

# Chapter 5.4: House of Assembly

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## Background

In 1998, the *Parliamentary Reform Bill 1998* was passed. This reduced the number of seats in the House and Assembly from 35 to 25, and in the Legislative Council from 19 to 15. The Bill also reduced the number of ministerial positions from 10 to 8, although this number was increased to 9 in 2002.<sup>1</sup>

In the lead up to the 1998 decision there were four failed attempts to reduce the number of seats in Parliament, and two reports into the matter. Both reports – the Ogilvie Report and the Morling Report – strongly recommended against reducing the number of seats.<sup>2</sup>

In February 2020, members of the Select Committee on the House of Assembly Restoration Bill unanimously recommended the Greens' *House of Assembly Restoration Bill 2018* be passed by the Parliament of Tasmania.<sup>3</sup> The committee had members from the Liberal, Labor and the Greens.

## Rationale for Reducing Seats in Parliament

Despite attempts to present the reduction of seats in Parliament as a budgetary savings measure. However, it is commonly accepted that the impetus for the *Parliamentary Reform Bill 1998* was to raise the electoral threshold to a level where the Greens would struggle to secure seats, and to therefore reduce the likelihood of a third party forming a balance of power or minority government.<sup>4,5</sup>

Despite an initial decline in Greens members from four down to one, this attempt has largely failed. Prior to 1998, the Greens held an average of 11.4% of the seats in the House of Assembly over four terms, the average after the 1998 changes is 12.6% over six terms, and has included a minority government.<sup>6</sup> Ultimately, the 1998 reforms failed in their intent to sideline the Greens. However, there have been other serious democratic consequences.

## Implications of Reduced Seats in the House of Assembly

The final report of the Select Committee on the House of Assembly Restoration Bill found the reduction of seats in the House of Assembly has resulted in inadequate representation of

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<sup>1</sup> Tasmanian Parliamentary Library, [Parliamentary Reform – Downsizing Parliament](#), 2005, Parliament of Tasmania.

<sup>2</sup> Ibid.

<sup>3</sup> House of Assembly Select Committee on House of Assembly Restoration Bill, [Final Report](#), Parliament of Tasmania. 2020.

<sup>4</sup> Dr R A Herr, [Reducing Parliament and Minority Government in Tasmania: Strange Bedfellows Make Politics – Badly](#), Australasian Parliamentary Review, 2005, Vol. 20(2), pp. 142-143.

<sup>5</sup> K Crowley, [A failed greening? The electoral routing of the Tasmanian Greens](#), Environmental Politics, Vol.8(4), 1999.

<sup>6</sup> Data Source: Tasmanian Electoral Commission, [Parliamentary Elections Reports](#), 2021.

constituencies, a hindered capacity to debate legislation, undertake inquiries, develop policy, and conduct scrutiny of government, and a reduced pool of ministerial talent.<sup>7</sup>

On the matter of cost to the budget, the Committee found that a restoration of seats back to pre-1998 levels would lead to an improvement in governance – and as a result, better public services that would significantly outweigh the monetary costs.<sup>8</sup>

The Committee had representatives from all three political parties, and no member dissented from the findings of the final report.

## Comparisons with other jurisdictions

Comparisons are often made between Tasmania and the Australian Capital Territory (ACT), which has a similar population and the same size lower house. However, this is a poor comparison for a number of reasons.

The ACT has a geographic area that is just 3.5% the size of Tasmania (2,358 km<sup>2</sup> compared to 68,401 km<sup>2</sup>).<sup>9</sup> The ACT is far less spatially and socially disparate than Tasmania, which is a reasonable argument for needing less broad representation.

The ACT is also the seat of the Australian Government, containing 37.5% of the federal public service workers.<sup>10</sup> Access to federal politicians, public servants, and public services is far easier in the nation's capital than in other jurisdictions such as Tasmania.

The ACT is a territory with historic structural differences to Tasmania. The ACT was not self-governing until 1988 when the Australian Parliament passed the *Australian Capital Territory (Self-Government) Act 1988*.<sup>11</sup>

The ACT has no constitutional protections or rights. It only has legislative power granted by the 1988 Act – legislative power that can therefore be overridden by the Australian Government. As a result of the ACT Legislative Assembly's constituting document being Commonwealth regulations, the ACT was not able to alter its own composition until amendments were passed in 2013.<sup>12</sup> Subsequently, in 2014, the number of seats increased to 25.<sup>13</sup>

The choice of 25 seats was made as a result of the analysis of an expert committee.<sup>14</sup> Interestingly, the committee's preference was to increase the number of seats to 35 – however they were concerned that more than doubling the number immediately would not be appropriate.<sup>15</sup> The expert committee recommended the ACT increase seats to 25 in 2016, and

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<sup>7</sup> House of Assembly Select Committee on House of Assembly Restoration Bill, [Final Report](#), 2020, Parliament of Tasmania, pp. 8-10

<sup>8</sup> *Ibid.*

<sup>9</sup> Geoscience Australia, [Area of Australia - States and Territories](#), 2001.

<sup>10</sup> The Canberra Times, [Canberra public service claim mostly true](#), June 2019.

<sup>11</sup> Federal Register of Legislation, [Australian Capital Territory \(Self-Government\) Act 1988](#), Australian Government.

<sup>12</sup> ACT Parliamentary Counsel, [Australian Capital Territory \(Legislative Assembly\) Bill 2014 - Explanatory Statement](#), 2014, p. 1.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> ACT Government, [Review Into The Size of the Act Legislative Assembly: Report by the Expert Reference Group](#), 2013, p. 30.

the Act include provisions to increase the number again to 35 in 2020 (or failing that, 2024).<sup>16</sup> The Act did not include these provisions.<sup>17</sup>

It is also worth noting section 8(3) of the *Australian Capital Territory (Self-Government) Act 1988* requires a two-thirds majority to increase the number of seats<sup>18</sup>, whereas Tasmania's *Constitution Act 1934* only requires a simple majority.<sup>19</sup> This means that achieving a change in the number of seats in the ACT would be very unlikely without support from the Opposition.

There are 30 countries in the world structured as federations like Australia.<sup>20</sup> Within these, there are 574 sub-national jurisdictions, 496 of which have legislature data available (see graph 5.4.1). Those not included are the United Arab Emirates and Papua New Guinea, which have no sub-national legislatures, and Sudan and South Sudan, which do not have data available for their jurisdictions.<sup>21</sup>

**Figure 5.4.1: Sub-National Legislatures (Populations 420,000 – 620,000)<sup>22</sup>**

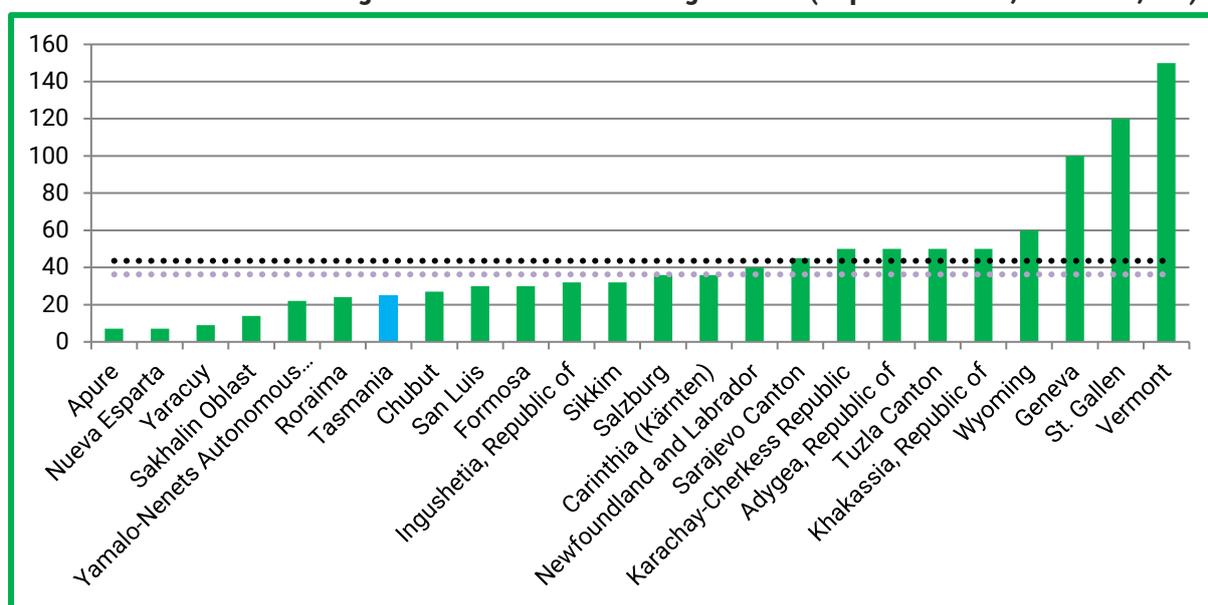


Figure 5.4.2 illustrates Tasmania's Lower House size compared to lower houses from other jurisdictions with similar populations. The dark dotted line represents the average Lower House size among all 24 jurisdictions (43.5), and the paler dotted line is the average excluding the three largest houses (36.3).

Of the 24 jurisdictions that have similar populations sizes to Tasmania (plus or minus 100,000) Tasmania has the sixth lowest number of seats in our lower house.<sup>23</sup>

Regarding the jurisdictions that have fewer seats in their lower house than Tasmania, three of these are in Venezuela and two are in Russia. Both of these countries are classified as

<sup>16</sup> Ibid.

<sup>17</sup> ACT Parliamentary Counsel, [Australian Capital Territory \(Legislative Assembly\) Bill 2014 - Explanatory Statement](#), 2014, p. 3.

<sup>18</sup> Federal Register of Legislation, [Australian Capital Territory \(Self-Government\) Act 1988](#), Australian Government.

<sup>19</sup> Tasmanian Legislation, [Constitution Act 1934](#), Tasmanian Government.

<sup>20</sup> Institute for Democracy and Electoral Assistance, [What is Federalism?](#), 2020.

<sup>21</sup> Tasmanian Greens MPs, [Seats in sub-national legislatures](#), 2020.

<sup>22</sup> Data Source: Tasmanian Greens MPs, [Seats in sub-national legislatures](#), 2020.

<sup>23</sup> Data Source: Tasmanian Greens MPs, [Seats in sub-national legislatures](#), 2020.

‘authoritarian regimes’ by the Economist Intelligence Unit (EIU).<sup>24</sup> The other jurisdiction is in Brazil, classified as a ‘flawed democracy’ by the EIU.<sup>25</sup>

Of countries the EIU classifies as ‘full democracies’ in, Tasmania is equal fourth smallest out of 72 sub-national legislatures, together with the Northern Territory and Australian Capital Territory, with populations of 246,000 and 410,000 respectively.

The Yukon, Northwest Territories and Nunavut have the only smaller legislatures– all three of these are Canadian jurisdictions with populations under 50,000, less than one tenth the size of Tasmania’s.

**Figure 5.4.2: Sub-National Legislatures (Full Democracies < 1 Million Population)**<sup>26</sup>

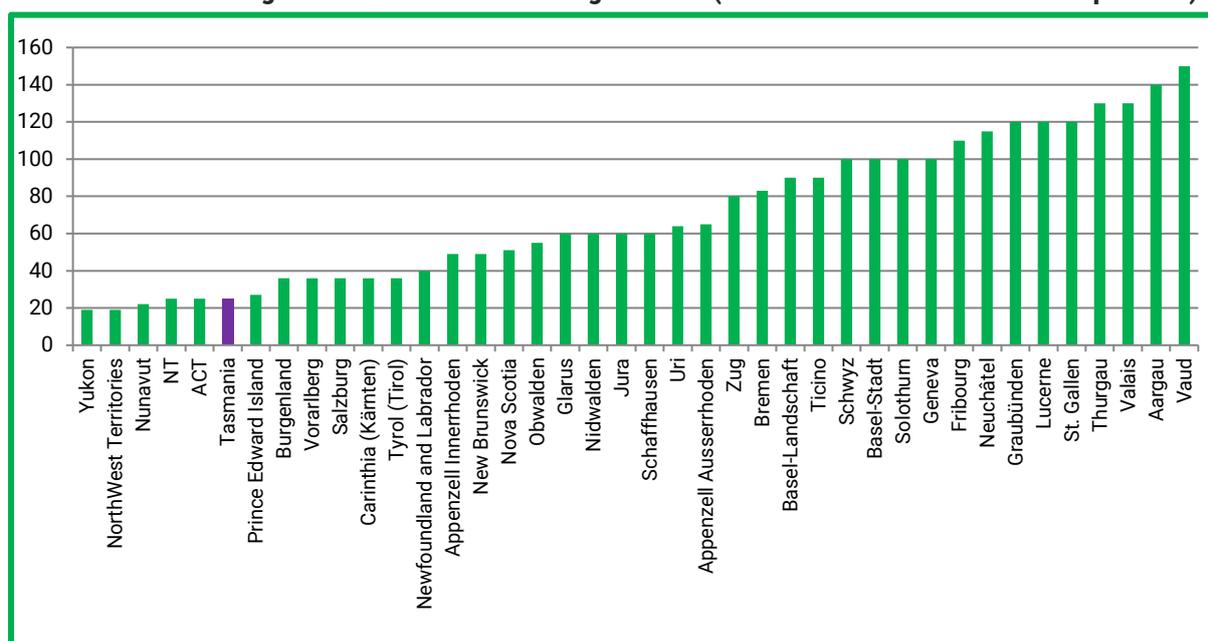


Figure 5.4.3 provides some key comparisons of Tasmania’s population and Lower House size relative to other jurisdictions. Overall, out of 495 jurisdictions, Tasmania has the 101<sup>st</sup> smallest population and the 85<sup>th</sup> smallest Lower House.

**Figure 5.4.3: Comparisons to Other Jurisdictions by Category**<sup>27</sup>

Category	Jurisdictions	Tasmania’s Lower House Rank	Tasmania’s Population Rank
OECD Countries	165	10 <sup>th</sup> smallest ( <i>tied with 11</i> )	37 <sup>th</sup> smallest
Bicameral Parliament	75	3 <sup>rd</sup> smallest	7 <sup>th</sup> smallest
EIU Full Democracies	72	4 <sup>th</sup> smallest ( <i>tied with 2</i> )	32 <sup>nd</sup> smallest
All Parliaments	495	85 <sup>th</sup> smallest ( <i>tied with 16</i> )	101 <sup>st</sup> smallest

Of the countries the EIU classifies as full democracies, Tasmania has the 4<sup>th</sup> smallest lower house, although only the 32<sup>nd</sup> smallest population. Of the 75 bicameral parliaments, our Lower

<sup>24</sup> Economist Intelligence Unit, [World Democracy Index 2019](#), 2020.

<sup>25</sup> Ibid.

<sup>26</sup> Data Source: Tasmanian Greens MPs, [Seats in sub-national legislatures](#), 2020.

<sup>27</sup> Data Source: Tasmanian Greens MPs, [Seats in sub-national legislatures](#), 2020.

House is the 3<sup>rd</sup> smallest, and our population is the 7<sup>th</sup> smallest. Finally, of 165 jurisdictions in the OECD we have the 10<sup>th</sup> smallest Lower House and the 37<sup>th</sup> smallest population.

International comparisons against a range of metrics highlight how very small the number of seats in Tasmania's Lower House is relative to our population numbers.

**House of Assembly – Restoration of Seats and Ministry**

**Policy 5.4.1**

The House of Assembly will be restored to 35 seats, and the maximum number of ministers will be increased from 9 to 10.