



Tasmanian election 2010

Scott Bennett (Consultant)
Politics and Public Administration Section

Contents

Introduction.....	1
The parties 2006–10.....	1
The Greens.....	1
ALP	2
Liberal Party	5
A hung Parliament?.....	6
A final opinion poll	8
Notable candidates	8
The result.....	8
Living with uncertainty	10
The political aftermath	11
Governmental issues	12
Campaign spending	12
The electoral system.....	13
The size of the Parliament and government	13
The importance of the vice-regal office	14
The federal system.....	15
Conclusion.....	16
Appendix: changes to Tasmanian electoral procedures	17
Divisional boundaries.....	17
Modifications of Robson Rotation	17
Electoral assistance.....	17

Introduction

The 46th Tasmanian Parliament met for the final time on 19 November 2009. The Labor Government, led by Premier David Bartlett, held 14 of the 25 House of Assembly seats, the Liberal Opposition had seven seats and the Greens held the remaining four seats. Various changes to Tasmania's electoral procedures had been made between the 2006 and 2010 elections, details of which are found in the Appendix.

The parties 2006–10

It had long seemed clear that each major party would have difficulty in achieving a parliamentary majority in the election that was to be held on 20 March 2010. It was the good electoral health of the Tasmanian Greens, led by Nick McKim that proved central to the election and its outcome.

The Greens

The Tasmanians Greens had long enjoyed a politically-significant level of voter support, with an average vote of 14.3 per cent in the six elections between 1989 and 2006. During the 2006 campaign, however, Greens leader, Peg Putt, caused concern when she spoke of being prepared to be Deputy Premier in a minority government, and seemed to be threatening the future passage of supply legislation. Perhaps inadvertently, she thus generated much public debate on the question of just how safe a minority government's supply legislation would be.¹ Putt resigned from Parliament in mid 2008 and was replaced by Nick McKim, Member for Franklin since 2001. McKim and his deputy, Cassy O'Connor, were soon seen to be more centrist than previous Green leaders, as they worked to portray the party as 'safe'. In an implicit criticism of his party predecessors, he asserted:

I genuinely believe that Tasmanians want a less adversarial, more constructive approach from political leaders, and the Greens remain committed to this ideal.²

As well as trying to reassure voters that a minority government would not be harmful for Tasmania, McKim worked hard to broaden his party's agenda beyond its traditional focus on trees and water. As he promised, he put a great deal of emphasis on 'cost of living' concerns of ordinary Tasmanians. He spoke of unhappiness about power, bus fares, car registration costs, rental levels, and the increases in water and sewerage charges. A North-West Coast *Advocate* journalist believed that McKim's efforts to move his party towards the centre were having an impact, believing that they would 'resonate with a lot of disaffected Labor voters

-
1. S Bennett, *Understanding State elections: South Australia and Tasmania*, Research brief no.17, 2005–06, Parliamentary Library, Canberra, 2006, p.13.
 2. McKim quoted, 'Labor firm on no Green deal', *Mercury*, 20 March 2009.

not scared of the Greens'.³ As the election drew near, polls began to suggest that the party might well top its previous best return of 18.1 per cent in 2002. Despite this, neither major party was prepared to talk of how they would react if the Greens were to gain the balance of power in the House of Assembly.

ALP

In the 2001 and 2006 elections there was strong support for the Labor governments led by Jim Bacon (51.9 per cent) and Paul Lennon (49.2 per cent). In both years Labor won 14 of the 25 seats in the House of Assembly, despite some observers speculating that Labor might fail to gain a parliamentary majority in the latter election. These results were a reminder of party's heyday between 1950 and 1979, when it averaged 50.7 per cent in nine elections. However, the 2006 victory preceded a period of decline, during which there were many claims of governmental arrogance and unpreparedness to listen to the Tasmanian public. By mid-term the Lennon Government had begun to destabilise with the resignations of Deputy Premiers Bryan Green (July 2006) and Steve Kons (April 2008) over matters which suggested a level of untrustworthiness at the highest governmental levels.⁴ There was also adverse publicity brought about by claims of poor judgment by Premier Lennon in accepting favours from various interests, most notably Gunns Ltd. Quite unexpectedly, in May 2008 Lennon resigned following the publication of an Enterprise Marketing and Research Services (EMRS) opinion poll, which indicated that his approval rating with voters had tumbled to 17 per cent. David Bartlett, elected Deputy Leader just six weeks earlier, replaced him. The same EMRS poll had Labor at 25 per cent, eight points behind the Liberal Party.⁵

Bartlett, Tasmania's 43rd Premier, MHA for just six years, brought a generational change to Tasmanian politics. A man who rode a bike to work, was technologically literate and who wore a thumb-ring (as many intrigued journalists noted), seemed to bring a breath of fresh air to governmental corridors. His first months were encouraging for his party and seemingly well-received by many voters. Eight months after his accession, Hobart's *Mercury* noted the rise of Labor's EMRS poll standing to 34 per cent: 'Bartlett stature grows'. It seemed that the Premier was 'hitting the right note' with voters.⁶ At the same poll the Liberals trailed Labor by five percentage points.

In time, however, it became clear that this poll figure was to be the high point for the Bartlett Government in the period until the election. The difficulties that began to shake voter

3. C Pippas, *Advocate*, 11 March 2010; L Johnston, 'Greens pledge to deliver on issues that matter', *Examiner*, 20 February 2010.

4. See e.g. Editorial, 'Kons but not forgotten', *Mercury*, 13 November 2008.

5. The Tasmanian ERMS poll typically returns a higher undecided vote than polls such as Newspoll or AC Neilsen. In the eight polls between May 2008 and February 2010 that form the backdrop to this discussion, the average undecided vote was 22 per cent, <http://www.emrs.com.au> accessed on 30 March 2010.

6. *Mercury*, 13 February 2009.

confidence were partly self-inflicted, partly generated by public concern over policy issues, and partly a matter of unfortunate timing.

The major self-inflicted problem involved the Minister for Tourism, Arts and the Environment, Paula Wriedt. In August 2008 she was hospitalized following what was described as a suicide attempt. She later spoke of the failure of her marriage, brought about by an affair she had with her former chauffeur. Despite the Premier speaking initially of her needing a period of recuperation, five weeks later Bartlett was criticized for unexpectedly advising the Governor to withdraw her commission.⁷

Among the litany of policy controversies, those dealing with taxation, water, education, jobs, and the environment, had the potential to most harm to the Government. Through November 2009 a number of public meetings were held, protesting against large increases in land taxes. Small business proprietors, in particular, made claims that the increases they were suffering were likely to ruin their livelihood. A bed and breakfast proprietor claimed his annual bill had risen from \$4800 to over \$20 000, while that for a clothing store had risen by \$1000 a month. Perhaps more politically significant for a government of an island community, was the perceived attack on what one critic described as the 'iconic shack'. Many Tasmanians own coastal shacks, and faced with increases such as the land tax jump from \$1299 to \$10 987 for a Blackman's Bay property, it was predicted that many owners, particularly the elderly, would have to sell their beloved properties.⁸

The Bartlett Government introduced controversial changes to the water management bureaucracy, as well as greatly increasing water and sewerage bills. This produced much criticism, with one journalist speaking of 'the massive groundswell of community anger' over this issue.⁹

Late in 2008, the Premier had moved to secure the implementation of wide-ranging education reforms—what was called 'Tasmania Tomorrow'.¹⁰ Among the changes was the creation of clear divisions between 'college' and 'polytechnic' streams. From the outset, there were many expressions of concern about the program. There were reports of absenteeism rates of 34 per cent in two North-West Coast colleges, of some colleges choosing to defer entry into the system until 2011, and of strong divisions emerging between college and polytechnic teachers. It was also reported that there had been a jump in private school enrolments.¹¹

7. P Wriedt, *Statement from Paula Wriedt*, Tasmanian Government media releases, 6 August 2008; P Carter, 'Tas minister "distressed" by sacking', *Sydney Morning Herald*, 12 September 2009.

8. M Paine, 'Anger at land tax hike brews', *Mercury*, 12 November 2009.

9. S Neales, 'Bartlett's tough school', *Mercury*, 10 October 2009.

10. What one journalist called a 'Soviet-like euphemism', *Ibid.*

11. M Paine, 'Halt college reform: Libs', *Mercury*, 22 October 2009; R Herr, 'Tasmanian political chronicle July to December 2008', *Australian journal of politics and history*, vol. 55, no. 2, 2009, pp. 302–3.

There were a number of public protest meetings called by teachers during 2009–10, including one in front of Parliament House six days before polling day. In a reversal of normal politics, the Australian Education Union supported the Liberal Party's promise to roll back the polytechnic changes, causing the Premier to assert that the Liberals were willing 'to back down to the teachers at the expense of our young people'.¹²

Bartlett announced in May 2009 that the Department of Environment, Parks, Heritage and Arts, a department created by the Bacon Government, and employing over 700 people, would be abolished. This would bring a saving 'tens of millions of dollars'. Apart from public concern being expressed at this proposal, Jim Bacon's widow attacked the Government, claiming that 'Jim's legacy [was] being eroded away'.¹³ The Government eventually backed away from this move.

Two major environmental issues caused much political debate. The first involved the question of Gunns Ltd's proposed Tamar Valley pulp mill. After assuming office, Bartlett had stated that there had to be 'good commercial reasons' for Forestry Tasmania to continue its pulp-mill wood supply agreement with Gunns, a view that he later reversed.¹⁴ While it was (and remains) uncertain that Gunns would proceed to erect the mill, it was clear that this was a vital issue for many voters. In November 2009 an EMRS poll suggested that 73 per cent of Tasmanians wanted the Government to withdraw its support for the mill.¹⁵ The second environmental concern was a Government plan to build a tourist road through the Tarkine forest in the far North-West of the State. There was much public concern over the impact this would have on what was described as Tasmania's last natural forest area. The Premier spoke of such a road being a boost for tourism, but there were many critics who saw this as a subterfuge, designed to make the future passage of forestry trucks much easier.¹⁶

Six months from the election, it therefore seemed that the Bartlett Government's chances of retaining its parliamentary majority, let alone retaining office, appeared to be very poor.

As the election drew near, the Government's most significant new policies were the proposed purchase of the Hobart Private Hospital, the introduction of two new Bass Strait ferries ahead of schedule, and a major by-pass on the Midland Highway at Brighton. On a grander scale was the vision of turning central Tasmania into the 'food bowl' of the nation by diverting West Coast rivers eastwards.¹⁷

12. B Prismall, 'Teachers back Libs on college rollback', *Examiner*, 8 February 2010; article title? see also *Mercury*, 9 February 2010.

13. D Brown, 'Slashed', *Mercury*, 14 May 2009; 'Honey's fury', *Mercury*, 15 May 2009.

14. S Glaetzer, 'Bartlett flips on mill deal', *Sunday Tasmanian*, 31 August 2008.

15. N Clark, 'Poll pulps mill support', *Mercury*, 18 November 2008.

16. M Denholm, 'Outrage over approval for Tarkine Road', *Australian*, 5 February 2009.

17. S Neales, 'Food bowl vision at risk', *Mercury*, 15 February 2010.

As is usual for a government, however, Labor received an accumulation of well-publicised blows all of which had the potential to weaken voter support. Administrative problems included the announcement of the state's railway system being in crisis, as well as the ill-timed sale of TOTE Tasmania, the State's online sports betting provider. There was also public concern over the Government's reluctance to take seriously claims on the ABC's 'Australian Story' of St Helen's water being contaminated, possibly from nearby forest plantations, as well as the claim that the Brighton by-pass would destroy a site of great significance to indigenous Tasmanians. Some of the Government's problems were caused by actions of government ministers. Workplace Relations Minister Lisa Singh's defence of her asbestos removal policy as 'a f---ing good policy' was an example. Another was the running of advertisements purporting to be 'people on the street' supporting Minister for Infrastructure, Graeme Sturges, all of whom were revealed as Sturges staff members. In Devonport, the Premier vetoed the participation of two Hawthorn AFL players, plus coach and assistant coach, from participating in Liberal candidate Adam Brooks' 'Walk for a Healthier Braddon'. Bartlett was portrayed as 'deny[ing] kids a chance to see and meet their heroes'.¹⁸

As the campaign proceeded, observers drew attention to the fact that Premier Bartlett said relatively little about his Liberal opponent. No doubt realising that the Greens might well hold the balance of power, he chose to spend much more effort in lambasting the party and its leader. He summarised his views on election-eve, asserting that he had 'no level of personal trust in Nick McKim ...[whose] slick campaign has allowed him to give the impression his party has moved to the centre', and warning of the dangers of minority government.¹⁹

Liberal Party

Twelve days after the 2006 election, Will Hodgman assumed the leadership of the Liberals. In the aftermath of the Lennon resignation, support for his party increased, but it soon slipped, and in three polls between November 2008 and May 2009 the average margin in favour of the ALP was five per cent. For some time, Hodgman's standing, therefore, was not high, with commentators noting his caution and seeming unwillingness to engage with his opponents. A journalist spoke of a need for him and his party 'to look like they are serious, disciplined, focused and hungry to become the next ... government'.²⁰ At this point, however, a change came over the political landscape with the fall in the Government's standing, referred to above. In the latter half of 2009 the Liberal positive poll figure climbed by 10 points, with an 11 point margin over the Government in November 2009, and a seven point margin in February 2010. Observers began to claim that Hodgman's party was in better shape than for some years.²¹ Being in better shape did not mean, however, that the party

18. M Stedman, 'Bartlett dodges Hawks quiz', *Mercury*, 10 February 2010.

19. Bartlett quoted, P Carter, 'Bartlett on attack as Greens poised for gains', *Canberra Times*, 20 March 2010.

20. S Neales, 'Libs litany of lost opportunities', *Mercury*, 23 May 2009.

21. See e.g. G Barns, title?, *Mercury*, 7 December 2009.

seemed likely to win a majority of the 25 parliamentary seats, due to the party's lack of success in siphoning off potential Green voters.

As the campaign neared its climax, Hodgman also addressed the poor state of Tasmania's main road by promising to make the Midland Highway a four-lane road from Launceston to Hobart. This was supported by the national Leader of the Opposition, Tony Abbott. The Liberals also promised to abolish land tax within ten years, to spend \$28 million on West Coast infrastructure, to abandon the Tarkine Road proposal and to introduce a ministerial code of conduct. One proposal which brought criticism was that of increasing Tasmania's population by 70 000 within 15 years. Hodgman drew some scorn by announcing this in Melbourne's Federation Square, along with a promise of granting \$2500 to former Tasmanians to move back home immediately. As with Labor, however, the Liberals also spent a large proportion of their campaign in attacking the Greens—rather than their main opponents.

A hung Parliament?

The major party focus was on the likelihood of a hung Parliament and, as already referred to, they spent a great deal of their effort in attempting to undermine the Greens. This confirmed the *Mercury's* prediction of October 2009:

Stand by, Tasmania, for a re-run of the message that minority government will mean the end of the world as we know it.²²

Early in the campaign Premier Bartlett had seemed sympathetic to the possibility of working with the Greens if no party won a majority, but he was reportedly brought into line 'by party hardliners'. These included his Treasurer and Minister for Economic Development, Michael Aird MLC, as well as the Construction Forestry Mining & Energy Union leadership.²³ There was no preparedness to talk of what the party might do if majority government was not won—despite the polls' message. If the main aim for a major party is to win enough seats to be able to form a government—even if it be a minority government—such a stance was counter-intuitive. It was certainly not held by all Labor supporters. Judy Richmond, a Braddon candidate, was prepared to assert that minority government or a power-sharing agreement 'should not be feared.'²⁴ Paula Wriedt was critical of Labor negativity, while her father, Ken, former Senator and Tasmanian Labor leader, described it as 'ridiculous' that the major parties threatened not to deal with the Greens after the election.²⁵ Another former Labor Senator, Graham Richardson, said that David Bartlett's statement that he would not deal with the Greens to be 'pretty silly'. This last drew Bartlett's ire:

22. Editorial, 'It's the same old song', *Mercury*, 17 October 2009.

23. M Denholm, 'Apple Isle hangs in the balance', *Australian*, 19 March 2010.

24. C Pippas, 'Labor division on power sharing', *Advocate*, 17 February 2010.

25. D Brown, 'Wriedt's wrath for leaders', *Mercury*, 18 March 2010.

Graham Richardson would crawl over his grandmother to get to power. I am not that man, I do not believe in the philosophy of 'whatever it takes'.²⁶

An editorial writer probably expressed the views of many Tasmanians:

Much of the campaigning has been too negative, ad hoc and removed from the core concerns of the electorate. No powerful themes have been developed or argued persuasively ... All Tasmania needs now is a couple of last-minute scare campaigns to complete a miserable election.²⁷

As if on cue, four days prior to polling day the *Mercury* reported Labor's 'massive scare campaign'. This included allegations that the Greens planned to legalise heroin and allow the state's 'worst criminals' to vote: 'Say NO to the Greens' extreme drug and criminals voting plans. Vote Labor.' The latter claim was based on the party's policy to extend voting rights to prison inmates, which Labor claimed would see Martin Bryant, the Port Arthur killer, given the right to vote. The claims were accompanied by a large photo of a syringe and an image of a prisoner's fists clutching the bars with his fingers tattooed "Extreme Greens".²⁸ On the following day a nine-year-old girl in Spreyton picked up a ALP election 'robocall' attacking the Greens, after which she asked her mother: 'What's heroin Mum?'²⁹ Her mother asked, 'Why should I have to explain that to a nine-year old?' Labor state secretary, John Dowling, responded by saying that the ALP was using several formats including television and print advertising, direct mail and telephone to inform Tasmanian voters 'about the Greens' extreme policies which Nick McKim has tried to gloss over'. He noted that 'Children are equally able to access election material of all political parties via a range of formats.'³⁰ Despite this, the 'robocalls' were quickly switched off.

A week before polling day the press carried an unusual item. Former Tasmanian Premiers Robin Gray and Tony Rundle (Lib) and Michael Field and Paul Lennon (ALP) warned electors of the 'dangers of minority government'. Lennon asserted that two most recent minority governments—led by Field and Rundle—had 'ended in disaster', because of the environmental party.³¹ Such concerns, where there seemed to be no room for parties to work

-
26. "'Silly" Labor leader should talk to Greens: Richardson', ABC News, 30 March 2010, <http://www.abc.net.au/news/stories/2010/03/30/2859704.htm> accessed 30 March 2010; S Neales, 'Clever but not kind', *Mercury*, 3 April 2010.
 27. Editorial, 'So far, so bad', *Mercury*, 9 March 2010.
 28. S Neales, 'Labor campaign gets dirty', *Mercury*, 16 March 2010.
 29. Robocall is defined by the Macmillan Dictionary as 'an automated telephone call which plays a recorded message', <http://www.macmillandictionary.com/buzzword/entries/robocall.htm> accessed on 29 April 2010.
 30. S Ford, 'Girl gets automated ALP attack What's heroin mum?', *Advocate*, 17 March 2010.
 31. A Edwards, 'Call for Greens to clear the air on minority rule', *Examiner*, 24 February 2010.

together, were similar to the statements made by Labour and Conservative spokespeople in the parallel campaign being waged in the United Kingdom.

A final opinion poll

On the eve of the election the *Australian* published the findings of a Newspoll taken between 14 and 17 March 2010. It was clear that the Government had slipped an extraordinary degree since the previous election, and that the Liberal and Green parties each had gained a substantial degree of that support. As with the EMRS polls, however, Newspoll indicated that a minority government was very likely:

Table 1: Newspoll results

<i>Percentage support</i>	Labor	Liberal	Tasmanian Greens	Others
Election: March 18, 2006	49.3	31.8	16.6	2.3
March 14–17, 2010	35.0	36.5	25.5	3.3

Source: Newspoll, *Australian*, 19 March 2010, p. 1.

Notable candidates

Several names stood out among the new candidates on polling day. In Bass, the Labor ticket included Brant Webb, one of the two survivors of the 2006 Beaconsfield mine tragedy. Two sons of former Premiers contested Denison: Scott Bacon (ALP), son of Jim (Premier 1996–2004), and Matthew Groom (Lib), son of Ray (Premier 1992–6). A Green candidate in Bass was Peter Whish-Wilson, one of the leaders of the fight against the Tamar pulp mill. Michael Ferguson, Commonwealth Member for Bass (2004–07) was a Liberal candidate in Bass.

Another well-known name was Andrew Wilkie. A controversial former employee of the Office of National Assessments, Wilkie had contested John Howard's Bennelong seat in the 2004 House of Representatives election as a Green, winning enough votes to push Howard to preferences. After moving to Hobart, Wilkie contested the 2007 Senate election, in second place on the Greens' Senate ticket, but later had a falling-out with the party. Wilkie focused much of his campaign on the reduction of poker machine numbers, with the eventual aim of having them abolished. During the campaign he drove a car with a computerised counter on the roof, showing an estimate of the number of dollars lost on poker machines since the previous election.³²

The result

Despite an EMRS survey indicating that Tasmanian voters would actually prefer a majority government to a hung Parliament, this was exactly what they handed the state on polling

32. M Stedman, 'Candidate lashes pokies policy', *Mercury*, 15 August 2009.

day.³³ In Bass, Franklin and Wilmot it was quickly apparent during the count that the Government and the Opposition would each win two seats, with the Greens picking up the final seat. In Denison, a division in which the Greens were thought to have the chance of winning an unprecedented second seat, there was uncertainty for some days as the anti-pokies candidate gradually picked up preferences, and appeared the possible winner of the final seat. Wilkie fell 1589 votes short, for another 2-2-1 result. In the North-Western division of Braddon, a prolonged battle between the leading Green and the third Liberal candidate eventually saw the Green win the seat narrowly. The 2-2-1 result in each division therefore gave both major parties ten seats, with the five Greens holding the balance of power. It was an unprecedented result:

Table 2: Final votes and seats

Party	Labor	Liberal	Tasmanian Greens	Others
Votes (%)	36.9	39.0	21.6	2.5
Seats	10	10	5	0

Source: Tasmanian Electoral Commission

Despite the Premier claiming that Labor had won back 14 per cent of its waning support in the final weeks and therefore having performed very well,³⁴ a *Sunday Tasmanian* writer noted that the Government's treatment by voters had been expected :

After 12 years in power, the controversy, lack of transparency, ministerial lies, corruption and nepotism have taken their toll on voters who have deserted the ALP ...³⁵

A sign of this was the fact that Bartlett did not get a quota on first preferences (15.9 per cent). This was the poorest effort by a Premier since Liberal Angus Bethune's 15.3 per cent in 1972—when there were five-member divisions. In the 2006 election Labor gained nearly half of the vote (49.1 per cent); in 2010 it gained barely one third of the vote (36.9 per cent). This fall in its vote approached its catastrophic drop of 17.4 per cent in 1982 after the overthrow of Premier Doug Lowe. That defeat saw the party enter the trough of 1982–1996, when it averaged 35.2 per cent in five elections.³⁶

Of the original 25 MPs at the close of the Parliament, four had retired, 14 were returned, and seven were defeated—a much larger turnover than in recent elections. Former deputy leader, Sue Napier and Michael Hodgman did not recontest for health reasons. Among the defeated MPs were ministers Lisa Singh, Graeme Sturges and David Llewelyn. According to Tasmanian academic, Richard Herr, the Liberal party erred by running seven candidates in

33. A Andrews, 'Voters "no" to minority government: survey', *Examiner*, 15 March 2010.

34. S Neales, 'Bartlett sees loss almost as victory', *Mercury*, 22 March 2010.

35. '5 minute election guide', *Sunday Tasmanian*, 21 March 2010.

36. Bennett, 'Understanding state elections', op. cit., p. 16.

Braddon, a move that probably cost Brett Whiteley his seat.³⁷ Among the victors were Michael Ferguson, so recently a Commonwealth MP. Continuing a tradition of Tasmanian politics, at least five of the new MPs were related to earlier MPs—Will Hodgman, Scott Bacon, Matthew Groom, Jacque Petrusma (Franklin), related by marriage to a former member of the Legislative Council, and David O’Byrne (Franklin), brother of Michelle, former Commonwealth parliamentarian and Minister in the Bartlett Government.

The Liberal vote of 39 per cent represented a positive swing of 7.3 per cent. It was, however, the fourth consecutive election in which it failed to achieve a vote of 40 per cent, and is a far cry from its heady days under the leadership of Robin Gray and Ray Groom when it averaged over half the state vote. Despite its greatly improved result in the 2010 election, it was still 15 per cent lower than its vote in 1992.

As long anticipated, the problem for the major parties was the strength of support for the Greens. The party’s 21.6 per cent vote represented its highest-ever return, and pushed its average out to 15.4 per cent over the seven elections 1989–2010. For as long the state retains proportional representation for its lower house elections, and the Greens retain the support of such a significant number of Tasmanian voters, there will remain the probability that minority governments will occur occasionally. Since 1959 the House of Assembly has had an unequal number of members, and four of the 14 elections have failed to produce a majority government.

Living with uncertainty

At first it seemed that Hodgman would have the opportunity to lead the first non-Labor Tasmanian government since 1998. During the election Bartlett had spoken of handing over to the Opposition if the parties won an equal number of seats and the Liberals had a majority of the votes. This was a view he repeated immediately after polling day. There was speculation, however, that many in the Labor caucus might force him to back away from his commitment to the Liberal leader. On 31 March, Hodgman was reportedly waiting for Bartlett to honor his pledge to offer government first to the Liberals. On the following day, the *Mercury*’s headline was clear: ‘It’s over as Bartlett gives in’. Gradually, however, the message began to seem less certain, with McKim said to be writing to both talking about a ‘negotiated outcome’. On 6 April it was announced that Governor Underwood was to talk to both major party leaders. On 7 April the Governor spoke of needing more time to settle the issue and on 8 April made his decision. On the following day the *Mercury*’s front page was of a smiling Premier with the headline: ‘He’s back’. Labor was to share government with the Greens. It was a remarkable outcome.³⁸

37. C Pippas, ‘Bloodbath averted’, *Advocate*, 22 March 2010.

38. Editorial, ‘Tasmania’s rocky road ahead’, *Australian*, 22 March 2010; S Neale and M Stedman, ‘Labor split’, *Mercury*, 1 April 2010; S Neales, ‘People’s choice waits a call for office’, *Mercury*, 1 April 2010; S Neales, ‘It’s over as Bartlett gives in’, *Mercury*, 2 April 2010; S Neales, ‘D-day for Tasmania’, *Mercury*, 7 April 2010; *Mercury*, 9 April 2010.

Underwood had sought to follow precedent. Bartlett had agreed to his request to remain Premier, with his Government's position to be tested on the floor of the House upon the resumption of the Parliament on 4 May. A media release from Government House spelled out the situation:

His Excellency expressed the view to Mr Bartlett that in the circumstances, as the current holder of the Commission to form Government, he had an obligation to form a Government so that Parliament could be called together and the strength of that Government be determined by the House of Assembly.

Mr Bartlett accepted that he had that obligation and agreed to discharge it.³⁹

The *Mercury* was approving: 'The Governor has acted impeccably, in accordance with tradition and the constitution, in seeking the solution most likely to bring stable government'.⁴⁰

The next day Bartlett and McKim rode their bikes up Mt Wellington to talk about 'the future of Tasmania'.⁴¹

The political aftermath

Negotiations took some time, however. A week later, McKim was offered a Cabinet position, but rejected the offer, speaking of a 'mathematical absurdity' for there to be only one position offered. After two days a deal was brokered, with McKim a minister and his deputy, Cassy O'Connor, to be a Cabinet secretary. McKim's responsibilities were Human Services, Corrections and Consumer Protection, Community Development, Climate Change and Sustainable Transport and Alternative Energy. O'Connor was delegated Housing, Disability Services, Women and Multicultural Affairs, with McKim remaining the relevant minister. Later events in the UK, where the Liberal Democrats took portfolios in the Cameron Government, took a similar turn.

The ground-breaking nature of these events was highlighted by a journalist. The Greens were saying that although two of their members would have ministerial responsibilities, they would continue to act as an opposition party. McKim not only held the portfolios described above, but was also to be shadow Attorney-General and party spokesperson on economic development, justice and science and technology. O'Connor would be environment, parks, heritage and arts spokesperson for her party. Bizarrely, Kim Booth of the Greens was to

39. News media release as quoted in?, 'The Governor's official advice', *Mercury*, 8 April 2010, http://www.themercury.com.au/article/2010/04/08/138661_election.html accessed on 30 April 2010.

40. Editorial, 'Democracy is not dead', *Mercury*, 10 April 2010.

41. D Brown, 'Uphill climb as leaders bury hatchet', *Sunday Tasmanian*, 11 April 2010.

shadow McKim as human services spokesperson.⁴² Not all Greens were pleased with the outcome, with Booth expressing his unhappiness at the prospect of his party working with the Labor Party.⁴³

The House of Assembly met for the first time on 4 May 2010, with some unexpected developments. The Greens supported the re-election of the Labor Speaker, but surprised by joining with the Liberal Party to defeat the nomination of a Labor MP for election as Deputy Speaker and Chair of Committees. A Green was elected in his stead. On the other hand, the Greens prevailed upon their governmental partner to spend a substantial sum of money during the forthcoming winter recess in altering the House of Assembly seating so as to clearly indicate that the Greens were neither government nor opposition.⁴⁴ The Liberal leader's no confidence motion focused on the Premier's statements, prior to, and during the campaign in which he consistently ruled out any Labor-Green alliance. However, despite the three Green backbenchers not being entirely happy with the alliance, the motion was defeated, with no defectors. Indeed, by the time the vote was taken, the focus in the chamber had shifted from the controversial alliance to the 'weak' leadership of Hodgman.⁴⁵

Governmental issues

At least five governmental issues were highlighted by the election: campaign spending, the electoral system, the size of parliament and government, the importance of the vice-regal office and the federal system.

Campaign spending

After polling day, defeated Franklin Labor MP, Ross Butler, made a call for limits on individual campaign spending to be introduced. He specifically pointed to the victory in Franklin of David O'Byrne of the Liquor, Hospitality and Miscellaneous Workers Union, which was achieved on campaign spending 'close to \$100 000'. In Braddon, claims were made that businessman Adam Brooks had spent between \$150 000 and \$300 000 in gaining election. Brooks denied this, but acknowledged spending 'more than' \$100 000. Butler spoke in favour of a cap for House of Assembly members as there is for Legislative Council candidates.⁴⁶

42. S Neales, 'Greens to speak for and against Labor', *Mercury*, 4 May 2010.

43. S Neales, 'Why Best was rolled', *Mercury*, 5 May 2010.

44. S Neales, 'Greens cut across benches', *Mercury*, 6 May 2010.

45. S Neales, 'Scarred Hodgman a leader under fire', *Mercury*, 6 May 2010

46. B Wild, 'Brooks counts the cost of a seat', *Examiner*, 14 March 2010; S Neales, 'Butler bags election spending', *Mercury*, 24 March 2010.

The electoral system

Since the introduction of proportional representation for the 1909 Tasmanian election it has often been difficult for either major party to secure a parliamentary majority. This was particularly marked when there were six members per division (1909–56) when the major parties occasionally tied for the number of seats, but even since the change to uneven numbers of MPs in 1959 Tasmania has experienced a very different pattern from other States. Between 1909 and 2010, only 18 of 32 elections (56 per cent) have returned majority governments. One might ask, therefore, whether it matters very much whether a party fails to gain a House majority.

If, however, the major parties do still wish to aim for majority governments, one path lies open to them. If they were to unite their efforts, and were able to pull enough Legislative Councillors with them, the replacement of the Hare-Clark system with preferential voting would probably mean the end of Green membership of the House of Assembly, with majority government being achieved in most elections. There are certainly some observers who believe such a change should be made. One critic is Tasmanian economics and business commentator, Bruce Felmingham. He reported that small businesses were effectively frozen during the long period required to count the vote in the proportional representation electoral system. This was due to the uncertainty as to who would be forming a government. For such firms, the electoral system ‘has become a nightmare’, and he advocated replacing Hare Clark with some other system.⁴⁷ Other Tasmanians wrote critical letters to the local press about the electoral system.⁴⁸ On the other hand, a University of Tasmania forum held on 25 March noted that ‘multi-party systems are increasingly common in advanced democracies’. However, if such governmental arrangements are to succeed, ‘distinctive strategies and institutions are needed’. Speakers pointed in particular to such governments in New Zealand and Denmark, as well as the Australian Capital Territory.⁴⁹

The size of the Parliament and government

The Parliament was reduced from 35 to 25 members prior to the 1998 election, with the main major party political aim being the hoped-for elimination of Green MHAs.⁵⁰ An unintended consequence, however, is the impact this has had upon government in the smallest state. It is highly unlikely that a party or coalition could win four of the five seats in any division. This

47. B Felmingham, ‘Hare Clark in need of review’, *Mercury*, 4 April 2010.

48. See e.g. B Raspin and E Wright, letters to *Mercury*, 25 March 2010; G Kite and R Mugford letters to *Examiner*, 5 March 2010.

49. ‘Making multi-party systems work: governing Tasmania beyond the 2010 election’, <http://fcms.its.utas.edu.au/arts/arts/newsdetail.asp?lNewsEventId=3975> accessed 14 April 2010.

50. S Bennett, *The reduction in the size of the Tasmanian parliament*, Research Note, no. 2 1998–99, Department of the Parliamentary Library, Canberra, 1998

means that even were a party to win a majority of seats in each division, the best it can do is hold 15 of the 25 House of Assembly seats.

This limited number creates appointment problems. As there are usually nine Cabinet positions and one government member holding the Speakership, most government members will hold portfolios. Apart from the narrow choice for the Premier, there is little flexibility for portfolio changes during a Government's term of office. In the previous Parliament, the resignation of two deputy Premiers saw the Government forced to take replacements from the upper house, something that is not uncommon, but which runs counter to the traditional non-party history of the Legislative Council. When a new government is unable to gain a majority of the House of Assembly, the choice of ministers is much more difficult than it would be in a larger parliament.

How might the Parliament be increased in size? The most obvious change would be to return to five seven-member divisions, though some see this as the recipe for more hung parliaments as the lower quota needed for election would aid the Greens.⁵¹ A variant would be to break the long-standing five-division pattern, and create seven five-member divisions. Some major party members, including David Bartlett, see this as a way of limiting future Green gains, but the financial cost of moving from redistributions administered by the Australian Electoral Commission (AEC) would be a possible disincentive.⁵² A more radical suggestion heard during the election, including from former minister, David Llewellyn, would be to amalgamate the two houses into a single chamber of 40 MPs, possibly elected from single-member divisions. An important barrier would be opposition of those determined to retain the Legislative Council.⁵³ Breaking away from the use of AEC redistributions would also be a factor. Whatever the future of the Tasmanian Parliament, Barry Prismall of the *Examiner* is firm on one aspect of this question—that all future alterations in the size of the Parliament should be via a referendum. He believes this would thereby place a barrier in the way of a government determined to push such a change for short-term political advantage.⁵⁴

The importance of the vice-regal office

Generally, state Governors occupy a place to the side of political and governmental events:

-
51. Former Premier, Tony Rundle, is one who holds this view, 'Three views of future parliamentary landscape', *Examiner*, 22 March 2010. In a 35-member contest, a Green vote identical with that for 2010 would probably have given the party two MPs in four divisions and a single MP in Braddon—nine of a possible 35.
 52. M Stedman, 'Bartlett keen to enlarge Parliament', *Mercury*, 6 September 2008; M Stedman, 'Risks in extra MPs push', *Mercury*, 28 April 2010.
 53. 'Join both houses: Llewellyn', *Examiner*, 23 March 2010.
 54. B Prismall, 'Honest look needed at MP count', *Examiner*, 22 March 2010.

...‘the overriding convention [is] that he must never show partiality between the political actors, especially the political parties.’⁵⁵

Occasionally, however, the Governor is placed in a position where he or she is obliged to make decisions that affect a state’s politics and government, as when a Premier lacks control of the Assembly. At such a time a Governor must focus on the maintenance of governmental stability, even to the extent of being prepared to reject a chief minister's advice. Inevitably there will be winners and losers from such decisions, and thus the office becomes, to that extent, politicised. Such was the situation in Tasmania, but it did indicate how the Vice-Regal position occasionally can play an important part in a Westminster-derived parliamentary system.⁵⁶

The federal system

In observing state elections, one might think that the outcome was of major importance in the government of the Australian people. However, many would assert that this belief is increasingly out-of-date and, perhaps, irrelevant. Students of the federal system are well aware that the impact of the Hawke and Keating Governments—with an upping of the pace by the Howard and Rudd Governments—has been to see the federal system turned into a governmental structure that would be unrecognizable to the nation’s founders.⁵⁷ These administrations followed the path trodden by earlier governments by using Specific Purpose Payments to force the States’ hands in an increasing number of policy matters.⁵⁸ On the eve of the Tasmanian election journalist Greg Barns came to the same conclusion:

Whatever the outcome of this election the campaign has shown something to be inexorable. That is, that state governments don't matter much anymore. When it comes to political parties at a state and territory level making promises about roads, schools, education and even the economy the reality today is that they can do little or nothing without federal government support.⁵⁹

In such a setting it is often very difficult to detect policy differences between the Labor and major non-Labor parties as in the 2010 Tasmanian election.

55. RS Parker, *The government of New South Wales*, UQP, St Lucia, 1978, p. 175.

56. S Bennett, *Affairs of state: politics in the Australian states and territories*, Allen and Unwin, Sydney, 1992, p. 64; see also P Boyce, *The Queen’s other realms; the Crown and its legacy in Australia, Canada and New Zealand*, Federation Press, Sydney, 2008, pp. 55–6.

57. See e.g. M Steketee, ‘Federalism is a dead idea. So what now?’, *Weekend Australian*, 24–25 April 2010.

58. S Bennett and R Webb, *Specific purpose payments and the Australian federal system*, Research Paper, no.17, 2007–08, Parliamentary Library, Canberra, 2008.

59. G Barns, ‘State governments don’t matter much anymore’, iElect, 19 March 2010, <http://www.ielect.com.au/blog/blogItem.php?b=14> accessed 30 March 2010.

Conclusion

As with the UK hung parliament after the 6 May general election, it was clear that most Tasmanian parliamentarians had trouble coping with the electoral outcome. It remains to be seen to what extent they are prepared to see the same advantages of the new governmental arrangements as those spelled out by the *Mercury*:

This is democracy in action and it shows there is room to manoeuvre on all sides and no single party can get its own way.⁶⁰

Such a view would require a preparedness to look beyond the normal politics of Parliament. If the 47th Parliament survives for a full four years with no change of government, the shape of Tasmanian politics may well be seen to have undergone a fundamental change.

60. Editorial, 'Experiment begins', *Mercury*, 6 May 2010.

Appendix: changes to Tasmanian electoral procedures

Divisional boundaries

In 2008, a redistribution of Tasmania's House of Representatives divisional boundaries was conducted. When such redistributions occur the new boundaries are automatically adopted for use in Tasmanian House of Assembly elections. The nett result of this redistribution was that about 16 000 voters (c4.5 per cent) were now located in a different division.⁶¹

Modifications of Robson Rotation

'Robson Rotation' is the process of rotating candidates' names within each grouping so that the candidates in a group share equally the favoured positions at the top and bottom of the ballot paper. A 2008 review established that doubling the number of rotations previously provided would increase the effectiveness of the system, and this was written into the electoral process. The 2010 House of Assembly election was the first where this extended version was used.

Electoral assistance

Voter education

The Tasmanian Electoral Commission (TEC) had developed an educational online service (*MyReps*) to assist voters. By entering their address into the system, voters could ascertain the divisions in which they resided, the names of their MPs (state and Commonwealth), and their local government members. A map and satellite image of voters' addresses was accessible.⁶²

Overseas and remote voters

'*Express Voting*' was provided for voters who were overseas or living in remote areas. For an area to be declared 'remote', the Electoral Commissioner had to be satisfied that electors in that area did not have a postal service that would enable use of normal postal voting procedures. Such voters could apply to receive their ballot paper and a special declaration form by fax or email. The ballot paper and declaration could be returned to the TEC by fax, email or post.

61. Australian Electoral Commission, 2009 Tasmanian redistribution–final report, http://www.aec.gov.au/Electorates/Redistributions/2008/tas/final_report/index.htm accessed on 20 March 2010.

62. Tasmanian Electoral Commission, Who are my representatives?, <http://electoral.tas.gov.au/myreps> accessed on 20 March 2010.

Express votes returned by fax or email had to be received by the TEC before the close of polls, but express votes returned by post could be received as late as 10 am Tuesday 30 March, the deadline for postal votes.

Vision-impaired voters

VI-Vote, a computer-based system for the use of blind and vision-impaired voters was first used at the 2007 Legislative Council elections. Such voters could mark their ballot paper using voice prompts through headphones. Once the elector marked their preferences, these were read back to the elector electronically, before being printed on a ballot paper. The elector then placed the ballot paper in the ballot box. In the 2010 House of Assembly election, pre-poll blind and vision-impaired voters were able to use this system in Hobart, Launceston and Burnie. On polling day voters were able to do so at specified locations.

SMS reminder service

In June 2009 the TEC began an SMS service for electors wishing to receive reminders when they need to vote at national, state or local government elections. For the House of Assembly election, voters who had connected to this service received three such texts—at the start of pre-poll voting, two days prior to polling day, and at 3pm on polling day.⁶³

Changes to absent voting

Prior to this election, citizens voting in a division other than their own would cast an absent vote. Such voters were required to complete a special declaration form, and have their ballot paper sealed in an envelope for processing after polling day. In the 2010 election, the five divisional electoral rolls were installed on new computers, enabling polling place officers to mark voters off the roll, whatever their division. The divisional ballot papers—each of which had a specific colour—were thus placed in a single ballot box at polling places.

With digitized electoral rolls, and absent votes no longer increasing the time taken to count the vote, polling place officials noted shorter polling place queues. The first preference count was much faster, with reports that it took less than three hours to count first preferences on polling night.⁶⁴

The internet

During the campaign period the TEC spoke of the need to observe s.191 of the Tasmanian Electoral Act 2004 which says:

a person must not, between the issue of the writ for an election and the close of poll at that election...publish, or permit or authorise another person to publish, any electoral matter on

63. <http://electoral.tas.gov.au/votealert> accessed 20 March 2010.

64. P Duncan, 'Digital rolls, faster polls', *Sunday Tasmanian*, 21 March 2010.

the internet without the name and address of the responsible person appearing at the end of the electoral matter.

During the campaign, the TEC insisted that a person's full name and street address must run next to all electoral matter posted on Facebook, Twitter and blogging sites. In response, a spokesperson of a digital company suggested that the TEC did not understand the difficulties associated with such an order: 'the sheer impracticability of enforcing the law... is overwhelming'. He claimed that such a requirement did not fit with modern communication practices.⁶⁵ Presumably this will become a matter of concern for all Australian electoral bodies.

© Copyright Commonwealth of Australia

This work is copyright. Except to the extent of uses permitted by the *Copyright Act 1968*, no person may reproduce or transmit any part of this work by any process without the prior written consent of the Parliamentary Librarian. This requirement does not apply to members of the Parliament of Australia acting in the course of their official duties.

This work has been prepared to support the work of the Australian Parliament using information available at the time of production. The views expressed do not reflect an official position of the Parliamentary Library, nor do they constitute professional legal opinion.

Feedback is welcome and may be provided to: web.library@aph.gov.au. Any concerns or complaints should be directed to the Parliamentary Librarian. Parliamentary Library staff are available to discuss the contents of publications with Senators and Members and their staff. To access this service, clients may contact the author or the Library's Central Entry Point for referral.

65. *Examiner*, 19 February 2010; A Connor, 'Digital Tasmania', *Mercury*, 20 February 2010; 'Calls to review political Twitter', *Mercury*, 12 April 2010.