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THE HOUSE OF ASSEMBLY SELECT COMMITTEE ON THE HOUSE OF ASSEMBLY RESTORATION BILL MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON THURSDAY, 14 NOVEMBER.

Mr ROBIN GRAY, FORMER PREMIER, WAS CALLED AND EXAMINED.

CHAIR (Ms O'Connor) - Just before you begin giving your evidence, Mr Gray, I would like to ask whether you received and read the guide sent to you by the committee secretary?

Mr GRAY - I did, thank you.

CHAIR - I am sure you are aware that I also need to reiterate some important aspects of that document. A committee hearing is a proceeding in parliament. This means it receives the protection of parliamentary privilege. This is 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 out 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 if not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

Mr Gray, this is a public hearing. There are media present and this means that your evidence is likely to be reported. I am sure you are no stranger to that. It is important that should you wish all or part of your evidence to be heard in private that you need to make this request and give an explanation prior to giving the relevant evidence. Is that all good with you?

Mr GRAY - Yes, it is fine, thank you.

CHAIR - Thank you so much for offering to speak to the committee on the House of Assembly Restoration Bill 2019. I am sure you have many thoughts. Would you like to detail them to the committee in an introductory statement?

Mr GRAY - Thank you, Chair, I would. I have been concerned most of the time since I left parliament, which is now a long time ago. It is 30 years this year since I was Premier. I understand that things have changed a great deal in that time in terms of the national government, the state government, local government and the responsibilities of the various levels of government. I may not be as familiar with them as I would have been 30 years ago.

I have strong views about the size of the Tasmanian Parliament and there are a number of issues about which I think some change would be desirable. The immediate issue, I guess, is the question of the size of the total parliament and the decision to reduce the size from 54 back to, I think, 40. I also have some views about parliamentary reform for Tasmania in the longer term, most of which probably would not gain support at the present time but which would be beneficial.

The most immediate issue as I see it is the question of the size of the parliament. I think it was regrettable that Mr Rundle and Mr Bacon decided to reduce the size of the parliament. That was really a mistake for one very good reason: that the number of elected members of parliament was reduced and the size of the staff of the members of parliament, the size of the bureaucracy, was

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increased commensurately or by a greater degree. I have a strong view that Tasmania should be governed by elected members, not by departmental heads, not by bureaucrats.

CHAIR - Hear, hear.

Mr GRAY - I think it was a grave mistake. At some future date - and I am not sure how your terms of reference deal with these other issues - I think the parliament should consider a couple of different options. I recognise that they would not be acceptable, perhaps, to a lot of people but sometime in the future I think the parliament should consider changing to a one Chamber house.

There are important changes taking place as far as local government is concerned. Local government is more and more becoming involved in the personal affairs of Tasmanians and having a significant influence on decisions that are made, which I believe should be made by the parliament itself - the elected parliament - not by the bureaucrats. I have never been supportive of compulsory voting in local government until now, but I believe that the time has come for a consideration of making voting compulsory for local government elections because of the impact and the controls that they have on very vital issues that affect every vote maker.

As I said, I think what happened when the parliament was reduced and I do not think your members would remember that in 1982 because some of them were not even born then, I took the Liberal Party to an election wherein we were going to reduce the size of the parliament. It was a mistake. When it came to more experience that we had we recognised that it was a mistake and I established a committee which was chaired by Sir Geoffrey Foot who was then just an immediate past member of the Legislative Council, that committee agreed that it would be a mistake to reduce the size of parliament.

I have that strong view because I cannot see how our ministry of such small numbers can possibly deal with all the issues that governments are now required to deal with. You might say we manage somehow, but I think we've only managed by giving more power to the public service. We've only managed by increasing the non-elected staff of ministers, and for that matter other members of parliament as well. We've only added to the cost of government; we haven't reduced the cost to government. I don't believe that the figures quoted by *The Examiner* recently are likely to be a true measure of what the reduction has saved or cost, or would have cost if it had been retained at its previous levels. The most immediate need is to get the size of the parliament at least back to what it was prior to that change.

Democracy is important, and it is the elected people who should have the responsibility. I had the experience of dealing with a number of heads of departments who thought that they should be the government and make the decisions. We changed a lot of that during my term. I don't believe that parliament at its present size can possibly deal with all the issues. I don't believe that individual ministers can cope with all of the issues they need to.

If you look at portfolios like health, like treasury, like state development, one minister cannot cope and understand and cover all those issues. They need the support of other members of parliament to help in decision-making. Tasmania has suffered a great deal by not having at least that number, and possibly, hopefully in the future, even a greater number of elected people controlling the state.

That is probably sufficient introduction from me. You may have some questions, which I would be happy to try to answer. I again confirm that yes, it's a long time since I was in the job.

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There have been changes. There has been an increase of statutory authorities such as TasWater, which does not answer in any way, in my view, to the people of Tasmania. TasWater still, as I remember from so long ago, gets lots of complaints about TasWater's actions. That should be a matter for the elected people of Tasmania, not for appointed officials. Similarly, the Hydro-Electric Commission in the old days was a law unto itself. We managed to get it under ministerial control. I'm not sure what the situation is right now, but I get the view that Aurora and the other entities that were part of Hydro are now pretty much free-roaming and controlled by people mostly from interstate, not from Tasmania. Tasmanians need to get back control of the government.

CHAIR - Thank you, Mr Gray. I'm sure members want to ask questions, but I will kick off. What difference do you think it makes to the lives of ordinary Tasmanians to have a House of Assembly - in this instance, because that is the legislation we're looking at - that is restored, so you have a bit of weight taken off the ministry, and you have a backbench? There's resistance at some level to more politicians, but for Tasmanians themselves, having a healthy-sized parliament, what do you think that gives them?

Mr GRAY - I don't think many really take a lot of day-to-day interest, but in reality it means that if they have an issue they wish to raise, it is far harder for them to get heard. It is far harder to get, in the case of the House of Assembly, 25 members to do the work that 35 used to do.

When I was first elected, we had one lady secretary in Launceston who did the work for the Liberal members for Bass, the Wilmot members for Launceston and the surrounding areas, and all the Legislative Councillors. Now, of course, they have their offices everywhere, but the important thing is that the availability of members to deal with local issues must be less than it was.

In my own personal experience, I have written to a couple of ministers over the last couple of decades and it has taken weeks and weeks and weeks to get a response. It is frustrating, even for a former premier, to have this situation.

I had a rule that every letter had to be responded to within a week, and a full reply provided within a month. Well, I have not heard yet from a couple of these ministers at all. While it is hard to define how that is affecting individual people, I think the general checks for parliamentarians as a whole are for no good reason. I know they all have to work hard, particularly in the Hare-Clark system, to be re-elected, but there is a limit to how much they can do. They cannot do as much as members did in the past. They do not have the same personal relationship, in my view, as members did in those days, and therefore their representation is very much reduced.

I go back to the point that a lot of the decisions, a lot of the responses to queries, are answered by non-elected people. *Yes Minister* is a very good example of what I think happens now in this state.

It makes sense to me that when you have departments run mostly by unelected people - people who come from interstate who do not really have a good feeling for Tasmania; heads of statutory authorities who fly in and fly out - it really indicates to me that Tasmania is being governed from somewhere else, and not from their elected members, as they should be.

Mrs PETRUSMA - Mr Gray, can you take us back to 1982, and why, at the time, the party thought it was a good idea to reduce the numbers? Was there something that kick-started it? Can you fill in what the historical prospective was at the time?

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Mr GRAY - I do not want to be political, but back in 1982, a sort of malaise had set in. That was understandable, because we had had mostly governments of one persuasion for 'umpteens' years, and I think people had become used to a different level of responsibility for members of parliament - not like it should be, in my view, where members have a close relationship with their constituency.

At the time, and I was deputy leader of the opposition, prior to 1982, I thought that would be a vote winner. Frankly, that was the motivation for it. I do not know whether it won any votes. The circumstances in the 1982 election were such that we were going to change the government, but that was no certainty because we had previously had two elections which the leadership thought they were elections we could not lose, but we did lose.

It was the knowledge that in Tasmania, as distinct from the mainland probably, that the support for members and for people who were wanting to become members of parliament, was greater where there was a closer relationship than there is now. There was a greater understanding of the issues that the parliamentarians were responsible for.

It is one of those issues where it is hard to say with any certainty what the people were thinking at the time. I am sure that we now have a position where the heads of department in government make most of the policies, determine most of the courses of action, and that the ministers have too much of a workload to properly do their work.

We had the same areas of government as every other state but we have 10 or so ministers to do the work that is done in other states by sometimes 20 to 30 ministers. The complexity of government is getting greater and greater all the time.

My view is that we should have an increase in the number of ministers in Cabinet, probably in our situation 12 or 13 ministers. Ministry's like Health, Treasury, State Development, probably Education, ought to have two ministers each, working together and able to support one another, able to be delegated to do certain functions and certain activities.

I do not want to be political but I think Mr Ferguson did a dashed good job of Health, but Health is a portfolio where frankly it is the booby prize and people said he got sacked. I do not think he wanted to get sacked, I would have.

I had a good minister in Roger Groom. He did not really like the job but he took it. It is such a massive portfolio. There is the health issue, the financial issues. Anyone who thinks that Health is going to go away as an issue is dreaming. There is not enough money going around to meet all the needs and demands that there are going to be. As people like me get older and technology gets better, and they keep you alive longer -

Mrs PETRUSMA - Robin, you will be pleased to know that legislation allows for one more minister. My last question for you is in relation to the Beaumont royal commission back in 1982 which actually did not make a recommendation at all for a change in the size of parliament. Did that factor into your consideration at the time, or that was before or after?

Mr GRAY - I don't remember that committee. Sir Geoffrey Foot chaired the committee which investigated, for us, the proposal to reduce the size of the parliament and unanimously rejected the plan. Sir Geoffrey Foot was a distinguished Tasmanian; Bob Mather was one of the other members and I cannot remember who else was on that committee.

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Mrs PETRUSMA - Is that the Ogilvie report?

Mr GRAY - No. There has probably been a heap of reports into this issue, but in my time that was the only one that I remember.

It comes back again to this question: do we have public servants making decisions on the part of the people or do we have elected members? If you want to get good parliaments, good membership, we have to consider remuneration that is probably better as one of your members recently spoke about. One of the highest paid Tasmanians was a Treasury official. He got bonuses all the way along the line. As far as I know, after 30 years he is still receiving government fees for work that they do. Far more money than the premier of the day gets, far more money than the treasurer gets, far more money than the poor hapless minister for health gets. It is back to front in my view, not that I am taking any particular viewpoint about it.

The elected members of parliament have a big responsibility in my view and they are hamstrung by the numbers that are now restricted.

Mrs RYLAH - I have two short questions, Robin. How many ministers were in your government? Can you remember?

Mr GRAY - In my first government there were seven and one Cabinet secretary, and that was insufficient. After the Foot committee gave its recommendations, at the next election I think I increased it to 10.

Mrs RYLAH - Ten plus a Cabinet secretary, plus Ron?

Mr GRAY - Ten plus a Cabinet secretary, I think it was. I can have a look in my room and try to see how many there were but I am pretty sure it was 10. It is a fair while ago now.

Mrs RYLAH - It is. My second question is, what effect do you think quotas have had? In other words, the quota has significantly increased as we have reduced the number of members of parliament in the Hare-Clark system. What do you think the effect on the increase in the quota has had?

Mr GRAY - I am not really expert on the Hare-Clark system, despite the fact that I had nearly 20 years in parliament. I would have thought it favoured the sitting members and in some instances, it favoured those people who were more well-known than a new candidate. At my first bid we had outstanding people like Darrel Baldock who was the member for Wilmot, but that was when the membership was seven and he was well known. Someone like me who first stood in 1976, was not known by anyone much apart from a few farmers. We had to work very hard and fortunately I got elected. I am not sure of the relevance of the question except that I can say, Joan, when we were in government we won five out of seven seats in Braddon and I have since seen it much less than that, sadly. I do not think that is of great relevance to the question of how big is the size of parliament.

Obviously, if you were ever to come to a one-member parliament there would have to be a lot of thought given to how it was going to be done - and I am not expecting your committee to grab that as an idea and immediately implement it or recommend it, rather.

It is unlikely that either the government or the opposition is going to change its position on this matter before the next election, much as I would like them to. We are probably looking at 2024

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even if there is a party in office who is prepared to face what they think would be a backlash. I think it is a saleable proposition but I do not think there is a will to change it now. If it was going to be changed it should have been changed two or three years ago after the last election or as an election commitment for the next election. I am not expecting any change to come from your findings, whatever they are, before there is an election. I just know how some people think.

CHAIR - Thanks for that. I have not entirely given up hope but you are right. There is at the moment something of a political game of chicken happening between my colleagues in the Liberal and Labor parties and a feeling that if one breaks first and supports it then the other one will attack them. It is really regrettable for good governance in Tasmania.

Ms HADDAD - Thank you for your reflections. I was wondering whether you could reflect on your time in government before the reduction in numbers on the role of the government backbench and of the committee system. It is something we have heard some others comment on about the change in the capacity for both the government backbench and for the opposition parties for that matter. Also, importantly the committee system's role has been diminished somewhat as a result of the reduction in the size of numbers. I wondered if you could reflect on how you felt those things worked in your time in the parliament?

Mr GRAY - We did not have in my time a committee system like you have now. We had second reading speeches and then we had committee debates, which were a committee of the whole parliament. That used to go on, particularly at budget time, for some considerable time but it gave everyone an opportunity to have an input, clause by clause, into the budget. It seemed to me to work well.

Ms HADDAD - Was it more collaborative than the work in the Chamber, or less adversarial than the work that happens in the Chamber with all members present?

Mr GRAY - For individual members of committees, it seems to me from the outside, that there is a lot more work. But for the overall backbench there was an even spread of work between them to raise issues. I cannot give you a good answer to that question. I still think that the performance of the parliament as a whole would be enhanced by going back to the 54 members. Maybe in the future a change from that as well.

Ms DOW - Thanks for joining us today, great to hear your contribution. My question relates to a suggestion that was made to the committee around the number of electorates in Tasmania. I think that this goes to the issue that you raised about local members disconnectedness with the community and their ability to really know their electorate well and develop good relationships with your constituents. Do you have a view about the number of electorates in Tasmania and the size of those electorates and the ability for individual members to do their work comprehensively across those?

Mr GRAY - I know there are a lot of people in Tasmania who do not feel comfortable about that because I think we get down to the size of electorates, which are so small that you could send a birthday card to every constituent. It is not something that I am an expert on but I would think maybe there is an argument for nine - I am not wanting to be quoted. Five works pretty well with seven members. I would worry about single member electorates. You would probably get a situation where you had big majorities at one election and not much opposition after some elections. There would need a lot of consideration before I moved away from five.

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CHAIR - We are dealing with legislation that simply seeks to restore the numbers. There is no mechanism in there to change seat boundaries or turn them into single member electorates. I am guessing you would agree that one of the strong positives of the Hare-Clark system is that it allows for proportional representation and not a 'winner takes all' approach to elections.

Mr GRAY - I do. As far as I understand the situation in the ACT, I think it has worked pretty for Tasmania historically. I would need a lot of convincing to come to the view that we want to do something about the number of electorates. If you went to 45 members in the single house you might need to look at it very critically too. I do not expect you are looking at that; I do not expect anyone else is either.

CHAIR - Notwithstanding your realism about the prospects of this amendment bill being passed by the parliament, if you had a message to give to the Premier and the Leader of the Opposition, given the we are in a point in time where there is legislation on the table, if you had a message about this legislation to speak directly to them are you prepared to give it?

Mr GRAY - I am a different personality to these people.

CHAIR - Very much.

Mr GRAY - I would take the view that we ought to grab the bull by the horns and we ought to go out and sell the benefits of having more elected members of parliament as distinct to having more public servants running government, or staff members, ministerial staff providing advice that may or may not have any experience base. I think I would have grabbed the bull by the horns back a couple of years ago as soon as the last election was over, and put that proposal up and try to sell it. I think I would have sold it because the arguments are so strong: do you want to be governed by people who have no elector support, or do you want to be supported by people who are elected by you? That would be my major theme. I am not proposing to give advice to Mr Hodgman.

CHAIR - Too late, you already have.

Laughter.

Mr GRAY - I have tried to keep out of politics as much as I can since I left. I don't like the idea of all of these ex-politicians standing up. They had their chance, and they didn't make it, or they left voluntarily, or they were retired voluntarily by someone else. I think the electors are there to elect the government, and they ought to be given a greater choice, and greater numbers to help represent them.

CHAIR - Is there anything else you would like to tell us, or to get off your chest?

Mr GRAY - I have other ways of getting it off my chest. Can I just give you an example of what sometimes happens when you do not have enough members of parliament?

In my latter days in parliament, I was the minister for primary industries. One of my roles was to put forward nominations for some of the statutory boards. On this occasion, it was the Egg Marketing Board. I wanted to test the thoroughness with which the legislation was being considered. I nominated Penny Pullet, Crowy Cockerill, Robert Road Island, and they went in on the Cabinet submission. The submission was about to be approved when one of my colleagues said, 'Robin, who is this Penny Pullet, who is this Crowy Cockerill?' For those of you who are not

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agriculturally minded, cockerels are male chickens, pullets are female chickens, and Rhode Island is a breed of poultry. I said, 'I am very pleased you noticed that.

CHAIR - Were you pulling a 'swiftie' on them?

Mr GRAY - Yes, I was testing it. It demonstrated at the end to me the dangers of not having enough people in parliament to vet the legislation. I know a lot of the legislation is prepared by parliamentary draftsmen and it is full of flaws and faults and all sorts of things, or it was in those days, but there was no excuse for the ministers not reading their Cabinet papers - except that they either did not have time, or they did not give enough to the process. I would prefer that they did not have time to read all of them.

CHAIR - That is the job of a Cabinet minister, though, isn't it?

Mr GRAY - It is the job of a Cabinet minister. The smaller the parliament, the more risk there is of public servants controlling the tiers of government in the state.

I think the \$6.1 million that Mr Moloney alluded to would not have taken account of all the extra staff that have been appointed, all the extra arrangements that have been made. The figures probably came from Treasury, which obviously likes to control these things. I wouldn't literally do that when I was premier, but Treasury can twist the tail of a government very easily, and obviously their views about what should happen in Tasmania were not the views necessarily of the government of the day on all occasions.

CHAIR - Yes, I can confirm that the numbers were provided by Treasury at our request. The initial numbers that were attached to a letter the Premier had provided to the committee was somewhat higher than the revised estimate, because we went back to Treasury and asked them to explain to the committee their estimate, which was more than \$7 million. It is interesting that when they came to the table to answer our questions, they had a revised estimate that was a lower figure by some margin. I will just let that stand.

Mr Gray, I have personally really enjoyed hearing your voice and your testimony, and I can see that the other committee members have been very interested in your testimony. Thank you so much.

Mr GRAY - It is a pleasure for sparing the time to listen to an older person who has a bit to say from yesterday's era. The view I have about membership numbers is still the same as I had back then. I think we need government by the people, for the people.

CHAIR - Thank you. Before you go, I need to say a few words. 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 have said to us. Are you happy with that?

Mr GRAY - I am absolutely happy with that, and I do not wish to hear from the media.

THE WITNESS WITHDREW.