

## PUBLIC

THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION B  
COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART,  
ON THURSDAY 24 SEPTEMBER 2015

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### TASMANIAN ELECTORAL COMMISSION

Mr PETER CHAPMAN, PRESIDENT, Mr JOHN BIGGS, VICE PRESIDENT AND  
Mr RALPH KIDSON, PUBLIC OFFICERS AND COMMITTEE MEMBER,  
TASMANIAN CONSTITUTION SOCIETY, WERE CALLED, MADE THE STATUTORY  
DECLARATION AND WERE EXAMINED.

**CHAIR** (Ms Armitage) - Welcome to the public hearings of the Legislative Council Administration B inquiry into the Tasmanian Electoral Commission. All evidence taken at the hearing is protected by parliamentary privilege but I remind you that any comments you make outside the hearing may not be accorded that privilege. The evidence you present is being recorded and the *Hansard* version will be published on the committee website once it becomes available.

I invite you to give your verbal submission. Are you happy for members to ask you questions as you go along, or would you rather they waited until the end of this submission?

**Mr CHAPMAN** - I will make a brief submission. You have seen our one-page submission, various documents we might get later, and statements involved in it. I refer to the Ogilvy Review on the size of Parliament in 1984. In that review, the committee was asked to report on the benefits and economies of reducing the size of Parliament. Immediately, the committee went back to the Premier Robin Gray at the time and said, 'We are looking at this. It is not just an economy matter,' but I quote, 'We thought it desirable the proposal to reduce the number and members of parliament should be examined in the light of its likely effect on the overall constitutional, political, legislative, and electoral requirements necessary for the good government and administration of this state.'

It got permission from the Premier of the day to examine the question, and I repeat, the effect on the overall constitutional, political, legislative, and electoral - because this is an electoral committee - requirements necessary for good government and administration in the State of Tasmania. The Premier of the day agreed to this, and once that was built into their terms of reference, they came back with a finding that the reduction of the House of Assembly on economic terms is not in the good governance of Tasmania and the Houses of Parliament. Neither of them were reduced.

That to me is a significant statement and later, as we know, overruled in 1998 after the Legislative Council blocked proposals for a referendum on the issue. It was arbitrarily done in the Legislative Assembly. The act was passed and passed up to your House, and went through without any consultation from the Tasmanian people. One of the provisions of the Morling report, and the latter one, is there should be a referendum on the issue. It was never held.

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It is our position that:

- (a) The people of Tasmania were not consulted until this was done. There was not much that could be done about it then.
- (b) That it affected the due constitutional Government of Tasmania, the reduction of pools of ministers from the lower House, the reduction of constituency services. The House of Assembly was raised to 35 members in 1959, taking effect in 1960, when there were 350 000 people in the population. We now have 510 000. Some members of the honourable council I have spoken to formally and informally. We have also had formal discussion with the Presidents, Sue Smith and Jim Wilkinson. All have agreed that the reduction of the House of Assembly, particularly in terms of the Legislative Council, provides you with far too much committee work, and you are run off your feet with all the rest of it.

A good governance should be restored, as we have said in various petitions, forthwith, by the simple legislative device of restoring the House of Assembly from seven members to five, upwards from five to seven. You wise people might consider further what you want to do about the Legislative Council. That is our position, and as you all know, such was the feeling on the matter in 2010, the leaders of the three parties agreed to do something about it - an inane promise - and the matter has been hanging in the balance ever since. I from time to time attend the House of Assembly and the Legislative Council. We observe the stress they are under and the multi ministries they have to serve. I think it is high time the matter is restored. That is my opening statement.

**CHAIR** - Thank you, either Ralph or John want to make a statement.

**Mr BIGGS** - I think Peter has covered it. I am concerned, when looking at the workloads that various ministers have, that some are dealing with - well, very senior positions, the Premier has three other large portfolios, others have four portfolios - I can't see that the minister can make decisions other than on advice, and other than from doing the research as far as is possible. As it is, the advisers, with respect, I do not think actually are talking from their expertise necessarily. That is one argument.

What has been said against that in the papers quite a lot is all the awful cost of increasing it, but the cost of a bad decision could easily outweigh the cost of installing more members. That is basically my view of it.

**Ms RATTRAY** - Thank you very much, Peter, John and Ralph, for coming along. In the submission, and again in your verbal submission today, you indicated that the House of Assembly should be increased from five members in each electorate to seven.

**Mr CHAPMAN** - I said that but what I should have said 'restored' - a big difference.

**Ms RATTRAY** - You said it would be perhaps up to the Legislative Council what happens with the numbers in the Council. Do you have a view about if you reinstate the numbers in the Assembly, that the balance needs to be restored into the Legislative Council as well? Do you have a view about that?

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**Mr CHAPMAN** - I have a view and I express it cautiously. I have spoken to members of the Legislative Council and two Presidents, and the view from those quarters is - most of the soundings I have taken, that is, - the quite specific feeling that the lower House should be restored quickly and preserve the division of functions is one of the many things that happens and of course we have the Attorney-General, as an example of it, have people serve the Legislative Council and in the lower House, which compounds things particularly. I do not get quite the same warmth about expanding or restoring the size of the Legislative Council. We are not quite so assertive on that, but in an ideal world, yes. Restoring the Legislative Council, and I do not have to tell you really, means redrawing electoral boundaries and bogging things down which will go on for a very considerable period of time. Restoring the lower House is initially done at the stroke of a pen, five members instead of seven.

**Mr KIDSON** - Seven members instead of five.

**Mr CHAPMAN** - Sorry, the excitement of the moment.

In the Ogilvie report there is talk of a nexus between the size of the Legislative Assembly, and that is what you are skilfully referring to, and in an ideal world we would certainly think both should be restored. Our immediate push has been with the House of Assembly but our argument would be that once the House of Assembly is restored, you can raise this matter - one thing leads to another, one can be done simply, the other is a more complicated matter which does involve the relationship between the Houses to be explored.

The Ogilvie report makes it clear it is not statutory that there should be this nexus of numbers; it is not statutory, it doesn't have any more so it has to be, but that was thought to be quite a reasonable situation and it probably is. But as it is not statutory, we have not pushed it at this stage, although I privately feel that it would probably be a good thing, but then I am not a member of the Legislative Council. I wouldn't interfere with your internal dynamics for one moment, nor would I dare.

**Mr VALENTINE** - You have obviously given a fair bit of thought to this. I am interested to know whether you have done any comparisons or analysis on what the minimum number of people in a House of Parliament, such as the lower House, is to effectively govern. A small state - yes, we are but we still have to carry out the functions the same as any other state does. Have you given any thought to that - I would be interested to know?

**Mr CHAPMAN** - I have, but I rely on Professor Peter Boyce whose study - which he submitted to Parliament. As you know, Professor Peter Boyce was appointed Independent Associate Investigator for the Science Department at issue in 2010 and he compared it -

**Mr VALENTINE** - No many would know that, but I do now.

**Mr CHAPMAN** - He did. I will present this to you for the information of the honourable Mr Valentine and anyone else. You will see it is a list of documents relating to the Science Department. In particular, in Professor Peter Boyce's report which is included as Document 4, he looks at some length at this issue in Canada and the United States, and finds that we are falling below par. Summarising it - I am not doing justice to it.

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The critical point is this, and he makes it very clearly in his report, you can have a state the size of New South Wales and a state the size of Tasmania. We seem to be disproportionately more people in Tasmanian Parliament for 500 000 people against 7 million. The critical point is, either you have a Parliament, or you don't. If you do, you have to have the ministries with sovereign state. You have the education, justice, and all the rest of it.

The parallel I would make is this. We have a good Tasmanian cricket team, wins matches from time to time. We said, 'Well, you know Tasmania has only got 500 000, is not our cricket team as big as that? We will just send eight, it is more economical.' We would lose every match. People would argue that we are losing a lot of matches. We do not have a proper-sized Parliament.

**Mr VALENTINE** - I suppose that is an interesting -

**Mr CHAPMAN** - Professor Boyce makes that point. Not quite in such a homely way, but it is certainly made there.

I would say again, as he does, the State Parliament in 1856 was 30 members - the Legislative Council. It has been 35 members since about 1961. The act has changed a little here. In the argument from the Parliamentary Select Committee, which was dealing with this - it argues, as we state here somewhere, that in fact the enormous increase of both population and the functions of government make it necessary to bring apathy - this is about 1960.

As I say, political inconsistencies of the day in 1980s, taking up to 1998. The traditional Tasmanian pressure for solid, stable majority government, which is a nice reassuring thing, overran judgment. The Hare-Clark system, where small minorities need to have their voice heard, as you would appreciate in the Legislative Council.

**CHAIR** - Thank you for that.

**Ms RATTRAY** - John, you indicated that you believed new ministers had excessive workloads and potentially were not able to make decisions about the portfolios from being able to assess all the information themselves. It has been suggested that the cost savings of a smaller House of Parliament have not really come about, because we have had to have more advisers and senior bureaucrats. It is a fact that they probably earn more than most of us in their salaries. Is that something that you have heard around the traps? Is that information that you agree with at all?

**Mr BIGGS** - Yes. I agree with it. I have not had a particular source for it, but looking at how the system is operating It is how many things people can handle.

Federally, as far as I can make out, there are very few people who hold more than one portfolio. There are some.

**Ms RATTRAY** - Particularly health and education.

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**Mr BIGGS** -Yes. Looking at the list, it seems people cannot get their heads around the various portfolios, so they rely on advice. The quality of that advice becomes the crucial issue. As I understand it, in the Westminster system the public service was there on tenure, not appointed by any particular party, simply to give advice that was independent. I think that is rather important.

**Mr CHAPMAN** - A fairly recent spectacular example of inefficiencies would be Jacquie Petrusma MP and the whole kerfuffle in the Health department about the non-reporting of all those cases. It was not her fault personally; it seemed to be a breakdown in her capacity to get information from her advisers, too much perhaps being left to them and - there you are, I am just throwing that in as a very cheap point perhaps.

**Ms RATTRAY** - One of the issues that keeps coming up as I move around my electorate is that we are paid too much and we don't do anything, and therefore why would you want more politicians? Is that not the message you hear in your circles?

**Mr CHAPMAN** - It chips at the heart of democracy itself. People fought very hard to get paid representatives into Parliament to protect their interests and provide a healthy democratic society. This extraordinary story that you are all overpaid and they do not want you - what do they want? Some aristocracy or some other economic hegemony?

**Mr VALENTINE** - A benevolent dictator perhaps.

**Mr CHAPMAN** - Yes. It is quite extraordinary but I am afraid this argument was trotted out. It probably goes back to the Groom episode - Groom Senior, I hasten to add - when he raised the salaries in Parliament fairly dramatically, the 40 per cent episode.

It was an extraordinary argument was run out then, 'We're going to put the salaries up but reduce the number in Parliament so we get more salary and you have less representation.' This is fantastic, but it is really true. 'We will get more salary,' that is, the parliamentarians who continue, 'you are going to have less representation but you are happy because the whole bill is the same.' It is the most extraordinary sabotage of democratic culture. The cost of \$3 million estimated by Peter Boyce - it is not as if that money has been thrown overseas, it is still being spent in the economy. MPs are being paid; they employ advisers. There is no diminution to the economy; the money is being spent one way or the other. What goes around comes around. It is another extraordinary sort of proposition that is put up. I am afraid, and it is my personal view, we are shrinking away from the spirit of Hare-Clark, a representative system which allows us, as Clark puts in his book, his essay 'Why I am a Democrat', that it is essential that the various disparate elements of the community are not insulted and oppressed by not having a serious voice in legislation. There should be some way of doing so. There is a cost, but you get more representation. I would argue that the Tasmanian Parliament - particularly in recent years with green issues and all the rest of it, we are not party members of anything - has provided a forum of debate and argument on environmental and other issues which has made us more aware of these issues we need to face in our part of the world. It is not something you run away from.

**CHAIR** - Thank you for that.

**Mrs TAYLOR** - At the risk of raising your blood pressure higher and taking a deep breath -

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*Laughter.*

**Mrs TAYLOR** - Following on from that question, I suppose the practical thing for me is, as you say, across parties everybody agrees that this should happen. Within Parliament, most parliamentarians would say it should be restored to the numbers, as do educated people like yourselves. But I think the general public does not have that feeling, so my question is, how do you see there might be a way? The government of the day is probably not going to act on it unless they feel that they could bring the community along with them to agree to that.

**Mr CHAPMAN** - It's a failure of leadership in the major parties - except everyone here. They did come together, they did agree in September 2010.

**Ms RATTRAY** - - And then they had a look at the budget.

**Mr CHAPMAN** - No, I will give you my unresearched and half-remembered historical account. If you look at the *Mercury* of February 2011, when the process was still rumbling on, the gentlemen, Tom Lynch I think, and Kevin Harkins, got great headlines in the *Mercury* saying, 'This is disgusting, we are all starving'.

That then appeared to trigger the Leader of the Opposition to lose his nerve. He said, 'Oh, I agree with these union chaps' - a most extraordinary remark. Then we did so and the recession occurred. It was a political move. If that sort of kerfuffle hadn't happened it would probably have rumbled on. I feel that our present learned premier, or the previous one, Lara Giddings - but I will come back to that in a moment.

The previous premier did give us some support in her response to our petition, which is noted down there. It needed to be because, she said, the small number of members is often a reduced representation of the Tasmanian community, fewer members to draw on for Cabinet and parliamentary purposes, and as a general feeling, the House of Assembly is too small and the numbers of members should be increased to run with that. There was a much tighter budget situation then, with the shortfall of the GST, which now does not apply, so -

**Mrs TAYLOR** - That is my question. Where do we head in the future because, as you say -

It is always a matter - the Government has the numbers in the lower House. Unless the Government is happy to take that on, and I do not think they would do it without -

**Mr CHAPMAN** - We are trying to stir the Legislative Council here. We are asking you to assert yourselves. I gather legislation the other day was initiated in the Legislative Council -

**Mrs TAYLOR** - You want to win this.

**Mr CHAPMAN** - Yes, I know. I am trying to -

**Mrs TAYLOR** - We are being practical about how do you win something.

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**Mr CHAPMAN** -Yes, I know. I would suggest, nevertheless, the Legislative Council could make a noise about it. Almost everyone I have talked to - and parliamentarians individually agree - the workload is ridiculous. The current Legislative Council - and you are much more versed in what your problems are than I am - you could legitimately say, 'Here we are with all with this committee work that is compromising our independence as the legislative review body, rather than a parliamentary adviser. Can you not look at it again and see what happens?'

**CHAIR** - Of course there will be some results and recommendations from the committee.

**Mr CHAPMAN** - That is why we are appearing before this committee. I am forcefully suggesting this committee studies half the points that have been made and that this matter needs to be looked at again to preserve the integrity and the considered judgment of the Legislative Council with time, patience and so on, to fulfill its activities rather than being distracted by the deficiencies in the lower House, which are distracting it from its serious and focused work.

**CHAIR** - The question could also be asked, as it was mentioned by the member for Apsley, that with less numbers of politicians, the directors and the public servants have increased. If more members were put on, will they necessarily be decreased, or will there still be an increased number of people in departments and the increased number of politicians?

**Ms RATTRAY** - We still have 28 000 public servants.

**Mr CHAPMAN** - This is a matter of political leadership, people getting us by the scruff of the neck and saying, 'Right, we are all members of parliament. We will have a scale of rearrangement'.

**CHAIR** - We certainly appreciate you coming in today and giving your opinion. While it was good to have your submission, it is very good having you in here and hear your concerns and verbalise matters and questions, so if it elaborates a little on what you have actually written, which is wonderful.

**Mr DEAN** - Can you tell me a little about the Tasmanian Constitution Society?

**Mr CHAPMAN** - The Tasmanian Constitution Society was formed, and a constituent meeting was held, sometime mid-January 2010. It was formalised as a society in about March. It is a relatively modest group. There are 17 or 18 of us. We have seminars, agitate for a particular cause. It was started by David Diprose - I ran into him quite accidentally at the supermarket. It was a terrible situation. 'Are you prepared to join and help?' and I said with some reluctance that I was not sure. We have a bit of a nucleus and our [inaudible] at the moment is to try and get the House restored, and hopefully the Legislative Council. We do consider other matters as well. So we have been in existence since March 2010.

**Mr KIDSON** - I was very heartened 12 months ago, when the current Treasurer said things had improved so much. I thought, 'Well, here is the chance.' It was put on hold because of the consideration of the budget deficit, and the things that had to be done. I could understand that, but now that things have improved, perhaps even greater than I sense that he thought it would or it was quicker than he thought - but here was an opportunity to act. For \$3 million, which is what it says in the Boyce report, that is about what we

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are paying to Hawthorn to come down and play football for a year. It is not a big amount in the big picture of things. The other issues behind it are much more important than the monetary one.

**Ms RATTRAY** - I am sure that members of parliament do not expect a bonus if they get a bill through or something.

**Mr VALENTINE** - If it does go back up there, there may also be moves to change the method of voting from Hare-Clark to some other method. There might be noises made in that direction. Do you have any view or opinion on whether it ought to stay or whether it ought to go?

**Mr CHAPMAN** - There is a foundation clause in this society to support the Hare-Clark system. We did not have a centenary for 1909-2009. It has functioned perfectly well, well over 100 years. A moment of indulgence: the novelist Anthony Trollope travelled out here in 1870, just before Hare-Clark actually. He said everyone in Tasmania is complaining, the government should be closed down and it should be run from Victoria. I do not see what they are complaining about. This country is better organised, people are better fed than in England and are happier. This obsession with the Hare-Clark system as somehow being responsible for our ills is just another bogey.

We had our little discussions with both parties. It has been made public, not the discussions. The Liberal Party, as I understand it, is still committed to the Hare-Clark system although the Young Liberals are putting up rogue motions. I don't see it being changed. I certainly don't think it should be changed. We are one of the purer democracies in the world and people don't realise it. They don't realise the advantages they've got. They should realise that in Tasmania, if you are seriously or morally or politically concerned about something, there is more opportunity of doing anything about it here than in any other state in the world, and they should be aware of this.

Back to your thing, as the formal foundation agreements, we are committed to the Hare-Clark system and we think it should continue.

**Mr VALENTINE** - So single-member electorates aren't something that - I should clarify, people might say if you have single-member electorates you get less infighting and people concentrate more on the issue and don't feel threatened by others around the table that they are going to chop them off at the knees. From that perspective, what is your -

**Mr CHAPMAN** - The point of the Hare-Clark system of proportional voting - not that I pretend to be an expert for a moment - is the quota of 17 or 18 or 14 or 15 per cent depending on how many members[there are]. A minority of that size, if it is that size, we think it is important that they should be represented.

If they are not, you get real dissatisfaction in the community, and I have seen revolutions and violence elsewhere.

The Hare-Clark system is a real challenge for people who are discontented to get into it. We could cite the Greens, we could cite all sorts of independent groups who can act and say, 'Right, you're concerned about politics, get yourself elected'. It is very practicable in Tasmania, you can do something about it, you can make your point of view. Moreover, you can be a sharp prick in the side of majority parties which, in any other system, can



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be rather complacent. As you know, we had a Labor Government here for 30 years at one stage - even with the system, let alone without it. I have spoken too much.

**CHAIR** - No, that is fine. We appreciate the time that you have taken to come. I know it is very early, particularly with the illness of your wife, and we are very sorry about that. Thank you very much for coming in. We have another committee coming in at 9.30 a.m. so we do need to wrap up. Thank you very much.

**THE WITNESSES WITHDREW.**