



# AUSTRALASIAN STUDY OF PARLIAMENT GROUP

## NEWSLETTER – APRIL 2013

Vol. 4 No.1

The Australasian Study of Parliament Group (ASPG) is a politically non-partisan body established to encourage and stimulate research, writing, teaching and discussion about parliamentary institutions, particularly those in Australasia and the South Pacific.

The ASPG has Chapters in all States and Territories of Australia and in New Zealand. Its membership consists of parliamentarians, parliamentary officers, academics, teachers, journalists, students and other interested individuals. For further information refer to the ASPG website [www.aspg.org.au](http://www.aspg.org.au).

### Welcome

Welcome to the latest issue of the ASPG Newsletter. This is a twice-yearly publication in which the Chapters are urged to tell all ASPG members of the activities of their Chapters and submit items of particular interest to current and prospective members. You can also make use of the Membership Application form at the back of the Newsletter which allows new members to join and existing members to renew their membership.

### In this issue

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- We would like your contribution
- Help build our membership

### Editorial

This newsletter is indicative of the development of ASPG over the last twelve years. It is the longest and undoubtedly the most interesting and informative so far, giving interesting overviews of news around the chapters and reports on the Pacific Parliamentary Partnership Programs which have arisen from the twinning program launched some years ago from the annual Presiding Officers and Clerks Conferences, bringing together Australian, New Zealand and Pacific nation parliaments. As usual we introduce two stalwarts of the executive, a glimpse of those who have participated in the growth of the organisation during this period. The newsletter also showcases our website which has blossomed into a valuable resource of contemporary writings on a wide variety of parliamentary subjects. This year's conference will see my retirement as President and the retirement of our secretary, Catherine Parkin, so it is a time for reflection on the path ASPG may take in the future. In my time as President I have seen the ASPG grow from a shaky position twelve years ago to one of financial stability and high regard, with links to similar organisations around the world, a respected journal and conferences that have made a real contribution to parliamentary institutions in the region. The future is bright but it will need steady and wise direction to consolidate the gains that have been made. The challenge that lies ahead, to continue to build on what is now a solid foundation, rests squarely with its members.

Kevin Rozzoli AM  
**President, ASPG**

## Parliaments of the ASPG Region

Parliament Houses are amongst our most historic and important buildings in our community and yet they are so much taken for granted. This is the fifth in our series. In this edition we feature the Western Australia Parliament. The material has been obtained from the official parliamentary website.



Western Australia Parliament House

Western Australia inherited the English system of government and law when it was colonised in 1829. Its first legislative body was the Legislative Council, which met for the first time on 7 February 1832 and was presided over by the Governor of Western Australia, Captain James Stirling, who nominated four other members.



Owen Garde's depiction of an early meeting of the Legislative Council

Between 1850 and 1868 Western Australia was a Penal Colony and, under the Australian Colonies Act (1850), was denied the opportunity to adopt representative or even responsible government, as took place in the Eastern Colonies. As a compromise, in 1867 the Governor agreed to

nominate to the Legislative Council those persons elected by all free adult males in the colony who owned property.

The Legislative Council met in various locations until 1870 when Western Australia was granted Representative Government with a Legislative Council consisting of 12 elected members and six members nominated by the Governor. The new Legislative Council held its first meeting on 5 December 1870 in the Legislative Hall, Town of Perth Chambers, located at the eastern end of the Perth Town Hall. It continued to meet there until 1890 when Western Australia was granted Responsible Government with a Legislative Assembly of 30 elected members and a Legislative Council of 15 members, initially nominated by the Governor.

When the Colony's population reached 60,000 in 1893, the Legislative Council became an elected body of 21 members (three members elected from each of the seven provinces).

In 1897, a Commission was established to report on the site and plans for the new parliamentary buildings. A Joint Parliamentary Committee was appointed on 29 November 1900 to select a design for the new parliamentary buildings from the designs submitted under a competition. The competition specified that the budget for the building was £100,000, with the initial stage to cost £20,000. Seventeen designs were received, but they were all disqualified for exceeding this budget.

Public Works Chief Architect John H. Grainger prepared new plans and the Chief Architect of the Government of New South Wales, was brought over to judge the competition.

The foundation stone was laid on 31 July 1902, and after construction of part of the building, it was opened for the first parliamentary sitting in 1904 at a cost of £35,623/3s/1d. In addition to the partial completion of the building, a temporary corrugated iron building was constructed between the two Chambers to house parliamentary staff, Hansard and other amenities. These buildings were demolished in 1964).

In 1962 construction commenced on the completion of the 1902 plans, with a modernist 60s façade. A budget of £140,000 was provided for this extension. The opening of the new extensions took place on Monday, 23 March 1964 and was carried out by the then Governor, Major-General Sir Douglas Kendrew.

Until the 1964 election, only those people who satisfied a property requirement were entitled to vote

in Legislative Council elections. Voting rights were only granted to Aboriginal people in 1962. Women were not entitled to vote until 1899; however, few were able to vote in the Legislative Council because most did not own property.



### Edith Cowan

In 1920 women became eligible for election in Western Australia, and in 1921 Edith Cowan became the first Australian woman to be elected as a member of Parliament.

### Artwork

From time to time new artworks were sought to enhance upgrading of the building. In 1949 when the Parliamentary Dining Room was renovated, Perth Society of Artists loaned Parliament a number of watercolours to replace the group of photographs of members of earlier Parliaments.

In 1951 to mark the Jubilee of Federation the Art Patron, Claude Hotchin, presented a number of watercolours of south west scenes.

When the House was completed in 1964, local government authorities were invited to donate paintings relating to their particular localities. Claude Hotchin advised on their selection and placement around the building.



Legislative Assembly Chamber

### Stained glass windows

The stained glass windows adorning both chambers were commissioned and made in Albany, Western Australia. The following is an extract describing the opening of the Parliament as reported in the *Morning Herald*:

*"The eye alights upon a jarrah gallery, dark stained and varnished. Then comes a sort of inner wood partition, creating a small lobby on each side of the chamber. This too, is of jarrah, brightened with stained glass of elaborate design, into which the emblematic swan is prominently introduced ..."*



Legislative Council Chamber

## Pacific Parliamentary Partnerships Program

The Pacific Parliamentary Partnerships Program currently involves eight Pacific parliaments supported by funding received from AusAID. The CPA Australian Region secretariat in association with the UNDP and twinned Australian parliaments coordinates the program for Cook Islands, Kiribati, Samoa, Tonga, Tuvalu and Vanuatu. The New South Wales Parliament coordinates the program for Bougainville and Solomon Islands which have been reported in previous newsletters. Here is an overview of 'twinning' activities elsewhere in the region.

### Western Australia and the Cook Islands

The relationship between the Parliaments of Western Australia and the Cook Islands is strong, as evidenced by the numerous interactions in 2012. For example, two Legislative Assembly Members and one staff member went to the Cook Islands Parliament in April 2012 to run a seminar on the operation of Public Accounts Committees.

In mid-June, a delegation of five members and two staff from the Cook Islands were in Perth and undertook a three-day programme, principally with the Estimates and Financial Operations Committee of the Legislative Council and the Public Accounts Committee of the Legislative Assembly, to see practical examples of these committees' operations.

On 23 October 2012, the Hon. Niki Rattle, Speaker of the Cook Islands Parliament, visited the Western Australian Parliament. As it was a sitting day, the Hon. Grant Woodhams, Speaker of the Legislative Assembly, invited Ms Rattle to sit alongside him on the Speaker's dais, and she gave an address to the House warmly endorsing the partnership between the Parliaments of Western Australia and the Cook Islands.

In November 2012, the Cook Islands hosted the 31<sup>st</sup> Australasian and Pacific CPA Regional Conference in Rarotonga and the Parliament of Western Australia provided staff resources to assist them.

### Australian Capital Territory and Kiribati

Papua New Guinea Parliamentary Librarian Elesallah Matatier visited Kiribati in October/November 2011 to assist with an upgrade of the Kiribati Parliamentary Library. In the same year an induction program for new parliamentarians was held with assistance from

Mark McRae (former Clerk of the ACT Legislative Assembly) and Mary Toohey (ACT Deputy Parliamentary Counsel).

In June 2012 the ACT Legislative Assembly conducted a one week mentoring attachment in Canberra for two Kiribati parliamentarians followed by an attachment in Canberra for the Kiribati Public Accounts Committee Secretary.

### Tasmania and Samoa

In 2011 Gregg Ransley, the Tasmanian Parliament's Audio and Computer Systems Specialist, visited Samoa to undertake an IT needs assessment for the Samoan Legislative Assembly. The report from this needs assessment was provided to the Samoan Legislative Assembly and to AusAID to assist with a broader upgrading of the parliament's facilities.

Dr Richard Herr from the University of Tasmania visited Samoa in 2012 to undertake scoping work for a training course for parliamentary staff that could lead to tertiary accreditation.

Samoan Deputy Clerk Charlene Malele and Research and Policy Officer Fulisailagitele Saleuesile attended a community outreach workshop for Pacific parliamentary staff held at the Australian Parliament in May 2012.

Peter Banson (Australian House of Representatives) is visiting Samoa in June 2012 to assist with the drafting of a parliamentary procedure and practice manual.

### South Australia and Tonga

The Chairman of the Tongan Legislative Assembly's Finance and Public Accounts Committee Aisake Eke undertook a study visit to the Australian and South Australian Parliaments in November 2011.

Andrew Dawson (Media Manager, Australian House of Representatives) and Michael Ferguson (Assistant Director Broadcasting, Department of Parliamentary Services, Australian Parliament) visited Tonga in November 2011 to assist with the development of the Tongan Legislative Assembly's community outreach program, including training for staff and media training for parliamentarians.

The Media and Education Officer from the Tongan Legislative Assembly, Sione Vikilani attended the community outreach workshop for Pacific parliamentary staff held at the Australian Parliament in May 2012.

## Victoria and Tuvalu

Sakaio Manoa, the IT adviser for SOPAC, visited Tuvalu in December 2011 to carry out the second phase of a network setup for the Tuvalu Parliament, the first phase having been undertaken by Magnus Prasad, IT adviser for the UNDP.

Tuvalu parliamentary staff member Ms Laakaga Uniuni participated in the 7th Annual Summer Residency Program for Public Accounts Committees organised by Deakin University at Geelong, Victoria in February 2012.

The Victorian Parliament in conjunction with the Tuvalu Parliament has compiled a list of priorities identified by a Tuvalu parliamentary delegation, led by the Speaker, that visited Australia in June 2011.

## Queensland and Vanuatu

Robert Hansen (Queensland Parliament) visited Vanuatu in April 2012 in conjunction with a UNDP mission there to hold discussions on the twinning arrangement between Vanuatu and Queensland and to identify priorities for the Pacific Parliamentary Partnerships program.

Welcome

2013 Annual Conference



**2013 Annual Conference  
Western Australian Chapter**

***OVERSIGHT:***

***Parliamentary Committees, Corruption  
Commissions and***

***Parliamentary Statutory Officers***

**Perth**

**2 – 4 October 2013**

Hosted by the Parliament of Western Australia

For registration and all inquiries contact Ms Kirsten Robinson, ASPG Chapter Secretary and Deputy Clerk of the Legislative Assembly:

[krobinson@parliament.wa.gov.au](mailto:krobinson@parliament.wa.gov.au)

+61 8 9222 7236

Parliament of Western Australia

Harvest Terrace, WA PERTH WA 6000

- Delegates are required to organise their own accommodation.
- Full registration fee includes welcome reception, morning and afternoon teas, lunches and conference dinner.
- Half-day registration includes morning or afternoon tea.

Conference rate for room accommodation and breakfast from Wednesday, 2 October 2013 to Saturday, 5 October 2013 is available from the Ibis Hotel:

### **Ibis Hotel Perth (3 ½ stars)**

334 Murray Street, Perth WA 6000

Other hotels:

### **Rydges Perth (4.5 stars)**

815 Hay Street Perth

### **Holiday Inn City Centre Perth (3 stars)**

788 Hay Street Perth

### **And for those who are really keen ...**

On the Saturday following the Conference a meeting will be held of members of the International Political Science Association's - Research Committee of Legislative Specialists (RCLS) to discuss current trends in international legislative research.

IPSA was founded in Paris in 1949 under the aegis of the United Nations Educational, Scientific and Cultural Organisation. Its special mandate is to support the development of political science in all parts of the world, building academic networks linking East and West, North and South and to create an inclusive and global political science community in which all can participate, promoting collaboration between scholars in emerging and established democracies and to support the academic freedoms.

RCLS is one of 52 committees and ASPG developed a link some years ago. This will be a rare opportunity to meet legislative researchers from other parts of the world.

The meeting will commence with a number of ten minute overviews of research programs being conducted by members followed by discussion and questions seeking clarification and further information. This will be followed by two sessions each led by a keynote speaker with significant experience in parliamentary strengthening programs identifying issues leading into fruitful discussion – especially as to desirable directions for research.

Anyone wanting to join the group should contact

Associate Professor Ken Coghill, Director, Monash Governance Research Unit and a Co-Director, Parliamentary Studies Unit at Monash Governance Research Unit Monash University PO Box 197 Caulfield East. Vic. 3145

Phone: (03) 9903 1532

Email: ken.coghill@buseco.monash.edu.au

### Meet a couple of our ASPG personalities

#### **Kirsten Robinson – Deputy Clerk, Legislative Council - ASPG Delegate West Australia Chapter**



Kirsten Robinson has always had an interest in parliament and its procedures gaining a Bachelor of Arts degree with First Class Honours in Politics from the University of Western Australia in 1988. The subject of her thesis was *Minor Party and Independent Activity Within the Australian States: An Analysis.*

In 1987 Kirsten won the Gordon S. Reid Prize in Parliamentary Politics for her essay entitled *How Can the Australian Party System Be Classified?*

She commenced work in the parliamentary system later the same year in the position of Relief Assistant Clerk of Papers in the Parliament of Western Australia moving on to Assistant Clerk of Papers then Parliamentary Officer (Bills and Papers) over the next three years.

Between 1993 and 1998 she studied part-time study at the University of Western Australia culminating in a Master of Arts (Research) in Political Science degree; her thesis topic being *'Ambiguities in Parliamentary Representation: An Examination of Representation and Party Attachment in the Western Australian Legislative Assembly.'*

From 1990 to 2000 she was involved in a number of committees either as a Clerk or Research officer.

In 2000 she left parliament to work with the Western Australian Electoral Commission as a Research & Policy Officer returning to the parliament in the position of Clerk Assistant (Procedure) & Sergeant-at-Arms in 2005. During this year she completed a course with the Queensland University of Technology (Faculty of Law) on Parliamentary Law, Practice and Procedure. Her paper was titled, *'The Assent to Bills Process: What Happens When Things Go Wrong?'*

In 2007 she was appointed Clerk Assistant (Committees) then Clerk Assistant (Procedure) in 2009. She is currently Deputy Clerk achieving this appointment in 2011.

Kirsten is married to David, and they have two children: Karl, aged 14 and Joely, aged 9. They also have a 2 ½ year old Labradoodle dog named Ruby. In her "spare" time (i.e. when not ferrying children to sport, music, birthday parties etc and other usual weekend family pursuits), Kirsten enjoys reading novels, travelling, movies, infrequent gardening and going for long walks. Having gone to India last February with a Speaker's delegation, Kirsten is fascinated by all things Indian and is now working hard on organising a family holiday to India sometime in the future. She is also toying with the idea of embarking upon a creative course, like stone carving.

Kirsten is a valued member of the ASPG executive and this year is taking a lead role in the Annual Conference.

**David Elder - Australian Capital Territory  
Delegate to the ASPG Executive**



David is a long standing employee of the Department of the House of Representatives, having joined the department in 1981 and has been on the ACT Chapter (Commonwealth) and the ASPG Executive for a number of years.

For a number of years he worked on committee secretariats the highlight of which was as committee secretary on a major inquiry into the Australian Banking Industry in the early 1990s under the chairmanship of Stephen Martin.

Since then he has progressed through a number of senior positions in the department, including Serjeant-at-Arms, Clerk Assistant (Committees) and Clerk Assistant (Table). In 2010 he was appointed Deputy Clerk. David also has been secretary of the House of Representatives Committee of Privileges and Members' Interests since 2000.

He has a Master of Arts degree and an Executive Master of Public Administration degree. Outside of work, he is an active member of Rotary (when time permits) and enjoys playing golf (again, when time permits).

## Around the Chapters

### New Zealand Chapter

#### 'Joy of procedure'

'Joy of procedure' may sound like a strange way to describe the New Zealand Parliamentary Study Programme, but this was a comment received from one of the delegates about their experience of attending our study program in 2012. The study

program took place from 12 to 23 November 2012 and was the third that the Office of the Clerk has hosted since 2010. This year the study program included participants from parliaments in Bougainville, Kiribati, Nauru, Samoa, Tonga, and Tuvalu.

The purpose of the 2-week programme is to contribute to capacity building and to strengthen relationships between parliaments in the Pacific region. It provides an overview of the New Zealand Parliament and the New Zealand political system, as well as giving participants the opportunity to explore their own areas of interest in parliamentary procedure.

All parts of the Office of the Clerk were involved in some way—whether it was as presenters, hosting a delegate within their area, or assisting with the arrangements that are required to make the program a success.

Office of the Clerk staff also had an opportunity to engage with their Pacific colleagues and to hear of some of the challenges that they face working as parliamentary officers in their own countries. Presentations given by each delegate gave an interesting insight into both the similarities and differences between our parliaments—for example, the issue of the courts being able to challenge decisions made in Parliament in Kiribati was highlighted. The challenge of having a small staff, limited resources, and being responsible for multiple roles was also a common issue mentioned by several of the participants.

While in Wellington, delegates also had the opportunity to explore an area of interest and work on a particular project that they could take back and implement in their own Parliament. They then spent time with the relevant business unit here, working on this project. Topics covered included developing a Pacific network; implementing professional development opportunities for staff; website development; encouraging members of the public to engage with Parliament and make "quality" submissions; organising and releasing House and select committee schedules; developing a Hansard style guide and publication of Speakers' Rulings; introducing members of Parliament to the concept and transparency of Pecuniary Interests; and effective scrutiny of public accounts. In making the link to their current role, one participant commented that the programme had given them "valuable ideas of ways to improve our secretarial role and being able to conduct effective committee inquiries".

The study programme has become an anticipated event on the calendar, as it provides the opportunity to make a real and practical difference to parliamentary practice and procedure in Pacific parliaments.



*Aretaake Ientaake, Deputy Clerk from the House of Parliament, Kiribati, receiving his certificate from Debra Angus, Deputy Clerk of the House of Representatives*

### **Queensland Chapter**

As everyone knows the 2012 election in Queensland resulted in a crushing victory for the Liberal National Party, hardly altered by a handful of defections since then. For the Queensland Chapter this result had several implications. First there were changes for the executive. To maintain our non partisan stance we have long had a member of the Government and of the Opposition on the committee. With such a reduced Opposition (seven MPs) it is doubtful whether they will have the time to give to our program planning. Also worth pondering are the position, relative to ASPGQ of the three Katter's Australia Party and four Independent MPs.

Second are the implications for the reformed, in 2011, Parliamentary Committee system. At the time the unspoken assumption was a relatively evenly divided Chamber. With only 14 non-Government Members there were some questions as to how viable the legislative scrutiny would be. To this end the Chapter convened a round table soon after the election entitled *Parliamentary Committees: Dead or Alive?* It was well attended and informative for all present. A further exploration of the dynamics of Parliament following the election was a second meeting at which two new Members were invited to give their accounts of their campaigns, expectations and experiences. The two participants were Ian Berry MP (Ipswich) and

Jackie Trad MP (South Brisbane). The former is the first non-Australian Labor Party Member for Ipswich since 1983 and the retirement of Sir Lew Edwards. The latter won her seat in a by-election when Hon Anna Bligh resigned after her defeat.

In other developments, the Chapter is making efforts to interact with cognate groups to share resources, ideas and synergies. The two we are hoping to connect with for the future are Australia and New Zealand School of Government which in Queensland is based at the South Bank campus of Griffith University and the Social Educators Association of Queensland, whose President is Dr Joy Kennedy at the Banyo campus of Australian Catholic University. The Chapter is also associated with a research project initiated by Dr Ian Ward and Dr Rae Wear of the Political Science and International Studies School at Queensland University. This is a longitudinal study of the vast intake of new Members, class of 2012. We hope to have a work in progress presentation from them towards the end of the year. A final associational activity, agreed to in principle by the Speaker and the Clerks are plans for a Parliamentary Oration. The idea is for an annual (or perhaps bi-annual) lecture by a distinguished Queenslander on any topic pertinent to the state's polity, economics, or social situation.

2013 marks the twentieth anniversary of the founding of the Chapter and thus two decades of solid activity and achievement. To celebrate this a banquet is planned at the House on Thursday 16 May, 5.30pm for 6.00pm. All are welcome, especially members from other Chapters. Dr Reynolds as first Chair of the chapter (1993 – 2003) will be the MC. Guests will be welcomed by the patron, Hon Fiona Simpson MP, Speaker of the Legislative Assembly. The after dinner speaker will be Dr David Solomon, one of the original ASPG members, well before the Queensland Chapter came into being. The evening will close with some remarks on ASPG's past and on-going work from the National President.

Of some concern for quite some time has been the paucity of knowledge about the political process in general and the place of the Parliament in particular. We have had several attempts to come to terms with this and currently propose a symposium, possibly to be held in August, 'to explore the barriers to expanding the reach and availability of pre-vocational secondary and tertiary education about Australia's political institutions. The purpose is to do something about the suitability of job applicants and entrants for positions in governments, parliaments, political parties and journalism'. Watch this space!



Finally appreciation is truly expressed to the new Speaker for her enthusiastic taking up of the position of our Patron, and of her generous support for our endeavours. We have been very fortunate over twenty years to have the solid backing of previous Speakers and as the first female Speaker in Queensland, Hon Fiona Simpson MP is directly in this tradition. We are also most appreciative of the support offered by the Clerk (Neil Laurie) and his Deputy Clerk (Michael Reis).

### **Tasmanian Chapter**

#### *Ministerial arrangements 2010 to 2013*

- Peter Alcock, Clerk of the House of Assembly

The last State General Elections, held on 20 March 2010 resulted in no one political party winning a majority of seats. This is not uncommon in Tasmania where there is a proportional representation system where each of the 5 electorates returns five members.

The result was ten seats for the existing Government (Australian Labor Party), ten seats for the Opposition (Liberal Party) and five seats for the Tasmanian Greens. The ALP won 36.88% of the first preference vote, the Liberal Party 38.99% the Tasmanian Greens 21.61 and other minor parties and independents the remaining 2.52%.<sup>1</sup>

The final counting of the vote effectively cannot commence until ten days after the election day to allow for postal and absentee votes to be counted.<sup>2</sup> This is not an issue for the parties when the result is clear (although it remains a very uncertain time for some of the candidates) but when the result is close or as it was in 2010, not clear it can be a very long time to wait. The only matter which was clear was that no party would have a majority in their own right. The time taken was further extended by the Easter period falling within this period so the final makeup of the Government was not determined and sworn in by His Excellency the Governor until 20 and 21 April, one month after the election.

During this period there was much debate, discussion and public comment about who should form Government. Both of the major parties refused to have discussions with the Tasmanian Greens, who in turn held a position that the people had decided that no party would be able to govern alone and stood ready to have discussions with either party to form a government. Both major party Leaders had discussions which the Governor and the impasse

continued. On Thursday 8 April there was a press release from the Greens Party informing of a Party Room Resolution. The Resolution reads as follows:

*The Greens' Party Room agrees unanimously that we will not move or support a no-confidence motion in the current (Labor) government except in the case of gross malfeasance or corruption. We also agree unanimously that this commitment will lapse if a formal arrangement negotiated between any two of the three parties represented in the House of Assembly is finalised.*

The press release went on to say, quoting the Greens Party Leader:

*We did not make this decision lightly. We have decided to act in the interests of providing government stability in the absence to date of any negotiations.*

It is not the purpose of this article to go through all of the public events over the one month period that lead to the formation of the government but it has been mentioned to give some background to enable an understanding of the difficulties in that lengthy period.

The Ministry in Tasmania is limited to a maximum of nine members or if a Secretary to Cabinet has been appointed, the maximum number is eight.<sup>3</sup> The new Cabinet, with the Honourable David Bartlett as Premier, consisted of eight Ministers and a Secretary to Cabinet. That alone is not remarkable, but that one Minister and the Secretary to Cabinet were members of the Tasmanian Greens Party was most definitely remarkable. Whilst this was not the first time a Labor Government in Australia had appointed Ministers from outside the ALP, it was the first time in Tasmania. In addition, there was no coalition as such, simply an arrangement made between the Premier and the two Greens members by way of exchange of letters. These letters are appended to this paper.

The arrangement was not unlike that made in South Australia in July 2004. A similar situation arose in Western Australia and was agreed to in September 2008. Documents relating to those arrangements are also appended to this paper.

Two features which are similar in each of these arrangements are that they are not coalition governments and that the minor party Ministers have the right to absent themselves from Cabinet discussions under certain circumstances. This article will deal with the events in Tasmania from this point.

The arrangements made in April 2010 included "Procedures for dealing with matters of significant

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<sup>1</sup> Tasmanian Electoral Commission, Report on Parliamentary Elections 2007 to 2010 p23

<sup>2</sup> Tasmanian Electoral Act S 139 (1)(c)(ii)

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<sup>3</sup> Tasmanian Constitution Act S 8B

concern". A 'matter of significant concern' was defined as:

*4.1 The expression 'matter of significant concern' means:*

*(1) The likely or recommended decision of cabinet, which if agreed would be inconsistent with the policies of the political party to which you belong, to such a degree or extent that you form the opinion that you could not support the decision without potentially compromising your standing within your party; and*  
*(2) Subject to paragraph 4.2, such other matters of conscience that you consider to be matters of significant concern, and of which you so advise me in writing prior to your being appointed as a minister. Any document notifying me of the matter of conscience will be treated and protected as if it were a cabinet document.*

*4.2 You are to provide a comprehensive list of matters of conscience to comply with paragraph 4.1(2), but if you later form the opinion that a matter of conscience has arisen which was not declared prior to your appointment, I agree that you may subsequently add that matter to the list of matters of conscience declared, but you will need to provide me with reasons as to why the matter was not declared prior to your appointment and why you now wish to declare it.*

*4.3 You shall be provided with the same cabinet papers at the same time as every other minister, and you shall consider them at the earliest opportunity.*

*4.4 Noting also the procedure described in paragraph 4.8, if after reading a cabinet document it is your opinion that it deals with or relates to a matter of significant concern you must, as soon as possible, and in any case before the cabinet meets to discuss that matter, notify me of that fact in writing together with the reasons why you have formed that opinion. Any document notifying me of a matter of significant concern will be treated and protected as if it were a cabinet document.*

*4.5 On being notified by you that a cabinet document may deal with or relate to a matter of significant concern, I or a delegate nominated by me, will consult you as soon as practicable, but in any case before the budget meets to consider the matter and to discuss an agree the action to be taken. Those actions may include, but not limited to, deferring cabinet's consideration of the matter to allow negotiation on the content of the relevant cabinet document; agreeing to a variation to the document to be presented to cabinet, which removed the matter of significant concern; clarifying that neither the cabinet document nor any likely cabinet decision deals with or relates to a matter of significant concern; noting in any cabinet decision your disagreement to a specific part of that decision if you are not the minister responsible for implementing that aspect of the decision; agreeing that you may present a briefing to cabinet that allows a matter to be discussed without a decision being required; or acknowledging that the matter is a matter of significant concern and that cabinet is to consider the matter in your absence.*

*4.6 If, after the consultation referred to in paragraph 4.5, no accommodation can be reached to remove or avoid a matter of significant concern, then you will absent yourself from that part*

*of a cabinet discussion at which the matter of significance concern will, or is likely to, be discussed.*

*4.7 Notwithstanding paragraph 4.6, you may provide cabinet with a written briefing on a matter of significant concern for cabinet to consider.*

*4.8 If during a meeting of cabinet you become aware that a matter of significant concern is being, or is about to be discussed, you are to inform me, or the minister chairing the meeting at the time, as soon as you form that opinion. On being so advised I, or the other minister chairing the meeting at the time, is to pause the meeting and either the matter can be deferred pending consultation under paragraph 4.5 or you are to absent yourself from that part of the cabinet discussion at which the matter of significant concern is being discussed.*

*4.9 Even when you have absented yourself from cabinet in accordance with paragraph 4.6 or 4.8 you must not criticise, comment upon or disclose the relevant decision until the government has publicly announced the decision.*

*4.10 Any cabinet decision that records a deliberation of cabinet for which you have absented yourself will record that fact.*

*4.11 You are not subject to the usual cabinet convention of collective responsibility in respect of a decision about a matter of significant concern. In particular, although remaining a member of the cabinet, you may comment upon or criticise or in parliament vote against the particular government policy decision in relation to which you absented yourself from cabinet after the decision has been publicly announced. If you make any comment or criticism, you must also indicate publicly that you absented yourself from the cabinet discussions and were not a party to the decision. However, in accordance with cabinet convention, you must not disclose any cabinet deliberations or discussions at which you were present.*

*4.12 As soon as practicable you are to return to the cabinet office any cabinet document that deals with or relates to a matter of significant concern and for which you absented yourself from the cabinet discussion of that matter for that reason.*

*4.13 Your agreement in cabinet to a decision to draft a specific piece of legislation does not preclude you from raising a matter of significant concern when the final draft of that legislation is returned to cabinet for consideration of a decision to introduce it into parliament.*

The arrangements continued as set out for some months until it was announced that a long serving Member who was also the Treasurer would retire. The Premier, Mr Bartlett, announced that the Secretary to Cabinet, the Greens Member, would be promoted to the Ministry, and as a cost saving measure, there would be no new Secretary to Cabinet appointed. Thus, on 6 December 2010, there were then two Greens members of the Ministry.

Unexpectedly, in January 2011 the Premier, Mr Bartlett, announce he was going to resign as Premier. He was succeeded as Premier on 24 January by the

first ever female Premier of Tasmania, the Honourable Lara Giddings. Immediately upon being made Premier, she formally renewed the arrangement with the two Greens Ministers and that is the current arrangement.

This arrangement has not been without its critics, in respect of Tasmania having a minority Government, the members of the Tasmanian Greens being in the Ministry and that the Greens Members have the right to absent themselves from Cabinet when certain circumstances arise.

Unsurprisingly, the Liberal Party, the Opposition, have been very critical. During Budget Estimates hearings in June 2012, the Opposition questioned the Premier about the operation of Cabinet and the role of the Greens Ministers. A press release was issued and it read in part as follows:

*Details provided from Budget Estimates show that on average, the two Green Cabinet Ministers absent themselves from Cabinet once a month – a destabilising and disturbing trend from a dysfunctional Green-Labor Government. Contrary to the Premier's claims, the figures provided to the Liberals show the 12 walkouts have occurred in the past 12 months alone, not over the 2 year period she suggested. The regular walkouts are symptomatic of this farce of a government. ... How can the Premier possibly provide confidence for Tasmanians when she doesn't even have the full support of her own Cabinet? ...*

There are also procedures adopted in the House which are new, and pertain to the Greens Ministers. There are procedures in all Houses which apply to Ministers and there are procedures which apply in respect of private or non government members.

A "Matter of Public Importance" can be debated after Question Time at each day's sitting. The Standing and Sessional Orders set out that on Tuesdays and Wednesdays, MPI's from the Liberal Party have precedence and on Thursdays the Greens Party has precedence.<sup>4</sup> The Standing Order states that "any Member" may give notice in relation to an MPI. It had always been assumed that this would apply only to non-government or private members, but since the appointment of the two Greens Members to Cabinet, those Members have been regularly moving Matters of Public Importance and this has been largely accepted by the House without comment. In addition, the Greens Ministers give notices of motion on a regular basis. However, some notices are Government matters with their Ministerial titles and others are in their own names, not government policy, effectively as "private members". This has not been

questioned by the House. Further, bills introduced by the Greens Ministers are dealt with in a similar way. There are some with their Ministerial titles and some, again which are not Government policy, in their own names.

Perhaps the most incongruous is that the matters which are in their own names and do not represent government policy, are dealt with in "Private Members Time". It is assumed that the Greens Party members are in agreement with this as no objection has been raised about it, but as with other matters, it has not been an issue raised generally in the House that Ministers can in effect also be "private Members".

The arrangements in place have now been in existence for just over three years. The term of a Parliament in Tasmania is four years. Many thought, given the history of minority governments in Tasmania often being short lived, that this Parliament would not last anywhere near its full term, but it looks increasingly likely that it will go to its full term.

The Greens promised that there would be stability if they formed a Government with one of the major parties, and that included a Government capable of lasting a full term.

The Labor Party campaigned in 2010 for a majority in its own right, but subsequently stated ultimately they had to deal with the result the electors decided, and have said they still believe that a majority Labor Government would be the best result for the State and will campaign for that at the next election.

The Liberal Party also campaigned for a majority Government in 2010 and will also do so at the next election. It also said it would govern alone or not at all and claims it is the only political party to stay with its principles.

There is no doubt that the arrangements for the Greens Ministers and Cabinet, as well as in the House of Assembly itself in Tasmania, whilst not completely ground breaking, are new to Tasmania and have caused much comment and some controversy.

These will be matters which will be watched with continuing interest in the remaining twelve months of this Parliament.

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<sup>4</sup> House of Assembly Standing Order No. 42.

## Exploring the website – ASPG in cyberspace

New additions to the website include papers from ASPG conferences, book reviews and High Distinction papers from the ANZACATT course.

The most recent additions are:

### Papers

#### *In the Bush with Ballots, Boxes and Countrymen*

Speech delivered to the ASPG Annual Conference, Darwin 2012 by Syd Stirling, former member for Nhulunbuy in the Legislative Assembly of the Northern Territory.

An interesting insight into the work of a member of parliament in a highly individual electorate showing that no matter how electorates differ some things are common to most electorates.

#### *Parliamentary remuneration and entitlements*

by Cathy Madden and Deirdre McKeown Politics and Public Administration Section, Parliamentary Library, Parliament of Australia.

#### *The base salary for senators and members*

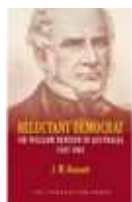
by Leanne Manthorpe; updated by Cathy Madden and Deirdre McKeown Politics and Public Administration Section, and Guy Woods, Statistics and Mapping Section, Parliamentary Library, Parliament of Australia.

### Book reviews



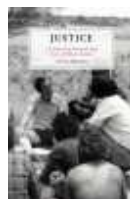
#### *Mr Big of Bankstown, The Scandalous Fitzpatrick and Browne Affair*

Andrew Moore, UWA Publishing, 2011  
Reviewer: Dr Elaine Thompson



#### *Reluctant Democrat — Sir William Denison in Australia 1847–1861*

Federation Press, 2011, Annandale  
Reviewer: Anne Twomey



#### *Justice: A History of the Aboriginal Legal Service of Western Australia*

Fiona Skyring, UWA Publishing 2012  
Reviewer: Quentin Beresford



#### *Minority Government: The Liberal Green Experience In Tasmania*

Edited by Kate Crowley



#### *Politics, Society, Self*

Geoff Gallop  
Reviewer: David Clune



#### *What is to be Done?: The struggle for the soul of the labour movement* by Jim Macken

Reviewer: David Clune



#### *Tales from the Political Trenches* by Maxine McKew

Reviewer: Mary Crawford PhD



#### *For the True Believers: great Labor speeches that shaped history*

Edited by Troy Bramston.

Reviewer: David Clune

## We would like your contribution

If, as a recipient of this Newsletter, you would like to submit an article on any matter relative to the aims and objectives of the ASPG or if you wish to raise a matter or make a comment please feel free to send it to the editor at [gavelr@bigpond.com](mailto:gavelr@bigpond.com). Name and address must be provided although on request may be withheld. Contributions should not exceed 300 words.

The deadline for contributions to the next issue is 24th August 2013.

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