

SECOND READING SPEECH

Cassy O'Connor MP

House of Assembly Restoration Bill 2018

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I move - That the bill be now read the second time.

Discussion around reducing seats in the Tasmanian Parliament began in 1983: the same year Bob Brown entered parliament on a countback following the resignation of Democrats MP Norm Sanders. No irony there, but the Greens in this place have been an uncomfortable truth to the major parties since the first day we arrived.

In 1983 Liberal Premier Robin Gray established an advisory committee which reported the next year. The Ogilvie Report recommended against any reduction in the size of the Tasmanian Parliament.

The issue was again raised in 1993 following the breakdown of the 1989 Labor-Greens accord in 1992. Liberal Premier Ray Groom introduced a pair of linked measures, A reduction in the House of Assembly from 35 to 30 members and a 40 per cent salary increase for the remaining MPs. These issues were untied during the parliamentary process and only the 40 per cent pay rise was passed into law. Following this, in 1994, Premier Groom established a board of inquiry into the size of the Tasmanian Parliament, which reported in June 1994. The Morling Report, again, recommended against any reduction in the size of the Tasmanian House of Assembly.

The issue was again raised in 1997, one year into the Liberal-Greens minority arrangement with a defeated proposal for a referendum to reduce the size of Parliament by removing a Lower House electorate and reducing the size of the Legislative Council to 16.

Several models were floated after this point between the Liberals, ALP and Legislative Council. Eventually in 1998, the Parliament took the politically motivated and ill-advised move of reducing the numbers in the House of Assembly from 35 to 25 and the Legislative Council from 19 to 15.

The timing of all these proposals very clearly corresponds to periods when the Greens were at the height of their influence. To this day, this reform is used as an example of political collusion in political science courses. Labor and the Liberals colluded to reduce the size of Parliament in order to try to eliminate the Greens.

In fact, during the debate in 1998, the late Liberal MP Michael Hodgman, made no secret that it was his sincere wish that the Greens be eliminated. This move, as demonstrated by the fact that Dr Woodruff and I are in this place and I am standing here now reading this speech, did not work and another balance of power parliament was elected in 2010. In 2010, all three political leaders committed to restoring the House of Assembly including now Premier and then opposition leader, Will Hodgman. It was claimed to be the effects of the global financial crisis on Tasmania's budget that saw the Liberals and then Labor walk away from their commitment to the Tasmanian people and a more robust democracy. The policy backdown was also defended by pointing out that Tasmania had more politicians per capita than any other Australian state. It was quite rightly pointed out by a range of academics at the time that that is not the only relevant measure.

A minimum number of elected representatives is required in order to provide for an effective executive government, a larger pool of talent for ministries and an effective backbench to field committees. These failings have all proven to be based in reality in recent times. In 2017, in an unprecedented move, the then speaker had to be pulled from the chair to fill a vacant ministerial position and more recently the Government had only one backbench member in two budget Estimates committees, and that was the member for Lyons, Mr Hidding.

Due to these factors, we thought some more sophisticated comparative orders and a per capita assessment were required. We examined the numbers in all state or state equivalent parliaments in federal countries globally. In this research Tasmania's lower House does not perform well, 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.

Of the 75 bicameral parliaments across the globe, Tasmania has the third smallest lower house, beaten only by two states in the United States of America, the Northern Mariana Islands and American Samoa. These states have lower houses of 20 and 21 seats respectively and populations of 53 883 and 55 519 thereabouts respectively.

Tasmania also has the seventh smallest combined legislature of the 75 bicameral parliaments. The six smaller legislatures include again Northern Mariana Islands and American Samoa, Chuuk, with a population of 54 595 in the Federated States of Micronesia, as well as three states in Argentina, La Rioja, with a population of 380 220, San Luis, with a population of 495 629 and Corrientes, the only bicameral state in the world to have a smaller combined legislature than us with a higher population at a bit over one million.

Looking at both bicameral lower houses and unicameral parliaments, Tasmania has the 85th smallest out of 574 states. Of the 84 parliaments smaller than ours, the Economist Intelligence Unit only classifies three as full democracies -Yukon, North West Territories and Nunavut. All of these are Canadian states and have populations under 50 000. Of the rest, 18 are flawed democracies, 12 are hybrid regimes, 32 are authoritarian regimes and 19 are

unclassified due to being micro states. Of the 72 fully democratic states, our lower House is ranked 69th in size, only larger than the three aforementioned Canadian states with populations under 50 000 and tied with the Northern Territory and ACT here in Australia, which both have smaller populations.

It is also worth noting that Australian states have more responsibilities than average state equivalents in federal models of government. In addition, Australia's constitution provides for one of the most extensive models of concurrent responsibility in the world. This means that there are fewer areas where the state has no responsibility than in many other federal countries, increasing the number of ministries required for effective administration.

The bottom line is that by any measure our parliament is a very small one. It should also be noted that even should we restore the numbers to 35, we will still be 10 seats short of the average size of state parliaments in our population range. This can hardly be argued to be too large.

The voices calling for the restoration of seats are numerous and diverse. After the 2018 election, federal politicians from all three parties, Liberal senator, Eric Abetz; Greens senator, Nick McKim; and federal Labor MP, Julie Collins, called for reforms to see an improved pool of talent for ministries with Senators Abetz and McKim, in a rare unity ticket, calling specifically for a restoration of seats.

Madam Speaker, voices in the Legislative Council have also called for a restoration of seats. This includes experienced legislators, President Jim Wilkinson, and former member of the Legislative Council, Greg Hall. Mr Wilkinson has stated:

I do not think parliament has worked as well as it did prior to 1998.

Referring to the size of the House of Assembly, Greg Hall raised the question, '*Can a government team of at least 13 sufficiently run a cabinet, parliament, and dedicate time to committee and constituent work? Can an opposition sufficiently hold the government of the day to account?*'

As a house of review, the Legislative Council has some insight into both parliamentary and executive dysfunction.

Constitutional Society president, Peter Chapman; award winning political journalist, Wayne Crawford; historian, Reg Watson; Tasmanian Chamber of Commerce and Industry Chief Executive, Michael Bailey; corporate governance lecturer, Tom Baxter; and political analyst, Richard Herr, have all voiced support for the restoration of numbers, as has most recently, the House of Assembly Speaker, Sue Hickey.

In the 2005 journal article in the Australasian Parliamentary Review, Richard Herr described the reduction in the seats in 1998 this way:

The Liberal Party and Australian Labor Party (ALP) combined in a bipartisan assault on the parliament itself in a misguided attempt to decrease probability of any future minority government. The stratagem the two parties adopted reduced the size of the parliament to a level that they expected would prevent third parties from holding the balance of power on the floor of the House of Assembly.

This action has totally distorted the relationship between Parliament and Government to such an extent that it is arguable the Westminster tradition itself is in jeopardy.

There is another line from the article which is still relevant today. Mr Herr says:

Despite a great deal of sophistry about cost savings and the like the driving force behind the change was an irresistible urge to secure majority party control of the Government by raising the electoral threshold for the Greens to an unachievable level.

In a climate where the overwhelming voice of commentators is in support of the restoration of numbers, this argument is still the only one being put forward as an objection. Sophistry is an accurate description.

We know that the impacts of the global financial crisis which was the rationale for the abandonment of the 2010 commitment have now subsided. A 40 per cent increase in House of Assembly costs equates to roughly \$3.7 million on 2018-19 costs. This financial year, the combined total cost of the ministerial and parliamentary support output and the House of Assembly output in the state Budget increased by \$3.37 million.

Madam Speaker, \$700 000 of these costs are additional funding provided to the office of the Leader of the Opposition and the Leader of the Tasmanian Greens. The increase in operational funding for electorate offices of members of the House of Assembly and funding for increased lease costs for new electorate officers. The rest represents additional funding for a new ministerial office, a support for the Leader of the Government in the Legislative Council, and the increased costs of the ministerial transport services.

There is a blithe willingness to spend \$3.37 million on increased support for ministers and members of parliament, a very similar amount to the cost of 10 new seats in the House of Assembly.

We believe it is foolish to say that this is a justifiable expense yet it is not justifiable to spend a similar amount on improving community representation, increasing access to its representatives, increasing the number of ministers to allow a greater focus and oversight

of portfolios; increasing the number of backbenchers to work in the electorate and staff committees; increasing the capacity of opposition parties to scrutinise government, and increasing the talent pool from which ministers can be drawn.

Anyone who argues there is no problem with the current numbers does not have the evidence on their side or they wilfully have their blinkers up, as mentioned earlier. Last term, the then Speaker had to be pulled from the chair to fill a vacant ministerial position. This term, the Government only had one backbench member in two budget Estimates committees. Whilst this provided multiple opportunities for the Greens and indeed Labor to ask more questions of ministers, ideally that is not the way a healthy committee operates where there is only one backbench member between two committees.

Since 1998 we ramped up the role of parliamentary secretaries. Prior to 1988 the only parliamentary secretary the Parliamentary Research Service could find was then Liberal MP and former Liberal leader in 1996, Bob Cheek. During the terms after 1998, when the numbers were cut, the parliament averages three parliamentary secretaries per term. It would appear that backbenchers have been increasingly co-opted for portfolio administration, further limiting the time available for quality committees and electoral work.

Many people in this place have made comments in support of the restoration of numbers. The member for Lyons, Mr Hidding, the only member during the 1998 debate still here today, has described this as the worst decision ever made. Even David Llewellyn admitted it was a mistake in the last term of the parliament. In 1998 both parties indulged in a self-interested attack on the functionality of our parliament and integrity of our Westminster system. Both parties were willing to undermine our democracy for perceived political gain. The question facing us today is are they now willing to take a political risk to restore our democracy; do they have the courage?

Madam Speaker, in many ways today is a test of whether or not the Labor or Liberal parties have changed at all in the past two decades. We certainly hope so and we will give the parties an opportunity to contribute to a meaningful public conversation about this reform. I move -

That all the words after 'that' be omitted and the following words inserted -

(1) A select committee be appointed, with power to send for persons and papers and records, to inquire into and report upon:

(a) the House of Assembly Restoration Bill 2018 (No. 55); and

(b) other matters incidental thereto.

(2) The Committee shall consist of six (6) members, being three (3) from the Government nominated by the Leader of the House, one of whom shall be the Speaker of the House; two (2) from the Opposition nominated by the Leader of the Opposition; and one (1) from the Tasmanian Greens nominated by the Leader of the Tasmanian Greens, whom shall be the Chair.

(3) The committee report by 1 August 2019.

Madam Speaker, what we are doing here today is starting the debate on restoring democracy in the House of Assembly and restoring the numbers. We are providing all parties in this place with the opportunity to thoroughly examine the bill, to seek input from people who are experts, people in industry, the community sector and Tasmanians more broadly, and to prepare a report back to Parliament on restoration.

It is my great hope that we can engage in this committee process in the spirit of goodwill and tripartisanship and present a report to the parliament that is based on the evidence and testimony of people who have submitted or presented before the committee and that ultimately this parliament will undo the damage done in 1998 to Tasmania's democracy. It is my hope that we will debate the House of Assembly Restoration Bill 2018 in 2019.