

# Reducing Parliament and Minority Government in Tasmania: Strange Bedfellows Make Politics — Badly

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It may be a truism that politics makes strange bedfellows but sometimes the strange bedfellows make even stranger politics. The unusual alliances created by the experience of minority Government twice within a decade from 1989 have had unusually profound affects on the contemporary politics of Tasmania. The most significant of these occurred at the end of the second of these two periods when the accumulating irritations with minority Government came to a head. The Liberal Party and Australian Labor Party (ALP) combined in a bipartisan assault on the Parliament itself in a misguided attempt to decrease the probability of any future minority Government. The stratagem the two parties adopted reduced the size of the Parliament to a level that they expected would prevent third parties from holding a balance of power on the floor of the House of Assembly.<sup>1</sup> This action has totally distorted the relationship between Parliament and Government to such an extent that it is arguable the Westminster tradition itself is in jeopardy. On the face of it, such an extraordinary consequence from two brief periods of minority Government seems bizarre, to say the least, especially given the extensive previous experience Tasmania has had with non-majority Government due to its proportionally representative Hare–Clark electoral system. This article canvasses the cumulative features of these two periods of minority Government to explain, in

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<sup>1</sup> Two very useful summaries of the steps leading to the reduction in the size of the Tasmanian Parliament in 1998 can be found in: Tasmanian Parliamentary Library, ‘Parliamentary Reform — Downsizing Parliament’ accessed at [http://www.parliament.tas.gov.au/tp/InfoSheets/reform\\_1998.htm](http://www.parliament.tas.gov.au/tp/InfoSheets/reform_1998.htm) and Scott Bennett, ‘The Reduction in the Size of the Tasmanian Parliament’, Parliament of Australia, Department of the Parliamentary Library, Research Note 2 1998–99 accessed at <http://www.apl.gov.au/library/pubs/m/1998-99/99m02.htm>.

part, why the swapping of alliances provoked what has proved to be such a disastrous partisan backlash against the institution of the Parliament.

Central to the approach taken in this article is the sense of mutually shared experience the two major parties had with minority Government. This, in turn, was dependent by how close in time and circumstance were the two periods of minority Government. The first lasted from 1989–92 and was headed by Labor's Michael Field who was supported by the Greens sitting on the cross benches.<sup>2</sup> The Liberal Party, under the leadership of Tony Rundle, formed the second minority Government from 1996–98; again with the Greens sitting on the cross benches. The common factor between these two periods was the influential presence of the Greens both as members of the House of Assembly and as a challenging ideology to the two established parties. Significantly, the Greens were pragmatic to a degree in that they were willing to support either of the two established parties as, indeed, they did despite a public perception of being highly ideologically driven. This political flexibility, however, scarcely earned the Greens the public respect for which they yearned. Rather, many Tasmanians embraced the grievances of the two major parties and blamed the new party for what they regarded as the instability of these two periods. The proximity in time was important in that it allowed the two major parties to develop and express shared anger against the Greens for their time in minority Government while their ire was still incandescent.

Although certain similarities in experience made the ALP and the Liberal Party hostages to a common antipathy against the Greens, the critical factor in terms of the restructuring of the Parliament was the failure of the Liberals' expectations for managing their alliance with the Greens. Rundle's approach to minority Government was very much informed and modified by the earlier Field experiment. Rundle assumed power as head of a minority Government after the February 1996 election fully aware, or so he thought, of the failures of the ALP's approach to minority Government only four years earlier. This knowledge inculcated a feeling that the chalice of minority rule might be bitter but it need not be poisoned if appropriate precautions were taken. These involved both positive and negative lessons to be drawn from the ALP period that would enable the Liberals to regroup from their setback in the 1996 elections without paying the heavy price that Labor had to pay in the 1992 State elections. Their disappointment in being proved wrong was the catalyst for their fateful decision to enter into a grand accord with the ALP in 1998 to restructure the Parliament. And so it was that the two parties agreed, publicly, that the system had to be changed not for their own good, heaven forbid, but for the good of stable Government in Tasmania.

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<sup>2</sup> Peter Bennison, 'A Minority Government for Tasmania' *The Table*, Vol. 58 (1990), pp. 42–50.

### *Elections, mandates and the Hare–Clark system*

Essential to understanding the generally negative images of minority Government in Tasmania is the popular understanding of what elections are intended to achieve. Here, the Tasmanian Hare–Clark electoral system poses something of a philosophical contradiction. Andrew Inglis Clark, the primary proponent of the proportional electoral system that now partially bears his name, was no friend of a strong party system at the time of Australia's federation. Hence he advanced Thomas Hare's the single transferable vote (STV) system in Tasmania as a mechanism to inhibit the entrenchment of partisan politics.<sup>3</sup> In the same vein as John Stuart Mill's support for STV,<sup>4</sup> Clark appears to have regarded the Parliament primarily as the community's debating chamber - an arena within which the entire spectrum of Tasmanian views could contest for influence. This view was challenged by the party-based interpretation of elections that reposed the greater democratic value in electing a Government rather than a parliament. Parties of the left such as the newly formed Australian Labor Party (ALP) preferred the mandate theory of elections where basically a general election was a referendum on the competing parties' policy platforms. Despite the early acceptance of Clark's STV method, his electoral system has scarcely caused even a momentary embarrassment to the emergence and maintenance of a two party system in Tasmania.

For a significant period, Tasmania had the most strongly maintained two party system at the State level of any State in Australia.<sup>5</sup> Despite commonly held assumptions about the level of electoral diversity in Tasmania, Hare–Clark has not significantly distinguished the State from others without STV. Indeed, comparisons between Tasmania and other small States in Australia strongly suggest that the preferential voting system used on the mainland generally has promoted more electoral diversity than STV in Tasmania. This is true both in terms of the numbers of parties contesting elections and in the numbers which achieve parliamentary representation. From the mid-1950s through the mid-1980s, Tasmania could have served almost as a model of a two-party State. Its average level of elective parties was about 4.9 and, for parliamentary parties, the figure was 2.9. This contrasted with figures for the nearest State in size, South Australia, which had figures of 6.0 and just over 3.1 respectively.<sup>6</sup> While the absence of socio-political diversity in

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<sup>3</sup> Andrew Inglis Clark is reported to have referred to the influence of political parties as 'the accursed party system'. See: W.A. Townsley, *Tasmania From Colony to Statehood 1803–1945* (Hobart: St David's Park, 1991), p. 168.

<sup>4</sup> J. S. Mill, *Utilitarianism, On Liberty and Considerations on Representative Government* (London: J.M. Dent, 1972), pp. 256–75 covers the key elements of Mill's support for proportional representation.

<sup>5</sup> R.A. Herr, 'Hare–Clark: The Electoral Legacy', in Marcus Haward and James Warden (ed.) *An Australian Democrat: The Life, Work and Consequences of Andrew Inglis Clark* (Hobart: Centre for Tasmanian Historical Studies, 1995), p. 185.

<sup>6</sup> *Ibid.* The concepts used here are derived from the work of Douglas Rae, *The Political Consequences of Electoral Laws* (New Haven, Conn.: Yale University, 1971). 'Elective parties' refers to the numbers of parties and political groups contesting elections. 'Parliamentary parties'

Tasmania was, and is, a significant contributing factor in this sort of finding, the public's preference for the mandate theory of elections has been dominant.

The Tasmanian public has tended to accept the arguments of the two major parties that political stability requires majority control of the parliament.<sup>7</sup> The primary reason for a popularly supported increase in the number of Members of the House of Assembly (MHAs) in 1958 was to secure single party control of Tasmania's parliamentary lower house.<sup>8</sup> In the final days of the 1982 election, the Liberal leader, Robin Gray, used this same argument to great effect when the polls suggested that independents and third parties might hold the balance of power.<sup>9</sup> Notwithstanding that he failed in his attempt to repeat the same tactic in 1989 to save his Government, the issue of instability was again a factor in the heavy electoral defeat of the minority ALP Government in 1992.<sup>10</sup>

The popular preference for the mandate approach to elections is not just a commitment to political parties as the essential mechanism for representation or a naive urge for political simplicity. It fundamentally reflects the Tasmanian public's conception of political legitimacy. Tasmanians have tended to view the purpose of politics less as a public priorities setting process than as an administrative process for managing the State's limited resources.<sup>11</sup> In this light, it is perhaps clearer why both the mandate theory of elections and the general distaste for minority Government have followed one from the other. Ideology has not been a significantly divisive factor in Tasmanian partisanship and, thus, electoral mandates for choosing a single managerial team make sense as the appropriate outcome of the general ballot for very large numbers of Tasmanians. Since minority Government opens wide the door to non-managerial politics, the need for it has seemed worse than pointless to substantial numbers of Tasmanians; it was positively dysfunctional. Moreover, the experience of minority Government has raised doubts

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refers to the numbers of parties and political groups that secure seats in parliament after an election and the closer this average is to the figure 'two' the more strongly entrenched is the two party system.

<sup>7</sup> Despite very strong public support in Tasmania for the concept of majority Government and a belief that it is the 'norm', W.A. Townsley reminded me in his comments on this article that Tasmania has been governed by non-majority Governments for nearly half the past 50 years.

<sup>8</sup> W.A. Townsley, *The Government of Tasmania* (St Lucia; Queensland: University of Queensland Press, 1976), pp. 24–6.

<sup>9</sup> R. A. Herr, 'Politics in Tasmania: Parties, States' Rights and Presidentialism', *Current Affairs Bulletin*, April 1984, pp. 3–13.

<sup>10</sup> Steve Tanner, 'Media and Minority Government in Tasmania', in Marcus Haward and Peter Larmour (eds) *The Tasmanian Parliamentary Accord & Public Policy 1989–92: Accommodating the New Politics*, Canberra: Federalism Research Centre, 1993, pp. 181–95.

<sup>11</sup> Some public opinion polling to support this administrative rather than political perception of State government can be found in: R.A. Herr, W.Y. Hemmings and friends, 'Accountability and Proportional Representation: The Tasmanian Case', *Politics*, November 1974, pp. 216–220.

as to the legitimacy of both of the electoral process that contrives it and the Governments that result from it however effective managers they might be.<sup>12</sup>

### *Impressions of liaisons past and future expectations*

These public expectations of elections were put under pressure only four years after the fall of the Field Government in 1992. The victorious Liberal leader Ray Groom honoured an electoral promise to trial a fixed term Parliament scheme. Time ran out in 1996 and, despite the Liberals trailing in the opinion polls, the Parliament had to be dissolved and elections called. Polling that suggested the neither major party could win a majority. Thus, as the various parties prepared for the election, the consequences of the perceived failure of the 1989–92 minority Government were very much to the foreground of their thinking. Naturally, the ALP, Liberals and Greens differently interpreted the lessons taken from the 1989–92 period but it would be wrong to say that their understandings of the Field minority Government were the full story. From the outset, more was at stake than merely a matter of perception. As will be noted below, constitutional factors also impacted significantly on the positions that the three parties were in a position to take in leading into the election. Nevertheless it was the party attitudes that were most on public display and, therefore, most overtly important in the campaign just as they were to be in the formation of a minority Government and in the style of governing adopted by minority Premier Tony Rundle in Government subsequently.

Undoubtedly, the overwhelming public impression of the 1989–92 experience of minority Government was adverse and so the prospect of a repeat was perceived as a negative in the 1996 campaign. Both major parties accepted that the public distrusted minority Government and therefore that they had to disassociate themselves from the suspicion they would cooperate with any circumstance which would produce minority Government. This need was particularly strong in the case of the ALP since it believed, not unreasonably from the tenor of conventional community attitudes since 1992, that it carried the political stigma of having formed a minority Government with the support of the Greens in 1989.<sup>13</sup> As a result, the ALP felt compelled to make a grand and dramatic gesture to prove the sincerity of its oft repeated pledges not to participate in a minority Government

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<sup>12</sup> The irrelevance of the objective outcomes of minority governments on Tasmanian public opinion underscores this observation. Recent minority governments have been quite successfully innovative without public recognition of their achievements. See Wayne Crawford, 'Distancing Decision Pays Off', *Mercury*, 14 March 1998, p. 36.

<sup>13</sup> Public opinion polling I had undertaken for various State newspapers since 1992 revealed fairly consistently that four out of five Tasmanians were opposed to the concept of minority government. Personal discussions over this period with Liberal and ALP MHAs reinforced my understanding that their private polling was replicating these findings. Intriguingly, the ALP often pointed to the 1992 electoral result as vindication that minority government had cost them heavily in terms of public support. However, the fact that their electoral stocks had been in decline since the 1982 election and that the 1992 outcome was (at least plausibly) a continuation of the previous decade was dismissed out of hand.

after the 1996 election.<sup>14</sup> Its chosen mechanism was a public letter signed by all members of the parliamentary wing of the party and later reaffirmed by all other ALP candidates for the 1996 election.<sup>15</sup>

Partially driven by the need to respond to Labor's vehemence on this issue and partially by its own appreciation of the public's resistance to minority Government, the Liberals also sought to reassure Tasmanians that they too would not agree to a minority Government. Generally this tactic was pursued both through volunteered policy comments by parliamentary members of the party and in response to questions put by the media covering the campaign. However, despite repeated demands that the Liberals make the same definitive gesture made by the ALP, Ray Groom's embattled Liberals did not follow suit. Constitutionally, they could not.

An underrated (and often suppressed) positive lesson of the previous experience of minority Government for the Liberal Party was a greater understanding of the process by which minority Governments are formed. In the case of the Liberal Government suffering a severe loss of public support in the polls, this knowledge provided a certain perverse security. The ALP could promise not to accept minority Government from the safety of Opposition. The Crown could not compel the alternative government to accept ministerial commissions against their will. The same constitutional logic of Westminster democracy, however, prevented the Liberals from renouncing their commissions without another group of advisers being willing to advise the Governor. Given the ALP's declared determination not to accept commissions to govern in minority, this left the Liberal Party 'stuck' with minority Government if the Governor refused to grant a second and immediate election to overturn a non-majority result in the February 1996 election.

The voter intention polls had shown that neither the ALP nor the Liberals could achieve a parliamentary majority. Thus, while Labor privately banked on a second election strategy, vice-regal action to call another election without first testing the result of the first election on the floor of the House of Assembly was extremely remote.<sup>16</sup> The clear consequence was that the Liberals were likely to retain government in two of the three most likely electoral outcomes. For the Liberals, this offered some comfort but it also made it difficult for them to claim as convincingly as Labor could that they would not cooperate with forming a minority Government. The party did not want to be charged with hypocrisy in accepting minority Government in the way the ALP was after the 1989 election.

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<sup>14</sup> For an example of the continuity and consistency of the ALP's position on minority Government after its 1992 defeat, compare: Peter Dwyer, '“Govern alone” ALP', *Advocate*, 15 June 1994, pp. 1–2 with the wording of promises made just before the election, Peter Dwyer, 'Plea for clear win', *Advocate*, 12 February 1996, pp. 1–2.

<sup>15</sup> Australian Labor Party, Letter, 1 December 1994.

<sup>16</sup> It should be noted that there was public disquiet about the prospect of a premature second election. This forced the ALP to attempt to deflect such concerns at the last minute by offering to support the Liberal Party in minority Government if necessary! See: Michael Lester, 'Field bombshell', *Mercury*, 7 February 1996, p. 1.

Of course, this circumstance could only offer some comfort if it were not widely known. However, since the ALP too was aware of this lesson from the 1989–92 experience, the Liberals' constitutional bind always remained a potential electoral liability. The ALP tried to exploit the Liberals' exposure to adverse public opinion on this point by claiming that the Liberals were soft on forming a minority Government. The Liberal Party found itself unable to lay to rest definitively the charge of toying with minority Government with some credible gesture and so unhappily for its own case against minority Government did appear to lend legitimacy to the ALP complaint. The best the Liberals could do was to hint that ALP would repeat its 'deal' with the Greens (presumptively on the grounds that they were ideologically closer). There is no direct evidence to determine what affect this chink in the Liberals' campaign tactics may have had. However, the fact that both the major parties attempted to tar the other with the taint of softness on the issue of minority Government shows the depth of their conviction that it was a genuine liability.

Perhaps paradoxically for the two major parties, however, the lesson of Governmental succession learned from the experience of 1989 may well have aided the Greens in their quest to hold the balance of power. Certainly the Greens went to some pains to ensure that the electorate was aware of the relatively non-problematic procedures for securing a minority Government after the 1996 campaign. In this, their opponents' own positions benefited the Greens. Unlike 1989, there was no chance of having to defeat the out-going Government to install a minority Government. The ALP had insured this was not a possibility while constitutional practice made retention of a defeated Liberal Government in minority a near certainty. Thus one of the potential terrors of minority Government — the uncertainties of succession — was less a factor in 1996 than it was in 1989.

### *Dangerous liaisons amid the electoral ruins*

The pre-election opinion polls proved fairly accurate in the event — the Liberals lost their majority and the ALP failed to win one. The Greens lost ground marginally from 1992 but, due to the performances of the ALP and Liberals, ended election night in possession of the parliamentary balance of power. The Liberals fell from more than 54.1% of the first preferences in 1992 to 41.2% in the 1996 election. The drop of 12.9% was second only to the 17.5% decline suffered by the ALP between 1979 and 1982 elections in the modern era. The ALP vote climbed from a worst-ever result of 28.6% in 1992 to 40.5% in 1996. The Green vote fell marginally from 13.2% in 1992 to 11.1% in 1996.<sup>17</sup> Thus, the Liberals won a plurality of the vote and 16 seats in the 35 seat House of Assembly while the ALP secured 14 up from 11 seats in 1992. Significantly, the Greens, despite losing one seat, held four seats and so secured the balance of power on the floor of the House

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<sup>17</sup> These figures compiled from: Tasmanian Electoral Office, *Report on Parliamentary Elections 1990 to 1994*, December 1994 and Tasmanian Electoral Office, *Report on Parliamentary Elections 1995 to 1997*, November 1997.

of Assembly. Former Liberal MHR Bruce Goodluck took the final seat in his old constituency of Franklin standing as an independent.

The key decision on forming a Government after the election thus rested almost solely with the Liberal Party although the Greens were willing to play a part. Labor had already opted out of the calculations of forming a Government both by its campaign promises and by its failure to win a majority of seats in the election. The former had been firmly rooted in the ALP's assessment that the 1989 Labor-Green Accord had been a disastrous mistake while the latter was interpreted as the public's continuing distrust of Labor for having entered into that liaison with the Greens. The Greens, without any real hope, indicated a willingness to allow Labor to form a minority Government but recognised that only the Liberals would accept their support, albeit minimally. Therefore, even on election night, there was no real doubt in anyone's mind that the Liberals would continue in office despite the loss of their majority. Nor was there any doubt that it would not be in coalition or any other formally acknowledged association with the Greens.

The changed constitutional circumstances from 1989 made it possible for the Liberals not to have to act on a 'lesson' they learned from the previous minority Government of not entering into a formal arrangement with the Greens. The word 'accord' had come to symbolise and stigmatise the ALP minority Government in the years between 1992 and 1996. Thus the Liberals were anxious not to have to engage in any undertaking that could be construed as a 'Liberal-Green Accord'. Convinced of the damaging electoral consequences of being able to establish such a linkage, the ALP happily used the phrase despite its implicit self-recrimination to embarrass the Liberals regardless of its merit throughout the 1996 campaign. And, in the event, it proved an epithet without merit both since the ALP were quite aware that no accord would be needed and because the Liberals were quite determined not to enter into such an agreement.

As in 1989, the 1996 election brought a change in Premiers but with a vital constitutional difference. When Tony Rundle replaced Ray Groom in the wake of the Liberals' electoral reversal, this was entirely an internal party affair.<sup>18</sup> There was no specific need for action, political or constitutional, to prepare the way for the Liberals to retain control of the Treasury benches. Certainly, there was no necessity to repeat the Accord process to secure government.<sup>19</sup> The Governor, Sir

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<sup>18</sup> The contrast with Labor on the issue of leadership following electoral defeat was marked during this period, however. The parliamentary ALP leader, Michael Field survived three substantial electoral reversals, in part, because the party accepted the need for a long-term strategy to win back majority rule. The Liberals generally continued the modern tendency of parties to reward defeat with the leader's resignation.

<sup>19</sup> This is not to accept that there was a need for a formal accord in 1989. I believe that it would have been possible for the issue of support to be tested on the floor of the House of Assembly in 1989 and that the appropriate response would have recalled Parliament to test the ability of the ALP to secure cross bench support. Nonetheless, the tactics adopted by the defeated Premier, Robin Gray,



Guy Green, needed only to accept the resignation of his first minister and accept Groom's advice to commission Rundle in his stead. And, in forming a new Government, Sir Guy did not seriously risk the prospect of being offered unacceptable advice on new elections. These were the factors that compelled the previous Governor, General Sir Philip Bennett, to seek immediate and fairly formal guarantees that a new minority Government following the 1989 elections would be able to provide supply. Sir Philip felt that he did not have the luxury of waiting for the matter to be tested on the floor of the Assembly only to discover that he would be forced back to rely on the advice of the former Premier, Robin Gray. Hence, Government House perceived a need for an overt declaration by then opposition forces that they could work together to secure a budget in 1989 but did not perceive the same need in 1996.

The positive lessons from the 1989 experience for the formation of a minority Government were few and largely conjectural. The Liberals found some comfort in the knowledge that constitutional 'inevitability' was something of a virtue, which protected them to some extent, it was hoped, from the charge of changing their mind on minority Government. Of course, this benefit was mitigated by resting on an arcane area of Westminster constitutionalism which few in the public understood. On the ALP side, the general willingness to overlook the constitutional niceties made it possible for Labor critics to claim that the Liberals had reneged on their campaign promises and to attempt to portray the Rundle minority Government as based on a tacit Liberal-Green accord.

It cannot be said that the Greens fared any better as a consequence of the inexorable logic of minority Government formation in 1996 and, indeed, they may well have fared worse. Despite their misgivings about the Liberals' political agenda, the Greens could not reasonably refuse to support the Liberals from the cross-benches even without the protection of a formal agreement in 1996.<sup>20</sup> Any other course would work to confirm in the public's mind the conventional wisdom of 1991–92 that they were a source of instability and that minority Government itself could not work. Thus, as much as they may have wished to constrain the Rundle-led Liberals, it was much less possible for the Greens to impose conditions through an accord in 1996 than it was in 1989 precisely because of the experience and lessons of 1989–92. The Greens were obliged to offer support to the minority Liberals without securing anything of substance in advance.

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put more pressure on the Governor than was appropriate to be certain that supply could be provided by a minority Labor Government.

<sup>20</sup> Perhaps the principal protection the Labor–Green Accord offered the Greens was to be found in some significant political concessions, both substantively and procedurally, in recognition of their support for the Field minority Government. This served to achieve some of their interests even before the Parliament sat. The terms of the Accord can be found in: Peter Larmour (ed.) *The Greening of Government: The Impact of the Labor/Green Accord on Government in Tasmania*, Hobart: Wombat Publishing, 1990, pp. 57–65

The 1996 electoral result itself also played an essential role in the way the three parties understood the risks of forming a minority Government. The Liberals were so chastened by the size of their reversal in electoral support that they felt that some period of 'fence-mending' was in order before they faced the electorate again. Thus, supping from the chalice of minority Government appeared a less risky option than confronting a premature poll. On the other hand, the ALP's gains were more modest than Labor had expected and this appeared to jeopardise the two-election strategy the some in the party had hoped might accelerate a return to Government. More dishearteningly for both major parties, the Greens had only just lost the one seat that the 1996 election cost them. The party seemed cemented in the cross benches at a level of support that made them a more or less permanent fixture on the Tasmanian political landscape. Ironically, the same calculation encouraged the Greens to think of themselves as having a stable role in the State and so to plan for a continuing involvement, which included the prospect of recurrent minority Governments. However unwise it may have been, their own expectations and their strong electoral support from 1989 through 1996 helped to gentrify the Greens politically from 1996 as they looked to a continuing and responsible role in the Tasmanian Parliament.

### ***The Rundle experience of minority government***

The absence of a need for a formal accord made it necessary for the Rundle Liberals to develop a different approach to power sharing from that pursued previously by Labor. An informal process emerged which was unlike the more structured arrangements that had been deliberately constructed under the terms of the 1989 Accord. The more open entrepreneurial style of this informal approach suited the Liberals, in part perhaps, because it reflected some consonance with their philosophical approach to politics. In its own way, this less structured approach also assisted the Greens to some extent since it avoided the adversarial/legalistic relations the Greens found with Labor in their first period on the cross benches of minority Government.<sup>21</sup> However, without a formal accord, the content and procedures of this approach had to evolve adaptively in the crucibles of experience and need. Thus, the lessons of the 1989–92 minority Government were particularly important to each of the various actors in the 1996–98 Parliament and how each had assessed what had gone 'wrong' in the operation of the 1989–92 minority Government.

Not surprisingly, the Liberal Party found the lessons of earlier minority to lie almost wholly on the negative in terms of governing. Primarily, the Rundle Government seemed anxious not to *appear* too reliant on Green support for its survival or for the success of its policies. The received wisdom for both major

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<sup>21</sup> Personal communication with Christine Milne, former Greens leader, 20 February 1999. As a personal note, I would add to this observation that the change in leadership of the Greens from Bob Brown to Christine Milne between 1989 and 1996 also contributed to the more flexible, negotiating style of inter-party relations in the second minority Government.

parties was that the public found Green influence on policies of the Labor under the strictures of the Accord unpalatable. The Accord had made the dependence on the Greens highly transparent and, this in turn, severely eroded support for the ALP subsequently. The pragmatic answer to such a problem was to ensure that consultations with the Greens did not occur in open fora. As long as there was little public attention to the brokering of compromises between the minority Government and the cross-benches, adverse public reaction could be expected to be minimised.

Given their own long term ambitions to be seen as a legitimate and stable part of the Tasmanian political process, the Greens were willing to cooperate with the Liberals on holding negotiations off the centre stage. They could see few benefits in public confrontation. Despite a strong bias toward transparency in their own approach to government, the parliamentary Greens were willing to present favourable policy and administrative outcomes to their own membership discretely rather than publicly as evidence of their success from the cross-benches. This 'outcomes'-based strategy did not always work and so raised the risk of losing support amongst the party faithful in pursuit of an unlikely broader public legitimacy. And, in the end, it may well have backfired through lost core support in the 1998 elections. The Regional Forestry Agreement particularly caused no end of heartburn internally as many supporters could not see or refused to accept that the parliamentary Greens had achieved as favourable an outcome as they should have.

There were some favourable aspects to the entrepreneurial relationship the Greens and the Liberals developed for working together which were informed to some degree by the Greens' earlier experience with Labor. The absence of the Accord's preset agenda enabled the Greens' to propose issues such as gay law reform more easily. They were as aware as the Liberals that the Rundle Government needed to 'score runs' politically if they were to regain lost electoral ground. The Government could not afford to be seen as hamstrung or 'do-nothing'. Thus, the necessity to broker agreements which could be seen as achievements aided the Greens in helping to set a political agenda to which they had access but did not control.

The willingness of the Greens to cooperate with the Rundle Government behind closed doors initially helped the Liberals to find a positive benefit in their entrepreneurial approach to managing minority Government. Their obligation was perceived primarily as keeping the doors open to the Greens to propose options and then for the Government to dispose solutions. This process drew a veil over the less seemly side of securing compromises and this, in turn, produced less political drama than the previous Accord-based minority Government's methods; a public outcome which suited both the Liberals and the Greens. The Liberals particularly enjoyed the way this approach enabled them to accept credit for outcomes that might have been more politically contentious if they had been perceived publicly as Liberal-Green compromises.

### *Other impacts on the 1996–98 minority government*

While the primary concern of this review has been the adaptive learning between the 1989–92 Field minority Government and the 1996–98 Rundle minority Government, the fact of minority Government was scarcely the only matter to bear on the ease of governing for the Rundle Liberals. Other factors, whether idiosyncratic or continuing, presented challenges that even an experienced, majority Government would have to address. The most dramatic of the singular difficulties to confront the Rundle minority Government was the Port Arthur massacre (28 April 1996), the horror of which engulfed the nation as well as the State. In addition to such specific and individual events, there were routine relationships that always posed challenges to Governments in Tasmania regardless of party or power. The small size of the State, its limited resources and role in the Commonwealth are included in these enduring factors. However, relations with the Legislative Council have always posed special concerns, as this upper house is the most powerful in Australia, in part because it cannot be dissolved and because it can reject supply.

The profound effects of the massacre at the historic site of Port Arthur occurred within weeks of the formation of the Rundle minority Government affected relations between the Liberals and the Greens in a way which drew them closer together. Until the tragedy, the Greens felt the hostile suspicion of the Liberals, anxious to avoid being tainted with a tacit ‘accord’, holding them at arm's length. The enormity of that event created a need to work together; cooperation made easier by the Greens’ deferral to the Liberals on gun control legislation. This proved a watershed in their relations that substantially facilitated the entrepreneurial style that characterised their subsequent relationship. Whether the ‘lesson’ learned from the Accord about the value of a more flexible relationship would have been accepted without Port Arthur is a moot yet possibly vital point of interpretation.

Relations with the Legislative Council proved an interesting test of how the minority Liberals expected to continue in office while being legislatively effective. Given the discreet inter-party collaboration between the Liberals and the Greens, it is very difficult to determine who invested most heavily in maintaining the relationship. However, the Rundle Government’s troubled relationship with the Legislative Council suggests in retrospect that more of the credit should go to the Greens. The Liberals certainly worked to keep their doors open to facilitate cooperation and were willing to listen to solutions but, in the end, it appears to have been a relatively passive entrepreneurialism. The Greens seem to have borne the onus of proposing options and possible solutions in order to make the cooperation work.

The contrast between the Liberals’ management of their relationship with the Greens and their relationship with the Legislative Council tends to reinforce the image of a passive entrepreneurialism. Virtually all of the elements which required the Liberals to pay close attention to relations with the Greens also applied to their

engagement with Tasmania's upper house. Yet, throughout its time on the Treasury benches, the Rundle minority Government gave every appearance of finding the demands of managing the Legislative Council irksome. It was a strange circumstance for a political analyst to witness a Government apparently work its cross bench support so sensitively and yet be so ham-fisted in its dealings with another element of the Parliament that was equally essential to its legislative success. Whether it was a case of 'familiarity breeds contempt' or a situation where the Rundle Liberals assumed they could count on strong support from a conservative chamber and so did not expend the effort on guaranteeing this support is difficult to say. It is even possible, as some in the Rundle camp claimed privately, that the tensions were deliberate and intended to force reforms on an unrepresentative second house. Whatever, the explanation, the Legislative Council often proved a more difficult factor to manage for the Rundle minority Government than did the Greens.

### *Conclusion*

There was an unusually strong connection between the minority Governments of 1989–92 and 1996–98, much more than had ever been the case with any other past pairings of minority Governments. The 1989–92 experience did more than provide a guide to meeting the challenges of the latter in the minds of many Tasmanians - players and observers alike. It coloured attitudes so deeply that the second episode was almost defined by the first. For the ALP, the lessons of 1989–92 were clear and undeniable. These have become an article of partisan faith even to the present day. The experience had been an unmitigated disaster and therefore could not be repeated under any circumstance. Based on the ALP's brief encounter, the Liberal Party suspected that minority Government was indeed a poisoned chalice but the constitutional equation for the Liberals was quite different in 1996. Since they really could not avoid minority Government in 1996, the Liberals attempted to make a virtue of necessity and tried to avoid the public 'taint' of minority Government. To some degree, this attitude also characterised the Greens' approach to the 1996–98 minority Government as well. However, tragically for the Greens, the Parliament and the State, there was one more lesson that was drawn from these two closely associated experiences of minority Government.

Neither the ALP nor the Liberals fully accepted their arrangements with the Greens. This was especially the case for the ALP in the first of the two periods of minority Government and, indeed, Labor's antagonism to the Green agenda brought the Accord to a premature end. However, despite their own pleas for a less adversarial Parliament, the Greens were stunned when the two major parties again combined to work against them. This time the damage was intended to be fatal; the electoral outcomes were the object of this grand, but temporary, collaboration. Ironically, the target was not the State's beloved (and therefore untouchable) Hare-Clark electoral system but the Parliament itself. The State's constitution was changed to reduce the numbers of members in the House of Assembly from 35 to 25. Despite a great deal of sophistry about cost savings and the like the driving

force behind the change was an irresistible urge to secure majority party control of the Government by raising the electoral threshold for the Greens to an unachievable level.<sup>22</sup>

It should be remembered, however that this was not the first time that electoral outcomes had been manipulated. The Hare–Clark system has been altered in an attempt to confect a majority government outcome. This was the object of the 1958 change. Then, forty years earlier, the strength of the two party system was so completely assumed that the simple change from even numbered constituencies (six MHAs in five electorates) to an odd number (seven per electorate) would secure a majority result. Ironically, the 1959 election did not produce the promised majority result but subsequent elections in the 1960s and 1970s generally did meet the expectation. Nonetheless, with the advent of a well-supported Green movement, the 1958 electoral change did work to make minority Governments more likely through the lower quota for election.

The 1998 legislative reform package to amend *inter alia* the *Constitution Act 1934* and the *Electoral Act 1985* could only aid one party; Labor. Yet, the Liberal Party embraced the ALP's reform model with grim determination such was the depth of their feeling on the experience of minority Government. It is difficult for an outsider to understand this attitude given its record of legislative achievement; a list of self-inflicted 'mistakes' (such as the failed Local Government reform attempt which alienated many traditional Liberal supporters but which were not related to its minority status); and the opinion polls which indicated almost conclusively that Labor would win a majority at an early election. Undoubtedly there were very strong personality factors at work but this was scarcely the whole story. A variety of sectoral interests and influence intersected with the Liberals' exasperation. These included continuing public resentment over politicians and especially their pay and perquisites; extreme economic rationalist attitudes amongst peak business interests anxious to address a self manufactured 'over-government' issue; and a State suffering from a generation of economic malaise looking for a scapegoat.

Thus, the Rundle minority Government, aided by the ALP, grasped the 'popular' nettle of reducing the size of Parliament as a means of changing the State's electoral results that gave the Greens the balance of power.<sup>23</sup> The Parliamentary Reform Act 1998 (Tas) was officially 'An Act to amend certain Acts to provide for reform of Parliament by a reduction in the number of members of both Houses of Parliament and for related matters'. However, when this act received Royal Assent on 27 July 1998, it changed more than the size of the Tasmanian Parliament. It

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<sup>22</sup> Scott Bennett, 'The Reduction in the Size of the Tasmanian Parliament' Parliament of Australia, Department of the Parliamentary Library, Research Note 2 1998–99 accessed at <http://www.aph.gov.au/library/pubs/m/1998-99/99m02.htm>.

<sup>23</sup> In part, the apparent popularity of this measure can be seen in the very enthusiastic media endorsement of it. All three of the State's daily papers carried editorials in support. See: 'Altering the quotas' *Mercury*, 15 July 1998, p. 18; 'Best hope for majority rule', *Advocate*, 16 July 1998, p. 10; and 'Majority rule is good for business', *Examiner*, 2 September 1998, p. 16.

challenged the effectiveness of the Westminster system itself.<sup>24</sup> The subsequent 1998 election confirmed both the Liberals' act of political hari kari and Labor's promise of majority Government. Whether either will really have profited themselves or Tasmania is a judgment that history will render at some more remote point in time. Nonetheless, the mutterings against the unsustainability of the smaller Parliament have increased since the 2002 State election. If the 2006 election produces another minority Government as some polls suggest may be possible, however, the verdict of what lessons were learned from these two periods of minority Government will be reviewed very publicly. ▲

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<sup>24</sup> For example, after the 2002 State election, the Liberals had won only seven seats — so few that they were unable to match the Government's front bench of nine.





