is a member of the LC it creates a conflict of interest. The Minister is the one who puts forward a Bill from his/her pf but is then placed in the position of passing judgment on it in the LC. That is unacceptable, even if in the past it has been done and has appeared to work. I am not passing judgment on individuals who have been placed in this position and indeed have a high regard for one who recently was. I am simply stating that it is contrary to proper process, potentially dangerous, and is a direct result of having too small a House of Assembly.

The cost of increasing the size of the House

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 (see below) 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 is 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 morale plummets. If the Health minister (note: lower case "m") had only this issue to attend to some of this damage might be mitigated.

In short, a more effectively working House saves money. A House, inefficient through ministerial overload, costs a great deal more.

Some History

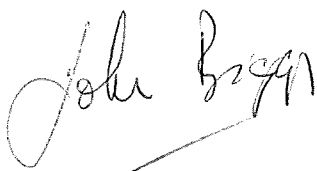
The Parliamentary Reform Act of July 1998 reduced the number of seats in the House of Assembly from 35 to 25, ostensibly to offset a 40% salary increase that members had received but in actual fact under the Hare-Clarke system in order to diminish the likelihood of minor parties, and specifically the Greens, from being elected.

This was a disingenuous beginning to this sorry legislation. In 2010 the Leaders of the Liberal, Labor and Green Parties political parties all agreed to find out public reaction to a proposal to restore the size of the House. Professor Peter Boyce was asked to report on the proposal, which he did in March 2011. He received 27 responses of which 18 were strongly in favour of restoration. The three leaders then seemed to be in accord over restoration.

However, in 2011, the Liberals however changed their mind, while Labor is still in favour of restoration, but it seems "not yet." Today, the substantive case for restoration is greater than ever, and indeed more urgent than ever, but most unfortunately the issue has become "political".

We Tasmanians deserve better than this, from all parties.

Most sincerely yours,

A handwritten signature in black ink, appearing to read "John Biggs". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

John Biggs AM.