

22 July 2019

The Committee Chair - House of Assembly Restoration Bill

The following is made with *mea culpa* very much in mind.

A total oversight on my part - I was totally unaware of the committee's establishment and timeline. As such, I suspect it is far too late to make a submission, but I write to put the following before you just in case.

The arguments for an increase in the size of the parliament are many, and have been well and truly covered in other submissions. They include but are not limited to:

- The need to be able to choose members of Cabinet from a pool of talent

- The need for the government to have a working and workable backbench

- The need for the parties not in government to be able to provide members for committee work

- The need for the electorate to be properly serviced by its MP's

 - At the present time, the Government has 3 Ministers in Bass, each with heavy state-wide ministerial duties, and no backbench members. The government is ill-served by such an imbalance

The following was written by me in 2011, as part of the Report "Tasmania – Present Prospects Opportunities and Constraints". The case made then is just as relevant today.

A CASE FOR PARLIAMENTARY REFORM

At present the Parliament has two chambers, a house of government (the House of Assembly) and a house of review (the Legislative Council). The model is common to most legislatures, where the house of review has a different constituency to the house of government and is designed to balance the democratic interests of the people with (normally) a geographic overlay. The concept of "balance" is a sophisticated one, but is generally regarded as being an important feature of the checks and balances necessary to ensure a Government does not abuse the power that it has available to it.

If a government consists of a minimum of 8 Ministers, including a Premier and a Treasurer, and for good governance reasons has a backbench greater than the frontbench, of which one would be Speaker, then it will need a minimum of 17 persons. The Opposition would be, at a maximum, 16 strong, making a minimum workable Parliament of 33 members.

In Tasmania, with 8 Ministers, the house of government has 25 members, and is generally regarded as being below a critical mass for good governance. Ministers have had to be sourced from the Legislative Council, thus compromising its role as a house of review, and the backbench has had no authority to question the decisions of Cabinet.

The backbench also plays an important role in providing a pool of talent for the Government, and fulfilling committee responsibilities. It is obvious to everybody that the numbers need to increase.

Should Tasmania have a unicameral system? One train of thought has been to combine the two houses into one. However, attractive as it might be to some, in practical terms this won't work because the Council will not vote itself out of existence. Variations on this theme, whereby the two Houses meet as one for certain procedures and processes, are in reality cumbersome and impractical.

The alternative is to increase the size of the House of Assembly, and it should be a priority of all parties (and a benefit to them as well) to boost the numbers in the Lower House to enable proper governance arrangements.

There are a number of scenarios that could achieve this end, and maintain the system of proportional representation. The simplest and most acceptable is to amend the existing legislation back to 7 members for each of the 5 electorates, and this should be done immediately.

However, there is scope for further improvement. The Hare-Clark system of proportional representation is a sound electoral system and should be retained.

- It provides for minority representation
- It allows the electorate to choose who shall be its representatives from a range of candidates, and thereby reduces the influence of party machines
- It enables the filling of casual vacancies without the need for a by-election.
This is important in providing Government with a degree of stability, and not subject to the whims of death, misadventure or resignation. It is of interest to note that there has not been a Parliament since 1970 that has gone its term without there being a casual vacancy.

The existing electorates are large. Having 7 members to service an electorate is in many respects an "overkill", and allows members to represent smaller constituencies within an electorate. The number of members (eg 5 or 7) determines the quota (16.7%, 12.5%), and some thought should be given to an appropriate minimum level of electoral support before a particular group can claim a seat in Parliament, especially when that person or group could hold the balance of power.

The present electoral system is based on Commonwealth electoral boundaries. Under the Constitution a State shall have a minimum of 5 seats. A variation worthy of consideration is to redraft boundaries to provide for 7 electorates, each with 5 members. Such a structure goes some way to address the concerns mentioned above, and unlike the Commonwealth boundaries provides electorates with obvious and logical "communities of interest". For example:

| | | |
|---|-----------------|---|
| 1 | NW | (West Coast, NW Coast, Burnie and to the Leven R) |
| 2 | N | (from Leven R, Devonport and to the Tamar R) |
| 3 | NE | (Eastern Tamar and the NE) |
| 4 | Middle | (Midlands, E Coast and Upper Derwent) |
| 5 | East of Hobart | (Clarence, Sorell and Tasman) |
| 6 | North of Hobart | (North from the S Hobart Waterworks) |
| 7 | South of Hobart | (South of the Waterworks, Kingborough and Huon). |

etc.

The essential point to consider is the value in following federal boundaries. In my view, there is none.

- No other state does it, and there is no logical reason why Tasmania should do so.
- In the days of electronic rolls, making such an adjustment is pretty much a keystroke, and thus the cost of doing so is minimal.
- Having operated in an environment of 7 members per division, the duplicated effort by members is in most instances a wasted one, and the inducement to concentrate on only a part of the electorate is high.
- It separates in the voters' minds the federal arrangements and issues from the state arrangements and issues.

I wish you well in your deliberations

Julian Amos