

PUBLIC

THE PARLIAMENTARY SELECT COMMITTEE ON THE HOUSE OF ASSEMBLY RESTORATION BILL MET IN THE GROUND FLOOR COMMITTEE ROOM, HENTY HOUSE, CHARLES STREET, LAUNCESTON ON WEDNESDAY 26 JUNE 2019.

Mr PAUL DARE WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Ms O'Connor) - Good morning, Mr Dare. I am little bit rusty on committees, but I welcome you to the committee and thank you for coming to give evidence to us and for presenting your submission. Before you begin giving your evidence, have you received and read the guide sent to you by the committee secretary?

Mr DARE - I have.

CHAIR - I need to reiterate some important aspects of that document. This is a procedural point in hearings and I have to do this.

A committee hearing is a proceeding of parliament. This means it receives the protection of parliamentary privilege, an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place outside of parliament. It applies to ensure that parliament receives the very best information when conducting its inquiries. It is important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings. This is a public hearing. Members of the public and journalists may be present and this means your evidence may be reported. It is important that should you wish all or part of your evidence to be heard in private, you need to make this request and give an explanation prior to giving the relevant evidence. Does that all sound okay to you?

Mr DARE - Yes.

CHAIR - Maybe the first thing you could do is elaborate on the submission you sent to the committee in February and some of the points you have made about the submission specific to the bill and other changes you would like to see happen to Tasmania's governance.

Mr DARE - I have lived all over Australia and have just come back to Tassie. I became really annoyed with the election because I just don't understand how you can vote for a local member when you've got five of them. It completely does my head in. I think I understand the reasoning why you have the quota systems but when party candidates have to run against themselves to win a seat, I think it is ridiculous. You can't even play party politics really well because you're toeing the party line but you also want to win, so it's a catch 22. I really struggle with that concept.

The other thing I struggled with is going from having five people represent you to suddenly having seven people represent you. You're thinking 'How is that going to actually change anything?' It's almost like you can pollie-shop to find one who can push your barrow and that's not the way it should be.

PUBLIC

CHAIR - Thank you for your opening statement, Mr Dare. It is a slight departure from what you put forward in your submission, which was basically that you initially welcomed the restoration of the numbers, but you thought there might be other ways to improve governance that weren't so - because just to explain the bill itself, simply just reverses what was done in 1998.

Mr DARE - I believe the numbers need to be increased in a parliamentary setting because of the fact that, at the moment, a majority of 13 means nearly everyone is a minister and that's a real problem. How are you going to grow newer members of parliament? How are you going to do all that processing if the first thing you do is get lumped with a portfolio. If you get a couple of poor performers, you're really stuck for the term. I don't think that goes well either. I agree you need to increase it but I don't agree with the way you want to increase it, is what I'm trying to say.

CHAIR - Does anyone else have any questions at this point?

Ms HICKEY - I totally understand what you're saying because everything you've said is true. There is a view that it needs to be restored, at a minimum. To even get to a parliamentary inquiry agreement, we believed this was the best way to go.

CHAIR - Just to reverse what was done in 1998.

Ms HICKEY - Yes. It is probably not ideal, as you state, but we need expediency to get some decision made because we don't want to see the next four-year term crippled the way this one is.

Mr DARE - Yes. The other issue I have is that we always talk about productivity gains. You're increasing the number of people but where is the productivity gain from a public point of view? You're just increasing the number. There's no trade-off. Under this, the total number of polities go from 40 to 54. Is that right?

Mrs RYLAH - It depends what happens with the Legislative Council and all that.

Mr DARE - From my position as a member of the public, all it means is you're loading up the gravy train again, and that's the perception. Unfortunately you guys have a bad name out there. It's just the nature of the beast. It's a case of, 'Oh, we want to fix this', and I agree you need to fix it, but all you're doing is adding more politicians. There's no trade-off.

Ms HICKEY - If I could give you an example of a trade-off, just for us to get this meeting was almost impossible because the three backbenchers are on every committee there is. We are going well out to September for just three days, and even now one of the members has had to be an apology. You cannot even fulfil the duties of parliament with the numbers we have.

Mr DARE - Thank you. I understand that, don't get me wrong. I understand you're all under a heavy workload. I'm talking about public perception, though.

Ms HICKEY - Yes, but they need to understand we can't even have a discussion about increasing it because we can't get together.

Mr DARE - Yes, okay.

PUBLIC

Ms HADDAD - What would you see as a palatable public trade-off? I agree that the public perception is that it's more snouts in the trough, although those of us who understand or work in the system understand that the parliament is limited in what it can do because of the reduction in size.

Mr DARE - It's really tough because, to me, you're just going back, you're not going forward. Why was it changed the first time? Was it to reduce expenditure?

CHAIR - No. So were you not living in Tasmania then?

Mr DARE - No.

CHAIR - Okay, I'll tell you in 30 seconds or less what happened. There was an agreement between the then Liberal premier who had been in a loose coalition, if you like, with the Greens, and the Labor opposition leader, who together got the numbers on the Floor of the parliament to reduce the number of seats from 35 to 25. At the time, they said it was that we were over governed but then later a number of participants in that decision agreed it was to try to get rid of the Greens. Longstanding parliamentarians, who were there at the time and had worked in the parliament, agreed it was a mistake because it has affected the functionality and the health of the parliament and, therefore, the health of democracy.

Mr DARE - Once again, I understand that, but as far as public buy-in, you have reduced it and now you want to increase the gravy train again.

CHAIR - I guess maybe the question to you is, and it builds on Ms Haddad's question, we have deliberately called it the Restoration Bill because it is not increasing the size of parliament. It is just restoring it to what it was before. Do you think that, in the public's mind, there is the possibility that you could argue - do you see the argument that it potentially increases democracy and representation if you can have a richer talent pool, and you have ministers who do not have four portfolios, they have one, maybe two?

Mr DARE - I can see the argument, but the public will not.

CHAIR - Aren't you a member of the public?

Mr DARE - I have looked into this a fair bit so I understand what is happening, but most of the public - I have spoken with other people and they say, 'Oh yes, they are just increasing it for the sake of increasing it as not'. The justification -

CHAIR - The argument has not been made yet.

Mr DARE - No.

Mrs RYLAH - What productivity gain would you see as the alternative? In your submission, you talk about a unicameral government, 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

PUBLIC

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 Representatives.

CHAIR - Is that under the model that you are proposing, your alternative solution?

Mr DARE - I suppose that is where I see the gain, yes.

CHAIR - The gain in what?

Mr DARE - The gain in public support to change and go forward. I look at it, and personally go, 'Okay, I now have a local politician who has not cost me any more as a person to actually have this'. Government improves democracy because you have a bigger parliament and that is the gain that I see.

CHAIR - Sorry, are you talking about single member electorates?

Mr DARE - Yes.

CHAIR - I just wanted to be clear for *Hansard* that that is what you are talking about.

Mrs RYLAH - Also in your submission, you talked about a unicameral government, that is only one House.

Mr DARE - Yes.

Mrs RYLAH - You quoted Queensland. What benefit do you see in that?

Mr DARE - The main benefit I see in it - I have looked at a bit of history and I think there has only been two or three issues that the MLCs rejected outright in the history. They have changed things - do not get me wrong - but rejected outright is very minimal. In the Queensland case, except for the electoral commissioning sorts, there really has not been any more or any less cases of disillusionment.

To me, in the state system, the unicameral government works really well because the number of issues that get rejected outright are so small. If you get an issue you do not like, you only have to wait three years and you can change it. Bills can be reversed, it is not like it is set. To me that was the advantage of it, so that is why we went to the single unicameral model, but also because then you can actually get the number of people in government that you need in a majority party to actually govern properly and to work democracy.

I've been back here two years and no offence against the MLCs, but you don't hear anything from them. It's not -

CHAIR - The Legislative Council in Tasmania is a house of review. It's not just about knocking back a policy of government, but often they significantly improve legislation if you don't have quality down on the floor of the House of Assembly, or if the government of the day has the

PUBLIC

numbers. I guess my question is we're dealing with what we've got and what we've got is the most powerful Legislative Council in the western world. It is not going to dissolve itself and on the comity principle we can't play any role in the future of the Legislative Council other than to put this bill up to see if they want to restore their numbers.

If we have to deal with the reality that we have now, which is we're going to have an upper and a lower House - because that's what we're dealing with - what is your path forward potentially to take ourselves out of the realm of wishful thinking?

Mr DARE - Would it be possible to go to single member electorates in this process?

CHAIR - My question to you is: do you think then we should increase the number of - how does that impact on the federal seats? One of the reasons we have the five seats the way they are is because it is just administratively more efficient.

Mr DARE - I would see the seven new single seats being divided among the existing five electorates if that makes sense. You just get, like the electorate of Hobart would have seven seats.

Mrs RYLAH - Divided by seven?

Mr DARE - Yes, they just divide Hobart into seven seats.

Ms HADDAD - The upper House seat of Hobart, do you mean?

Mr DARE - No, no.

CHAIR - Clark.

Mr DARE - That's right, Clark, that's what it's called now.

Ms HADDAD - That would pose problems because as Cassy just said the current state electorates align with the federal electorates. The five state members for Clark have the exact same boundaries as Andrew Wilkie who is the federal member for Clark. Those electorates, both here in Tasmania and nationally, are based on population numbers.

Mr DARE - I understand that completely. What I'm saying is you would divide the Division of Clark into seven seats.

CHAIR - Why do you think that would be superior, necessarily, given how small Clark is?

Mr DARE - No, Clark is probably -

CHAIR - At the table are three members for Clark and we see each other on the job all the time.

Mr DARE - Clark is probably the worst example for it to happen in. Lyons is the best example to happen in and the others are - this is where the trade-off is, and I actually thought about this, because my thinking was okay, so Hobart or Clark gets seven seats. They have that same voting power now, it's just that instead of - I don't know how it is - instead of just being like one might

PUBLIC

have Bridgewater and Gagebrook and that everyone has Hobart, the Greater Hobart. Eventually you would have that. That's the way that Queensland works -

CHAIR - It's not the way Queensland works.

Mr DARE - Queensland, their boundaries roughly align to the federal boundaries.

CHAIR - Yes.

Mr DARE - They will have two or three state politicians within a federal politician's boundary.

CHAIR - Yes.

Mr DARE - That is what I'm proposing, the same thing. The federal boundary - like the boundaries don't generally cross between state and federal, if that makes sense. There is one, Katter's seat in the federal election is made up, I think, of four state seats. It still uses the federal line as a dividing line, is what I'm trying to say.

Ms HICKEY - I don't know whether I've made a wild assumption or not, but you were surrounded by eight nurses the other day. Are you in the health system?

Mr DARE - No, I am part of the consumer engagement committee.

Ms HICKEY - Someone made a really good point here in that the workload is an overload because the Premier has four portfolios, the Deputy Premier has three, the Attorney-General has five, but I thought she had seven. The Minister for Health, perhaps the most demanding of all portfolios, has another two to attend to. We have so few ministers and, as you have rightly pointed out, you also have to have a tail end to keep pressure on the front bench. Regardless of how we get there, whether it is seven seats of five or five of seven, do you think it can be sold to the public? You were saying, for example, there should be one minister dedicated to Health as it is such a massive responsibility. When he is distracted with the police and emergency services and science in addition to holding the role of Leader of the House, it is a phenomenal workload.

Mr DARE - Honestly, I don't think it could be but I understand why. I agree with you but I don't think it could be. If you think about how news sensationalise it, it will be 'we want more politicians', 'we want to spend more money on politics'. That is how it will come across, that is how they will sensationalise it. How do you overcome that, is the question?

Ms HICKEY - Fewer unelected advisers -

CHAIR - The trade-off is the cost of advice.

Ms HICKEY - who are paid a lot more than the ministers.

Mr DARE - I understand that but people won't buy that.

Ms HICKEY - Even though it is a cost to the taxpayer?

Mr DARE - No, people will understand that but people will say, 'okay, we will lower them but you know you are going to go back up down the track'.

PUBLIC

CHAIR - Some people will say that and some people will take another view.

Mr DARE - No, the majority of people who are sceptical of politics at the moment will -

Ms HICKEY - Governments are put in to make decisions on behalf of the people because people don't always have the facts. There has been a lot of legislation that might come up that, if you did a vox pop poll, they would say, there was recent example, 'no way, how bloody stupid', whereas in actual fact it is good law and it is a good outcome for the state. It will be fish and chip wrappers in news outcomes of, 'oh, we hate this', letters to the editor, et cetera, for the next 10 years or so. Governments, and I am including the opposition parties as well, must come to a conclusion regardless of what popular opinion is.

Mr DARE - Yes, I agree with you 100 per cent.

CHAIR - We are here to try to do the right thing.

Ms HICKEY - Our job is to govern.

Mr DARE - I agree 100 per cent; you need more politicians in the lower House. There is no argument from me on that.

CHAIR - Why do you think so?

Mr DARE - Once again, because you have to govern properly. I don't think you can govern properly with 13 people in power. You can't do it. The breadth of expertise required is too much.

Ms DOW - You have talked about the size of the electorates and having seven members allocated. You have given the example of having them allocated over particular centres, each town centre they are from, so they truly are local representatives. Some time ago in local government there was a ward system in which people were allocated from where they live. Whilst I agree that is ideally a great outcome, you cannot always determine where people live and who puts their hand up to put themselves forward as an elected representative. In places like where I am from in Braddon, and Mrs Rylah is from Braddon as well, there are numerous towns scattered across and highly dispersed populations. I don't think you could ever fully achieve that.

Mr DARE - I agree - across Braddon, north-west, and I grew up in Myalla - I understand that each town will not have its own electorate. It will be a much smaller electorate that the person will be responsible for. For me, where I come from, back from Queensland, I knew the one person I had to talk to in order to get something done. It wasn't determined by looking for the person who had the policy bit I am after.

Ms HADDAD - Was that because they were your local member, or because they were known to get results?

Mr DARE - No, it was because they were the local member. You would go to your local member.

CHAIR - Here, a voter or a constituent can choose who they think will deliver the best constituent service, or whose values align with their own. Greens voters will come to me, Labor

PUBLIC

voters will go to Ms Haddad, and Liberal voters might think about going to Sue. But there will be a smattering from across all the parties who will talk to Sue.

Mr DARE - Yes.

Ms HADDAD - Broader than that, there are people who will go everywhere - state, federal, upper House, lower House, the lot.

Mr DARE - I understand that from a purely democratic point of view. If you have an elected member, it doesn't matter what you voted for, you should be able to go to them and talk to them. I would hope that - no offence, I am not a Greens voter - you would fight for my cause if you were in my electorate and I came to see you.

CHAIR - Always, and any one of us at this table will do exactly that.

Mr DARE - I understand what you were saying about multiple electorates but the person in charge of that electorate will look after the individual because that is the nature of politics, isn't it? That is my counter-argument to that.

Ms HICKEY - Hypothetically, for example, if a Greens representative won in your suggested system and you wanted to go against something the Greens are passionately for, or the other way around, you would probably go to another electorate to get you position up. Say you were against salmon farming, having a Greens representative would be fabulous. If you had someone from the Liberal Party whose line is to support salmon farming and your electorate member is bound by party rules - Labor, Liberal or Greens - you don't get the flexibility of having five of us to choose from, which would give you one Green, two Labor and two Liberals under Hare-Clark.

Mr DARE - My answer to that is, you would go to the opposition or that party's spokesperson for that particular subject and you would air your grievance that way.

Ms HICKEY - That is going against your argument of having your own member.

Mr DARE- No, I am talking about members fighting for -

Ms HICKEY - No, we hate the Hare-Clark system. In voting and during election time, I hate it. It does pit member against member.

CHAIR - It is regarded by constitutional experts to be the fairest electoral system in the world.

Mr DARE - I like the French way of doing it, if I am honest. They narrow it down to two or three, then have a vote-off.

Ms HADDAD - The thing about Clark, where you live or I live and I now represent, Andrew Wilkie is my local member. I didn't vote for him but he is my local representative. Whereas in the Hare-Clark system there are five Liberal candidates, five Labor candidates, five Greens candidates and some representatives from other parties as well, and you know five of them will be elected. Proportionately, somebody you have given a high preference to - if you are somebody who splits your vote across the ballot paper - is going to be in there representing your needs and your community's needs, whereas, in a single-member electorate, 51 per cent of the

PUBLIC

population votes for candidate A, and candidate A ends up representing the electorate but there is a whole raft of people who didn't.

Like you said, that local member isn't going to shut their door to helping people with constituent issues, none of us would in any chamber of any Australian parliament. The difference is, in a Hare-Clark system, in a multi-member system like the Senate, you have a range of people formally representing you in the parliament.

Mr DARE - No, I'm not buying that.

CHAIR - So, you don't agree, if 40 per cent of the population support Labor, 40 per cent support Liberal and 20 per cent support the Greens and other independents, that should be what the representation looks like in broad terms?

Mr DARE - I would hope that it would come to something like that, yes. You would hope it would come out like that but it doesn't necessarily come out like that. If you looked at the percentage of votes for each party across Tasmania in the last election, did the seat end up exactly per that?

Mrs RYLAH - No, because there is a quota system.

Mr DARE - That's what I am saying - it doesn't work anyway because where is proportional representation measured from? Is it from here or here, or is it statewide? It depends how you measure proportional representation.

CHAIR - Yes, but each electorate has a different proportional representation mix, so the mix in Bass will be different from Clark where there is a stronger Liberal vote in Bass and a more left-leaning vote in Clark, and that is in broad terms what the mix looks like because you don't disenfranchise the Labor and Greens voters in Bass or the conservative voters in Clark.

Mr DARE - If the numbers don't match across the state from a state-based proportionality, shouldn't we be looking at state-based as the best result rather than electorate-based for proportional representation?

CHAIR - In broad terms at a state level that's what you end up with when you look at the mix of the Tasmanian Parliament now.

Mr DARE - I haven't actually had a look at it today.

Mrs RYLAH - I get your point and I think you do have a point. Andrew Inglis Clark, the man who constructed Hare-Clark, was concerned to ensure that every electorate had representation - which is the point Cassy has been making, that there is a spread of positions - but at the time he was making that, women had only just got the vote and not long before that landed people were the only people who could vote, so the community has come an enormously long way since then. He tended to look at it per electorate. He wanted broad representation and in a sense he has achieved that, but the difficulty is where do you see that from, because when you look overall there are plenty of examples, both federally and statewide, where a very large vote has not resulted in a significant majority, but that is what Andrew Inglis Clark wanted. He wanted to be sure that the other people did that. Could I postulate to you that if we tried to do that in this change, we

PUBLIC

probably wouldn't get it through? Do you think it is more important for us to increase the size of parliament?

Mr DARE - Restore.

Mrs RYLAH - Right - restore the size of parliament or change the voting system, or both?

CHAIR - Understanding that we are dealing with a certain reality.

Mr DARE - I understand. The reality is the increase is warranted. The desire is that this is a chance to move forward, and my biggest fear is if it gets restored, that will be it, so we are back to where we were but we're no further ahead, and in my mind we haven't progressed democracy. You were talking about proportional representation. I would say that it's not proportional representation because one person can actually get three people elected, so I would actually -

CHAIR - But that means if you are running for a particular party and people were going to vote for that party but they like you the best and they preference you and your other running mates proportionally, even though you will have helped your other members get elected, you are still representing the party and the vote of the party in that electorate.

Mr DARE - I agree but I suppose what I'm trying to say is - Will had 2.45 quotas, didn't he?

CHAIR - A massive quota.

Mr DARE - Which is an awesome job - and you got more than one.

CHAIR - No, I didn't - not this time.

Mr DARE - So Will got 2.5 and Rebecca got 1.8 or something, I think it was. What I'm saying is that was a popular vote. It was based on the person and the personality, not based on the politics. The result would be completely different if it wasn't based upon quotas. Somehow it becomes a popularity contest. If you've got one really popular person but the others are hopeless, you're going to get hopeless people in parliament. That's the other issue I'm trying to get at.

CHAIR - But do you agree that it almost doesn't matter what governance or electoral system you've got in place, you will get high-quality people and you will get mediocre people in parliament? That is the mix of human nature. You could look at any parliament in Australia and there will be some high-quality people and some seat-warmers.

Mr DARE - I agree, but the seat-warmers would only last a term of parliament if it were a single electorate, whereas seat-warmers can last more than one term of parliament at the moment because they just ride on the coat-tails of whoever the popular person is.

CHAIR - You said earlier that you didn't think restoring the numbers would improve democratic outcomes, but if ministers didn't hold four portfolios - and for each portfolio, they need a phalanx of advisers - they would have fewer portfolios, fewer unelected ministerial advisers, who are calling the shots in many cases, broader representation in the parliament and the backbench to represent them. You don't think that is a democratic uplift?

Mr DARE - No, I didn't say that. I don't think I said that.

PUBLIC

CHAIR - I thought you said something about five minutes ago - and I'm sorry if I am wrong - that you couldn't see that a democratic outcome would necessarily be achieved if we just stopped at restoration. Is that a better paraphrase?

Mr DARE - No, what I'm saying is the democratic outcome will be achieved but the opportunity to improve the democratic outcome, in my opinion, as to what it would be, is lost. You could do more. This just restores it to the status quo that was and I honestly think you need more politicians in the lower House. That is on the table and I think it is better for democracy that that happens, but it is the opportunity to go that next step that I fear if this goes through - that is, where it will stop. There won't be any review into parliament, there won't be any review into how many seats there are, and there won't be any review into boundary changes or changing the system. There won't be any of that stuff because of the fact that - without being harsh - you've got what you wanted.

CHAIR - To be honest, we're just trying to repair the damage that was done. It's not about what we want, it is just recognising the utter dysfunctionality of the current reduced parliament.

Mr DARE - However you want to word it is okay, but what I was saying is it won't go any further, that's where it will stop. This is an opportunity to take it forward past restoring the existing system to make it a better system.

Ms DOW - Perhaps there are a couple of steps to that process. The things you are talking about are very closely related but they're also different things about changes to the Electoral Act and other things as well which, quite rightly, are not considered as part of this legislation but you need to always be thinking about making this contemporary and even from the point of view of parliamentary process and the like. There are some of us who are new to the parliament but very interested in looking at the things we do every day in the parliament and how we could make that more productive or efficient. This is just one part of the story, but I take on board the other points you are making because they complement the full picture and perhaps other significant changes that could be considered. This is just one step.

Mrs RYLAH - Mr Dare, as the Chair pointed out to me, the correct term for this is not increasing parliament, it is the restoration of parliament, but if we were to restore parliament, it would mean increasing not only the lower House but the upper House as well because they used to be 19, as I recall. Would you be in favour of increasing the upper House at this time?

Mr DARE - It didn't say that in the draft that went out in the paper. It didn't mention the upper House.

Mrs RYLAH - No, it doesn't but the name of the bill is the Restoration of Parliament and I -

Ms HICKEY - It's the House of Assembly Restoration Bill.

Mrs RYLAH - House of Assembly.

Mr DARE - I didn't misread that, did I? No, I wouldn't be.

CHAIR - It proposes to increase the number of ministers from nine to 10.

Ms HICKEY - Is it eight or nine, because there are varying -

PUBLIC

Mrs RYLAH - It's eight.

CHAIR - By omitting nine and substituting 10 - yes, by omitting eight and substituting nine to 10 ministers.

Mrs RYLAH - Eight ministers and the Premier, isn't it?

CHAIR - Yes.

Mr DARE - Eight ministers is nine out of 18, which would be a majority. Half would be ministers, and the Premier. It is still more than half.

Ms HICKEY - Doesn't it become 10 and the Premier?

Ms HADDAD - No.

CHAIR - That's the number in your Cabinet. The Premier is counted as a minister for the purposes of this.

Mr DARE - A maximum of half would be ministers if it's just a one-seat majority.

CHAIR - On the vote.

Mr DARE - Yes.

Ms HADDAD - At the end of your submission you talk about your proposal to have a unicameral parliament, with people voting with their ballots to change policy every four years. Do you mean having a referendum-style ballot that votes on specific policy changes or specific legislation at each election in the way the US does, or do you simply mean they could vote the current mob out and vote a new mob in?

Mr DARE - Yes, the current one out and a new one in. That's what I meant.

Ms HADDAD - I wanted to clarify that.

Mr DARE - That's what I meant.

Ms HICKEY - I noticed your reference to having an indigenous person. Are you aware that we have an indigenous person and a same-sex person in our parliament?

Mr DARE - I wasn't aware of that but that was not the point. It was to do with the recognition of First Peoples, that is all that was.

Ms HICKEY - We do have one.

Mr DARE - That's good that you have one. I was thinking it would be a really nice recognition of that fact. It would be fantastic and would be really progressive.

CHAIR - Is there anything else, Mr Dare, you think we should know?

PUBLIC

Mr DARE - My closing comments would be, as a minimum, that the House should be restored but I would like to see recommendations that you look at future opportunities as a matter of course and not automatically put on the backburner.

CHAIR - That might be something like looking at, as Ms Dow mentioned, improving the Standing Orders, the functionality within parliament so that less time and taxpayer dollars are wasted, you suggest a broader reform to some of those governance and cultural issues as well.

Mr DARE - Yes, a broader form. Put the whole thing up in the air, is what I would say, and just see what comes out.

CHAIR - We'll put the whole thing up in the air, put our hard hats on and our flak jackets and wait for the response.

Mr DARE - I think it would be interesting to see. The response might be, 'we don't care, we want to keep the same thing', from the Tasmanian public. Until you go that way, you don't know.

CHAIR - Thank you, Mr Dare, for giving your evidence. As I have advised you at the commencement of your evidence, what you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you said to us. Is that okay with you?

Mr DARE - That's all good. Thank you.

THE WITNESS WITHDREW.

PUBLIC

Mr TONY IBBOTT WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you, Mr Ibbott, and thank you for your submission. Do you want to tell us a little bit about your background and why you have taken a particular interest in the House of Assembly Restoration Bill?

Mr IBBOTT - I did put a little bit at the back end of my submission, because I thought it should be at the back not the front, which may tell you a little bit about that.

I am a graduate of UTAS with majors in political science, public administration and I worked for 25 years in the state public service in a whole range of different roles ending up towards the 1980s as manager of internal consulting at DPAC. I was there at the time when Michael Field was premier and worked on a lot of different agencies and with a lot of backbench committees and other people who were elected into the House in different forms and roles.

By 1993 I was redundant apparently, except nobody would let me go because they said my skills were still required. So, it was a weird and wonderful thing but I ended up being on leave without pay for a number of years in the wilderness. During that time I ended up doing a lot of projects that were in the state public interest and in the national public interest. For example, we developed the first ever multi-valued marine plans anywhere in the world and I was involved in running the 50 to 60 people who did that nationally. I do not want to go on about I, I, I.

CHAIR - You have been provoked. I did ask you.

Mr IBBOTT - I have been involved in chairing a number of ministerial bodies, including the Tasmanian Fisheries Research Board, the National Parks and Wildlife Council, some legislative reviews for the Treasurer, and a whole range of other things. We can explore that if you want to explore that but it was really my experience of working particularly in the 1970s and 1980s with backbenchers and with people in the parliament, those personal experiences were the reason that I felt I really ought to put something in.

Thank you for the opportunity to present and I also want to compliment you on being a select committee that is addressing this issue because it is fantastic that you are doing it. Thank you to all and sundry for that. Have I adequately given you a little bit of a pen picture?

CHAIR - Yes, you have.

Mr IBBOTT - Or do you want to know more about my background?

CHAIR - No, that is really good. Thank you, Mr Ibbott. Before I pass on to other questions maybe then you could condense the main points in your submission so that it is recorded presenting your arguments for restoring the numbers.

Mr IBBOTT - I think it is interesting if you look at the historical perspective. I am assuming everybody has read it.

Ms HICKEY - Yes. Never go anywhere without highlighters.

Mr IBBOTT - Well done, Sue.

PUBLIC

Mr IBBOTT - 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.

It is not only a case of we are a smaller state, we may be the smallest state but we are the biggest island and as an island, we have a lot to contribute, a lot to bring and we need to be able to maximise that 'island-ness' in everything we do. It is for those sorts of reasons that made me feel obliged to have something to say about it.

CHAIR - Thank you Mr Ibbott. Who would like to ask the next question?

Ms HADDAD - Thank you for taking the time to submit and taking the time to drive to Launceston to appear. I am particularly interested in your work before the parliament was reduced in size with those backbench committees.

One of the unique things about this select committee is what dawned on all of us at our last meeting, which was setting aside three to four full days for public hearings, it became very clear that most of the committees are populated by opposition members and government backbenchers. It was very difficult to find four full days this year and that is why Mr Shelton is an apology for today's hearing, because there are a number of competing committees.

I am interested to know what that work was like for you during the 1970s and 1980s working with backbench committees, compared to how you imagine today's parliament operates in its committees?

Mr IBBOTT - For example, one thing I can think of, there was a time when unemployment was growing as a major issue of the day. I ended up working with a backbench committee looking at employment and how we might develop employment programs around the state. I will probably get shot for doing it, but we managed to get around the state to research some of the best of existing employment creation programs that were going and we used those as the guidelines for people who then wanted to apply. The more they fitted the guidelines, then the more we raised the application up.

We had a backbench committee that was the people who would sift through all of those and decide either this lot or that lot, that these will get funded or those will not, based on our recommendations and based on our principles that we adhered to, but starting with best practice based on research, evidence-based. That is one example off the top of my head.

Ms HADDAD - Thank you.

PUBLIC

Ms HICKEY - Your submission was very well articulated. When you come to the call to action, we are all interested in the Harvard principle. I can certainly understand the first two. The third one, the word 'invent': 'invent' options for mutual gain. Why do we need to 'invent' them as opposed to finding them, or some other word? 'Invent' has this connotation of manipulation sometimes in that context.

Mr IBBOTT - Okay, I would not die in a ditch over the word. It might even be that I have misconstrued it slightly. The thing about the Harvard principle of negotiation, that is a 30-year action research project that has been run at Harvard. It has been run on industrial relations conflict resolution, it has been run on international relations conflict resolution and it has been run on a whole lot of things like that. What they have come out of it is with are these simple principles.

I have used those professionally in Tasmania on a lot of things and every time we have ever done it - I will give you some examples. People wanted to aggregate the Tasmanian ports from being four separate ports all over the place to, 'Let's run this thing efficiently'. The purpose of the ports is to facilitate things getting in and out of Tasmania and to do that as efficiently as possible. I took the state minister, the chairs of the port authorities - Burnie, Devonport, Launceston, Hobart - and the CEOs of the port authorities' chairs who are the same ones. We went away for a couple of days, we hid away from the public eye; we looked at what we were trying to achieve and we applied these four principles with those people and they agreed to amalgamate the ports, but people had been trying to amalgamate the ports for 20 years prior to that and nothing ever happened. That was one example.

Another example is the Tamar Valley air monitoring station. TEMCO, Comalco, Hydro and George Town Council all have to comply with air quality standards but we didn't need to have five air monitoring stations run by each of them, so we got all those stakeholders in the room and looked at how we could have a collaborative air monitoring station for the Tamar Valley that enabled them all to get what they needed to comply, and we applied those principles and they all agreed. There are numerous examples of that. They are so robust. What we did was take them from the back end of conflict resolution and put them up at the front end of planning, so we used them for planning principles as opposed to back-end resolution principles.

CHAIR - Mr Ibbott, just expanding on Ms Hickey's question, how do you see the Harvard negotiation principles working in this context when we are in a political environment and there is a sense that neither of the major parties wants to jump first and run the unpopular public line about restoring numbers and having more politicians to encapsulate that? How do you see these principles taking some of the heat and some of the politics out of the restoration objectives?

Mr IBBOTT - Maybe it's not possible, I don't know. If we just think about them one by one, to separate the people from the problem, that means this select committee not going out of this room and then deciding to fire bullets at each other for some reason or other; it means that you, as a starting point, need to be collaborative about this and try to encourage your colleagues for the greater good to do this. That is about separating the people from the problem. Let's just deal with the issue, not the people. Let's not take advantage of that.

The second thing is about focusing on interests, not positions. There may be interests you have to protect and there may be interests you need to collaborate about, but don't have hard and fast positions. If you have a hard and fast position, you're going to get nowhere and we will get nowhere.

PUBLIC

We will get where we always have been. If we do it the same way we have always done it, we will end up in the same place we have always been.

The third one is that I don't mind if you invent them or develop them, but it is about achieving some options for mutual gain. The fourth one is about insisting on using objective criteria. The objective criteria might be the things you get from these public hearings, they might be things that you got from submissions, they might be things that you can bring to the table yourselves because you're in the fortunate position of being able to see this with fresh eyes, and I really hope that is the case for you.

Ms HICKEY - There is a different angle I would like to go to. I thank you for elaborating on that. I know you're passionate about this because I think we've had previous conversations in another life. What I'm interested in is, given all that wealth of knowledge you have, this legislation would restore the parliament but it would only take the number of ministers from nine to 10. Given the complexities of a couple of our major ministries, such as Housing, Health, Human Services and Education, do you think even 10 is adequate, given one of them will be Premier and also has a suite of four portfolios?

Mr IBBOTT - I must confess when I did this I really didn't think about a lot of the other extraneous implications and issues; I tried to keep it simple and to the point. Out of three dozen people, one dozen people maybe, a third ministers maximum, something like a third of the total, so if we're talking about a House of 35 or 36, we're probably talking about 11 or 12. I wouldn't object to that. I think that might be quite arguable and you may wish to argue that and if you do, I would support you.

Ms HICKEY - So maybe 10 plus the Premier.

Mr IBBOTT - Yes, that's a way of looking at it, or 11 plus the Premier, maximum.

Mrs RYLAH - When you were in DPAC, how many ministers were there then?

Mr IBBOTT - I don't remember; I couldn't say.

Mrs RYLAH - We can look that up. How did you think that worked then with whatever that number was, which I think was 10, but we will need to look it up?

Mr IBBOTT - I really wouldn't want to comment on the number.

Mrs RYLAH - But how did you think the parliament worked then? Our future is going back?

Mr IBBOTT - Well, the interesting thing is if you look at reforms, there are probably just as many or more reforms in minority governments as there are in majority governments.

CHAIR - If not more.

Mr IBBOTT - I'm not here to argue that case, but I have had a lot to do with all sides of politics, so I have worked for Labor governments and Liberal governments. The Rundle minority Liberal government, apart from doing some silly things like reducing the size of the House, also did a lot of very good things.

PUBLIC

Mrs RYLAH - Can I just go back and try to rephrase it another way? Did you think the spread of work that a minister had when the House was larger worked well then or did you think there was a need for more ministers?

Mr IBBOTT - I will still stick by what I said about the one-third, two-thirds rule. I don't think it would be good that ministers exceeded a third of the total number. There are legislatures around the world where that is the case and they do apply that rule. I'm sorry, I can't tell you where they are, but I'm pretty certain that's true.

Mrs RYLAH - It was less, I think, than a third previously.

Ms HICKEY - There would have been 10.

Mr IBBOTT - I'm sorry I can't answer your question.

Mrs RYLAH - That's okay, no worries, I just thought I'd ask.

Ms DOW - In your submission on point (3), inadequacies of a smaller House, in the last paragraph you refer to the fact that you believe 35 accountable members would be preferable rather than advisers and the like. Could you expand on that little bit? That is something that's been raised time and time again about a way of gaining productivity or efficiency and is often talked about in the media and the like. I'm interested in your real experience of that and whether you think if there is an increase in the number of ministers whether there would be a decrease in the behind-the-scenes advisers and bureaucracy.

Mr IBBOTT - Having been a chair of the Parks and Wildlife Council, having been a chair of the Tasmanian Fisheries Research Board my experience is that the more minders you have around the place, the more they act as a fence from those bodies and the more they shut you out and the more so if they have been appointed to do a public interest job. Yet you find you cannot get access to the very people you need to talk to, to do your job, so that is not much fun.

It is very frustrating for the people in those roles, as it was for me. I would much prefer that we had a few more accountable members who have to stand up and be counted at election time than to have people like that behind the scenes without the public knowing who they are, where they are, how many there are, what they are paid; none of that is open and it is just not good practice.

Ms DOW - Thank you.

Ms HADDAD - I have a question following from that. Do you recall roughly - it is probably a bit of a hard ask - how big those ministerial offices were back in the 1970s and 1980s. Was it a handful of staff, or if ministerial offices swelled to 10 or more staff?

Mr IBBOTT - No. If you go back to the 1970s there was probably an adviser and a secretary.

CHAIR - In the 1970s and 1980s and in fact through the 1990s it was much more about the department working quite closely with the minister's office as a key adviser.

Mr IBBOTT - Absolutely. Yes, that is true. I would agree with that statement.

PUBLIC

Ms HADDAD - The size of ministerial staff at the time when parliament was larger. Some ministerial offices now would have 6, 7 8, 10 staff. I am wondering whether ministerial offices were smaller back then?

Mr IBBOTT - I really would not want to put an exact number on it but I can recall times when I first joined the public sector where there probably were only about two or three and it was somebody who was an adviser in the field of the particular agency that the minister was responsible for and there was some kind of secretarial support.

Ms DOW - Admin position.

Mr IBBOTT - Admin position and there was probably one other to be fair. I would not want to overstate it or understate it.

Mrs RYLAH - To follow on from that, Mr Ibbott, you are saying from a bottom up perspective that is when you were chair of the Parks and Wildlife and Fisheries Research whatever you found that the adviser between the minister blocked you. Did you also, or perhaps I think I have understood it correctly, you were also in DPAC, so you would have seen it from what I would have thought the inside. Did you see the advisers getting in your way when you were within DPAC to getting information up from the bottom?

Mr IBBOTT - No.

Mrs RYLAH - They did not filter information?

Mr IBBOTT - I have no doubt there was filtering of information. I think that the shift happened somewhere between the 1970s and the 1990s, somewhere between there and there, where people in the public sector ceased to be servants of the public and started to become servants of the ministers. That has been a big shift, so that is where information gets filtered by these people who are unelected in that shift.

Mrs RYLAH - Do you relate that might have happened before the size of parliament was reduced if it was in the 1970s? Or the size of parliament, how do you see that related? Did it make it worse by shrinking the size of parliament, do you think?

Mr IBBOTT - Look, I really don't know exactly where that cut in, but it cut in. I am not implying nor am I saying that the size of parliament was the actual cause of that necessarily; maybe it has exacerbated it.

Mrs RYLAH - Yes, that was my question, did it make it worse?

Mr IBBOTT - It probably has but I am really not close enough to it now to say as I am looking at it historically.

Ms HICKEY - What I am about to say is probably a bit contradictory because it depends on the talent you have, but recently there was an example that devastated me. There was a critical piece of legislation going through the parliament and, in the hallway, I made a comment and one of the busier ministers said, 'Oh, I wish I had read it'. It just blew me away that such a critical thing that was going to affect the lives of people - the person was either too busy or I won't say disinterested but had left it to the minister in charge to deal with the whole thing. I believe the size

PUBLIC

of the parliament is affecting the capacity for people to be across the broader issue as well. They are just so bogged down with their own huge departments and they are getting briefings on the run without actually doing their own reading and forming their own view. Do you agree that is a complication of a smaller parliament?

Mr IBBOTT - Yes, that is what I said about one of the other things not mentioned about the replacement of 10 accountable elected reps with 25 seat House with numerous unaccountable unelected minders. The outcome of this is that ministers are shielded from hearing what they don't want to hear and should hear from their stakeholders or their elector. Thirty-five accountable members would be preferable to 25 unaccountable members and some other unaccountable people.

Ms HICKEY - True.

Ms DOW - I want to take you back again to point 3 in your 'Inadequacies of a smaller house' - in that section of your submission - and to the second last paragraph. When Ms Haddad asked you a question about this earlier you answered it very well. I wanted to go a little bit deeper on it around the resource that was available to those backbenchers. There was obviously more of them but what type of resource was provided to them to enable them to do that work?

Mr IBBOTT - I don't know that there was an awful lot of resource. They were probably supported by people from the agencies so in that case the example I gave you about the unemployment and employment programs at that point I was working in Premier and Cabinet. I was actually assigned a role for that project, which is probably better than just swanning around being loose everywhere, doing bits of this and bits of that, to actually have an assigned project with some assigned outcomes. I was assigned to that project by my head of agency. I probably did better on that than I did on the remuneration review for the members of the House.

Ms HICKEY - Do you think anything has changed over the years? You made a comment before about public servants not being servants of the people. Do you think that given the number of advisers that they tend to be caught in the political bubble as opposed to frank and fearless advice? Do you think it was better value public service back then that did actually state - or now sometimes it looks like there is a bit of political game playing as opposed to frank and fearless advice?

Mr IBBOTT - There is probably some truth in that. I think we need frank and fearless advice and we need ministers to be presented with that frank and fearless advice. People need to have the courage and the knowledge that they can give it without being taken apart for it.

Ms HICKEY - Or lose their jobs.

Mr IBBOTT - Or lose their jobs, yes.

CHAIR - Mr Ibbott we have had it put to us that rather than just restoring the numbers through what is quite a straightforward bill, this committee and indeed the parliament should look at other models. For example, it has been put to us that the Hare Clark system is questionable and we should have single-member electorates. Do you have any thoughts on those propositions?

Mr IBBOTT - Mr Clark would turn over in his grave.

Ms HICKEY - He is not here, though.

PUBLIC

CHAIR - Lindsay [inaudible] is always here. For four years - he's here.

Mr IBBOTT - I guess there are philosophical positions and different personal preferences about that. Personally, I don't see a need to change. That is just my personal view and I'm here with my own personal submission, so I'm not speaking for anybody else about that. I understand you could make a case for this type or that type or some other type, but I'm not sure that is going to advance us anywhere, to be honest.

Ms HICKEY - Do you have any views on seven seats of five versus five seats of seven?

Mr IBBOTT - I haven't really thought about it. I think it would be better to align them to the Commonwealth seats so that the members who are elected in those seats in Tasmania in the state parliament know who they're going to deal with in the same boundaries with their colleagues representing Tasmania at the Commonwealth level. I would be trying to keep that aligned; I think that makes sense.

CHAIR - In simple terms, on the basis of your experience and your understanding of the island's politics, how do you think restoring the numbers to 35 has the potential to improve governance and also the health of our democracy? They are some of the broad themes in your submission.

Mr IBBOTT - In point (3) that I made about the shortcomings of the numbers, the inadequacies of the smaller House, it starts to overcome some of those issues. That is what we are trying to remedy on the way through. Sorry, I missed the last point of that.

CHAIR - It is almost a global statement I am seeking here on how, in your view, restoration of the numbers can improve democracy and governance. It is expanding on some of the points you have made in your submission so that your evidence on the *Hansard* also goes to these questions. You talk, for example, about the greatest good for the greatest happiness of the greatest number, and that majority rule is not always the best for the public interest. It is about our current system and why restoring the numbers will make democracy and governance healthier.

Mr IBBOTT - Okay. Let's unpick that point about the complex society for a little while. This is probably not something you've got from anybody else, I would imagine; I would be surprised if you did. If we are to design the future and improve the quality of life according to Ackoff, we must determine how the state of affairs differs from earlier societies. I already made the point that when you take the historical perspective, there was a larger House of 35 in a simpler society of fewer people, and yet it was seen fit at that time to have those numbers and that complexity.

According to eminent British philosopher, Jeffrey Vickers and Ackoff -

The rate of change increases at an accelerating speed, with a corresponding acceleration of the rate of which further responses can be made, and this brings us nearer to the threshold beyond which control is lost.

That's what has happened. Did anybody watch *Four Corners* on Monday night?

CHAIR - Yes - devastating.

PUBLIC

Mr IBBOTT - We have lost control. That is also true if you think about homelessness - we have lost control. There are so many issues we have lost control of because this rate of change that has happened and people can't keep up with it, they can't cope with it, and neither can members of the House if there is not enough of them. Sue made the point - sorry, can I call you Sue?

Ms HICKEY - Please.

Mr IBBOTT - Sue made the point earlier of saying that the minister hadn't read the papers. Well, at least if you've got more people, you can talk amongst yourselves and say, 'How about you have a look at that and I'll have a look at this? Let's have a look at that and see what you found. I need to have a look at that'. We will start to get dialogue between people that will increase the outcomes. If we go back to this again, for a moment, in the context of accelerating change, Ackoff says -

Technological change has produced more wealth and affluence, more consumption, more education, more communication and more travel in the last century than in all preceding centuries.

That is what we've been faced with. If we haven't got enough mental grunt, enough human capacity, if we haven't got enough people to distribute the work and to form backbench committees and things like that, or parliamentary select committees or whatever it might be, that's why what you're doing is so important. That is what we need.

These things have all changed society in fundamental ways and produced all kinds of crises. Society does not yet know how to respond to these things and it may not learn to do so in time. We really have to take it seriously, therefore there is an urgent need to change our society in ways that increases ability to learn and adapt, and this is also true of parliament, but it can't do that if it hasn't got enough capacity.

That point (3) is really very critical. If I can indulge myself for a little bit longer, according to Ackoff -

In addition, the time in which majority rule only was an accepted justification of our voting system has passed. As Lord Wilfred Brown, prominent British industrialist and student of management, points out, the simple rule of the greatest good for the greatest happiness of the greatest number entails the imposition of change by the majority on a minority. We are now more concerned with the rights of minorities -

That is happening across the political spectrum, both nationally and overseas internationally -

It is not therefore only that people subject to authority want change, but also that even when majorities have democratically agreed on change, minorities are increasingly ill content to tolerate such changes. Minorities are often ill content in part because they do not have adequate representation in critical decision-making.

That is why we need 35 members or some figure like that because we need our minorities to feel included and so that at least they will be heard, at least they will be respected, at least they will have a chance to have a say. Hence civil Tasmanian society would benefit from a larger, more

PUBLIC

diverse representation. The last line was to tackle the social issues with somewhat greater acceptance, if not agreement. It is not that we are all going to agree but because we had enough participation and inclusiveness, we can at least accept we had a fair go in the process. We don't agree with the outcome but at least we got a hearing, at least we got participation. The last paragraph of that piece from, 'Hence Civil Tasmanian Society', to the end of section 2 is really important.

CHAIR - Thank you, Mr Ibbott.

Ms HADDAD - In the time the parliament was larger, did you see a higher quality of opposition party analysis and interrogation of government policy, or a different level of that?

Mr IBBOTT - Yes, I think there was more backbench interaction with public agencies. Opposition and government backbenchers were closer to government agencies and they were briefed more on what was actually happening. They were better informed.

Ms HADDAD - Thank you, that takes me to my final question. You made comment earlier about 'frank and fearless' advice within the public service. I worked in the public service up until my election. Most agencies have quite a large senior executive service who are all on appointed contracts, rather than everybody at director level and below, who are usually contracted on a permanent position or some form of permanency. What kind of numbers of those senior executive appointments were there in the departments you had experience of? That is, those that are a little more tenuous than those in director-level positions and below who had slightly more job security?

CHAIR - Are you asking if they have proliferated?

Ms HADDAD - My suspicion is the number of those on senior executive contracts has increased. My assumption is that the number of those in government-appointed contracts who - in some views of the world, might be less inclined to give 'frank and fearless' advice as you described it very well earlier - became servants to the minister instead of servants to the public, has increased.

Mr IBBOTT - I suspect that's right. I don't know the figures so I can't say. In the 1970s, there were none of those people. You were employed by an agency. There were senior managers in the agency. They were the people who gave advice to the minister. There was dialogue backward and forward between the ministers and the agencies. The 1970s was pretty much that. By the late 1980s, you had people coming on with contracts and there have been more contracts since then. I couldn't tell you the numbers.

Ms HADDAD - Yes, but you have certainly seen an increase in those who are -

Mr IBBOTT - There has been an increase and a change, yes. Prior to that it was more like the British system.

Ms HADDAD - Westminster?

Mr IBBOTT - The Westminster system of permanent agency heads and permanent senior people. That was the 1970s and the early 1980s. By the late 1980s and early 1990s, it was going to contracts.

Ms HADDAD - That's when you saw departments shift from that focus of servants to the public to servants to the ministers.

PUBLIC

Mr IBBOTT - Yes, to servants of the ministers, that's right.

Ms HICKEY - I have been to a couple of the parliaments on a fact-finding mission and the one that stood out to me was the Scottish parliament. Under their system, members go into committee for the morning. It is widely representative of the different minority parties on all legislation. They have a petition committee. Even a petition of one is looked at; if it is a good idea, it might progress. They come into the House at 5 pm and have electronic voting. The whole structure is about holding the government of the day to account. Throughout all of the literature that supports this parliament it is about keeping the government of the day to account. It has a much more collaborative approach to reaching consensus between parliamentarians. I found that particularly enlightening, so collegial and productive and it leads to better outcomes.

One of the current inertias in the Government is that the Opposition has to oppose and the government has to govern and we are not getting that representation of the people. Should the committee find, having listened to all the evidence, that there is overwhelming consensus to restore the parliament, do you think the legislation should be enacted as a matter of priority, or wait until the next term of government?

CHAIR - To be clear, the legislation, as I am sure you know, Tony, comes into effect at the next election if it is passed. The next election will be a 35-seat election, should the parliament pass the bill. Ms Hickey, were you asking whether we deal with it promptly, or take it to the people who will reject it on the evidence?

Ms HICKEY - Yes, so that everyone can be prepared.

Mr IBBOTT - I suspect if you take it to the people you will get a majority of people who will say, 'no, we don't want to do that, we don't want to spend more money, we want to save money'. I am not an expert in the politics of this, but I made a statement on my second-last page that the longer we dither, the more people will complain. It is section 4. In effect, that is why you need to have a strategy based around the Harvard principles and get on with it. Just do it. If you just do it, people will forget about it and get on with the next thing. Let's get on with health and hospitals and all that stuff. If all the leaders of the parties can agree to do it and get on with it, just do it because the longer we muck around with it, the more we will dither and dither and people will carry on.

CHAIR - They will get stage fright.

Mr IBBOTT - They will get stage fright, yes, all of that. I don't envy you. It is a very difficult job. I don't know what to say about that.

Ms HICKEY - I have a view that governments, and in this case I am referring to parliament, have unique access to information that the general public don't, necessarily -

Mr IBBOTT - I agree with that.

Ms HICKEY - and that we understand how dysfunctional it can be, as opposed to the general public who have a 30-second view of the world through social media or whatever. I think it is beholden on the parliament to make a decision that they know from experience and knowledge and not do it as a political reaction. It is whether or not it is good governance, full stop.

PUBLIC

CHAIR - And in the public interest -

Ms HICKEY - That is exactly right, yes, good governance.

Mr IBBOTT - Yes, in the public interest.

Ms HICKEY - If we are going on populist opinion, which is what has happened, we have ended up where we are.

Mr IBBOTT - I would urge everybody on the committee to re-read my submission, especially section 2, which was about the complex society. It is something that I don't think you will get much from anybody else quite like that. I hope you can pick up that there is often the case where two or three words are really important to that section. If you can take those and they can be part of your report that would be great.

CHAIR - Mr Ibbott, there is no question at all that we will quote you in the final report.

Mr IBBOTT - You are very welcome.

CHAIR - Thank you.

Mr IBBOTT - I am going to nail my colours to the mast.

CHAIR - This is a pre-emptive copyright request. Is there anything else, any final, final questions? Mr Ibbott is there anything else you want to say before we release you?

Mr IBBOTT - No, there's probably lots I could say, but I probably shouldn't. Thank you for your time and thank you for listening and for your questions. I hope I was able to add something in my responses.

CHAIR - Absolutely, really good, thank you. It was the experience, the background and the deep working knowledge that is much appreciated.

Mr IBBOTT - You are welcome.

CHAIR - Tony, before you leave the table I have to read you the statement after evidence, which goes like this: as I have advised you at the commencement of your evidence what you've said to us here today is protected by parliamentary privilege. Once you leave the table you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you're just repeating what you said to us. That's okay with you?

Mr IBBOTT - Yes.

CHAIR - Thank you so much for your time today. That was really illuminating. I hope you have a good drive home.

THE WITNESS WITHDREW.

PUBLIC

Mr GREG HALL WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Welcome, Greg. I will take the Chair's prerogative and ask the first question which is simply to give you an opportunity to tell the committee, in a nutshell, why you support the restoration of the numbers?

Mr HALL - Thank you, Madam Chair. I suppose my submission was generated by a notice of motion which I did in the upper House back at the end of 2017. The reasons I did it in November 2017 was because I could see that I was going to become a feather duster in 2018 because of change of boundaries. There was a state election coming up so I had that sitting in my mind. It was one of those things that I wanted to do so I put it in the form of a notice of motion. It was not appropriate to do a private member's bill at that time because we were in another House but I wanted to test our House in the form of a notice of motion. That is why I did it in that vein. By the way, the notice of motion passed easily in our House. There were a lot of very positive comments with regard to it even though there were a couple of different aspects to my notice of motion, which I would like to bring forward a little bit later.

Essentially having been a member of the upper House for some 17 years or so and been fortunate enough to have had two terms as deputy president, I had a fair understanding of the way in which the parliament worked. I wasn't in parliament when the numbers were reduced; that was before my time. I think that happened in 1999 and I was elected in 2001 so I came into the new scenario of 25 and 15.

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 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.

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.

I did make another comment that in the lower House every player on the government side, whoever is there wins a prize almost, every minister is overworked and the ability of a government to keep in contact with the people is much reduced. On the other side you have an opposition that is reduced to mere rumps, if you like. They are also overworked, endeavouring to keep up to speed with legislative requirements, as well as maintaining contact with the electorate.

PUBLIC

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. With a very small backbench it is very difficult to hold the government of the day accountable.

If I can just point towards the other place, as you call it, where I was ensconced, we had at times quite a few ministers because the government of the day were short. At one stage I think we had, for example, Mr Aird as treasurer for some time, Lyn Thorp was a minister, Alison Ritchie was a minister for a very short time and, indeed, Mr Farrell, the current President, for a nanosecond was a minister as well. Therefore you are reducing some of the capacity, one could contend, for the House of review, because you are taking away some of those people from where they should be.

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 absolutely in reverse to every other jurisdiction. I am not saying it is wrong, it is just the way it is.

CHAIR - It must be educating the electorate at some level because of all the states and territories we have the highest below-the-line vote in the Senate. That means Tasmanians, I think because of Hare Clark, are quite engaged and are very choosy about who they vote for in the Senate, below the line.

Mr HALL - I take that point, yes.

CHAIR - Any questions, colleagues?

Mr HALL - Could I make another couple of points, Madam Chair? One is that in all my time in parliament, privately speaking to any MP of any colour, I didn't ever find anybody who didn't agree that there should not be an increase in numbers. Having said that, I'm not sure what the numbers should be. I make the point that my notice of motion was worded somewhat differently in that I felt that the numbers in parliament should be independently assessed by an appropriate persons or persons. There are plenty of academics who have supported this cause. I find it a little bit difficult from where I sit that the numbers being restored to 35 is the arbitrary way to go. It may well not be the way to go.

PUBLIC

Remember, we've got a very cynical electorate out there. When you find that you have MPs with their hands on the wheel driving a particular agenda, a lot of people will say, 'Hang on, this is all self-interest again'. That is why we have industrial tribunal when we did the wages and salaries of parliamentarians. That is why you keep your hands away from the wheel. I feel very strongly about that.

The other matter I would like to raise, Madam Chair, was in terms of the numbers of the upper House, which I know is not germane to this. When I spoke to Dr Bryan Stait, that fount of all knowledge in the parliament, he informed me in a bicameral Westminster system, upper Houses are always about half the numbers of the House of Assembly, without exception. I found that interesting, because if you went to 35 and, once again, I have no firm view on the numbers in the upper House. I came in when there were 15 there and I found that to be adequate. I don't know how you would fit 19 again, it would be a hell of a squash given that it is a heritage Chamber and those chairs, but I won't go down that track.

Ms HADDAD - They have had tables installed in the upper House now, a big change.

Mr HALL - Do they? I haven't been in for a little while. It saves you treading on all of your papers on the floor as we stomp over everything, including your iPad, sometimes. I don't have a firm view on that. I am thinking aloud: if you had a 35 seat House of Assembly and only a 15-member House of review, does that diminish the role of the House of review by being 'out of whack' in numbers, to a degree? I am not too sure whether it is starting to implode. Basically, Madam Chair, that is about all I have to say.

CHAIR - Thank you, Mr Hall. Ms Haddad, would you like to ask a question?

Ms HADDAD - I didn't know how to phrase it, so I am glad you covered it in your opening statement. You said that in speaking privately to other MPs, you found that the general view was that the lower House numbers should be restored. Would you elaborate a little on your experience of having, regardless of political colour, ministers of the Crown in the upper House?

Mr HALL - It wasn't the end of the world. However, I did find there was often a complaint, Madam Chair, coming from the House of Assembly that the treasurer should be down in the House. We made some changes to the Standing Orders for Ms Thorp and a couple of others to come down to the lower House at question time, as did our dear, departed colleague, Vanessa. Vanessa had multiple portfolios and how she balanced all of that was a great credit to the person, indeed.

CHAIR - Yes.

Mrs RYLAH - They couldn't pursue bills in the lower House, so you had to have a representative minister in place. Sometimes that was not helpful because you couldn't get direct answers.

CHAIR - Yes, and it was hard on the standing minister to grasp the entire portfolio.

Mr HALL - Often we used to find that, in answer to your question, those people with the ministerial portfolio would probably have their mind on other matters rather than partaking of debate in the House. It was left much more to the independents to be taking lead roles on most of those issues and the voting would occur, as it did. It still worked, as it works in other jurisdictions. In other jurisdictions there are many ministers in upper Houses as well, it's not totally unusual.

PUBLIC

Ms HADDAD - Thank you.

CHAIR - Mr Hall, while my colleagues are thinking about some other questions, you were talking about the number 35. As you know, this bill simply restores the parliament back to the numbers of 1998. We have asked the fount of all knowledge, Bryan Stait, and the PRS to do a comparative jurisdictional analysis of the size of their assemblies, their lower Houses, per capita to population, and to look at comparative Westminster democracies, but we do have some knowledge on this. Noting the second reading speech, Tasmania's lower House does not perform well when you compare it to other jurisdictions, with 'the average size of a lower House for states with a population between 400 000 and 600 000, like Tasmania's, sitting at 45 members', when you go across the world and look at it. Even if we restored the House to 35, we would still be 10 seats short of the average for a population of our size.

Mr HALL - That is right across Commonwealth jurisdictions, is it?

CHAIR - All Commonwealth - Australia; we look at American Samoa Chuuk and the Federated States of Micronesia; Argentina; and the Canadian provinces. We have looked at national and sub-national levels as well. Are you thinking that 35 seats might be too many or too few or are you simply saying you're agnostic because you are not certain?

Mr HALL - The latter, I suggest. As I said, Madam Chair, I think it should be considered that a recommendation from this committee should be sent to the independent umpire.

CHAIR - Who is that?

Mr HALL - I don't know. When I moved my motion, I would have thought there were people with that capacity in a legal sense or with knowledge of parliamentary systems to handle that, whether from this state or interstate. You may have some issue with community backlash. I talked about the mice wanting to bell the cat.

CHAIR - We will, anyway.

Mr HALL - It is difficult and it is a difficult matter, it is a very difficult one to sell. As a former member, I was bailed up even for moving the motion because it was reported. They said, 'What do you mean, you need more MPs?'. It is a really unpopular matter in the electorate.

Ms DOW - How did you respond to that?

Mr HALL - I went through some of the points from before. People said they were well paid and so on. I explained that when that happened, as I understand it, back in 1999, we saw a commensurate increase in the number of bureaucrats and advisors. I'm not saying you don't need those' however, a senior advisor is a much more expensive commodity than an MP, as we know.

Ms HICKEY - I am very attached to the words; the 'unintended consequences' of such a decision have been immense. When we are talking about selling it to the public, do you not think that those unintended consequences have meant monstrosities of departments, such as Health, Housing, Human Services, State Growth, have become runaway trains and almost unmanageable because they don't have a devoted, single minister? They have ministers distracted with multiple

PUBLIC

portfolios of significance. The consequences have not been good for governance. People are feeling the pain of those portfolios and recognising the ministers are under strain.

Mr HALL - Madam Speaker, you are quite correct in that. I have seen it recently, even out of the job, now dealing with a couple of ministers. People still ask you because sometimes people still think you are a member. You go through that process and you can see that minister, with each of the departments they control, has a multitude of advisors and they are trying to work out which one to speak to and everything else. It does become very difficult for them. It becomes very complex, having so many portfolios.

Mrs RYLAH - Greg, you're a clever political person, you get the political view.

Mr HALL - Did you say 'clever'?

Mrs RYLAH - I did. You are. I am interested in your view in regard to the independent umpire. In the reality of putting this bill up for the restoration of the House of Assembly, there is a window of possibility now, we would hope, well possibly. If we put up an additional inquiry view of an independent 'somebody' to set the number, we would delay the process significantly and we may miss a window. Do you think politically we would be able to get the populace on board if we put through to 35 and then as a second stage sent it off to an independent person, group to give us a view on the optimum number?

Mr HALL - Yes, I think so. I think person or persons. We have plenty of academics who have made comment in this state that they recognise that need. I think politically that what what you are suggesting is quite a feasible option. That is the reason I did that notice of motion at the time even though that is going back. My thoughts were that because it is so sensitive that a government of whatever colour should do it quickly, early in the term. You just get it and do it and get on with it, otherwise as an election draws closer everyone becomes nervous Nellies or Neddies.

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

CHAIR - Absolutely. That is our privilege.

PUBLIC

Mr HALL - Anyone come and belt on your door or ring you up and bash you up, at any time as I have found out.

CHAIR - They would feed you if you were starving too.

Ms DOW - You have alluded to the benefits within Cabinet and from the point of view of executive government in increasing numbers, and your submission makes mention of oppositions as well. I wanted you to elaborate a bit on that, what you see the benefits would be around accountability for opposition parties as well as resourcing and the like.

Mr HALL - As I said before, with the Hare Clark system as it stands you are always going to have a very small rump of opposition members. That is about as simple as I can put it. I think the opposition in a democratic world needs to be heard and in the party room as well. At the moment, of course, sometimes even in the party room, even though the ministers might not like it, not having many backbenchers sitting around - either the government or the opposition - you do not get a diversity of views that could be reflected by having more members on both sides of the equation.

CHAIR - I guess, Greg, in conclusion if you had a direct message to the committee, more direct than your *Hansard*, if you had to condense your take home message to us, and therefore the people of Tasmania really, what would it be?

Mr HALL - If I could encapsulate: that for the sake of good governance and democracy in Tasmania then the House of government should be increased in size. I am not being specific about the number but I think it should be. Consideration should also be given then perhaps, even though it is outside the germane of this committee or the terms of reference of this committee, to consider the upper House but that is not a burning issue with me. It should be done simply for the best manner of governance for the state, for the people of Tasmania. I feel quite strongly about that and always have.

CHAIR - Finally, your conclusion is that it is in the public interest to restore the lower House?

Mr HALL - It is in the public interest to increase the numbers in the lower House, but I would say I am not absolutely convinced it is 35 on the number. I am not sure about that. That is where I sit.

CHAIR - Thank you and it is nice to see you again. You have to stay for a minute while I read you this.

As I advised you at the commencement of your evidence what you have said to us here today is protected by parliamentary privilege. Once you leave the table you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you said to us. That is all good?

Mr HALL - I am cool with that.

CHAIR - Thanks, Greg. It is really good to see you.

Mr HALL - Thank you.

THE WITNESS WITHDREW.