SOME PROPOSALS FOR
IMPROVEMENTS IN THE MACHINERY
OF REPRESENTATION AND GOVERNMENT OF PARLIAMENTS
ELECTED BY THE SINGLE, TRANSFERABLE VOTE SYSTEM OF
PROPORTIONAL REPRESENTATION

With Special Reference to Tasmanian Experience
With the Hare-Clark System

by

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submitted in fulfilment of the requirements
for the degree of

Doctor of Philosophy

University of Tasmania
Hobart

28th December,
1967
I declare that this thesis contains no material which has been accepted for the award of any other degree or diploma in any university, and that, to the best of my knowledge and belief, the thesis contains no copy or paraphrase of material previously published or written by another person, except when due reference is made in the text of the thesis.

George Howard
GENERAL TABLE OF CONTENTS

(A detailed table of contents for each Part is contained in the body of the thesis. Following the titles of the Parts, below, is a precis of the theme of each.)

SUMMARY

PART I  INTRODUCTION

The aims and purposes of the thesis; background to the problems examined; the premises underlying the thesis; the criteria of a desirable electoral system; the steps followed in seeking solutions to the problems examined; the relationship of the thesis to other problems for further study.

PART II  DEMOCRATIC REPRESENTATION UNDER THE HARE-CLARK SYSTEM - THE NEED FOR INTER-ELECTORATE REDISTRIBUTION.

Eliminating some causes for minority rule and Parliamentary deadlocks by electing an odd rather than an even number of members – a study to show how the democratic functioning of the electoral mechanism of the Hare-Clark system is related to the number of vacancies to be filled per electorate. Includes research connected with the adoption of seven-member electorates in Tasmania.

PART III  FIXING RESPONSIBILITY FOR GOVERNING WHEN NO PARTY HAS AN ABSOLUTE MAJORITY IN PARLIAMENT.

Reducing further the likelihood of minority rule and Parliamentary deadlocks by altering some procedures of Parliament – a study of how to decide which party is entitled to office and of how to enable that party to govern when it obtains one seat fewer than a majority. Includes consideration of the reasons for the proposed recommendations.

PART IV  ENSURING MAJORITY RULE IN PARLIAMENTS ELECTED BY THE SINGLE TRANSFERRABLE VOTE SYSTEM OF PROPORTIONAL REPRESENTATION.

Achieving majority rule whenever a majority choice has been expressed at the polls – a study to consider improved means of correlating the results of voting within electorates with State-wide vote totals, thereby ensuring in all circumstances that a political party which wins a majority of the overall vote must win a majority in Parliament, with the likelihood that the majority will be of workable size. Includes detailed examination, with proposed remedies, of the factors which can cause minority rule and narrow majorities in Parliament despite majority support at the polls.

PART V  BIBLIOGRAPHY.
The aim of this thesis is to examine and propose modifications in electoral and Parliamentary machinery so as to enable Parliaments to be both effective in their functioning and closely representative of the voters in their composition. A method of providing such representation has been used in Tasmania since 1909 to elect its House of Assembly. Known locally as the Hare-Clark system, it is a form of the Single, Transferable Vote method of proportional representation. But this Hare-Clark application, though resulting in Parliaments closely representative of the voters, did not prevent the occurrence of Parliamentary deadlocks and instability at various times.

Could an electoral system provide the representativeness and the wide choice of candidates possible under the S.T.V. method and still avoid deadlocks and undue instability? The aim of the thesis is to explore both questions and, if possible and without impairing the justice of election results, to make recommendations of ways to avert deadlocks, to ensure majority rule, and to facilitate the likelihood of Parliamentary majorities of workable size. How these objectives were sought is set out in the four Parts of the thesis.

Part I, the Introduction, provides the historical background of the Parliamentary deadlock problem in Tasmania; notes the premises on which the work of the thesis is based; proposes criteria for judging the desirability and fairness of electoral systems; and explains the steps followed, and some of the problems involved, in seeking the objectives of the thesis.

Part II shows how an even number of vacancies (then six) in an electorate can - and often did - result in the two
major parties obtaining an equal number of seats per electorate, though receiving markedly unequal vote totals in the electorates. This occurrence frequently produced or threatened to produce either deadlocks or extremely narrow majorities in the Assembly. The case for the proposed remedy for this cause of deadlocks, which involved altering the number of vacancies from six to seven, is given in Part II. This recommendation was adopted by the Tasmanian Parliament.

As altering the number of vacancies could, however, only lessen, not eliminate, the likelihood of deadlocks, the research for Part III of the thesis was undertaken in order to extend the range of possibilities for avoiding deadlocks and unjust election outcomes. The resulting proposals recommend changing certain procedures in Parliament so as to enable a party to govern, without dependence on another party, provided it has won a State-wide majority of the votes and has received no less than one seat fewer than a majority in the House. Part III considers various questions of importance in political science, such as the value of fixing the governing responsibility.

Part IV of the thesis completes the analysis of the causes of deadlocks and the possibilities of minority rule by examining in detail the consequences of the unused remainder of votes which inevitably results from using the Droop formula to determine the electoral quota. In Part IV proposals are made for ways of representing or eliminating this unused remainder, thereby ensuring majority rule under the S.T.V. system of proportional representation. If so modified, the S.T.V. method could guarantee infallibly that a party with a majority of the overall vote of the community (State, nation, or other) must win a majority in Parliament, with favourable prospects of the majority being of workable size.
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PART I

INTRODUCTION TO THESIS

Section A - Purpose of Thesis

This thesis is concerned with ways of modifying the existing application of the Single Transferable Vote system of proportional representation used in Tasmania since 1909 to elect its House of Assembly, the lower house of the State Parliament. Though this example of the S.T.V. method, known in Tasmania as the Hare-Clark system, has functioned satisfactorily in most respects during much of this period, there have been several occasions when it was severely condemned for the occurrence of Parliamentary deadlocks and instability and for offering little prospect of producing a workable majority.

During one of the periods of attack on the Hare-Clark system, when even its retention was jeopardized because of fears then widely held that the system could not produce

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1Named after Thomas Hare, the English barrister who invented the chief features of the system, and Andrew Inglis Clark, Tasmanian lawyer, cabinet minister, and Supreme Court judge, who was chiefly responsible for the adoption of the S.T.V. system of proportional representation in Tasmania. A description of the chief features of the Hare-Clark system is given in Appendix I of Part II of this thesis.

Tasmania was the first place in the world to use the S.T.V. system of P.R. for direct public elections under a wide franchise and has used it longer than any other community. The Hare-Clark method was first used, beginning in 1897 for two elections, for choosing the members from the Hobart and Launceston areas for the House of Assembly. The method, with some modifications, was re-adopted, by law in 1907, for all seats in the House of Assembly. An S.T.V. system, as devised by Carl Andrae in 1855, was used for a short period thereafter in Denmark for some direct public elections under a much restricted franchise and for some indirect elections. Independently of Andrae, Thomas Hare devised an S.T.V. system, a description of which he published in 1857. Details on these matters are given in C.J. Hoag and G.H. Hallett, Jr., Proportional Representation (New York: The Macmillan Company, 1926), pp. 171-177 and 259-260.

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Parliamentary majorities of workable size, the House of Assembly appointed a Select Committee on Electoral Reform to enquire "whether or not it is desirable to reform the existing method of election of Members to this House, with particular reference to the desirability of resolving possible deadlocks."

The Committee invited the writer to visit Tasmania to give evidence to it, and subsequently to do research on whether the Hare-Clark system should be retained and, if so, what should be done to avoid or reduce the occurrence of deadlocks. After several weeks of research it became apparent, for reasons given below, that the problem of deadlocks (or, of ensuring majority rule - to express the problem in broader terms) would prove difficult to solve, either for Tasmania alone or through a Tasmanian model which might be adopted, *mutatis mutandis*, by other States or nations.

Investigation showed, furthermore, that the Hare-Clark system as now applied - contrary to commonly held views about the accuracy of this or other S.T.V. systems - cannot (a) guarantee that a party with a majority of the State-wide vote will necessarily win a majority in Parliament, or (b) necessarily prevent a party with fewer votes than another from gaining more seats, or (c) guarantee that a party which is entitled to a majority of the seats will necessarily have a workable majority.

Unless these possibilities of minority rule or of unduly narrow majorities in Parliament could be completely

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The Select Committee was first appointed October 31, 1956 and re-appointed December 4, 1956. The writer gave evidence on May 1, 1957, and at other times between then and October, 1957. The report of the committee was tabled in the House of Assembly by the Committee chairman, the Premier of the State, on October 29, 1957.
or substantially eliminated, the Hare-Clark system would be considered unsatisfactory by most Parliamentary leaders in Tasmania; moreover, unless the Hare-Clark system can guarantee majority rule and, if possible, workable majorities, any case for considering it elsewhere for adoption as a general method of electing Parliaments would be severely weakened, especially so in countries with a cabinet-Parliamentary form of government and with a tradition for the two-party political system.

As the writer wished to find remedies for these deadlock problems in Tasmania in order to improve the functioning of government there as well as to seek improvements in the machinery of the Hare-Clark system so that it could be available as a working model, mutatis mutandis, for consideration for adoption elsewhere, and as Parliamentary leaders in Tasmania expressed willingness to consider recommendations resulting from the research, the writer proposed for a thesis the subject of how to make Parliaments both representative and workable, with special reference to the use of the Single Transferable Vote system of proportional representation and Tasmania's experience with it.

The goal of the thesis was to find modifications to the Hare-Clark electoral machinery or, if necessary, to the procedures of Parliaments elected by the S.T.V. method which would enable the system to meet various desired criteria, as set out later in this Introduction. A brief summary at this stage of previous efforts to overcome deadlocks in the Tasmanian House of Assembly may help to show why the research reported in Part II of the thesis commenced where it did.

Section B - Background to Parliamentary Deadlock Problem in Tasmania, 1912-1956

At least as early as 1912, following the second State-wide general election under the Hare-Clark system, it was
widely realised that the use of this method was likely to result in very narrow majorities in Parliament.\(^3\) One reason for this likelihood arose from the fact that when the new electoral system was adopted in 1907, it was decided to utilise the five federal electorates (used for choosing the five Tasmanian members to the federal House of Representatives) for electing a State house of 30 members. This decision meant that each electorate would have to return six members, resulting in an electoral quota of 14.3 per cent. With this quota, one party could receive as few as 42.9 per cent of the vote in an electorate and obtain three seats, while another party could receive close to 57.2 per cent and still obtain only three seats - as explained in Part II of this thesis.

This possibility of a 3-3 division of seats between two main parties locally and a resulting 15-15 division in the House, together with the fear that a party with more votes than another could lose to its smaller rival by 14 seats to 16, led the House of Assembly to appoint a Select Committee on electoral matters in 1914. This committee conducted extensive investigations in 1914-1915 to seek ways of avoiding Parliamentary deadlocks and the possibility of minority rule. A presumed remedy for these faults was finally proposed by the committee in the form of an extremely complicated party list system of proportional representation, to be used in lieu of the Hare-Clark method. The proposal was debated in the House of Assembly, but did not pass. Particulars of these events of 1914-1915 are given on pages 40-44 of Part IV of this thesis.

\(^3\) One example of this concern is seen in the official Report on General Election, 1912 (Parliamentary Paper No. 11 of 1912, Tas.), which, on page 4, stresses the strong likelihood of narrow majorities occurring in the House of Assembly as a result of the members being returned in the even number of six from an electorate.
No further action was taken officially to find legislative remedies for deadlocks until 1948, although complaints had been expressed from time to time during this period about narrow majorities and the fact that the governing party sometimes had to depend on a cross-bench member to form a majority in the House. In 1948-1949 a Joint Committee of both Houses of the Tasmanian Parliament conducted an enquiry into electoral matters, giving considerable attention to a search for ways to reduce the likelihood of deadlocks. The committee reported that it was "unable to offer any practical solution" for overcoming deadlocks.4

One reason which prompted the appointment of this committee was that the House of Assembly elections of August 1948 left the Government party (which had held 16 seats in the previous Parliament) with only 15 of 30 seats, the first time since the elections of 1934 that the governing party lacked a majority in the House. This result gave rise to complaints that the Hare-Clark system was the cause of "deadlocks" in the Assembly, the term used commonly and in official reports, for describing the absence of a majority for the Government in the Assembly. From 1948 onwards the problem of how to remedy Parliamentary deadlocks has been a matter of concern more or less continuously in Tasmania. The pertinent events from 1957 to date will be considered later in the thesis; for the present, the salient events of the period 1948-1956 regarding deadlock problems are summarised as follows:5

Dissatisfaction among Parliamentary leaders over the

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5 Information on these events was gained from press reports, official documents, and accounts given to the writer personally by the Chairman and members of the Select Committee on Electoral Reform of 1956-1957 and by others concerned with these events.
lack of a Government majority following the 1948 elections
was accentuated by a premature dissolution of the House of
Assembly less than 20 months later, and almost three and a
half years before the normal end of the Parliamentary term.

An Independent member, W.G. Wedd, the then Speaker,
had threatened to resign the Speakership in protest over the
proposed appointment by the Government of a new Agent-General
to London. The Government hoped by means of a fresh election
to win an additional seat in order to compensate it for the
loss of a vote on the floor of the House if one of its members
became Speaker.

The governing party in the ensuing election (in May
1950) again obtained only 15 seats, with the Opposition
winning 14 and Mr. Wedd being returned as an Independent.
The Government managed to hold office, rather precariously,
until the next general election in February 1955, having
received support on vital measures from Wedd and from his
successor, when Wedd resigned from Parliament in 1953. In the
by-election to choose Wedd's successor (conducted by recounting
the ballot-papers which elected Wedd), another Independent,
who was a campaign teammate of Wedd's, was elected, thus
avoiding the more unstable Parliamentary situation which would
have occurred if, instead, an Opposition party candidate had
won the recount by-election and had produced a 15-15 division
in the House, as many had expected.

The failure of the Government to gain a majority in
1950 strengthened fears that the Hare-Clark system made the
winning of majorities in Parliament almost impossible in the
post-War period, when the difference in votes received by
the two major parties was generally less than one quota in an
electorate. This apprehension led to the appointment of a
Board of Enquiry on Parliamentary Deadlocks in January 1951
to report on the deadlocks problem.
After hearing witnesses and conducting some investigations of its own, the Board recommended that seven members instead of six be chosen from each of the five electorates and that in some circumstances the governing party be allowed an extra member (thus creating, for the duration of these special periods, a House of 36 instead of 35 members).

Although the Board recommended the election of seven members instead of six from each electorate, it did not comment on what effect this change might have in the future (or might have had in the past) on the composition of the Assembly.

Its report did nothing, therefore, to allay fears that a change to seven-member seats would probably make instability more frequent, these fears arising from the belief that an increase in the number of vacancies and the consequent decrease in the size of the quotas would increase very much the likelihood of more Independents winning seats. As a 35-member House divided 17-17-1 or 17-16-2 seemed to most members at that time hardly more workable than the existing House divided 15-14-1, the Board's report did not receive serious consideration by the leaders or members of the House of Assembly.

Instead, first one measure to resolve deadlocks in the Assembly was enacted and then, before this measure was actually applied at an election, another proposal was adopted to replace it. The first measure, commonly known as the D'Alton Bill, provided that if two parties each won 15 seats in the Assembly, the party with the larger State-wide vote would form the Government and be given an additional seat, making a House of 31 members for the duration of that Parliament.

Too ascertain which party gained the larger State-wide vote

The members of this Board were appointed from outside Parliament and consisted of three highly regarded persons, viz., Professor T. Hytten, Vice-Chancellor of the University of Tasmania; Emeritus-Professor L.F. Giblin; and H.J. Exley, the recently retired Government Statistician. The Board's report, which was presented April 17, 1951, is contained in Report of the Board of Enquiry (Parliamentary Paper No. 6 of 1951, Tas.).
vote it was proposed that electors be given two ballot-papers, the usual one for electing members and an additional one for recording the electors' choice for the governing party.\(^7\)

This law was replaced the following year for several reasons, including apprehension that the use of two ballot-papers might produce anomalous results - for example, the ballot to ascertain the State-wide majority might show one party to be preferred as the Government while at the same time the balloting to elect the members might result in this party obtaining only a minority of the seats in the Assembly.

The second law, frequently referred to as the Lyons Bill,\(^8\) provided that if each of two parties obtained 15 seats (a) the party with the larger State-wide vote would be declared the majority party and the one with the smaller vote would be declared the minority party and (b) the majority party would become the Government and the minority party would provide the Speaker and Chairman of Committees. With the presiding officers supplied by the Opposition, the party voting strengths on the floor of the House would be 15-14, thus providing the Government with a majority of one. This law provided that the State-wide vote would be ascertained not by using an additional ballot-paper, but by totalling the first-choice votes recorded for the candidates of the two parties returning 15 members each, the majority party being the one with the larger total.

At the February 1955 elections the two major parties were returned 15-15, and in its first test the new deadlocks

\(^7\)The measure was contained in Act No. 89 of 1953, with most of the implementation of the Act provided in Electoral Act 1953 (No. 76 of 1953).

\(^8\)This bill became Constitution Act (No. 2) of 1954, with the electoral provisions necessitated by this Act contained in Act No. 87 of 1954. If the Opposition party declined to provide the Speaker and the Government as a consequence did so, the latter would be permitted to replace the member chosen as Speaker by a recount of the ballot-papers which elected the Speaker to Parliament.
law appeared to function satisfactorily: the party with
the larger State-wide vote (viz., with 52.6 p.c.) became
the Government and the party with the smaller State-wide
total (45.4 p.c.) became the Opposition and supplied the
presiding officers, giving the Government a 15-14 lead
over the Opposition on the floor of the House.

This one-vote majority did not, however, prove work-
able for very long, because 16 months after the commence-
ment of the new Parliament a Government member (who was also
a cabinet minister) crossed the floor, joined the Opposition
party, and hoped thereby to effect a change in Government.
The governing party, by virtue of the deadlocks law, was
entitled to be the Government because it had won the State-
wide vote, but in fact it had now lost its majority in the
House. The paradox was resolved by a dissolution and a
fresh election (in October 1956), which again resulted in
the two main parties being returned 15-15 with the Govern-
ment party again winning the larger State-wide vote and
continuing as the Government.

In the years 1948 to 1956, two of the three Parlia-
ments were ended prematurely, and throughout this period
there was extensive, often embittered, discussion within
Parliament and among the public on the subject of avoiding
deadlocks. Responding in the election campaign of 1956 to
the wide dissatisfaction being felt about instability in
Parliament, the Premier of the day, Mr. (later Sir) Robert
Cosgrove deplored the recent instability arising under the
Hare-Clark system, promised to reopen the question of
electoral reform when the new Parliament met, and recommend-
ed that "the question should be handed to an independent
body which could study it impartially and report to
Parliament". The prominent front-page story which reported
these views of the Premier also quoted him as commanding
the single-member system as a means of achieving workable
majorities - a view often expressed by some members of the
Parliament and the general public. 9

The writer, visiting Hobart in order to observe the
1956 elections and inquiring about the deadlocks problem,
learned that what might appear at first as the obvious
solution under the circumstances for reducing the likeli-
hood of deadlocks - namely, to elect seven instead of six
members per electorate - had been several times considered
and each time rejected as unsound by leaders in Parliament.
One reason was the firmly held belief that an increase to
seven seats, by reducing the number of votes required for
election, would thereby unduly enhance the election prospects
of Independent or minority party representatives, thus
producing Parliaments in which no party would have a majority,
such as in cases of a 17-17-1 or 17-16-2 division of seats.

But if on one hand a change to seven-member seats
was objectionable, experience from 1948 to 1957 (when the
Select Committee on Electoral Reform began its work) showed
that workable majorities were not produced with six-member
seats, even with the special "deadlocks" Act of 1954. Al-
though, when the writer first met the Select Committee four
of its five members told him that they were unalterably
opposed to a change to seven-member electorates, a recommend-
ation of this change finally received their unanimous endorse-
ment. The views of the committee members, as well as the
writer's, altered as the research produced unexpected evidence -
a subject for discussion later in this introduction in
reference to Part II of the thesis.

9 In a news article on page 1, entitled "Premier Fore-
casts Voting Change in Tasmania", in The Mercury, Hobart,
September 24, 1956.
A major premise taken for granted in this thesis is that a democratic form of government is desirable - an assumption which, like some others related to the thesis topic, is in itself too broad for consideration in a thesis concerned primarily with how to make Parliaments both representative and workable.

Other premises have been required, in whole or in part, as foundations upon which the new work of the thesis is partly based. Two assumptions, for which some evidence is given in the thesis, are stated in the criteria of a desirable electoral system given later in the Introduction, namely, that an electoral system should ensure (a) that a majority of the voters be able to elect a majority of the members of Parliament (in short, majority rule) and (b) that the Parliamentary majority of the governing party should be of workable size, especially under the cabinet-Parliamentary system, provided of course that the governing party is entitled to a majority on the basis of its total vote at the polls.

One feature of this thesis is that the analysis of the problems relating to representation and to the operation of Parliament, and the recommendations made regarding them, are done within the framework of what is commonly known as the British system of responsible government. Several reasons make desirable the limiting of the thesis to this framework. First, the thesis proposals are designed to solve problems existing within the structure and functioning of the present Tasmanian Parliamentary system, for it is within this frame of reference that the Hare-Clark method is being used. Second, although many of the recommendations of this thesis are intended to be applicable - like the basic
features of the Hare-Clark voting system - to other States and communities (provided the necessary adjustments are made to suit local conditions), the nature of the suggestions must be determined, in the first instance, by the requirements of the State now using the system, namely Tasmania.

A third reason, related to the preceding one, is concerned with the issue of general acceptance of the voting system wherever it is employed. If the Tasmanian Single Transferable Vote method were to be considered as a possible alternative for use in places outside Tasmania, the question is bound to arise: "Are those using the Hare-Clark system satisfied with it?". Judging by enquiries made by the writer in 1957, if this question had been put between 1948 and 1957 to Parliamentarians in Tasmania or to informed political observers there, most would have expressed dissatisfaction - due chiefly to deadlocks, although generally favourable to the basic principles of the system. To make the Hare-Clark method acceptable to those using it necessitated adapting the voting system to Tasmanian standards and practices. Thus, the Hare-Clark system would need to prove to be compatible with responsible government of the British cabinet-Parliamentary type, the operation of which is facilitated by a Parliamentary working majority for the governing party.

In explaining and defending the thesis suggestions as pertinently as possible, the writer employs the language and terms of the Tasmanian political context. Hence, a continental European living in a country accustomed to many parties and constant coalitions might find the case in the thesis for workable majorities over-stressed. Correspondingly, an American, unless conversant with the British system of responsible government, would perhaps find odd the reiterated
emphasis in this thesis on the importance of adequate Parliamentary majorities, because Americans are accustomed to a rigid separation of governmental powers (the executive branch being chosen separately from the legislature) and to legislators voting without much regard (by Tasmanian standards) to party alignments.

Yet, to most Tasmanian political observers, an adequate Parliamentary majority would be a major consideration. A rather typical Tasmanian attitude is reflected in the following statement by Premier Cosgrove, who was speaking at the beginning of the 1956 election campaign, caused by a premature dissolution resulting from a Labor cabinet minister crossing the floor to join the Opposition Liberals, thereby eliminating Labor's precarious one-vote majority. Though referring to the political crisis of the moment, the Premier shared the view of many Tasmanians that a system was unfair if, in effect, it enabled a single person to put a Government out of office or to force an election. He asserted:

It was not right that one member should be able to say whether a Government stayed in office, yet that was the position in Tasmania.

One member could walk across the floor of the House of Assembly, and, as a result of his action, the Government could be changed, or, alternatively, the State could be put to the inconvenience of an unscheduled election.

It was worth noting that in 10 years Tasmania had no fewer than five general elections when normally it should have been just preparing for the third.

The system (the Hare-Clark system, as it was then, with six-member seats) was designed not to give full representation to a majority of voters, but rather to see that small groups in the minority should receive adequate representation.

While it was reasonable that worthwhile minorities should have representatives in Parliament, it was fantastic to suggest that they should be entitled to exercise a greater power than the members who received the support of a majority of the electorate.

It was important that some consideration should
be given to the peculiar electoral system which permitted the placing of so much power in the hands of one man.

The resulting legislation [for improving the electoral system] could be the most sensible Act placed on the statute book in 100 years of responsible government.10

For most Tasmanian Parliamentarians the key consideration in determining whether the Hare-Clark system should or should not be retained was its capacity to provide a workable majority. When the writer commenced research in Tasmania into means of avoiding deadlocks, the Premier frankly told him that, because of other merits of the Hare-Clark system, he, as Chairman of the Select Committee and as Premier, would support retention of the system provided (and Premier Cosgrove stressed provided) means could be found to assure reasonable chances for the winning party to have a workable majority in the House of Assembly. If a satisfactory way could not be found within the Hare-Clark system, Cosgrove indicated it would be necessary to turn to some alternative. The Tasmanian Premier, almost all members of the House of Assembly, and most of the general public, in the writer's opinion, deemed a two-party political system with a working Parliamentary majority to be extremely desirable, if not essential, for the functioning of responsible government in Tasmania.

In holding these views, Tasmanian political leaders agreed with many prominent writers on Parliamentary government in Australia and Great Britain. For example, most members of the Tasmanian Select Committee on Electoral Reform would have agreed with the following words of Professor Crisp:

Whether they are written into the Constitution or provided for only by ordinary statute and regulation, the electoral arrangements of a nation have very real

constitutional significance. They not only lay down the framework within which the struggle for office and power goes on. They may by their nature go some way to determine, or at least to influence, the outcome of that struggle between the contending groups or parties. Their precise provisions, in consequence, are frequent bones of contention. Those provisions may do more than influence the outcome of particular party struggles; they may determine in some degree whether the nation is to have a two-party or a multi-party system, clear-cut majority governments or a succession of unstable cabinets based on shifting coalitions made up of a congeries of parliamentary blocs. . . . No party can be indifferent to even the most minor details of the electoral laws and Australian parties have displayed a continuous and jealous concern about them.11

If the Hare-Clark system could not avoid deadlocks or unduly narrow majorities (such as occurred between 1948 and 1956), most Tasmanian Labor Party leaders in 1956-57 would probably have agreed with the following assessment by Professor Crisp:

With the exception mainly of some Tasmanian Labor men brought up in the Hare-Clark tradition, the A.L.P. [Australian Labor Party] has remained over the years generally hostile to the application of P.R. to the House of Representatives as being very likely to kill the virtually two-party system and the alternation in office of majority governments which make British responsible Cabinet Government to most Australian minds the most effective and clear-cut system of government in the world. . . . Labour is for good reasons hostile to coalition government or alliances and P.R. would probably greatly increase the incidence of these, perhaps even swiftly producing a situation where Labour could never hope to win a clear-cut Parliamentary majority in the Lower House.12

Workable majorities in a two-party political system of course imply one-party domination of the Assembly for the duration of a Parliament, with the power of the Opposition confined largely to criticism rather than obstruction. This criticism, the attendant publicity, and the subsequent reactions constitute the chief restraints on the Government, which knows that at the next general election it can be

punished or rewarded. — The foregoing roughly sums up the
general attitude of most members of the Tasmanian House of
Assembly regarding the optimum manner in which the House
should function, according to the writer's opinion based on
many interviews with members of the Assembly. In holding
this outlook, Tasmanian Parliamentarians are in agreement with
many widely recognised writers on Parliamentary government,
such as Sir Ivor Jennings, who has often stressed in his
various writings the advantages of the two-party system. An
Opposition can do little to impede a Government, except to
criticise - which is the desirable extent of the Opposition's
power in Jennings' view: "Even in normal times, it is not
the business of an Opposition to obstruct government. Its
purpose is to criticise, not to hinder."

A minority of the members of the Tasmanian Assembly,
in the writer's estimation, would favour Parliamentary parties
even as highly disciplined as those advocated in a book by a
former federal leader of the Australian Labor Party, A.A.
Calwell, who writes:

If parliament were merely a deliberative assembly,
the luxury of free votes might conceivably be permitted
at all times. But parliament, on the British model, is
a legislative body, and a body in which all members of
the executive are also members. Therefore, the
executive, legislative and deliberative function are
combined in the one assembly. The Prime Minister and
the executive depend upon the support of the majority
at all times. No Prime Minister could accept office
under the perpetual threat of defection of some of his
supporters on important issues. No Prime Minister with
a programme of legislation to bring down could be
expected to wait until the vote on each particular bill
was taken to discover if he still possessed the confid­
ence of the majority. Therefore he must be sure of
two things: he must know that he possesses a majority
for each bill before it is brought into the parliament;
and he must be in a position to take it for granted
that he will have guaranteed majority support for the

13Sir Ivor Jennings, The British Constitution (4th ed.;
choosing a quotation from Jennings is that his works were well
known to members of the Select Committee and sometimes quoted
by them.
whole of his legislative programme for some considerable time ahead. The first assurance is necessary for the government's survival; the second is necessary if there is to be effective, ordered government at all. There is no way that I know of to achieve the first other than firm party loyalty and discipline; and there is no possibility of the second if the parliament is dominated by a third group holding a balance of power, yet bound by no fixed allegiance to one or other of the major parties. 14

I am convinced that the two aims of effective government and effective democracy require the maintenance of the two-party system. I am convinced that both the tradition and the character of the Australian people will ensure its maintenance. 15

The foregoing views (which might well dismay a person desiring a larger legislative role for private members) are quoted in order to illustrate the strength of conviction held by some in the defence of strong party discipline. The control suggested by Mr. Calwell would be more enforceable under the single-member system (which facilitates tighter party control over pre-selection, since only one candidate is normally offered for each seat) than under Single Transferable Vote conditions. Nevertheless, if both the voters and the parties desired a form of discipline as strict as that favoured by Mr. Calwell, it could be established within a Parliament elected by the S.T.V. system. The proposals of this thesis would apply whether the parties within Parliament are very highly disciplined, or whether the political parties exercise less discipline and allow more free votes. Although the writer personally favours less rather than more discipline, a greater role for backbenchers (e.g., as in an expanded use of committees), and more free votes in Parliament, these issues are outside the bounds of the present thesis.

15 Ibid., p. 50.
Although the proposals of this thesis are designed to facilitate the use of the S.T.V. method in a two-party system, the recommendations do not depend for their operation on the existence of a two-party, multi-party, or non-party system. As indicated at various places elsewhere in the thesis, the suggestions are applicable whether the voters choose to support two, several, or no parties. What the proposals, however, will do is to ensure that if a party has won entitlement to a majority in Parliament, it will obtain that majority - and it is likely to be of workable size. While the proposals would strengthen the executive Government by helping to avert deadlocks and to produce workable majorities, it should be remembered that, because of intrinsic features of the Hare-Clark system, the executive Government of a Parliament elected by this method would not generally be able to exert as much discipline over its members as it could in a Parliament elected by the single-member system. These are some of the reasons:

1. As there are no safe seats under the Hare-Clark system, and as the electors are given a wide range of candidates from whom to choose, the electors have an opportunity to defeat individual members of their own party without having to vote outside their party - a potent control which the single-member system generally denies to voters by limiting their choice to the one candidate (whom they may not want) offered by their party or the candidate of another party with whose policy they disagree. If Parliamentarians are more easily subject to control by the electors, and less dependent on the party organisation, they are more likely to resist proposals of party executives if they run counter to public opinion.

2. If a member of Parliament were expelled from his party or failed to win party endorsement for an election, he could be returned by obtaining a quota of 12.5 per cent of the
votes - an easier achievement in many cases than polling the majority or plurality vote required for winning in a single-member constituency. This possibility could make a member less dependent on his party and less fearful of its power to discipline.

3. Under the Hare-Clark system, an opposition party will be represented in accordance with its strength at the polls and in a two-party system, broadly speaking, the Opposition is always likely to be represented strongly. Thus an opposition party obtaining only 37.5 per cent of the votes in each of the five seven-member districts of Tasmania would win fifteen seats to the Government's twenty. The great power which party leadership may derive from an overwhelming Parliamentary majority could not be acquired under Hare-Clark conditions unless the party gained an extraordinary vote at the polls.

4. The Hare-Clark system, by giving the voters an easier opportunity, generally speaking, to start new parties than the single-member system, provides a reasonably feasible alternative if voters become dissatisfied with existing parties - hence another reason for inducing the existing parties not to lose favour with the voters.

To conclude this summary regarding the premises of the thesis:- While the modifications recommended in the electoral and/or Parliamentary machinery described in this thesis are designed to facilitate, and also render more fair, the use of the S.T.V. system in conjunction with the cabinet-Parliamentary form of government and the two-party system, the purpose of the thesis is not to defend democracy, cabinet-Parliamentary government, or the two-party system; these subjects are too broad for consideration adequately within the present thesis.

The S.T.V. system was designed as a personal system of representation (as it was so called for many years), not as a party system of P.R., and especially not for a party system centred chiefly around two parties. But, unless the application of the Hare-Clark system can be modified so as
to facilitate better the functioning of the two-party system in the British style of responsible government operating in Tasmania, it will not be considered properly satisfactory by those who are using it and living under it in this State.

Section D - Desirable Criteria for a Fair Electoral System

One reason for undertaking this thesis study of electoral machinery was, as mentioned, to improve the usefulness and value of the Hare-Clark system to Tasmania, where it has been used continuously for nearly 60 years. Another reason was that if means could be found to remove shortcomings in its application here, the system could better serve as a model for consideration in other Parliaments.

Of the six criteria given below, the Hare-Clark method already meets the first four. The thesis is concerned, in particular, with what modifications are needed so that criteria five and six can be satisfied. The thesis also endeavours to prove that the modifications recommended for the Hare-Clark system do enable it to meet these goals. Being concentrated on what machinery is needed to give reality to these criteria, the thesis does not attempt to evaluate them except to try to prove that the proposed modifications are both warranted and desirable if judged according to the premises given in the preceding section.

A few observations are made about each criterion; though brief, it is hoped they may indicate some of the reasons why

16 Although the six criteria referred to are important enough, in the writer's opinion, for inclusion here, the list could be enlarged. Moreover, varying conditions in different countries might make additional criteria desirable to meet particular situations. For example, in a federal country, it might be deemed important to provide for minimum representation for the smaller components of the federation.

The criteria listed pertain to electoral systems with Parliamentary constituencies based on geographic areas, not based on other considerations, such as functional or occupational representation.
the writer feels that the criteria merit consideration.

1. Voters should be permitted to choose not only between political parties, but also between individual candidates.

Unless a voter is given a selection of candidates representing roughly the same party policy, he generally cannot choose on the basis of both their individual qualities and either party policy. Under the single-member system or the unalterable list system of proportional representation the voter must accept the candidates or the order of candidates offered by his party - or else vote in protest for another party. The result in practice is that the party organisation, by being able to control nominations, is thereby generally able to determine which individuals shall occupy the seats of Parliament, the voters determining only the number of seats to be allocated to the various parties.

Under the S.T.V. conditions prevailing in Tasmania, the party organisations, especially in the case of the major parties, usually nominate about twice as many candidates as they can reasonably hope will be elected. Hence, the Tasmanian voter, by freely choosing from these candidates, determines not only how many seats each party will win but also which individual persons will occupy these seats. Although the parties do the nominating, they cannot assure the election of any candidate.

This electoral practice, which requires a candidate to depend on his party for endorsement (if a party candidate) and to depend on the public for election in competition with other candidates of the same party, is unique to Tasmania as regards the number of Parliamentary candidates normally endorsed. The closest comparison in S.T.V. usage would be the elections to the Irish Dail (lower house). But even here the comparison shows that Tasmania offers a much larger choice. For example, in the Dail elections of 1965 the
average number of candidates per constituency was only 7.4 persons - in contrast to an average of 21 candidates for each constituency in the last Hare-Clark elections in 1969. In these Irish elections the average number of candidates in the three-member seats was 5.7, in the four-member seats 7.8, and in the five-member seats 10.3 persons. Since then, the number of constituencies returning five members has been reduced and the number returning three members increased—hence probably reducing still further the average number of candidates per electorate.

Some of the benefits claimed for the Hare-Clark system resulting from its wide selection of candidates are given on pages 9-10 of Part II of this thesis; but in general the subject of the ramifications of this wide choice compared with the restricted choice under most other voting systems is too broad for adequate examination here. The chief reason for elaborating on this criterion at this time is to emphasise the following points:

(a) Much misunderstanding has arisen in discussion on the S.T.V. method of P.R. because the same term — proportional representation — is used to describe both the list and S.T.V. systems. Many writers have condemned "P.R." on the grounds that it increases the power of party management over the individual member of Parliament. This complaint, in the writer's view, is quite correct in regard to most list systems of P.R., but is hardly applicable under the Hare-Clark method because this system gives the voter, as explained above, direct and full opportunity to select individual candidates himself.

\[\text{E.g., Professor Harold J. Laski, who writes that proportional representation would "increase the power of the professional organiser in politics. . . . destroy any prospect of personal relations between the member and his constituents; (the member) would become simply an item in a list, voted for almost entirely on party-grounds."} \quad \text{A Grammar of Politics (Fourth Ed., London: George Allen & Unwin Ltd., 1950), p. 315.}\]
(b) It is the inevitable presence in Hare-Clark elections of many more candidates than vacancies that eliminates safe seats, sharpens competition, and facilitates changes in party personnel in Parliament without necessarily any change in the number of seats held by a given party. This feature of voting for persons within parties is what accommodates a variety of opinion within the parties, thus assisting the parties to adjust and adapt to changing conditions in society.

(c) The Hare-Clark system represents a half-way house between conditions of almost no party-management control over nominations (as in most American elections) and of narrowly restricted nominations due to tight party control in countries using single-member electorates and the closed or mostly closed list system of proportional representation. Some party control, by promoting party responsibility, could be desirable, provided the voters have the opportunity, as in Tasmania, to pass judgment on the nominations offered by the party organisation.

2. Opportunity for minority representation should be provided.

Democracy implies not only majority rule based on the consent of the governed, but provision for the expression, in Parliament, of minority opinion provided it represents a reasonable portion of society. Moreover, the fair representation of the whole community cannot be assured unless provision is made for the representation of its parts. As noted briefly on pages 11-12 and 13 of Part II of this thesis, if an electoral system does not provide for their representation, a minority group, though unable to win seats for itself, may be able to magnify its strength excessively by acting as a balance of power force between larger groups. Lack of opportunity for legitimate expression in a responsible forum could lead to frustration and encourage resort to
violence. A major theme in itself, perhaps this reference to minority representation may be closed for the present with a quotation from the philosopher Ralph Waldo Emerson: "Every reform was once a private opinion."

3. All groups or parties should be represented roughly in proportion to votes received (i.e., one seat for each full quota of votes obtained).

This criterion is an extension of the preceding one and is given as a separate consideration since criterion 2 by itself might be interpreted as signifying only minimum representation for minorities. In practice criterion 3 would ensure, in a basically two-party political system, a strong opposition at all times, since the Opposition would necessarily have to obtain one seat for each full quota of votes received.

Under non-proportional systems a danger always exists that the Opposition may not be adequately represented in Parliament, as was the case with the Labour Party in the United Kingdom following the elections of 1931 and 1935 or with the opposition Rightists in Spain following the elections of February 1936. The marked under-representation of the latter in the elections preceding the civil war led them, in the opinion of some observers, to distrust democracy and to claim some justification for a resort to arms. Though the Popular Front and the Right Coalition were about equal in popular support, the former gained a much exaggerated victory.

Examples of distorted representation and indeed of one party gaining all or nearly all the legislative seats can be found in numerous countries; for instance, Democratic Party candidates in some southern States of the United States and Republican candidates in some States of New England and the Middle West have won a near monopoly (sometimes a full monopoly) of the State legislative seats for decades. In a Parliamentary system an effective Opposition is desirable as a watchdog check on the Government and for producing alternative proposals on public issues - yet a sufficient opposition may not be.

elected in many countries, though warranted by the voting returns.

4. **Regional or local representation should be provided.** Since under the Hare-Clark system Tasmania is divided into five multi-member electorates, local representation is assured to these five areas. This would not be the case if all members of the Assembly were chosen at one State-wide contest. As criterion 4 is common to most electoral systems, it is included here primarily in order to point out that the distinctive features of the Hare-Clark system can be combined with the use of local electorates.

5. **Majority rule should be assured.** A recapitulation of the preceding four criteria may indicate why majority rule is given as the criterion next for consideration. The four criteria are important components of an electoral system because they, in combination, determine to a large degree whether a Parliament is widely representative or not. If Criterion One - a key feature of the Hare-Clark system - applies, electors are able to choose between persons of the same party, thereby curbing monolithic influences within parties and causing parties as well as Parliaments better to adjust and adapt to changing conditions. When rapid transformations in social, economic, and technological conditions require new laws and new outlooks by Parliaments so that corresponding changes are made in public policy, this feature of an electoral system is of fundamental importance.

Opportunity for minority voices in Parliament (Criterion Two), assurance of a strong opposition in Parliament if it

19

By majority rule is meant the condition when a majority of the members of a governing body have been chosen by a majority of those entitled to elect the body. Minority rule, conversely, would refer to a situation when a minority of the voters concerned would be able to elect a majority of the members on the governing body.
exists in the country (Criterion Three), and allocation of representation according to territorial constituencies (Criterion Four) — these features grant to significant elements in society a chance to present their views in Parliament. This representativeness is made possible by these four criteria, and these criteria are made possible by the existing features of the Hare-Clark system, namely, election by quota, a preferentially marked ballot-paper, and a single, transferable vote. These features are not sufficient, however, for ensuring majority rule or workable majorities.

Criterion Five — a guarantee of majority rule — involves both moral and practical consideration. Under the cabinet-Parliamentary system, the party which commands a majority of the seats has the constitutional right to govern. It therefore follows as a corollary that if this authority is to reflect the "consent of the governed", the electoral arrangements must ensure that the party with a majority at the polls gains a majority in Parliament. If a party wins an election with a smaller overall vote than a rival, its ethical claim to office is weak, and this in turn could weaken public respect for the government and even for democracy itself.

From a practical standpoint, if electoral provisions are made to guarantee majority rule based on the overall vote of the State (or nation), victory by the majority party is assured, as explained in Part IV of the thesis. If this is so, the choice of a Government could not be affected by alterations in electoral boundaries; and if no gain could derive from such alterations, incentive for gerrymandering would disappear.

6. An electoral system should facilitate prospects of Parliamentary majorities of workable size.

Although a bare majority of seats could be enough to
establish the ethical right of a party to govern, a majority too narrow could prevent a Government under the Parliamentary system from carrying on effectively and vigorously. In such circumstances the possibility of defection from Government ranks (e.g., Tasmania, 1956) or of members being absent because of illness could be enough, for instance, to lead Governments to withhold even urgent pending legislation or to curtail sittings of Parliament. If a Government is to be bold and forward looking, with the ability to plan ahead and to make decisions which, though desirable for the State in the long run, are unpopular in the short run, it may require the stability which depends on an adequate majority.

A lengthy case could be built, pro and con, on the virtues and vices of workable Parliamentary majorities and of single-party as compared with coalition government, but the desirability of seeking workable majorities in a two-party system is taken as a premise for the modifications recommended in this thesis, as explained in the preceding section of this Introduction. The primary thesis aim was not therefore to consider whether workable majorities were desirable or not but to find out how they could be achieved—the subject of the next section. Fortunately, the research revealed that measures which would assure majority rule would at the same time enhance the prospects of workable majorities.

Section E - Relationship of the Parts of the Thesis to Each Other

Although the central problem of the three major parts of the thesis (namely, Parts II, III and IV) is basically the same, it seemed advisable to prepare the suggested solutions as three separate parts because circumstances required that they be presented in progressive stages. The chief problem was to find how to modify electoral and
Parliamentary machinery so that a party entitled to a majority of the seats on the basis of its State-wide vote would obtain this majority. Expressed in another way, the problem was to find how to establish majority rule in the House of Assembly without impairing the justice of the election results (i.e., without departing from the four criteria listed first in the previous section). In seeking new designs or modifications to achieve this goal, each Part of the thesis covers a broader range of circumstances than its predecessor.

In the final Part, recommendations are made which would always assure a Parliamentary majority - and usually of workable size - to a party entitled to it.

A basic principle guided the search for the necessary alterations, subject to adjustments according to circumstances as they arose at various stages. The principle, formulated early in the study as a result of the initial research, is as follows:

If majority rule is to be assured in a Parliament chosen from separate constituencies, the composition of Parliament must reflect the overall vote of the community (State, nation, or other), and the electoral machinery must relate the allocation of seats of the separate constituencies to the total vote of all the constituencies.

Applied to Tasmania, the principle requires (a) that the composition of the House of Assembly must reflect the State-wide totals for the respective parties and (b) that the electoral machinery must be able to relate the election results of the five separate constituencies to each other. At present, of course, the election of the 35 members depends completely on the results of the five constituencies polled separately and without reference to State-wide voting. The thesis is concerned with how election results
(i.e., the allocation of seats) within constituencies can be related so as to reflect both the State-wide totals and the local voting.

**Background to the principle governing the achievement of majority rule**

One of the first research tasks undertaken in this study was a sample redistribution of the electorates of Tasmania to choose a 35-member House of Assembly from seven electorates, each returning five members. There were several reasons why this was an initial step. First, the constituencies at that time returned six members each, to elect a 30-member House, and (as described in detail in Part II of the thesis) this arrangement was likely to cause electoral injustice, especially in a largely two-party political system, resulting in deadlocks in the House.

A second reason for exploring the possible suitability of five-member electorates was that various deadlock measures, such as the Constitution Act No. 2 of 1954 then in effect (which had been designed to resolve 15-15 deadlocks by giving the Government the equivalent of another vote in the House), were considered to be unsatisfactory. As reported above, the Chairman of the Select Committee on Electoral Reform declared, in expressing a widely-held view, that a one-vote margin was not a workable majority.

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20 The reason for causing deadlocks was that a six-member quota of 14.3 p.c. would allow the smaller of two major parties to win three of six seats with 42.9 p.c. of the vote, whereas the larger party might receive much more than 50 p.c. of the vote in a constituency and still win only three of six seats. A 3-3 division in each of the five constituencies would produce a 15-15 division in the House, as in 1955 and 1956 - despite significantly unequal votes at the polls. In 1955, for example, the Labor Party obtained 52.6 p.c. of the State-wide vote, while the Liberal Party obtained 45.4 p.c. The disparity in votes was even greater within some electorates - e.g., in Wilmot the Labor Party obtained 55.7 p.c. and the Liberals 44.3, though each won three seats. In short, six-member districts were unsatisfactory as they could not produce a majority result unless the larger party exceeded the smaller by the large margin of at least a quota of votes.
Third, a change to seven-member electorates was considered, at this stage, unacceptable since it was feared that this alteration would produce instability by unduly facilitating the election of non-major party candidates, resulting in unworkable Parliaments, such as those divided 17-17-1 or 17-16-2. Consequently, the suggestion of avoiding the faults of six-member seats by establishing new electorates each to return five members seemed worth exploring - hence the various sample redistribution made for this study, using five-member seats, as set out in detail in Appendix V of Part II of the thesis.

For a variety of reasons, as given on pages 21-23 of Part II of the thesis, the research revealed that five-member electorates were not desirable. One result, however, of this research was useful in another connection: namely, the sample redistributions showed that different groupings of subdivisions produced different election results. In each of the several

Below is a summary of the results of the illustrative redistributions given in Appendix V of Part II of the thesis. In the sample redistributions, existing subdivisions are combined in different groupings to form seven new divisions for returning five members from each. In the table, Plans A to D represent the plans of redistribution applied to the returns for the three elections cited.

<table>
<thead>
<tr>
<th>Election Years</th>
<th>Seats Won by Parties, Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956</td>
<td>A.L.P. Lib. Others</td>
<td></td>
</tr>
<tr>
<td>Plan A</td>
<td>19 15 .. 34 (1 seat in Plan B 20 15 .. 35 doubt)</td>
<td></td>
</tr>
<tr>
<td>Plan C</td>
<td>18 17 .. 34</td>
<td></td>
</tr>
<tr>
<td>Plan D</td>
<td>21 14 .. 34</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan A</td>
<td>20 15 .. 35</td>
<td></td>
</tr>
<tr>
<td>Plan C</td>
<td>18 17 .. 35</td>
<td></td>
</tr>
<tr>
<td>Plan D</td>
<td>21 14 .. 35</td>
<td></td>
</tr>
<tr>
<td>1958</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plan A</td>
<td>18 16 1 35</td>
<td></td>
</tr>
<tr>
<td>Plan B</td>
<td>18 16 1</td>
<td></td>
</tr>
<tr>
<td>Plan C</td>
<td>18 17 .. 35</td>
<td></td>
</tr>
<tr>
<td>Plan D</td>
<td>17 17 1</td>
<td></td>
</tr>
</tbody>
</table>
redistribution plans based upon the returns of a given election, the votes for the respective parties at that election were, of course, identical for all subdivisions (which were grouped differently in forming the respective constituencies for the several plans); yet of the 12 illustrative redistributions under consideration, the election results (in terms of seats won by the competing parties) were the same in only four of the 12 cases.

If subdivisions are combined together as different groupings to form the various constituencies of the different redistribution plans, the vote totals for the parties would obviously not be the same for the various constituencies in the suggested regroupings; nevertheless, superficial reflection might suggest that with five-member constituencies and the S.T.V. system the large area necessitated by multi-member conditions might be great enough to offset party losses in some subdivisions by gains elsewhere, thus cancelling out the effect of boundary changes and retaining the same overall allocation of seats between parties in spite of the boundary alterations. Yet, in fact, in eight of the 12 sample redistributions the allocation of seats between parties was different.

The difference in election results occurs because the allocation of the 35 seats between the parties was not based on the one constant figure at an election, namely, the State-wide total for each party at that election, a number which necessarily remains the same regardless of the plan used for dividing the State into constituencies. Since the members are elected separately within constituencies without regard to State-wide totals, the actual number of Labor, Liberal, or other votes used to elect members differed in each of the four sample distributions for each of the three elections considered.
This difference arose because of the unused remainder of votes in each constituency, namely, those votes which are left over when all the members of a constituency have been chosen and the quotas of votes which elected them put aside. A remainder exists because the quota for election is found by dividing the total vote cast in a constituency by one more than the number of seats to be filled. Hence, when all the members have been chosen, there is approximately a quota of votes left over, namely, the unused remainder, which consists of the votes held by the inevitable runner-up candidate in each seat and of the votes set aside as exhausted.

As the problem of the unused remainder is considered in detail in Part IV of the thesis, it may be sufficient here merely to report that it was the varying size of the unused remainders in the several constituencies which caused the election results to differ in eight of the 12 sample redistributions. This fluctuation, seen from empirical examination, showed what could also be deduced by logic — namely, that the party composition of a Parliament elected from separate districts can be affected, even under the S.T.V. system, by changes in district boundaries unless some means are used to give credit to unused remainders — for example, by relating the election results of the separate districts to the total vote of all the districts.

As various considerations (given on pages 21-23 of Part II of the thesis) led the Select Committee not to recommend a change to five-member electorates, it may not be necessary here to elaborate more about them and the unused remainder except to note that the same problem of unused remainders would also arise in connection with seven-member electorates. With five-member seats tentatively considered unacceptable, known avenues of possible solution seemed closed, and the writer began to examine the rejected proposal.
of electing seven members from each of the existing constituencies.

On reflecting on seven-member electorates in reference to the three Hare-Clark elections considered in the sample redistributions, one could see obvious possibilities of minority rule. To illustrate: one party might win 55 per cent of the vote in two electorates (gaining 4 of 7 seats in each) and 48 p.c. in three (gaining 3 of 7 seats in each); a rival party might gain a bare 50 p.c. of the vote in the latter three electorates (winning 4 seats in each) and obtain only 38 p.c. in the other two electorates (gaining 3 seats in each). Thus the party with the smaller overall vote - about 45 p.c. - would win 18 seats, and the party with more votes and with a majority of the State-wide vote - about 51 p.c. - only 17 seats.

This failure to establish majority rule would have resulted from unused remainders; the larger party obtained no representation for almost one quota of unused votes in each of the three electorates in which it polled 48 p.c. Moreover, the larger party, though winning 4 of 7 seats in the two electorates in which it polled 55 p.c., actually wasted 5 p.c. of its vote in each of these two electorates, as a bare 50 p.c. is enough to win 4 seats. The only way to avert such cases of minority rule would be to compensate, somehow, for unused remainders. One idea for a solution was to determine the composition of Parliament partly, in effect, on State-wide totals, for such a total would embrace all votes - including those which would go to constitute full quotas as well as those which would ultimately become unused remainders by the end of the count.

A plan for making majority rule a certainty

A method of making majority rule a certainty by giving, in effect, value to unused remainders, occurred to the
writer at this time. The proposal is set out in detail, with some of the argument for it, in Part IV of the thesis, where it is referred to as Proposal A. The plan would always ensure majority rule when a party is entitled to it, offering at the same time very favourable prospects that the majority would be of workable size. By retaining all existing Hare-Clark features, except for some modifications in the counting process, the plan would:

(a) continue the present provision of voting for persons, not for parties; yet the plan would officially recognise parties if they so requested;

(b) would guarantee an opportunity of minority representation and of strong opposition representation by allocating a seat to any candidate reaching a quota of votes;

(c) would retain the present division of the State into constituencies, thereby guaranteeing the continuance of local representation;

(d) would assure majority rule by basing the composition of the House on State-wide totals, as well as on local returns; and

(e) would offer favourable prospects of workable majorities by crediting, in effect, all unused remainders to the party with the State-wide majority.

The plan would achieve the desired goals through adding to present S.T.V. features the use of two quotas instead of one. Existing Hare-Clark provisions (including

In the writer's evidence to the Select Committee, the plan is identified as Plan III, as shown in Appendix IV of Part II of the thesis.

In the list systems of proportional representation which provide for the accumulation of unused remainders, such votes are often distributed among all eligible political parties; in the plan here proposed the unused remainders would, in effect, be credited only to the party with the State-wide majority.
the usual S.T.V. quota) would be applied for filling all but the last seat in each constituency, that is, for filling 30 seats in a recommended 35-member House. The last seat in each constituency would then be filled in such a way (using another quota) so as to be won by a candidate of the party with the State-wide majority. A simple method for ascertaining which party (if any) has a State-wide majority is explained on pages 31-33 of Part III of the thesis. A method for electing a member to the last seat in each constituency is explained, together with some other provisions of the proposal (called the Dual Quota plan), on pages 80-85 of Part IV of the thesis.

The initial reaction of the Premier, the Chairman of the Select Committee, was mixed - pleased to see a practical method to avert deadlocks by means which he characterised as "logical and feasible", but somewhat pessimistic about prospects of adoption since the plan required both an increase in the number of members and a new method of electing the additional member from each electorate. He commented that his Government could get the proposal through the lower House, but he doubted that it would pass in the upper house.

As far as machinery is concerned, the dual quota plan could be used with six-member districts (thereby avoiding an increase in membership), but if used with an even number of vacancies, the plan could result in an unduly large majority for the governing party. For example, according to the returns of the Hare-Clark elections of 1955 and 1956, the Labor Party under the dual quota plan would have won 3-2 in each district, for the election with the first quota to fill 25 of the 30 seats in the House. This party, by virtue of its State-wide majority, would then have gained the final five seats, giving it a 20-10 win over the Liberal Party.

In contrast, with seven-member districts under the dual quota plan in these two elections, the major parties would have divided 3-3 initially in each district, with the Government party gaining the final five seats, giving it a 20-15 victory - a fairer result from the standpoint of proportionality than winning 20 seats to ten. Though an increase in the size of the House was not welcomed by its members, because any increase was not likely to be popular with the public, the adoption of a plan which would have reduced the number of Opposition seats from 15 to 10 appeared even less welcome to the members.
At the second meeting with the Premier in regard to the Dual Quota plan, he appeared to consider this proposal as much a problem to implement (though requiring no boundary changes) as the establishment of seven new, five-member electorates. Since he wanted the Select Committee to reach a decision as soon as possible, the Premier advised the writer to put aside the Dual Quota plan, at least for the time being, and to consider alternative possibilities for averting deadlocks. Further research revealed new evidence justifying a reconsideration of the proposal for seven-member electorates - a proposal which forms the first of the three major steps in the search for machinery to make Parliaments both representative and workable.

**Step one - Changing to electorates of seven members**

The view was widely held in the period from 1948 to 1957 that the election of seven members instead of six would greatly enhance the electoral chances of non-major party candidates, thereby preventing either major party from achieving a majority in the House. Indeed, this expectation was so much taken for granted that the assumption had

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25 Interview with the Premier, Robert Cosgrove, Premier's Office, Hobart, June 3, 1957.

26 Typical expressions of this view are seen in the following quotations from letters by two Tasmanian Parliamentarians to *The Mercury*, Hobart, Nov. 1, 1956. Dr. J.F. Gaha, Labor Party Member of the House of Assembly, wrote:

> Uneven numbers can produce not deadlocks, but even worse, Government control by one man. If the Parliament is increased to 35 members, it would be easier to have 17-17-1, because of reduced quotas than the 15-14-1 that we have already seen.

> The final say as to which party should rule and what legislation could be given effect to, is too much responsibility to impose upon any one member under any political system.

Mr. J.R. Orchard, a non-party Member of the Legislative Council, expressed a similar view:

> Seven from each electorate would also enhance the chances of independents getting one seat out of seven and so further undermine the stability of Government.
not been challenged, as far as the writer knows, until he began research on the advisability of seven-member electorates. When the Board of Enquiry on Parliamentary Deadlocks (mentioned above) recommended in 1951 a change to seven-member electorates, it made no reference to how this might affect the composition of Parliament in the future (or might have affected it in the past). This omission was a major reason, the writer was told, why the Board's recommendation received no serious consideration when presented to Parliament. Although the Board did ask many witnesses what effect they thought a change to seven-member electorates might bring, it apparently did not realize that the answer to this question, as regards the composition of the House, was more a matter of fact than of opinion; a correct answer depended chiefly on calculation (assisted by previous election returns) rather than speculation. By its failure to assess, or even to comment upon, the possible effects of a change to seven-member electorates, the Board did nothing to lessen fears or speculations regarding the outcome of such a change.

The chief features of the evidence presented to the Select Committee on Electoral Reform to furnish new information about the probable consequences of choosing seven instead of six members per electorate are summarised immediately below. (This information contains some of the background to Part II of the thesis and is recorded here because it is not covered in the body of the thesis.)

1. One of the reasons for apprehension about increasing the number of vacancies was the lack of understanding of how the proposed change would affect the future composition

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27 The Board's recommendations are contained in its Report of the Board of Enquiry on Parliamentary Deadlocks (Parliamentary Paper No. 8 of 1951, Tas.).
of the House. Many persons had assumed that the runner-up candidate (sometimes an Independent) under six-member conditions would have been elected if there had been an additional seat to fill. One of the first research tasks of the writer in connection with seven-member electorates was to re-work previous election returns using the smaller, seven-member quota. This revealed that the smaller quota enabled the total vote of the major parties "to go farther" - that is, the candidates of the major parties, owing to the smaller quota needed for election, had more surplus votes to pass on to party colleagues than under six-member conditions, when the quota was larger. Consequently, the major parties in most cases were able to elect, between them, seven candidates almost as easily as they had previously elected six.

In re-calcultating the election results, assuming seven vacancies instead of six, for the ten elections from 1928 to 1956, it was found that the change would have helped Independent candidates somewhat, but not greatly; specifically, of the total of 50 additional seats which would have been filled in this period as a result of the change, only four would have been won by Independents.

Re-calcultating the election results also showed how the seats would have divided between the major parties in this period. In only one of the ten elections would the governing party have failed to win a majority; in three cases the governing party would have had a bare majority, with 18 seats. Although very time-consuming, the work of re-calcultating the returns of these ten elections showed clearly that on the basis of these contests a change to seven-member seats would reduce the likelihood of deadlocks and narrow majorities in the House of Assembly, as seen in
the tables on pages 24-25 of Part II of the thesis.

2. Additional data prepared by the writer helped to substantiate the evidence suggested by the examination of the previous elections. These data are contained in the appendices of Part II of the thesis and consist of the following:

Appendix II - a summary of all Hare-Clark election returns for the period when six-member seats were used, namely, from 1909 to 1956, by electorates and with State-wide totals - to show that the Tasmanian voters had demonstrated strong support for a two-party system for a long time.

Appendix III - a summary of particulars on the voting support for all non-major party candidates from 1909 to 1956 - to show that, except for a few especially outstanding persons, Independents had not been serious rivals to major party candidates.

Appendix VII - a listing of all candidates who had ever stood in Hare-Clark elections, from 1909 to 1956, with particulars on their candidacies. A large portion of the material was prepared to enable the writer to point out to Select Committee members how a change to seven-member seats would have affected particular individuals at previous elections.

3. The actual election results under six-member

28 In elections where the margins in votes for the major parties were not close and where the number of votes for others was not large, the allocation of seats with a seven-member quota could be ascertained without re-working all the operations needed for re-constructing a new result sheet. In other cases, in order to determine what the results would have been with seven vacancies to fill, it was necessary to re-work, using the smaller quota, all the operations shown on the result sheet which were needed for filling the original six vacancies.

29 The tables of Appendices II and VII also include particulars on the elections of 1959, when seven-member electorates were used for the first time.
conditions and the hypothetical ones based on seven vacancies were considered sufficiently comparable by the Select Committee for it to draw significant conclusions. This was so because the comparisons were made on identical election figures, as no changes in electoral boundaries were involved. While it is true that seven vacancies would have increased somewhat the number of candidates, the Committee considered that the way the votes were cast at the six-member elections would not have varied appreciably if there had been seven vacancies. Hence, it was considered quite sound to use the returns of past elections for applying the smaller quota required for filling seven seats.

4. Although provision for an odd number of members per district would normally (except for certain circumstances noted on pages 61-79 of Part IV of the thesis) enable a majority of the electors of a district to return a majority of its members, this fact would not necessarily assure majority rule in the House. As explained with illustrative figures earlier, a party with a majority of the State-wide vote might win only a minority of the seats in the House, or, though entitled to a workable majority on the basis of its overall vote, might obtain only a narrow one. In brief, the change to seven-member seats, although an important step towards solving the problem of minority rule and narrow majorities, could not by itself guarantee majority rule. Consequently, the writer recommended to the Select Committee that specific provisions be adopted for averting the effects of Parliamentary deadlocks or narrow majorities if they should occur. Suggested provisions to this effect constitute the next step of the thesis, contained in Part III and entitled "Fixing Responsibility for Governing."

Although it might appear to be more logical to consider at one time all the provisions needed to solve the problem
of deadlocks within the House, the Premier, while acknowledging this point, stated that the task of obtaining adoption of the seven-member proposal would be great enough without considering other complications since this one change would require increasing the size of the House as well as nullifying the provisions of the existing deadlocks law (namely, the Constitution Act No. 2 of 1954).

Step two - Deciding the Government on the State-wide vote and altering procedures in Parliament to improve workability

The second step in seeking machinery for making Parliaments both representative and more workable was to extend the circumstances under which the Hare-Clark system could provide for majority rule. Though essential for ensuring majority choice within an electorate, an uneven number of vacancies cannot in itself correlate local voting results with State-wide totals. However, an uneven number of vacancies, in some circumstances, could be essential for producing majority rule. For example, if each electorate is a fair cross-section of the overall political complexion of the State, and if at election time there is a similar swing in at least half of the electorates to a given political party, the Hare-Clark system - if using seven-member districts - will enable a party with a State-wide majority at the polls to win a majority in Parliament.

\[30\] Interview with the Premier, Aug. 5, 1957. "Attempting too much could result in nothing being gained," he said.

\[31\] The usefulness of seven-member electorates in enabling the Hare-Clark system to produce majority rule can be illustrated by contrasting two House of Assembly elections - one in 1955 with six-member seats and the other in 1964 with seven-member seats. In 1955, the Labor Party, though polling 52.6 per cent of the State-wide vote as well as a majority in each of the five districts won only 15 of 30 seats.

In 1964, though polling a slightly smaller majority of the State-wide vote, viz., 51.3 per cent, and gaining a majority vote in only four of the five districts, the party won by 19 seats to 16.
But suppose all electorates of the State are not a fair cross-section of the whole, but instead some electorates support one party very strongly and some electorates another party very strongly, then even a uniform swing throughout the State in favour of one party might give it a narrow win of 16-17 or perhaps no win at all, though having won a large State-wide majority. In short, to produce majority rule or workable majorities an uneven number of vacancies has to be combined with other conditions. But since these conditions, such as the two factors given above, may not always be present, further provisions are needed if majority rule is to be assured - preferably those based on permanent features.

A permanent feature of the Hare-Clark system - and one not fully utilised at present - is that its extensive electoral records (as explained on pages 31-33, 66-73, and elsewhere in Part III of the thesis) can reveal which party, if any, is entitled to govern by virtue of having received majority support at the polls.\(^{32}\) This capacity of the Hare-Clark system enables it to implement two provisions recommended in Part III of the thesis. They are (a) that entitlement to govern must be related to a party's overall vote in the State, and (b) that either the electoral method or the procedures of Parliament need to be modified, if necessary, so that any party thus found entitled to govern is able to do so.

The proposals of Part III are limited in application in that they come into effect only if the party with a State-wide majority has either 17 or 18 seats. Since such a party might have only 16 seats or even only 15 (as explained in Part IV of the thesis) and since the proposals of Part III are not aimed at achieving workable majorities,

\(^{32}\) What constitutes majority support is defined in note 2, on p. 25 of Part IV of the thesis.
they reach about midway between **step one** (which was to provide for majority choice within districts - the aim of Part II of the thesis) and **step three** (which is to assure majority rule in Parliament whenever a party has won a State-wide majority - the aim of Part IV of the thesis). The provisions of Part III of the thesis are given in detail, together with the reasons for them, it may be sufficient here merely to point out the general features of the recommendations and how they form the stepping stone to Part IV of the thesis. Part III contends that the Government of the day should be determined by the State-wide vote if the largest party in Parliament or if each of two parties has only 17 seats, that is, one less than a majority in a House of 35. This provision of deciding the Government directly on the State-wide vote in some circumstances, and not on the composition of Parliament, applies part of the principle mentioned earlier in this section.

The principle, which in Part IV is extended further, is this: if the election of the Government is to reflect the overall vote of the State while the seats of Parliament are filled from separate districts, the allocation of seats within the separate districts must be related to the total vote of all the districts. By virtue of its quota method of election in multi-member districts, the Hare-Clark system observes this principle to a large extent, but not sufficiently to ensure majority rule at all times. Part III of the thesis acknowledges the need for this principle and applies it (within a certain range of conditions) by adjusting in effect the voting strength of the governing party in the House by the equivalent of one to two votes, in order better to relate or harmonize the effective voting strengths of the parties in the House with their State-wide vote totals. This would be done by altering certain procedures in Parliament so that a party which wins a majority at the polls...
will obtain a majority (though only a bare one) on the floor of the House, provided it has won 17 seats.

Step three - Ensuring majority rule whenever a party has won an overall majority at the polls and improving prospects of Parliamentary majorities of workable size

While the measures of Part III could help materially to enhance the prospects of justice in election results and to improve the workability of Parliament, they could not avert all foreseeable deadlocks or narrow majorities in the Tasmanian House of Assembly; moreover, they would be proportionately less useful as the size of a Parliament increased. Consequently, to enable the Hare-Clark system to provide majority rule under all circumstances when a party has obtained a State-wide majority and to encourage prospects of Parliamentary majorities of workable size, the research for Part IV of the thesis, entitled "Ensuring Majority Rule", was undertaken. The resulting recommendations would be applicable not only to the Hare-Clark system but generally to other usages of the Single, Transferable

33. The provisions which would ensure this, plus a few other reforms, are described in the form of seven proposals on pp. 20-38 of Part III of the thesis. In brief, the seven proposals would provide that:

(a) If each of two parties in the House has 17 seats, the party obtaining a majority of the State-wide vote shall form the Government and the other party the Opposition.

(b) If the largest party in the House has 17 seats and also a majority of the State-wide vote, it shall form the Government and the next largest party the Opposition.

(c) The Opposition shall supply the Speaker and Chairman of Committees whenever the Government has fewer than 19 seats.

(d) In the event of equal voting on the floor of the House, Government measures shall pass and non-Government measures fail.

(e) For determining which party has a State-wide majority, the preference votes cast for non-major party candidates shall be added to the primary votes cast for candidates of the two major parties.

(f) If the Opposition refuses to supply the presiding officers when entitled to do so, the Government shall be allowed to provide the Speaker and be given an additional member to replace on the floor the member who becomes Speaker.

(g) Instability caused by certain types of defection shall be resolved by an automatic dissolution of the House.
Vote system of proportional representation.

Part IV presents two methods of ensuring majority rule; one, called the District Vote plan, would require alterations chiefly in the procedures of Parliament, not in the electoral act. The other, referred to previously and called the Dual Quote method,\(^\text{34}\) would not affect any of the traditional procedures of Parliament but would, as explained earlier in this section, require some change in the method of counting the votes, although the form of the ballot-paper and the method of marking it would be unchanged. The suggested method of counting the votes, though largely the same as now, would nevertheless guarantee that a party with a State-wide electoral majority would necessarily win a Parliamentary majority — and probably of workable size.

Both methods of Part IV would fulfill the two conditions prescribed in the principle given earlier in this section, namely: the composition of the House would reflect the overall vote of the State, and the allocation of seats in the separate districts would be related to the total vote of all the districts. Under the District Vote plan, the link between the State-wide totals and the local results would be provided by the vote exercised by the Parliamentary panel of each district. Under the Dual Quote method, the link would be expressed in the election for the last vacancy of each district, in this way: the local member would still be chosen by the local electors, but his party complexion would be determined by State-wide voting.

As particulars on both methods of ensuring majority rule and the reasons for them are given in Part IV, no attempt will be made here to elaborate further on them except to mention the following points, which are not covered

\(^{34}\)The two proposals are given, for convenience of reference, the designations "District Vote" and "Dual Quote" plans. The terms derive from major features of the machinery used in the proposals.
in Part IV.

When the Dual Quota plan was first presented to the Chairman of the Select Committee or discussed with members of Parliament in connection with Part III of the thesis, they did not consider it "practical" from the standpoint of winning public support for adoption into law at that time, though they acknowledged it as logical in principle, desirable in aim, and feasible in operation. Developments since then, however, have changed outlooks. Wide and favourable press coverage in Tasmania as well as editorial support when Part III, "Fixing Responsibility for Governing", was released helped to improve acceptance of some of the novel provisions and of the basic principles needed for majority rule (for example, sometimes deciding the Government, in effect, directly on the State-wide vote). Subsequently, most members of Parliament have shown a more favourable attitude to the reforms recommended in the thesis (though inhibited sometimes by political party considerations, as mentioned in the next section).

In the year following the publication of Part III of the thesis, 26 of the 35 members of the House of Assembly told the writer that they strongly approved of the proposals contained in it. Only four expressed disapproval. Subsequently, when the writer discussed the District Vote plan of Part IV of the thesis with Sir Robert Cosgrove (then retired from Parliament), Sir Robert observed that because of developments, including increased public receptiveness to proposals for alterations in Parliamentary machinery, plus the continued realisation of the need for reform, interest and support for reasonable solutions could be expected. This prediction proved correct when the writer prepared a series of articles on the problem of the unused remainder under the Hare-Clark system for the Mercury newspaper.
Hobart, Tasmania.35 These articles recommended the District Vote plan as the solution because it was considered at the time to be a more understandable and acceptable way of dealing with the unused remainder than the Dual Quota method.

The favourable reaction to the District Vote plan as a possible solution to Parliamentary deadlocks and narrow majorities largely answered, in the writer's view, the claim that novel proposals would be unacceptable - hence the writer undertook further research on the Dual Quota method and other ideas for ensuring majority rule, finally deciding to recommend both this method and the District Vote plan (though personally favouring the former because of machinery considerations). The Premier of the day considered that this further research merited examination and agreed therefore to its future publication. Consequently, it is proposed later to adopt Part IV of the thesis as a monograph on ensuring majority rule.

Section F - Explanation of Certain Features of Thesis

1. Why certain value judgments are expressed on matters ostensibly not relevant to the thesis subject. As the thesis is chiefly concerned with modifying existing machinery and, in particular, with averting deadlocks, minority rule, and unduly narrow majorities in Parliament, the question may arise why space is taken now and then in the thesis (especially in Part II) to point out alleged failings in single-member electorates and advantages claimed for the Hare-Clark system. Furthermore, since deadlocks and narrow majorities are widely regarded as defects of any system of proportional representation, including the S.T.V. method, and since this problem was, at the time of writing Part II, still unsolved in Tasmania despite serious efforts at various

35 The articles, appearing in September, 1963, were: "Problem of unused remainders in Hare-Clark system," Sept. 3; "Ensuring full representation of voters", Sept. 4; "Ensuring majorities in all State elections", Sept. 5.
times since 1942 to find remedies, it might be concluded that a comprehensive and definitive examination of this problem would be large enough by itself without introducing apparently unrelated value judgments on other electoral methods or the Hare-Clark system. Moreover, the declared purpose of Part II "is to point out why the proper functioning of the Hare-Clark electoral mechanism requires the election of an odd number of members and to show why seven members instead of six should be chosen from each of the existing electorates" (from p. 6 of Part II).

However, what superficially may appear as digressions from the assigned task concerning technical modifications seemed at the time of writing to be essential - and perhaps were vitally essential - to the central responsibility.

When the writer arrived in Tasmania in 1957 there was, as mentioned previously, widespread despair and anger in regard to the Hare-Clark system - despair among even its Tasmanian friends because of the deadlock or near deadlock in the House of Assembly since 1948, with no hope of improvement, and anger by those who, opposed to the electoral method for other reasons, found deadlocks an additional fault.36

36 Evidence of the dissatisfaction could be seen in various ways, e.g., in letters to the press and in newspaper accounts, of which the following under the heading "STATE ELECTORAL SYSTEM UNDER FIRE" (from The Mercury, Feb. 26, 1955) was characteristic of the time:

Tasmania's electoral system in the State elections was criticized at the declaration of polls in Hobart and Launceston yesterday.

The article then reported some criticisms of the Hare-Clark system by two members of the Liberal Party, which had lost the election. Some members of the winning Labor Party also censured the electoral method. The article continued -

Dr. Gaha, a successful Labour candidate in Denison, said he had been an implacable enemy of the Hare-Clark system for many years, and he had not changed his views.

It was a 'travesty of justice' that Labour should gain many thousands more votes than the Liberals in the State elections and yet get the same number of seats. Mr. Bernard, M.L.A., said in Launceston yesterday.
Feelings about the Hare-Clark system had run high and had reached the point where solely a dispassionate consideration of the deadlocks issue separately by itself did not seem to the writer sufficient to convince members of Parliament that the system should be retained. Since the advisable course, in the writer's opinion, was to improve the Hare-Clark system, not abolish it, arguments in rebuttal of attacks on the system seemed necessary.

One step was to point out claimed merits of the Hare-Clark method and shortcomings in the single-member system, as given on pages 6-16 of Part II of the thesis and in brief references elsewhere. Although not relevant to the thesis aims in a direct and theoretical sense, asserting these claims was very relevant in the indirect and practical sense that they helped to retain the Hare-Clark system. Moreover, these claims, though not intended to be comprehensive, seem to have helped to direct the Parliamentary debate concerning electoral reform onto the subject of modifying the existing system rather than abolishing it. Until the proposal for seven-member electorates was placed before the Tasmanian House of Assembly (when Part II was distributed to its members), there was a serious possibility that some Members might press for the elimination of the Hare-Clark system. The claims in the thesis about the merits of the latter as compared with single electorates, though not examined extensively, seemed enough to cause various Parliamentarians to have second thoughts about a change to the single-member system, which was never, as events happened, officially proposed in Parliament.

The case for modifying the Hare-Clark system, on the other hand, had to be examined thoroughly since this was part of the aim of the thesis and since the recommendations therein would have a direct bearing on whether and how the law would be changed.

The claims made for the Hare-Clark system, though not considered adequately for definitive conclusions, are also included in order to suggest that it may have enough potential advantages to justify efforts to remedy its shortcomings. If
the system could be modified to avert deadlocks, minority rule, and narrow Parliamentary majorities, it would be well worth considering, in the writer's view, by other Parliaments. But until avoidable and foreseeable imperfections in it are removed, its value as a possible model is seriously impaired. When an improved example is available, the time would then be more appropriate for weighing the respective merits of the Hare-Clark method and alternative systems. The writer well realises that an adequate comparison of the values of the Hare-Clark method and single-member electorates could not be made within a study concentrating on modifications to the existing machinery of representation. But whether or not reforms to the Hare-Clark system would be desirable for other reasons, an examination of the alterations proposed in the thesis would seem to be warranted if only to make the system more satisfactory to Tasmanians here and now, who are using the system.

It may be asked why some of the issues commonly mentioned in the literature on proportional representation are referred to only briefly in Part II of the thesis. This is because the issues which were included seemed to be more pertinent for a limited evaluation of the Hare-Clark system, according to the outlooks of those living under the system or elected by it. By way of illustration, several examples are given below in the form of replies by Premier Cosgrove to questions put by the writer in May, 1957, at the commencement of the research.37

37 Quotations have been taken from Premier Cosgrove not only because he was Chairman of the Select Committee on Electoral Reform, but also because his views tended to reflect those of people of all political persuasions, in and out of politics, who believed that equity had to be considered in assessing electoral systems. Sir Robert was a member of the House of Assembly for 33 years and Premier of Tasmania during his last 18½ years in Parliament. As Premier he led his party at six election campaigns, each time with success (though sometimes his party gained only narrow majorities in Parliament despite winning large majorities in the State-wide voting, as mentioned in the text).
When asked whether he thought that the Hare-Clark system helped splinter parties too generously, thereby weakening the two-party system, the Premier, speaking presumably as a spokesman for a major party, replied instantly, "If we do a good job, we don't need to worry about splinter parties, Independents, or anyone else. We always get a majority of the votes under the Hare-Clark system all right, but the system isn't giving us a corresponding number of seats."

In reference to whether the voters understood the Hare-Clark system and how it operated, the Premier again answered without hesitation, "Of course the electors understand the system; that is, they know how to vote under it. They know full well how to record the choices they wish to make. There is much less informality [as invalidity in voting is usually referred to in Australia] under the Hare-Clark system than in Senate elections. No doubt the electors do not know the returning officer's job, but it isn't necessary for them to understand his specialised work in order to understand what they as electors need to know."

An issue of considerable consequence to Tasmanian Parliamentarians then, and to a lesser degree since then, concerned intra-party competition between members and candidates (which is referred to on pp. 15-16 of Part II of the thesis). To the Premier this competition could only be desirable: "It keeps the members on their toes, and that is the way it should be, from the public's point of view. Safe seats under the single-member system make some members lazy."

Premier Cosgrove, at this interview and at every one of many discussions with the writer on the Hare-Clark system in the years of Sir Robert's retirement from Parliament, insisted that it had only one drawback, namely, it was too prone to Parliamentary deadlocks and unduly narrow majorities.
Eliminating this and including the party affiliations of candidates on ballot-papers were the only alterations needed to the system, in his view. But Cosgrove was prepared to admit that reforms to remedy possible down-the-ticket voting might be desirable, although he wished more evidence on this before forming an opinion.36

The above informal and direct quotations from Sir Robert Cosgrove are included to indicate his attitude, which was typical of many Tasmanians of all political parties. These views may also show that issues which might be considered very important to those without first-hand experience of the Hare-Clark system may not be given as high priority in Tasmanian Parliamentary circles.

2. Political factors which affected attitudes to the proposal for seven-member electorates. No matter how analytical or logical might be the arguments on machinery modifications, or how much the proposals might be required for justice in the election results, political considerations had a very large bearing on the attitude of Parliamentarians towards proposed changes. Party-wise, prior to the vote on it in the Assembly, there was not a clear-cut division among members on their stand on the recommended change to seven-member seats, although in general most of the support for it came from Labor members (the Government party) and most of the opposition from Liberals. Individually, certain members of both parties were friends and foes of...

36 In Hare-Clark elections the names of candidates are listed alphabetically on the ballot-paper, with the candidates of each party listed together in separate groups (if they request to be so grouped, as they usually do). It is frequently claimed that candidates higher on the list have an advantage over those below them because appreciable number of electors allegedly vote 1, 2, 3, etc., unselectively, straight down the list. This practice, popularly called "donkey voting" in Australia, occurs to some degree under many forms of voting and would not therefore be peculiar to the Hare-Clark system. Under first-past-the-post voting in the United States, for example, a certain amount of down-the-ticket voting is so widely accepted as a fact that it is common for ballot-papers to be printed so that the listing of names is rotated in order for all candidates for an office to share the top, and every other, position the same number of times.
the change. By way of illustration, some of the many political factors which influenced the attitudes of members towards the proposal are given below.

Although the Government finally came down in support of the change to seven-member seats, some Labor Parliamentarians resisted the proposal, especially in the period before the Select Committee submitted its report. Their view was that the Labor Party had a much better chance of winning under six-member electorates with the then existing deadlocks law (the previously mentioned Constitution Act No. 2 of 1954). As under this law the Government, in the event of members being returned 15-15, was to be decided by the State-wide primary vote only, a consequence was that the extended preferences of the votes for non-major party candidates would not be counted in determining the Government; and these preferences were generally expected to favour the Liberals rather than Labor. Even more important, it was expected that Labor would poll strongly in the Divisions of Bass and Wilmot, gaining many votes in excess of the last full quota in each Division, but not enough to win more seats, though enough to place Labor ahead of the Liberals in State-wide totals (especially on the basis of primary votes). Moreover, if the State-wide vote was not considered for determining the Government, as in a 15-14-1 return of members to the House, Labor had better prospects, on existing indications, of winning the 15 seats than the Liberals, as the election of Independent members had in most cases been at the expense of the Liberals (with the seats of a six-member electorate dividing 3 Labor, 2 Liberal and 1 Independent).

Furthermore, Labor members could see the possibility of their party winning, under seven-member conditions, the Divisions of Bass and Wilmot with a large vote (of, say, approximately 55 p.c.) but losing the three Divisions of
Braddon, Denison, and Franklin narrowly, thereby gaining a State-wide majority, but losing to their opponents by 17 seats to 18. Nevertheless, although Labor for these and other reasons seemed to have better prospects of winning under the then-prevailing six-member arrangements than under a seven-member plan which made no reference to State-wide totals, such victories would most likely be accompanied by one-vote majorities according to indications then available. Some Labor members considered that the greater prospects of their winning these narrow victories would be preferable to the uncertainty of winning by wider margins under seven-member conditions. Those favouring retention of six-member seats tended also to consider a one-vote margin sufficient for carrying on the work of Government (or at least for holding on to office if they were careful).

Labor supporters of seven-member electorates tended to be more confident of their party’s ability to attract votes, and held hopes of winning majorities in four or in all five of the electorates; they also tended to regard a one-vote Parliamentary majority as clearly insufficient for a Government to carry out its legislative programme and administrative responsibilities effectively.

Other political considerations could be mentioned to show conflicts of opinion within the Labor Party, but the foregoing may be sufficient to indicate that the attitudes were not clear cut. Similarly, there were divergences within the Liberal Party, for various reasons. In general, those Liberals who were optimistic of winning Government in the foreseeable future tended to favour the proposed change to seven, while those who were pessimistic about their party’s future were inclined to favour the status quo; they were prone to consider it better to aspire to 15 seats of 30, plus the Speakership (as provided by the deadlocks law of 1954), than to have 15 or 16 seats out of 35 and no
Speakership.

The Independent candidates and supporters interviewed by the writer favoured seven-member seats, perhaps because the increase would mean an additional vacancy in each electorate and a smaller quota (12.5 instead of 14.3 per cent), which at that time they thought would be considerably easier to reach.

Although some individual members of both Houses of the Tasmanian Parliament strenuously opposed the change to seven-member seats, the absence of any significant and clear-cut advantage for any one party probably assisted the ultimate passage of the measure. A proposal markedly favourable to the Labor Party probably would have been rejected by the upper house, which was largely non-Labor in complexion, and a proposal markedly favourable to the Liberal Party would not have passed a Labor-controlled lower house. In view of all the circumstances and with the immediate self-interests of the two major parties both served and hampered by the proposal, it is probable that logical argument and considerations of justice had an important influence in finally leading a majority to vote into law the proposal for seven-member electorates. The measure passed the House of Assembly on the voices seven months after being recommended by the Select Committee, and passed the Legislative Council seven months after that. 39

39 The bill providing for the election of seven members per electorate was known as Constitution Bill No. 20 of 1958 and became Act No. 51 of 1958. It passed the House of Assembly on May 29th and the Legislative Council on December 3rd of that year. The bill was reserved for Royal Assent on January 9, 1959, and this assent was proclaimed in Tasmania on the following April 9th.
prevent minority rule, and provide workable Parliamentary majorities. The recommendations, in order to solve the problems at hand, needed to be detailed and precise enough for application directly to specific situations; proposals expressed only in generalised terms would not suffice as they could not be studied and appraised adequately in this form.

One example of proposals being given in exact detail is a draft bill in the appendix of Part IV of the thesis setting out the suggested provisions for implementing the District Vote plan and the Dual Quota method. This was done at the request of several Parliamentary leaders, who stated that the proposals could not be properly assessed unless set out as a complete draft bill.

The proposal recommended in Part II of the thesis was in itself simple enough, but the considerable task connected with it was to ascertain what the direct and indirect effects of implementing it were likely to be. This involved various researches, including the time-consuming work of re-calculating the election results from 1928 to 1956 using the smaller, seven-member quota. The effects, direct and indirect, of the proposals of Part III could generally be foreseen without difficulty; the problem here was to find the exact features which would produce the aims sought and then, especially since some of the features were novel, to defend the logic and principles underlying them. The machinery recommended in Part IV involved some problems similar to those in Parts II and III in that new and precise designs had to be found and the probable effects of their implementation studied. A major, further problem in Part IV, however, was to try to prove the justice of the changes recommended, since their effects would be more far-reaching and more certain than those of Parts II and III.

In each of these three Parts, the solutions to the problems under consideration had to be devised and presented
as simply as possible - if the recommendations were to be regarded as practical answers to the difficulties being experienced and not as only theoretically possible solutions. By 1958, owing to the previously mentioned despair over Parliamentary instability, the Government and the Parliament were not in a mood for considering complex measures or complicated explanations. Unless a reasonably easy and convincing solution could be found within the Hare-Clark system, there was much reason for believing that the Select Committee and Parliament would seek an answer outside this system, judging from opinions given to the writer by members of the Select Committee. Hence, in Part II in particular, solutions had to seem simple in their provisions and to be presented as simply as possible, although the product of much analysis and consideration. After the strains in Parliament over the electoral reform issue abated, following the adoption of the recommendation of Part II (which offered some possibility of averting deadlocks), a less simple approach was feasible for Parts III and IV.

However, even in respect of these two parts, the writer was told by all Parliamentary leaders, that the analysis of the problems and the proposed remedies would require easily understood explanations, if they were to have hope of success. If the recommendations were to be adopted by Parliament, they would need to win public acceptance. Even if this meant gaining approval from only the elite of the public, this small group of opinion makers would require proposals and accompanying explanations which were not difficult to comprehend. In 1914-15 a Select Committee of the Tasmanian House of Assembly (as reported on pages 100-111 of Part IV) proposed a plan for preventing minority rule in the House of Assembly, but the proposal was so extremely complicated and so difficult to explain that it became a subject of mockery by Parliamentarians and the press.
public is not expected to be able to understand complexity in many laws, but apparently laws which determine their rights regarding voting and representation are expected to be readily understood, especially if departures from tradition are involved.

Although some explanations in Part IV of the thesis may seem very detailed and complex, the adoption of either of the methods proposed, but especially the Dual Quota plan, could be expected to make the Hare-Clark system easier to understand and to make governing under it less difficult by increasing the likelihood of workable majorities in Parliament. Both proposals of Part IV could also be expected to simplify the public's understanding of how a Government is elected, as the Government would usually be decided, if these proposals were in effect, directly on the State-wide vote. (Although the State-wide vote would be consulted only in limited circumstances, these circumstances are the usual ones in Tasmania and possibly in any country with a predominantly two-party system.) With these plans in effect, the winning party would be known within hours of the close of polling, except for very close contests which might be determined by late returns or by absentee and postal votes. At present, the Government may not be known until after the scrutiny for the election of individual members is completed during the week following the polling, or even later if no party has gained a majority of the seats.

What complexity there is in Part IV comes primarily not from the proposed reforms but from trying to prove the need for the reforms. Although it could quickly be shown in theory how it is possible under the S.T.V. system for a party with fewer votes than another to win more seats or for minority rule to occur, this theoretical possibility did not seem to be evidence enough to convince those who were in a position to help implement the proposals. It appeared
necessary, therefore, to furnish the various examples of unjust election results given in Part IV, including an analysis of their cause and an explanation of how the proposed plans would prevent such occurrences; yet the corrective remedies in themselves had to be reasonably simple to win support.

Since the thesis is aimed at seeking improvements in electoral and Parliamentary machinery, a prescriptive approach in form and content appeared to be necessary for some of the thesis. In its argumentative portions it seems, therefore, to fulfill the classical idea of the purpose of a thesis and to conform to the definition of a thesis as given in Webster's dictionary: "thesis... (16): a claim put forward... specifically a position or proposition that a person (as a candidate for scholastic honors) advances and maintains or offers to maintain by argument."40 Regarding its prescriptive content, the thesis is aimed at avoiding a criticism sometimes made of research, especially in the social sciences, for only recognising problems and analysing them without recommending specific proposals for solution.

The Need for Seven-Member Electorates
PARLIAMENT OF TASMANIA

DEMOCRATIC REPRESENTATION
UNDER THE
HARE-CLARK SYSTEM

The Need for Seven-Member Electorates

Paper by
George Howlett, M.A.
(University of Pennsylvania)

Presented to the House of Assembly by His Excellency's Command

TASMANIA—
L. G. SHEA, GOVERNMENT PRINTER, HOBART.

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Acknowledgments

To Professors H. J. Abraham and W. A. Townsley, my academic advisers, respectively, of the University of Pennsylvania and the University of Tasmania.

To Messrs. H. J. Corrigan and A. J. Mazengarb, Assistant Chief Electoral Officer, Tasmania, and Commonwealth Divisional Returning Officer for Denison, respectively, who have given so generously of their time, their advice, and their exceptional knowledge of the Hare-Clark system.

To the University of Tasmania for a research grant under which this paper has been written.

To the many kind Tasmanians who have contributed to my understanding on electoral matters and have helped to make this stay in Tasmania so enjoyable.

GEORGE HOWATT,
FOREWORD.

Tasmania, the first community in the world to use the Hare system of proportional representation under adult franchise, has had a far longer experience with this method than any other place. First adopted in 1896 for electing the Hobart and Launceston members of the House of Assembly, the general features of the system were re-introduced after a lapse of a few years, for the election of all members of this House by the Electoral Act of 1907.

The “Hare” of Hare-Clark refers to an English barrister, Thomas Hare, who in 1857 laid down the chief features of the single transferable vote system of proportional representation. Mr. Justice A. I. Clark of Tasmania, when a member of the House of Assembly and Attorney-General made some original contributions to Hare’s general principles. Because of this and Justice Clark’s efforts in securing the adoption of the system in 1896, the method later became known as the Hare-Clark system.

Tasmania’s special experience with this system is relatively unknown in most places of the world, and certain aspects of the Hare-Clark method need elucidation even in Tasmania, for example the subject of this paper, which discusses why the election of seven members per electorate instead of six is needed for the proper functioning of the Hare-Clark system. This paper contains some of the material which its writer gave to the house of Assembly Select Committee on Electoral Reform last year.

Mr. Howatt was a lecturer in political science at Lehigh University, U.S.A., before coming to Australia on a Fulbright scholarship to study election systems here. He is a specialist in this field and has written an M.A. thesis on proportional representation in American city elections and many articles on electoral subjects.

I commend this study to all members of Parliament, not only in Tasmania but in Mainland States, and to students of Political Science everywhere.

W. A. TOWNSLEY,
Professor of Political Science,
University of Tasmania.
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A POTENTIALLY MODEL SYSTEM WITH ONE DEFECT.

In the past 100 years, during which the advance of universal suffrage has made its greatest strides, there has been, unfortunately, a steady decline in the promise once held for democratic government. Some thinkers now question even the premises of democracy; others are looking for specific ways of improving democratic forms and practices in the hope of preserving the philosophy of "government of the people, by the people, and for the people."

In particular there is widespread dissatisfaction with the election methods and practices existing in most places of the world. The limited number of persons who know of the Hare-Clark system and endorse its philosophy of representation would say that many of the shortcomings ascribed to democracy in general really arise from defects in electoral systems. Before we condemn democracy or despair of its value, they would say, we should give it a chance to demonstrate its capabilities by installing electoral systems which adequately reflect the wishes of the electors. Most election systems in the world today distort, suppress, or even reverse the wishes of the voters. With this misrepresentation, moreover, go many accompanying evils. Faulty electoral methods such as single-member electorate systems expose democracy to inherent weaknesses while preventing democracy from exhibiting its strengths.

The alleged failure of democracy, these supporters of basic electoral reform would say, is not that democracy has been tried and found wanting, but that it has not been tried—except in a very few places, like Tasmania. In this State, thanks to fifty years' experience with the Tasmanian-pioneered Hare-Clark system of proportional representation, election results have mirrored the wishes of the people, and Tasmanians have been spared many of the tribulations caused by faulty electoral systems elsewhere. Moreover, even although the Australian mainland State electoral systems are distinctly inferior to Tasmania's Hare-Clark system, the general standard of Australian State and Federal electoral methods is so high by world standards that the general public in Tasmania is unaware of the seriously deficient methods used elsewhere in the world.

To the other States and countries which are suffering from faulty electoral methods, and many are suffering critically, the Hare-Clark system could serve as a model; but one grave existing defect must first be corrected.

One requirement of a truly democratic election system is that a majority of the electors should be assured of the right to return a majority of elected representatives. Only an electoral system like Hare-Clark can give this guarantee, and even it can do so only if an odd, rather than an even, number of members is chosen from each electorate.

In some circumstances the need for an odd number of representatives becomes more apparent than in others. When the chief contestants for all seats are candidates of two political parties of nearly equal strength, the need is most apparent. This is the situation which prevails in Tasmania today. When the Hare-Clark system was adopted in 1907 the present two-party system did not exist in Tasmania. Perhaps this could be one reason why an error was made in determining the electorate arrangements. The decision to have a thirty-member House and at the same time to utilise the five Federal electorate boundaries, meant that each Federal-State electoral division had to return six members.

Experience soon showed that it was a mistake to choose an even number of members from an electorate. As early as 1912 the mistake was widely commented upon (b). In recent years the

(a) This paper is written primarily for well-informed Tasmanians, of whom some knowledge of the Hare-Clark system and Australian electoral methods is assumed.

(b) For example: On pages 4 and 5 of the Report on General Elections, 1912, Parliamentary Paper No. 11 of 1912.
defect has become even more apparent, resulting in the anomalous situation of equal party representation in the House of Assembly despite unequal voting strength in the country. For a party to receive a majority of four of the six seats in any electorate, a 58 per cent vote is required. This percentage is higher than either of the two parties can usually achieve in a large, multi-member electorate; consequently both parties have generally returned, and can be expected to return, three members each per electorate despite unequal support among the electors. While this anomaly has caused severe criticism, the fault really does not lie in the Hare-Clark system itself but in the manner in which it is applied. Hence damage to the reputation of the Hare-Clark system and instability in Parliament will continue unless provision is made for an odd number of seats in each electorate.

The purpose of this pamphlet is to point out why the proper functioning of the Hare-Clark electoral mechanism requires the election of an odd number of members and to show why seven members instead of six should be chosen from each of the existing electorates.

The Hare-Clark system cannot serve as the model which the world needs until a change to seven-member electorates is made (a). This change has been recommended by a Select Committee of the House of Assembly which last year after a careful study of numerous alternatives re-endorsed the Hare-Clark system. The Committee's conclusions were supported in unequivocal and forceful words by "The Mercury," which over a half-century ago was a leading force in the original battle for the establishment of the Hare-Clark system. In an editorial of October 30, 1957, it said—

"... The Hare-Clark system is mathematically the most efficient, and politically the fairest method of election. It has been subjected to considerable criticism in recent years because it apparently threatened to put the Assembly in perpetual deadlock, with 15 members on each side. But the system itself was never at fault; the method of using it was wrong."

"It is most gratifying that the committee, after careful comparisons with other electoral methods, has thoroughly vindicated the Hare-Clark system. In its view it is the best method of parliamentary election in the world—and this is no exaggeration ..."

PART II.

THE OVERALL MERIT OF HARE-CLARK IS UNQUESTIONED.

Before examining the nature of the defect of the six-member quota and the reasons why the election of seven is required, let us first consider the overall value of the Hare-Clark method of representation and election. Despite grave weaknesses inherent in six-member divisions, one should not lose sight of the extraordinary advantages of Hare-Clark voting in general. As Tasmanians have been so long accustomed to the benefits of a uniquely superior electoral system they are likely to take its advantages for granted and fail to realise the dangers and defects of other electoral methods.

Moreover, the key importance of the electoral method to democratic society must not be overlooked, for it is the features of the electoral system in vogue which determines to a large extent the type of person chosen to office. Those elected become at once our law makers, the official spokesmen for our society, and the men responsible for the administration of public policy.

(*) Experience with seven-member electorates may show that further refinements can be made to the Hare-Clark system, as the last thought on electoral matters has not of course been formed. In fact, very little study or writing has been devoted so far to the science of elections. One reason for this lack is, of course, that electoral methods in the countries with single-member systems or first-past-the-post voting are so slapdash and crude that there is not much which is worthy of, or lends itself to, scientific study.
Although the following summary calls attention to numerous reasons for the superiority of the Hare-Clark method, the listing is not at all complete(a). Moreover, this list compares Hare-Clark only with the single-member electorate system, which has been the only alternative seriously suggested for choosing the Tasmanian House of Assembly. It is hoped, however, that enough of the advantages of Hare-Clark are reviewed to show that this system is incomparably more satisfactory than single-seat electorates in serving the purposes of elections and in contributing to the improved functioning of democratic society. If one believes in democratic representation, it would appear that the advantages of Hare-Clark are a matter of demonstrated fact rather than merely of opinion.

Advantages of the Hare-Clark System

A. The Hare-Clark system provides for the fair and accurate representation of the voters. Single-member electorates do not.

1. Hare-Clark assures(b) that the wishes of the electors are faithfully reflected in the election of members of the House of Assembly. On this major criterion of a democratic election system—whether it succeeds in reflecting, not distorting nor reversing the wishes of the electors—Hare-Clark succeeds pre-eminently and single-member electorates fail disastrously.

It is normal in elections conducted under single-member constituencies for nearly half of the "electors" to vote for defeated candidates. In these circumstances, in other words, nearly half of the voters are only "would be" electors, and are "represented" in Parliament by members whom they voted against and do not want. Under Hare-Clark close to three-fourths of the voters see their first choice elected to Parliament, and the votes of most of the remaining electors are effective in electing a candidate high in the elector's preference and within the party favoured by the elector.

The Hare-Clark system is purposely designed to give effect to the wishes of as many electors as is technically possible. In contrast, single electorates normally cause, in fact, the wastage of nearly half the votes and, in effect, therefore the disfranchisement of nearly half the voters.

This failure inherent in single-member electorates is not, moreover, just an abstract theoretical fault; it directly gives rise to practical consequences of gravest magnitude, as noted in the sections which follow.

2. Hare-Clark can normally be expected to prevent a government from being elected by a minority of the voters. Too often single-member electorates exemplify the phenomenon of the democratic process in reverse—conducting a poll and then giving victory to the side with the smaller total vote. Frequent examples from all over the globe show that single-member electorates do allow a party with a minority of the votes in the country to obtain a majority of the seats in the legislature, while its opponent with a larger overall vote receives only a minority of the seats.

A case in point is furnished by the Union of South Africa, where in the general elections for Parliament in 1948 and 1953 the present Nationalist Party Government obtained a huge majority of seats with a total vote much smaller than that given by the electors of the United Party Opposition. The party, therefore, which has been ruling South Africa since 1948 would not have

(a) A comprehensive and documented analysis of the advantages and disadvantages of the Hare-Clark system, with consideration of its less tangible benefits and deeper political effects, is to be included in another study of the Hare-Clark system now under preparation by the writer. The dynamics of the operation of Hare-Clark and the less obvious reasons for its success are of course too lengthy for discussion in this paper.

(b) Subject to some exceptions resulting from use of the present six-member electorates.
been in Government, but in Opposition, if an electoral system reflecting the wishes of the people had been in effect. The "winning" party in those elections was not the majority choice of the voters of that country. Instead it represented only a minority of the electors, to whom the single-member system often gives a majority of the seats.

Variation in size of electorates, gerrymandering, and the first-past-the-post system of voting sometimes make it possible for the minority to govern the majority. None of these contributing conditions, however, was the cause in South Africa. The majority of the electors did not obtain a majority of the seats simply because of inherent weakness of the single-member system: namely, the necessary cutting-up of the country arbitrarily into a multitude of small divisions which return only one member each. The election of only one member per division frequently means that one party, by winning its seats with larger majorities than its opponents, obtains a greater total vote but loses to the less popular party. This happens because the latter, though obtaining smaller majorities, has more instances of them because its vote, although being thinner, is spread more widely.

IP subdividing a country into single-seat electorates happens to result in a distribution which is a fair cross-section of political opinion, then the seats won by the respective parties may be in accordance with their popular strength. Sometimes this does occur under single-member systems, but only if the number of safe seats for one party is cancelled by an equal number of similarly safe seats for the other party, with the remaining seats being "swingermas."

When these particular circumstances arise and act to compensate for the crudeness and limitations of single-seat electorates, this "system" may sometimes give the appearance of affording representation to parties in accordance with public opinion. However, the situation illustrated by South Africa where the "winner loses and the loser wins" is always possible or probable under a system of single-member electorates. In contrast, the Hare-Clark system is scientifically and intentionally designed to prevent such thwarting of the democratic process and to assure that a majority of the voters return a majority of the elected representatives(a).

3. HARE-CLARK AVOIDS THE VAGARIES, GAMBLERS, AND DISTORTIONS WHICH GENERALLY RESULT FROM ELECTIONS CONDUCTED UNDER SINGLE-MEMBER CONSTITUENCIES. These capricious results are the rule rather than the exception and are found wherever single-seat electorates prevail. For instance, in the British House of Commons elections:

Although the Labor Party's percentage of the total vote increased from 46 per cent in 1950 to 48.5 per cent in 1951, its representation decreased by 19 seats in the 1951 elections. Moreover, in 1945 with 48 per cent of the total vote Labor obtained 62 per cent of the seats (excessively disproportionate to its strength in the country); yet by 1951, although the percentage of the total vote received by Labor had increased to more than its 1945 vote (in fact exceeding the Conservative Party total), the number of seats won by Labor decreased drastically from 399 (62 per cent) in 1945 to 296 (47 per cent) in 1951.

Examination of the voting behaviour in Australia and other democratic countries shows that generally public support for the respective political parties changes only slightly or moderately from election to election, but such changes result in drastic fluctuations in the representation of the parties in the legislature. Under single-member electorates, a switch of very few votes from one election to another may severely reduce or enormously magnify a party's membership in Parliament. Under Hare-Clark, public opinion is faithfully mirrored in the composition of the House of Assembly, stability in representation—not erratic fluctuation—is achieved. If Tasmanian electors continue to prefer the two-party system along present lines, a numerically large Opposition can always be assured, and the Government can be expected to have a workable majority(b).

(a) The assurance that a majority of the voters within an electorate return a majority of the members requires that the number of seats be odd rather than even, as explained elsewhere in this paper.

(b) Provided an odd number of members is chosen from the electorates.
B. HARE-CLARK AVOIDS GERRYMANDERING AND THE EVER-PRESENT HAZARDS NECESSARILY CONNECTED WITH DETERMINING BOUNDARIES FOR SINGLE-MEMBER ELECTORATES.

Since election results under single-member systems are often influenced as much by the location of the electoral boundaries as by the strength of the voting, it is not surprising that instances and allegations of gerrymandering are widespread in many places using the single-member system. Because of geographical features and such factors as shifts in population, what is alleged as gerrymandering may often be an unavoidable consequence of the limitations of single-member electorates. However, whether what appears as gerrymandering in its effects is intentional or unavoidable, the accusations of undeserved victories leave bitter feelings and bring discredit to democratic principles in general.

Gerrymandering has been widely alleged in almost all mainland States at some time or other, and charges by the Opposition parties of gerrymandering in both South Australia and Queensland over the last generation have been so severe as to weaken dangerously the citizen's respect for the democratic process. Unfortunately, "winning by cheating" and "dishonest victories" can too often be truthfully applied to gerrymandering with single-member electorates.

Happily, Tasmanians know that gerrymandering has not occurred under Hare-Clark elections and charges of rigging the electoral system have never been made in connection with Hare-Clark. The basic features of this system, including the large, multi-member electorates, serve as a precaution against gerrymandering. Furthermore, the electorate boundaries for House of Assembly elections are established by the authority of another body, namely, the Commonwealth Government.

C. HARE-CLARK PROVIDES THE ELECTOR WITH A WIDER SELECTION OF CANDIDATES THAN ALMOST ANY OTHER METHOD OF PARLIAMENTARY ELECTIONS IN THE WORLD.

At present the Tasmanian voter can choose his representative to the House of Assembly from among at least a dozen and usually more candidates. With seven-member electorates instead of six the scope of selection can be expected to increase somewhat. In contrast, the voter under the single-member systems normally has a choice of only two or three candidates or, in the event of uncontested elections, no selection at all.

One practical effect of this severe limitation of choice is that the elector must normally choose his representative solely on the basis of party affiliations and regardless of the personal qualifications of candidates. When the elector is restricted to a choice between a party he considers unacceptable and an opposing candidate he considers inferior—and this is a common situation under single-member electorates—he generally chooses to accept the inferior candidate and to vote against the party policy which he dislikes.

The voter under Hare-Clark is spared from such invidious choices. With many candidates representing each party he can readily both endorse the political policy he favours and also vote for the candidate he considers most suitable. Assessment on the basis of the personal ability, character, and individuality of the candidates is taken for granted under Hare-Clark, but denied, for all practical purposes, to voters under single-member systems.

When the elector can pick and choose among a half-dozen or more candidates of his own party, as under Hare-Clark, he can exercise a significant discernment which results in more highly selected Parliamentarians. With the wide selection of candidates now available in House of Assembly elections, the appeal to electors here is to vote for someone, not against someone, as is the common practice under the single-member system. If the House of Assembly were chosen from single-member electorates, it could be expected that the present calibre of individual members would decline.

The numerous endorsements by each party under Hare-Clark elections enable both parties to nominate candidates attractive to a wide range of electors. When almost every Tasmanian elector can find a candidate to his liking from among the wide choice
offered by both parties, he is not inclined to look outside the two major parties for representation. The satisfying representation thus offered by the Hare-Clark system would seem to be an important reason why the two-party system is, and has been, stronger in Tasmania than any Mainland State and most places overseas.

D. HARE-CLARK ELIMINATES UNCONTESTED SEATS AND SHAM ELECTIONS.

The uncontested return of candidates, though common enough in most single-member systems, is quite undesirable from the standpoint of the public welfare. An immediate consequence, of course, is that even the small electoral privilege existing under single-member representation disappears altogether. The problem of citizen apathy, normally serious enough under the best of circumstances, is further aggravated.

Only a little less objectionable than unopposed elections is the so-called “safe” seat—so named because the party’s majority in the electorate concerned is large enough to make the seat a certainty for that party. While this situation means easy comfort for the occupant of the safe seat, voters of the opposition party in this electorate are virtually disfranchised permanently. Retention of the seat comes to depend less on winning the support of the electors and more on pleasing the small number of party selectors who determine the endorsements.

Elections are a sham if the results are a foregone conclusion; yet this type of sham election is extremely common, normally accounting for more than two-thirds of the seats in a typical single-member State or country. Under Hare-Clark, of course, no seats are uncontested, and none is safe in the respect that a candidate can expect to be returned to office without working for it or without having earned support from the electors.

Genuine competition always exists, therefore, for seats in the House of Assembly. Since this means that Tasmania’s M.H.A.’s must keep on their toes much more than their counterparts under single-member systems, more effective representation is given to Tasmanian electors. The Parliamentarian who favours the single-member system primarily for the fact that it gives him a safe seat should remember that the fundamental purpose of a democratic election system is to provide satisfactory representation for the electors, not personal convenience for the elected. All candidates under Hare-Clark must work for their votes to win a seat in Parliament—because there are no “walkovers” into office via unopposed and safe seats; better service to the electors is one result(a).

How the application of single-member electorates to the Division of Denison would create four safe seats is indicated in Table I. On the basis of the last State election returns, the use of this system would result in three “blue ribbon” Labor party seats, namely, Hobart Central and Hobart West, Hobart North, and Moonah, and one “blue ribbon” Liberal party seat. The remaining two seats would probably be “swingers,” with Hobart East and Hobart South favourable to Labor and New Town favourable to the Liberal Party (b).

(a) Because all Federal seats in Tasmania could be considered “swingers” most Tasmanians probably have not experienced and may not know the evils of “safe” seats.

(b) The six proposed single-member electorates are formed from existing subdivisions. Moonah, New Town and Hobart North are large enough to make three electorates on their own. The remaining three electorates are obtained by combining adjoining subdivisions—one of the proposed electorates being made by joining Hobart Central and West, another by combining Hobart East and South, and the last by joining Nelson and Queenborough.
Table 1 (a) Application of House of Assembly October 1956 Election Returns to Single-Member Electorate System Formed by Dividing the Existing Division of Denison into Six Electorates Based on Present Subdivisional Boundaries (b).

<table>
<thead>
<tr>
<th>Probable Electorates</th>
<th>Labor Party</th>
<th>Liberal Party</th>
<th>A.C.L.P. (c)</th>
<th>Other</th>
<th>Total Valid</th>
<th>Informal</th>
<th>Total Cast</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hobart Central</td>
<td>1,126</td>
<td>423</td>
<td>53</td>
<td>136</td>
<td>11</td>
<td>1,277</td>
<td>28</td>
</tr>
<tr>
<td>Hobart West</td>
<td>1,022</td>
<td>1,022</td>
<td>686</td>
<td>232</td>
<td>21</td>
<td>2,272</td>
<td>26</td>
</tr>
<tr>
<td>Hobart North</td>
<td>2,357</td>
<td>1,420</td>
<td>94</td>
<td>378</td>
<td>20</td>
<td>4,273</td>
<td>239</td>
</tr>
<tr>
<td>Hobart East</td>
<td>2,096</td>
<td>2,096</td>
<td>1,118</td>
<td>294</td>
<td>31</td>
<td>4,254</td>
<td>183</td>
</tr>
<tr>
<td>Hobart South</td>
<td>2,629</td>
<td>2,629</td>
<td>161</td>
<td>550</td>
<td>42</td>
<td>5,337</td>
<td>269</td>
</tr>
<tr>
<td>Meenah</td>
<td>3,318</td>
<td>1,744</td>
<td>137</td>
<td>397</td>
<td>12</td>
<td>5,608</td>
<td>230</td>
</tr>
<tr>
<td>New Town</td>
<td>3,805</td>
<td>2,057</td>
<td>167</td>
<td>399</td>
<td>19</td>
<td>5,237</td>
<td>169</td>
</tr>
<tr>
<td>Nelson</td>
<td>588</td>
<td>1,081</td>
<td>60</td>
<td>100</td>
<td>7</td>
<td>2,687</td>
<td>80</td>
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<tr>
<td>Constitution</td>
<td>781</td>
<td>877</td>
<td>43</td>
<td>108</td>
<td>4</td>
<td>1,793</td>
<td>88</td>
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<tr>
<td>Total</td>
<td>15,126</td>
<td>15,126</td>
<td>8,394</td>
<td>2,266</td>
<td>1,782</td>
<td>34,560</td>
<td>3,317</td>
</tr>
</tbody>
</table>

It will be noted that the figures of this election would yield three blue ribbon Labor seats, one blue ribbon Liberal, and two swinging seats, with one of these going to the Labor Party and the other to the Liberal Party.

(c) A.C.L.P. signifies Anti-Communist Labor Party.
When tiny sections of the population know that their support can throw or assist in throwing, the election to one candidate or the other, and perhaps to one party or the other, they acquire a balance-of-power strength out of all proportion to their size and importance. The problem of exaggeration of pressure groups because of the single-member system of representation is particularly serious in a country like the United States where the parties are not responsible nor disciplined in the British sense. The Hare-Clark system, with its quota method of election and its large electorates, helps to keep the influence of small groups more in proportion to their size.

F. HARE-CLARK RELIEVES PARLIAMENTARIANS FROM MUCH NARROW PAROCHIAL PRESSURE AND CAUSES THEM TO BROADEN THEIR OUTLOOKS.
Large electorates necessitate a broad point of view and militate against the narrow parochialism characteristic of single-member electorates, where "parish-pump" pressures are notorious. When a member is responsible solely to a relatively tiny constituency it becomes difficult—if not at times politically hazardous—to take a broad view when local vested interests are involved. Even in the smallest and most homogeneous of the Hare-Clark electorates, namely, Denison, it is more in the general interest that members speak for all of Denison than represent possible individual single-member subdivisions thereof, such as Sandy Bay or Moonah or Hobart Central. The generalisation "the smaller electorate, the smaller the member" points out an advantage of the Hare-Clark provision for larger electorates.

G. HARE-CLARK ENCOURAGES THE PEOPLE TO CHOOSE MEMBERS OF HIGHER CALIBRE.
This results not only from use of large electorates which necessitate a broad point of view but also from the greater competitiveness for political survival under Hare-Clark, which, providing safe seats, also confronts each member with many rival candidates. With competition keen at election time as well as between elections, far heavier demands are made on the members under Hare-Clark than under single-member systems. This heavier responsibility on Tasmanian M.H.A.'s benefits the public because it results in better service to the electors and also tends to discourage weaker candidates from standing for Parliament. Moreover, the large multi-member electorates under Hare-Clark cause all Parliamentarians to confront a much wider set of problems than under one-member electorates. The effect on outlook and knowledge necessarily is broadening. For candidates unable or unwilling to face this challenge of a big Hare-Clark electorate, the appeal of the small single-seat district can, understandably, be strong. In the public interest, however, it is better to have a system like Hare-Clark which leads candidates to concern themselves with broader public policies and the more important needs of their large electorates than concentrating on narrowly local interests. The candidate of limited ability whose success in single-member electorates depends heavily on facility at "hand-shaking and baby-kissing" among a local following will find political life more difficult under Hare-Clark conditions.

H. HARE-CLARK AVOIDS THE TWIN EVILS, COMMONLY OBSERVED IN SINGLE-MEMBER SYSTEMS. OF COMPELLING THE DEFEAT OF ABLE CANDIDATES OR ENFORCING THE ELECTION OF INFERIOR ONES.
Since the single-member system permits the election of only one candidate per electorate, this means of course that when more than two outstanding candidates nominate from the same electoral district one must be defeated and when two unqualified candidates nominate for another seat one must be returned. This is not merely a theoretical objection, but a practical weakness of the single-member system observed in some degree at every general election.
This inevitable defeat of some excellent candidates and the equally inevitable election of some inferior ones is avoided by the multi-member feature of Hare-Clark, which has permitted, for example, the electors to choose both the Premier and the Leader of the Opposition from the same electorate, as illustrated in Denison,
I. HARE-CLARK PROVIDES AN OPPORTUNITY FOR MINOR PARTY AND NON-PARTY REPRESENTATION.

As the underlying principle of the Hare-Clark philosophy of representation is securing the best possible reflection of public opinion, provision for minority representation is a necessary feature of its electoral machinery. The fair representation of the whole of society cannot be assured unless opportunity is provided for the representation of its parts. One requirement, therefore, is multi-member electorates, not single-member ones, for there of course is no way to apportion only one seat between two or more competitors. Multi-member seats permit a fair apportioning of representation, whether divided exclusively between two major parties or shared with minor party candidates. Although the remarkably wide choice of candidates under Hare-Clark provides exceptional satisfaction for the electors within the two-party system, should the electors feel a need for representation outside of the two major parties, the Hare-Clark system makes it available to them provided they can poll 14.3% of the total votes in a six-member electorate or 12.5% in a seven-member one.

While these percentages represent, when expressed in terms of actual votes, close to twice as many votes as would be required for election under the single-member system, the large, multi-member electorates provide a wider area from which to attract the necessary quota. Hence, non-party candidates with substantial support in more than a local area can, and sometimes do, win election under Hare-Clark, as seen in Table VI. With single-member electorates, substantial minorities are excluded unless they happen to be concentrated geographically.

In respect to representation of minorities, Hare-Clark and the single-member system offer sharp contrast: Hare-Clark, which offers a systematic and assured way for non-major party representation, makes this potential representation less necessary because of the high satisfaction resulting from the extensive selection of candidates furnished by the two major parties. On the other hand, single-member electorates, which make no planned provision for minority or non-party representation, increase the need for it because of the restricted expression and poorer satisfaction which they give the electors. Single-member electorates therefore both create the need for better representation and frustrate the realisation of it.

J. HARE-CLARK AVOIDS HIGH ADMINISTRATIVE COSTS AND TECHNICAL DIFFICULTIES OF THE SINGLE-MEMBER SYSTEM.

As these advantages of the Hare-Clark system apply with particular force to Tasmania, this topic is discussed with special reference to this State later on. Two general advantages of Hare-Clark from technical consideration can be mentioned now. First, the Hare-Clark method permits extensive economies in administration because of the larger unit of representation. One example is electoral rolls: They are more easily maintained, especially under a system of compulsory enrolment as in Australia, if subdivisional and divisional units are fewer and larger. Another example: The larger the electorate, the less frequent the need for redistributions.

Second, Hare-Clark features remove one inevitable and formidable technical drawback to single-member electorates, namely, the difficulty of establishing and maintaining satisfactory electoral boundaries. In order to lay out a plan of single-member districts of approximately equal size with attempted due regard to such guiding factors as community of interest, means of transportation, and physical features, many arbitrary demarcations are required. The much larger electoral units employed under Hare-Clark permit more logical electoral divisions.

(*) For example: With a total state-wide formal vote of 160,000 and 35 single-member electorates of equal size, the quota for election would be 2,286 votes. With the same vote and five seven-member Hare-Clark electorates the quota would be 4,004 votes.
When plans for redistribution are announced in most Mainland States the cry of gerrymandering is normally raised by the Opposition. If this charge refers to intentional gerrymandering, it is true in some but not all cases. Many times the cause for complaint often arises simply from the necessities of cutting up the map arbitrarily to compensate for population changes within electorates. When districts are small, a large measure of objectionable, but unavoidable, boundary making is required. With the increase in electorate size the effect of population movement is reduced and at the same time the possibility of establishing more logical boundaries is improved.

K. HARE-CLARK ELIMINATES THE UNDUE INSECURITY OF MEMBERSHIP FACING MANY PARLIAMENTARIANS ELECTED UNDER THE SINGLE-MEMBER SYSTEM.

Snug security for some and “sudden death” for others is the rule of the single-member system. Not all members of Parliament chosen from single-member electorates have safe seats. On the contrary, the occupants of “swinging” seats are put under a jeopardy which no member under Hare-Clark needs to fear. A capable, deserving member under the Hare-Clark system has reasonable expectation of being returned. But even a slight swing in public opinion under the single-member system, perhaps caused by reverses in party popularity completely beyond the control of individual members, can sweep from office those party members not lucky enough to have safe seats. The extremes of unwarranted security for some and unreasonable jeopardy to others do not help to attract worthy prospective candidates into politics under single-member conditions. Moreover, members cannot give their best service if they live always under the disquieting possibility or likelihood of being “tossed out” at the next election—perhaps through no fault of their own.

Illustrations of drastic fluctuations in Parliamentary membership under single-member seats are not difficult to find, for instance, Ceylon. Although the percentage of the total vote received by the United National Party declined, from the Parliamentary elections of 1952 to those of 1956, by 16%, its representation fell from 54 seats in 1952 to eight seats in 1956, or from 57% to 8% respectively. While the vagaries of single-member electorates inflated the representation obtained by the U.N.P. in 1952, the electoral gamble severely under-represented it in 1956.

Another example of the single-member system causing “sudden death” for sitting members is furnished by the two general elections for the Canadian House of Commons in the past year. As a result of the June, 1957, elections Liberal Party membership in Parliament dropped from 171 to 104 and that of the Progressive Conservative Party increased from 50 to 110. The effects of the March, 1958, elections showed even greater fluctuation, as the Progressive Conservatives gained in seats from 110 to 209 and the Liberals fell from 104 to 47. Within a one-year period, therefore, Liberal Party Parliamentary membership dropped by 171 to 47 and that of its chief opponent rose from 50 to 209 (a).

L. HARE-CLARK AVOIDS THE “REGIMENTED” “DOWN-THE-TICKET” VOTING PRACTISED IN AUSTRALIAN SENATE ELECTIONS ON THE MAINLAND AND SOMETIMES IN TASMANIA.

Under the Hare-Clark system the elector makes his selections with fullest freedom, uninfluenced by the numbered type of how-to-vote cards generally used in Senate elections. The heart of the success of the Hare-Clark system could be said to be this unhampered freedom of the electors to pick and choose as they please. If the listing of candidates on the ballot paper were determined by “mutual consent,” as in the Senate elections, and combined with the use of numbered how-to-vote cards, a great measure of the value of Hare-Clark would be destroyed. In contrast, the Hare-Clark system provides for an alphabetical listing of candidates, and no attempt is made by the political parties to suggest to their supporters any prescribed order for marking preferences. If voting “to order” “down the ticket,” as in Senate election style, were followed, the choice of members

(a) Figures for 1958 are from latest Press reports available, which noted the results for 264 of the 265 seats in the Canadian House of Commons, one seat being in doubt.
of Parliament would pass, for all practical purposes, from the voters to political party management. As the Hare-Clark system now is, it provides the Tasmanian elector with a more effective vote among a wider range of candidates than any other method of Parliamentary election in the world.

The free selection under the Hare-Clark system assures competition among candidates and keeps the elector sovereign. This unequalled privilege of choice is therefore one of the most significant values of the voters’ franchise in Tasmania and sets Hare-Clark in a class apart from the Senate election system, which otherwise follows the Hare-Clark system in most features. May it be hoped that the superior Hare-Clark example will serve as a model and incentive for improving the Australian Senate system.

Objections to Hare-Clark(a).

Little on earth is perfect, and this generalisation applies to Hare-Clark as well, even although its overall drawbacks are relatively slight. Besides, almost all complaints are from the Parliamentarian’s point of view, not the elector’s. One objection is that the multi-member electorates involve the members in costly travel required for attending to their duties in serving large constituencies.

From the angle of expense, this claim is quite valid, particularly for members outside Denison. The answer, however, is not to cut up the State into 30 or 35 single electorates—and bring the evils of single-member representation into Tasmania—but to provide an adequate travel allowance for members so that these costs do not draw too heavily from their modest salaries (b). In a small single-member electorate much recompense for travel would not be justified, but a large Hare-Clark electorate is another question and warrants increased subsidisation of travel expenses. There is no denying that the advantages of large electorates do necessitate greater cost in travel.

Another complaint is that the large Hare-Clark electorates cover such a wide scope of different industries, interests, and problems that it is difficult for members to keep abreast of the many diverse activities on which they are expected to be informed. Small, single-member divisions, it is claimed, would save members from the necessity of getting acquainted with this wide range of activity. The demands on members under Hare-Clark are greater than they would be under small electorates. From the elector’s viewpoint, however, this complaint becomes an advantage.

The contact with varied and more complex problems under Hare-Clark is most educational and militates against the parochialism so characteristic of small electorates. Both consequences are as they should be—from the public’s point of view. In their interest it is best for the electoral system to be geared to attract the more capable and energetic candidates; if weaker members find the large Hare-Clark electorates too difficult to represent, the adjustment should not be to tailor the electorates to suit these members, but to let the seats be filled by those to whom the large electorates are not too great a challenge.

A further objection to Hare-Clark made by some members is that the competition for No. 1 votes results in undesirable manifestations of rivalry between candidates of the same party. What solution do these members sometimes suggest?—use of single-member electorates. And why?—for the avowed purpose of eliminating as much competition between persons as possible, in order to make contests more strictly a struggle between parties.

This suggested “solution” to reduce rivalry for No. 1 votes, therefore, is to take from the electors their present breadth of choice in order to suit the private conveniences of a few members who wish to by-pass as much competition as they can. The elimination of the right of electors to pick and choose among candidates

(*) As footnoted on p. 5, the subject of advantages and disadvantages of Hare-Clark is being analysed in a documented study now under preparation. Necessarily, this section of the paper must be concerned with conclusions, not detailed evidence.

(b) Contributions to charities, societies, and clubs, plus travel expenses and other costs involved in serving their electorates, consume a far greater part of a member’s recompense than the average person realises.
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would strike at the heart of the Hare-Clark system. The opportunity for electors to select between candidates as well as between parties has always been considered an integral part of the Hare-Clark philosophy of representation; attempts to abrogate this opportunity of choice are simply an undisguised effort to abridge democracy and curtail the special electoral privilege which distinguishes Hare-Clark from lesser systems.

If candidates should fail to observe fair play with their party colleagues in campaigning for No. 1 votes among supporters of their own party, this condition is not really a fault of the Hare-Clark system, but the result of the absence of a candidate’s code of rules for campaigning. With proper loyalty to one’s party and regard for one’s colleagues, the existence of competition for No. 1 votes need not be objectionable—except to members who want no competition at all. An electoral system cannot both provide the advantages of competition and at the same time eliminate it.

Fortunately, many members realise that the rivalry among members of the same party within the same electorate is healthy and desirable and results in better representation for the electors. Furthermore, candidates who object to this competition within parties should realise that single-member electorates frequently put pressures on candidates in several ways which multi-member electorates do not, namely: (e) If a seat is a safe one, competition for party endorsement is exceedingly severe; (b) If the seat is a “swinger,” extreme uncertainty about tenure subjects the holder to undue pressures from small, but potentially balance-of-power constituent groups; (c) Pitting one candidate directly and specifically against a single opponent often gives rise to certain undesirable campaign conditions (like public mud slinging), which are comparatively rare under Hare-Clark.

In any case, a good deal of whatever intra-party rivalry now exists would be eliminated if seven-member districts were adopted, for the reasons noted in the report of the Select Committee last year(a).

An objection to Hare-Clark held by some is that the man in the street does not understand the counting procedure. In view of the lack of printed material on Hare-Clark at the present time, this is not surprising. With education on the subject, however, the problem could be solved. In any case, there is little more need for the man in the street to understand the methods of counting votes (which is the job for the returning officer) than there is for him to know the intricacies of his watch or wireless set.

Part III.

WHY SIX-MEMBER ELECTORATES ARE FAULTY.

The use of six-member electorates is gravely defective because it cannot provide the premise fundamental to a democratic electoral system, namely, that a majority of the voters within an electorate shall be assured of the right of returning a majority of members in that electorate. Only a system like Hare-Clark can give an assurance of majority rule, and Hare-Clark can do it only if an odd, rather than even, number of members is chosen from the electorates.

As the electoral quota under Hare-Clark is based upon the number of seats to be filled, the existing six-member quota is 14.3 per cent of the valid votes cast in each electorate. Consequently, one party can receive as few as 42.9 per cent of the votes (just three quotas) and obtain three seats, and the other party can receive almost 57.2 per cent and still obtain only three seats. If an odd number of members is chosen within an electorate, any party or any group obtaining a majority of the votes, no matter how slight, must win a majority of the seats in that electorate. Yet, when even numbers are chosen, if the majority party does not exceed the minority by at least one quota of votes, the minority party will receive representation equal to that of the majority.

Since the electoral quota for seven-member electorates would be 12.5 per cent, a party would win three seats if it obtains 37.5 per cent of the votes. If this party wins another quota of votes, thus obtaining a majority of the total votes of the electorate, it must win the fourth seat.

In Tasmania, as in other countries with a two-party system, differences in voting strength between the major parties, taken on total votes over large areas, are usually fairly small. Hence a difference of 14.3 per cent of the votes (the size of a six-member quota) would be exceptional, and the possibility of a party obtaining a fourth seat remote. The likelihood, therefore, of two parties receiving an equal number of three seats each per electorate, despite unequal voting strength in the electorate concerned, is theoretically very probable—and has been demonstrated by experience as well.

As seen in Table II, the Hare-Clark system has been used for 17 general elections since its adoption, making a total of 85 separate elections for all five electorates. Although six different representation patterns have occurred in these 85 elections, in 44 cases the representation per electorate was three seats for Labor and three for non-Labor. Excluding the exceptional years of 1909, 1931, and 1941, there have been only 12 cases in the history of Hare-Clark where one party was able to obtain four of the six seats. Since World War II only once has a party been able to win the fourth seat within any electorate.

An unjust feature of these 44 cases of 3—3 “dead heat” results is that in most cases the support given to the majority party was markedly greater than that received by the minor party. As seen in Table III, there have been only eight instances where the two parties were separated by less than 2 per cent of the total votes cast. Any difference in votes between the parties greater than 5 per cent over a large area like a six-member electorate, can be considered to be marked; yet almost one-third of the cases of equal party representation have occurred when the difference in total votes has been between 5.0 and 9.9 per cent. In one-fourth of the cases the difference has exceeded 10.0 per cent.

Equal party representation on unequal voting strength is a denial of electoral justice to the voters. While this condition is not to be compared with the frequent injustice under single-member electorates, where the majority party commonly obtains only a minority of the seats, the fault is nevertheless grave and cannot be reconciled with precepts of democratic representation.

Thanks to the ingenious features of the existing Parliamentary “deadlocks” law, commonly known as the Lyons’ Bill(a), some cases of equal party representation are dealt with in such a way as to provide both electoral justice and a workable Parliament, namely, in those instances when the two parties are divided 15—15 in the House and happen also to be supported by the electors in nearly equal voting strength. In cases like the elections of 1955 and 1956, however, when the Government party obtained State-wide majorities of approximately 11,000 votes(c), the concession of the equivalent of an extra vote in the House was not in reasonable proportion to its popular majority. Unless the voting strength of the parties in Parliament is reasonably proportional to the support they received in the country, electoral justice to the voters is not accorded.

In cases where the parties are not returned 15—15, the Parliamentary “deadlocks” law does not apply, and the defect of six-member electorates then looms even greater. It is quite possible

(a) Because of the exhaustion of votes the last candidate is often elected without a quota. The party winning four seats sometimes might appear, therefore, to have less than a majority of votes at the conclusion of the count.

(b) Formally called the Constitution Act (No. 2) of 1954, this law provides that if the two parties are returned in equal numbers of 15 each the majority party forms the Government, and the Opposition party has the privilege of supplying the Speaker. The party which obtains the most primary votes on a State-wide basis is declared the majority party. If the minority party declines to provide the Speaker and the majority party does so, it is permitted to replace the member chosen as Speaker by a recount of the ballot-papers which elected the Speaker to Parliament.

(c) 11,403 votes in 1955 and 10,619 in 1956.
as a consequence of six-member districts, for a party to receive a majority of the votes in every electorate but one, and yet receive fewer seats than the party with a minority of the total vote. A situation like this in fact occurred in 1928 when the Labor party received an absolute or relative majority over the Nationalist party in State-wide totals and in each of the five electorates, yet lost to the Nationalists. This occurred because the Labor majorities were not large enough to gain the fourth seat in any electorate and because in one electorate (Franklin) Mr. B. J. Pearsall, an Independent, was narrowly elected, causing Labor to lose the third seat in that division. Despite Labor's lead over the Nationalists in popular votes, as seen in Table V., Labor lost to the Nationalists by 14 seats to 15, plus Mr. Pearsall, who supported the Nationalists in Government.

In 1950 the Liberal party potentially could have been in the position of Labor in 1928, as the victory by Mr. W. G. Wedd, an Independent, prevented the Liberals from winning a third seat in Denison. The representation after that election was 15 Labor, 14 Liberal, and Mr. Wedd, who supported Labor in Government.

<table>
<thead>
<tr>
<th>Year</th>
<th>3-L.</th>
<th>3-N.L.</th>
<th>4-L.</th>
<th>2-N.L.</th>
<th>2-L.</th>
<th>1-Ind.</th>
<th>Total Electorates</th>
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<td></td>
<td></td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>1912</td>
<td>4</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
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</tr>
<tr>
<td>1925</td>
<td>2</td>
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<td>1</td>
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<td>1928</td>
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<td>1931</td>
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<td>4</td>
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<td></td>
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<td>5</td>
</tr>
<tr>
<td>1934</td>
<td>2</td>
<td></td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>1937</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1946</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>1948</td>
<td>3</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>1950</td>
<td>4</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
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<td>5</td>
</tr>
<tr>
<td>1955</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

* Following the first Hare-Clark election of 1909, a two-party political system developed in Tasmanian State politics. The Labor party side of politics has continuously been known by this name or the fuller designation, the Australian Labor Party. The non-Labor party has been known by several names, first Liberal, then Nationalist, then United Australia, and now the Liberal Party. In Tables covering a period of years, the term "non-Labor" is used if the name of the non-Labor party changed during the period under reference.

* The patterns of representation refer to the number of seats won by the respective contestants within the five electorates. "L" denotes the seats won by the Labor party, "N.L." by the non-Labor party, and "Ind." by Independent candidates. Six seats are filled in each electorate. Since 1969 there have been only six different patterns of representation, or ways in which the seats have been divided, as noted in the table.
In view of the loss of the third seat in Denison, the Liberal party could have had nearly a fourth quota in four electorates, or a possible State-wide majority of over 15,000 votes, and still have remained in Opposition.

The six-member electorate, by preventing the majority of the voters from generally returning a majority of the members from any electorate, can allow the anomalies cited above to occur. Use of a seven-member electorate will enable the majority party in each division to obtain its rightful due, and the certainty of the majority party obtaining a majority of the seats can normally be expected.

**TABLE III (a).**


<table>
<thead>
<tr>
<th>Majories for Labor</th>
<th>Majories for Non-Labor</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
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<td>4</td>
<td>6</td>
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<td>3</td>
<td>8</td>
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<td>2</td>
<td>10</td>
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<td>1</td>
<td>12</td>
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<td>0</td>
<td>12</td>
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<td>8</td>
<td>14</td>
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<tr>
<td>7</td>
<td>14</td>
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<td>6</td>
<td>15</td>
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<tr>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>0</td>
<td>15</td>
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</tbody>
</table>

**Summary.**

<table>
<thead>
<tr>
<th>Size of Majorities</th>
<th>No. of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 2 per cent</td>
<td>8</td>
</tr>
<tr>
<td>2 to 4.9</td>
<td>11</td>
</tr>
<tr>
<td>5.0 to 9.9</td>
<td>14</td>
</tr>
<tr>
<td>Above 10.0</td>
<td>11</td>
</tr>
</tbody>
</table>

(*) The percentages of difference are between the major parties within electorates and are based on first preference votes. All votes included in tables of this paper refer to first preferences. Because cross-voting between parties is extremely small, calculations on first preferences are quite satisfactory for many types of analyses.

**Summary of Part III.**

Equal party representation on unequal voting strength is a denial of electoral justice to the voters. Six-member electorates, even with the present Parliamentary "deadlocks" law, cannot guarantee majority rule. Commendable though the "deadlocks" law is in mitigating one type of misrepresentation, it does not, and cannot, provide the correction for the many anomalies which result from six-member electorates.
### TABLE IV.

**Summary of Representation on Electorate Basis, House of Assembly Elections, 1909-1956**

<table>
<thead>
<tr>
<th>Year</th>
<th>Bass</th>
<th>Braddon</th>
<th>Denison</th>
<th>Franklin</th>
<th>Wilmot</th>
</tr>
</thead>
<tbody>
<tr>
<td>1909</td>
<td>2-4</td>
<td>2-4</td>
<td>2-4</td>
<td>2-4</td>
<td>2-4</td>
</tr>
<tr>
<td>1912</td>
<td>(3.6%)</td>
<td>(5.6%)</td>
<td>(2.2%)</td>
<td>(14.6%)</td>
<td>2-4</td>
</tr>
<tr>
<td>1913</td>
<td>.6%</td>
<td>2.2%</td>
<td>2.2%</td>
<td>1.6%</td>
<td>2-4</td>
</tr>
<tr>
<td>1916</td>
<td>(7.3%)</td>
<td>2-2-1</td>
<td>(8.8%)</td>
<td>(3.6%)</td>
<td>2-4</td>
</tr>
<tr>
<td>1919</td>
<td>2-4</td>
<td>2-2-1</td>
<td>(11.4%)</td>
<td>(7.7%)</td>
<td>2-4</td>
</tr>
<tr>
<td>1922</td>
<td>2-3-1</td>
<td>(3.0%)</td>
<td>(12.7%)</td>
<td>2-4</td>
<td>2-4</td>
</tr>
<tr>
<td>1925</td>
<td>(1.6%)</td>
<td>(3.0%)</td>
<td>2-2</td>
<td>3-1-2</td>
<td>2-2</td>
</tr>
<tr>
<td>1928</td>
<td>(9.2%)</td>
<td>(1.8%)</td>
<td>(2.8%)</td>
<td>(13.5%)</td>
<td>2-3-1</td>
</tr>
<tr>
<td>1931</td>
<td>2-4</td>
<td>3-2-1</td>
<td>2-3-1</td>
<td>2-4</td>
<td>2-4</td>
</tr>
<tr>
<td>1934</td>
<td>(1.6%)</td>
<td>(12.0%)</td>
<td>3-2-1</td>
<td>3-2-1</td>
<td>2-3-1</td>
</tr>
<tr>
<td>1937</td>
<td>4-2</td>
<td>(12.7%)</td>
<td>4-2</td>
<td>4-2</td>
<td>(13.5%)</td>
</tr>
<tr>
<td>1941</td>
<td>4-2</td>
<td>4-2</td>
<td>4-2</td>
<td>4-2</td>
<td>4-2</td>
</tr>
<tr>
<td>1946</td>
<td>(1.8%)</td>
<td>(2.8%)</td>
<td>3-2-1</td>
<td>3-2-1</td>
<td>(14.0%)</td>
</tr>
<tr>
<td>1948</td>
<td>(11.8%)</td>
<td>(2.8%)</td>
<td>3-1-2</td>
<td>3-2-1</td>
<td>(9.0%)</td>
</tr>
<tr>
<td>1950</td>
<td>(8.4%)</td>
<td>(5.6%)</td>
<td>3-2-1</td>
<td>(2.8%)</td>
<td>(2.8%)</td>
</tr>
<tr>
<td>1955</td>
<td>(7.0%)</td>
<td>(5.6%)</td>
<td>(5.8%)</td>
<td>(8.5%)</td>
<td>(11.4%)</td>
</tr>
<tr>
<td>1956</td>
<td>(6.0%)</td>
<td>(7.3%)</td>
<td>3-2-1</td>
<td>(3.8%)</td>
<td>(11.2%)</td>
</tr>
</tbody>
</table>

**Key:**

1. Designation of seats won:
   - By Labor—in light figures.
   - By Non-Labor—in heavy figures.
   - By Independents—in italic figures.

2. In cases of 3-3 division of seats between the two parties, the size of the majority of the larger party is indicated in percentages in appropriate type style to designate which party received the majority of votes.

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**Part IV.**

**WHY THE SOLUTION DEPENDS ON SEVEN-MEMBER ELECTORATES.**

The return of an odd number of members within electorates is required, as noted in preceding sections, to assure the successful operation of the electoral mechanism of the Hare-Clark system. The next question is which odd number should be used, 3, 5, or 7? This section will endeavour to show that regard for both sound electoral principles and special conditions prevailing in Tasmania virtually limits the avenues of solution to one proposal, namely, the election of seven members from each of the existing five electorates.

### Three-Member Electorates.

In respect to electoral principles, three-member districts are quite unsatisfactory. Firstly, the relatively small three-member electorates would almost certainly promote a parochialism now fortunately absent in House of Assembly electorates. Secondly, the resultant two to one division of party representation within electorates would introduce objectionable features. For example, on one hand, if the two parties in some electorates are almost evenly divided in voting strength, severe distortion of representation will result because one party, with only slightly more votes, must gain twice as many seats.
On the other hand, the smaller three-member districts would mean that some electorates would have unchallengable majorities for one party or the other. Consequently, the certain foreknowledge of a 2:1 result in favour of the Liberal party in some electorates and the Labor party in others would greatly reduce competition between the parties in these electorates. Three-member electorates would introduce in a modified form some of the evils of "safe" seats under the single-member system.

Thirdly, three-member electorates would drastically curtail the desirably wide selection of candidates now available to the electors. Fourthly, use of a three-member electoral quota would necessitate an unduly large number of unutilised, remaindered votes. With seven-member electorates the unrepresented fraction is 12.5%, but with three-member electorates, it is 25%.

<table>
<thead>
<tr>
<th>Electorate</th>
<th>Liberal</th>
<th>Nationalist</th>
<th>Independent</th>
<th>Total Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darwin</td>
<td>7,268</td>
<td>5,054</td>
<td>646</td>
<td>13,974</td>
</tr>
<tr>
<td>Flinders</td>
<td>6,534</td>
<td>6,474</td>
<td>531</td>
<td>13,539</td>
</tr>
<tr>
<td>Total</td>
<td>13,802</td>
<td>11,528</td>
<td>1,177</td>
<td>26,507</td>
</tr>
</tbody>
</table>

Note: Number of seats won is indicated in parentheses.
of nearly equal strength is too rough for proportioning the representation closely. A 4 - 3 distinction supplies a much truer and more reliable result. The unrepresented fraction of votes within each electorate is now 14.3%; this amount would decrease to 12.5% with seven-member electorates, but increase to 16.7% if five members were chosen. Five-member electorates would reduce, rather than improve, the selection of candidates available to the elector.

Unless the present electoral boundaries were dispensed with, five-member electorates would require a 25-member House, which would obviously be too small for effective Parliamentary government under present-day conditions. If seven new electorates returning five members each were established, smaller districts would result, giving rise to certain disadvantages because of existing concentrations of political party strength in various areas of Tasmania. As noted by the Select Committee (a), the use of seven-member electorates would probably mean that four or five of the electorates would have “safe” majorities for either one party or the other. Since the resultant 3 - 2 victories by one party in two of the electorates would be offset by 3 - 2 victories for the other party in two or three electorates in which it had a strong majority in voting strength, the effective decision as to which party would win the election would rest in two or three electorates only. The result probably would be “a much more frequent occurrence of small majorities for the governing party than would be the case with five seven-member electorates” (b).

With seven-member electorates instead of seven five-member ones, the variations in party voting strengths within electorates are smaller because larger electorates encompass a wider range of people, thus producing a more average result in terms of distribution of party voting strength. Fewer and larger electorates provide a better cross section of the State than smaller, more numerous ones. Consequently, the same fairly close balance obtained in the present electoral system is found also within most of the present electorates, almost all of which could be considered “swingers.” “Swinging” electorates result in more competition between parties and in the greater probability of the winning party having an adequately ample majority in Parliament. The existing five electorates are large enough to permit almost all of them to be a fair average of the State. Three-member or five-member electorates in a 30 or 35-member House are too small to encompass a fair cross section.

Practical Considerations.

In addition to superiority with regard to the paramount consideration of principles of representation, the election of seven-member electorates is desirable because of extremely important practical factors. The seven-member plan permits complete utilisation of joint Commonwealth-State electoral boundaries and rolls. This joint arrangement is most advantageous financially and also saves Tasmanian electors from the inconvenience of having to attend with separate enrolment systems for Federal and for House of Assembly purposes.

Any electoral changes incorporating either three-member or five-member districts with a 30- or 35-member House would necessitate separate State electoral boundaries. This change would mean the establishment of new boundaries initially, and periodic redistribution thereafter. Moreover the use of electorates smaller than the present ones would make the need for redistributions more frequent. Boundary changes involve appreciable costs and must contribute to confusion and inconvenience for electors.

With seven five-member electorates joint Commonwealth-State rolls could be used, but some subdivisional changes would be necessary. With three-member districts most of the existing subdivisional boundaries would need to be altered and many new subdivisions created in order to make possible the use of joint rolls.

If single-member electorates were adopted for electing the House of Assembly, separate boundaries would of course be required, and the present joint Commonwealth-State rolls could not be used without almost complete modification involving manifold

---

(b) Jbid.
administrative problems (4). The cost alone of printing the latest joint rolls was £4,197 (4), and the work of maintaining and compiling the rolls is naturally far more expensive than printing them. Because of the unavoidable smallness of single-member districts in Tasmania, redistributions would need to be inordinately frequent. Factors of practicability would condemn the single-member system in Tasmania, if it were not already condemned on the basis of electoral injustice.

**Application of Seven-member Quota to Past Elections.**

Because of the extensive data on the Hare-Clark election result sheets it is quite possible to ascertain what results the seven-member quota would have produced if used in past elections (c). By re-working the original result sheets on the basis of the smaller seven-member quota, a clear-cut answer can be found in almost every case as to what the election outcome would have been if seven members instead of six had been chosen from each electorate. In elections where the difference in votes obtained by the respective parties was not close and where the vote for Independent or non-major party candidates was not large, the election results with a seven-member quota can be ascertained without re-working a full sheet.

(4) Discussion by Mr. Edward Parkes, Chief Electoral Officer of Tasmania, on the incompatibility of using single-member electorates and joint Commonwealth-State electoral machinery is contained on pages 59-65 of the evidence attached to the Report of the Board of Enquiry on Parliamentary Deadlocks, Parliamentary Paper No. 6 of 1957.

(5) Information supplied by Commonwealth Electoral Office, Hobart.

(c) Examples of the method used in re-working the House of Assembly elections of 1956 can be seen by examining the scrutiny sheets submitted by the State Electoral Department. See pages 64-68 of the evidence attached to the Select Committee Report on Electoral Reform, P.P. No. 59 of 1957.

**TABLE VI.**

Summary of Comparative Results of Past Elections for House of Assembly Based on Return of Six and Seven Members from each Existing Electorate.

<table>
<thead>
<tr>
<th></th>
<th>Actual Results</th>
<th>Results Calculated with Seven-Member Quota</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Six-Member Quota</td>
<td>A.L.P. Non-Labor Others</td>
</tr>
<tr>
<td>1956</td>
<td>15 15 15 20 15 15</td>
<td>1955 15 15 20 15 15</td>
</tr>
<tr>
<td>1950</td>
<td>15 15 15 20 15 15</td>
<td>1948 15 12 18 14 3</td>
</tr>
<tr>
<td>1946</td>
<td>15 15 15 20 15 15</td>
<td>1944 15 12 18 14 2</td>
</tr>
<tr>
<td>1941</td>
<td>15 15 15 20 15 15</td>
<td>1947 15 12 18 14 2</td>
</tr>
<tr>
<td>1934</td>
<td>15 15 15 20 15 15</td>
<td>1933 15 15 20 15 15</td>
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<tr>
<td>1931</td>
<td>15 15 15 20 15 15</td>
<td>1928 15 15 20 15 15</td>
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<td>1922</td>
<td>15 15 15 20 15 15</td>
<td>1921 15 15 20 15 15</td>
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<td>1919</td>
<td>15 15 15 20 15 15</td>
<td>1918 15 15 20 15 15</td>
</tr>
<tr>
<td>1917</td>
<td>15 15 15 20 15 15</td>
<td>1916 15 15 20 15 15</td>
</tr>
<tr>
<td>1915</td>
<td>15 15 15 20 15 15</td>
<td>1914 15 15 20 15 15</td>
</tr>
</tbody>
</table>

* One seat not ascertained.

(4) 1954: Carruthers, Independent, elected without a quota as the sixth candidate in the original count, is not elected under the seven-member count.

(5) 1954: One Independent was Pearson, regarded as Nationalist in sympathy; the other Independent was Becker, who was Independent Labor.

(c) For comment on 1928 election results, see text p. 18.

(d) The Liberal party won the elections of 1913, 1916, and 1919. In the elections of 1922 and 1925 the Country party contested and won seats as well as the Nationals and the Labor party.
### TABLE VII.
Comparative Results of Past Elections for House of Assembly Based on Return of Six and Seven Members from Each Existing Electorate.

<table>
<thead>
<tr>
<th>Actual Results</th>
<th>Results Calculated with Seven-Member Quota: Seat Allocation, Additional Members, Remarks.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A.L.P.</td>
</tr>
<tr>
<td>Bass</td>
<td>3</td>
</tr>
<tr>
<td>Braddon</td>
<td>3</td>
</tr>
<tr>
<td>Denison</td>
<td>3</td>
</tr>
<tr>
<td>Franklin</td>
<td>3</td>
</tr>
<tr>
<td>Wilmot</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Bass</td>
<td>3</td>
</tr>
<tr>
<td>Braddon</td>
<td>3</td>
</tr>
<tr>
<td>Denison</td>
<td>3</td>
</tr>
<tr>
<td>Franklin</td>
<td>3</td>
</tr>
<tr>
<td>Wilmot</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Bass</td>
<td>3</td>
</tr>
<tr>
<td>Braddon</td>
<td>3</td>
</tr>
<tr>
<td>Denison</td>
<td>3</td>
</tr>
<tr>
<td>Franklin</td>
<td>3</td>
</tr>
<tr>
<td>Wilmot</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a) Results for 1956 supplied by State Electoral Department to Select Committee on Electoral Reform.

(1) Note on Braddon: According to evidence available on official scrutiny sheet, Taylor would be elected. In view of closeness of margin between Taylor and Fidler (Lib.), however, it is possible that the latter, if aided by considerable exhaustion or cross-voting not detectable on the scrutiny sheet, could be elected instead of Taylor.

### 1955

| Bass           | 3      | 3    | 4      | 3      | 4    | 3      | Atkins, A.L.P. |
| Braddon        | 3      | 3    | 4      | 3      | 4    | 3      | Ward, A.L.P.    |
| Denison        | 3      | 3    | 4      | 3      | 4    | 3      | Rowser, A.L.P.  |
| Franklin       | 3      | 3    | 4      | 3      | 4    | 3      | Crawford, A.L.P.|
| Wilmot         | 3      | 3    | 4      | 3      | 4    | 3      | Fisher, A.L.P.  |
|                |        |      |        | 15     | 15   | 20     | 15           |

### 1948

| Bass           | 3      | 3    | 4      | 3      | 4    | 3      | Atkins, A.L.P. |
| Braddon        | 3      | 3    | 4      | 3      | 4    | 3      | Acheson, Lib.  |
| Denison        | 3      | 1    | 2      | 3      | 4    | 3      | Duncan, Lib.   |
| Franklin       | 3      | 2    | 1      | 4      | 3    | 4      | Worsey, A.L.P. |
| Wilmot         | 3      | 3    | 4      | 3      | 4    | 3      | Burnett, A.L.P.|
|                |        |      |        | 15     | 12   | 18     | 14           |

(a) Whether Worsey, A.L.P., or Park, Lib., would win the seventh seat would depend on the distribution of Pearse’s preferences. As Mr. Pearse, Ind., was runner-up in the original six-member count, the allocation of his preferences is not revealed on the result sheet. When asked how he thought his preferences would be distributed Mr. Pearse stated that he believed Mr. Worsey would have received one-half of his (Pearse’s) preferences, in Kingborough, and one-third of those from other subdivisions. Because of Worsey’s lead over Pearse in Kingborough, and the’re close contest between Acheson, Lib., and Lane, A.L.P., in the distribution of Pearse’s preferences, it would seem more likely that the seventh seat would go to Worsey, although the margin would be close.

### 1946

| Bass           | 4      | 3    | 4      | 3      | 4    | 3      | Hollingsworth, Lib. |
| Braddon        | 3      | 3    | 4      | 3      | 4    | 3      | Lane, A.L.P.        |
| Denison        | 3      | 2    | 1      | 4      | 3    | 4      | Taylor, A.L.P.      |
| Franklin       | 3      | 3    | 4      | 3      | 4    | 3      | Hand, A.L.P.        |
| Wilmot         | 3      | 3    | 4      | 3      | 4    | 3      | Burnett, A.L.P.     |
|                |        |      |        | 16     | 12   | 20     | 13           |

(a) Note that A.L.P. won 4–2 in actual contest but would win 4–3 with seven-member count.

(b) Note that A.L.P. won 4–2 in actual contest but would win 4–3 with seven-member count.
### 1931

<table>
<thead>
<tr>
<th>1931</th>
<th>A.L.P.</th>
<th>Nat.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bass</td>
<td>2 4 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Braddon</td>
<td>3 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denison</td>
<td>3 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Franklin</td>
<td>2 3 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilmot</td>
<td>3 3 4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a) Medwin, Ind., was runner-up under six-member count.

(b) Pearsall, Ind., was runner-up under six-member count.

### 1928

<table>
<thead>
<tr>
<th>1928</th>
<th>A.L.P.</th>
<th>Nat.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bass</td>
<td>3 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Braddon</td>
<td>3 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denison</td>
<td>3 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Franklin</td>
<td>2 3 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilmot</td>
<td>3 3 4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a) Malwin, Ind., was runner-up under six-member count.

(b) Pearsall, Ind., was runner-up under six-member count.

### 1928

<table>
<thead>
<tr>
<th>1928</th>
<th>A.L.P.</th>
<th>Nat.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bass</td>
<td>3 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Braddon</td>
<td>3 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denison</td>
<td>3 3 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Franklin</td>
<td>2 3 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilmot</td>
<td>3 3 4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a) For comment on 1928 election results, see text p. 18.

The practical demonstration of the effect of the seven-member quota on past elections, as seen in Tables VI. and VII., shows that the result is what one could expect as a consequence of the principles involved, namely, that the Opposition Party remains strong but that the Government generally has a better working majority.
Independents and Minor Party Candidates.

The use of the seven-member quota for the last ten elections since 1928 indicates that since 1934 there would have been no change in respect to the election of Independent or minor party candidates. In 1934, Mr. D. A. Carruthers, an Independent elected as the last candidate without a full quota, as noted in Table VII, would not have been elected under a seven-member quota. One Independent Labor candidate and one Independent in 1928 and two Independents in 1931 would have been elected as a consequence of the smaller seven-member quota. Of the 50 additional seats which would have been filled since 1928 if seven-member electorates had been used, the net gain by non-major party candidates would, therefore, have been four.

Part V.
OTHER CONSIDERATIONS.

HARE-CLARK IS IMPARTIAL POLITICALLY.

The Hare-Clark system is singularly neutral in its operation. All parties and all candidates are treated with scrupulous impartiality. Whether candidates are from the Government or the Opposition, or from a major party or a minor one, or standing as Independents, all must reach the same quota of votes in order to win.

Moreover, the fortunes of Hare-Clark have in the past been identified with both parties. It owes its very adoption to the determined efforts by the non-Labor political parties in Tasmania in face of strong Labor party opposition in 1906. When the Labor party first came to power under Premier John Earle in 1914, extensive, but unsuccessful, efforts were made to have Hare-Clark replaced by a party list system of proportional representation.

Since then Hare-Clark has been continued by both parties. In 1951 a Board of Enquiry on Parliamentary Deadlocks, appointed from outside Parliament and headed by Professor T. Hytten, Vice-Chancellor of the University of Tasmania, recommended the continuation of Hare-Clark, with a change to seven-member electorates. In 1954 a Bill providing for seven-member electorates was introduced by Mr. L. V. McPartlan, Independent member for Denison. It passed the House of Assembly with the support of the Government, but was lost in the Legislative Council. Last year the House of Assembly Select Committee on Electoral Reform (as noted elsewhere in this paper) emphatically re-endorsed the Hare-Clark system and urged the adoption of seven-member electorates.

The friends and foes of Hare-Clark have come from both parties. Although the present Labor party government is supporting the Hare-Clark system and recommending its improvement, the chief antagonist to the system is a Labor member, Dr. J. F. Gaha, M.H.A., who acknowledges that he has been "an implacable enemy of the Hare-Clark system for many years and has not changed his views" (a).

One of the most ardent supporters of Hare-Clark, on the other hand, has been Mr. J. G. Breheny, M.H.A., a Liberal party member. When many others were attacking Hare-Clark in 1955, Mr. Breheny expressed his convictions without equivocation: "In no circumstances will I support the proposal to abandon the fairest and most democratic electoral system in the world to revert to the malpractice, injustice, and anomalies inseparable from the single electoral system with which electors have been so painfully familiar in the Labor states of New South Wales and Queensland for more than a quarter century" (a).

In the same way that the Hare-Clark system is in itself impartial, so is the change from six to seven members per electorate. The plain fact is that the seventh seat in any electorate will go to whichever party polls the majority vote in that electorate. The winning of the five additional seats will, therefore, be decided strictly and solely by the electors within the respective five Commonwealth-State divisions. The "swinging" nature of all these divisions is shown in Table VIII. The margins between the two parties are close enough in all electorates for either party to consider that it has a good chance of winning 29-15 or 15-16 at the next election.

On the basis of past returns and the known reliability of the Hare-Clark system, the pattern of the next election result can be foreseen with reasonable certainty: with a seven-member quota both parties can expect to win a minimum of three seats each, the fourth seat going to the larger party. In contrast, if 35 single-member electorates were used the outcome of the election could well depend not so much on the support given by the electors but on the distribution of the population in respect to boundary lines.

Seven-member Electorates could reduce Cost of Government.

A permanent continuation of 15 - 15 “dead heat” divisions of party representation can be expected on the basis of present voting trends. This condition not only causes electoral injustice (as explained elsewhere) but also promotes costly instability in government. The last State election, which would have been averted by seven-member electorates, cost £11,482 for minimum official administrative expenses alone. The expense of possible unnecessary elections resulting from six-member electorates could be greater even than the cost of salaries and expenses of five additional members.

Moreover, the stabilising of Parliament through elimination of 15 - 15 divisions in party representation could decrease materially the direct and indirect costs of government by making Parliament more effective. For example, the present even balance between the parties means that any one member in either party holds a potential balance-of-power influence over his party in Parliament. This interferes with the citizen’s right, under the British tradition of responsible political parties, to expect parties to exercise responsibility collectively without undue influence by individual persons within the parties.

The small increase in House membership required for correcting the electoral machinery is more than warranted because of the increased work-load on Parliamentarians since the fixing of the present House membership over 50 years ago. As noted in Figure 1, the population of Tasmania has increased by more than two-thirds since 1907; with this increase in population has also come an even greater increase in the demands on members’ time.

### TABLE VIII.

<table>
<thead>
<tr>
<th>Amount of “Swing” Required to Return Four Liberal Party Candidates in Each Electorate.</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Basis of Figures of October, 1956, General Election(a):</td>
</tr>
</tbody>
</table>

1. Votes for Major Parties on Electorate Basis(b):

<table>
<thead>
<tr>
<th></th>
<th>Bass</th>
<th>Braddon</th>
<th>Denison</th>
<th>Franklin</th>
<th>Wilmot</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>16,556</td>
<td>15,302</td>
<td>16,837</td>
<td>14,566</td>
<td>16,835</td>
<td>80,096</td>
</tr>
<tr>
<td>Liberal</td>
<td>14,292</td>
<td>14,814</td>
<td>14,317</td>
<td>12,751</td>
<td>13,303</td>
<td>69,477</td>
</tr>
<tr>
<td></td>
<td>30,848</td>
<td>30,116</td>
<td>31,154</td>
<td>27,317</td>
<td>30,138</td>
<td>149,573</td>
</tr>
</tbody>
</table>

2. Labor Majorities:

|   | 2,264 | 448 | 2,520 | 1,815 | 3,532 | 10,619 |

3. Swing in Votes Required for Winning of Fourth Seat by Liberals(c):

<table>
<thead>
<tr>
<th></th>
<th>1,223</th>
<th>245</th>
<th>1,261</th>
<th>908</th>
<th>1,267</th>
<th>6,310</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Numbers</td>
<td>3,877</td>
<td>31</td>
<td>3,450</td>
<td>2,222</td>
<td>3,267</td>
<td>13,555</td>
</tr>
</tbody>
</table>

(a) According to first preferences. Because of the extremely limited amount of cross-voting, the first preference figures are quite satisfactory for calculating the swing required.

(b) The preferences of Independent and Anti-Communist Labor Party candidates, which were not large in any case, were shared between the two major parties in so nearly equal amounts that it was not considered necessary to make adjustments for them in ascertaining the amount of swing required. The sharing of non-major party preferences by the two major parties was in the Liberals’ favor in Franklin by approximately 200 votes, and in Labor’s favor in Denison by a similar amount. The Liberal gain in non-major party preferences in Braddon was approximately equal to Labor’s gain from this source in Bass.

(c) These calculations assume that no Independent nor minor party candidates will be elected. On the basis of the past two State elections this assumption is quite warranted.
Governmental services and activities hardly thought of 50 years ago are taken for granted now. Indications of the increase in governmental activity can be seen in the rise in expenditure and in the size of the public service. In 1907 annual appropriations by the Tasmanian State Government were £912,000; for 1957-58 £21,900,000 (+). In 1913 there were 376 permanent officers employed under the Public Service Act; as of March 1958 the number of corresponding employees is 2,326 (+)—more than a six-fold increase. These figures on public service employees do not include the large number of persons not covered by the Public Service Act, such as employees of the Hydro-Electric Commission, Metropolitan Transport Trust, the Railways and others. Expansion of the work in these areas represents a similar increase in the number of employees.

There is no question that the enlargement of government activity has been enormous and has placed correspondingly larger responsibilities on members of Parliament. At present there are not enough of them available for the proper study of public questions, which become increasingly specialised as years go by. Moreover, there are not enough members to offer satisfactory competition for appointment to Cabinet; now it is almost a matter of putting every available person into a job.

(+ Figures supplied by the State Treasury Department, Hobart.

**Figure 1.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Size of House (a)</th>
<th>Population (b)</th>
<th>Number of Heads of Population Per Member of House of Assembly</th>
</tr>
</thead>
<tbody>
<tr>
<td>1856</td>
<td>30</td>
<td>69,821</td>
<td>2.994</td>
</tr>
<tr>
<td>1870</td>
<td>32</td>
<td>100,886</td>
<td>3.133</td>
</tr>
<tr>
<td>1885</td>
<td>36</td>
<td>128,860</td>
<td>3.579</td>
</tr>
<tr>
<td>1893</td>
<td>37</td>
<td>154,885</td>
<td>4.186</td>
</tr>
<tr>
<td>1898</td>
<td>38</td>
<td>172,900</td>
<td>4.550</td>
</tr>
<tr>
<td>1901</td>
<td>35</td>
<td>181,832</td>
<td>5.195</td>
</tr>
<tr>
<td>1907</td>
<td>30</td>
<td>190,743</td>
<td>6.585</td>
</tr>
<tr>
<td>1954</td>
<td>30</td>
<td>308,752</td>
<td>10.291</td>
</tr>
<tr>
<td>1957</td>
<td>30</td>
<td>329,539</td>
<td>10.982</td>
</tr>
<tr>
<td>1957</td>
<td>35</td>
<td>329,539</td>
<td>9.415</td>
</tr>
</tbody>
</table>

(a) Data on size of House for years 1856-1907 is taken from E. L. Place, Bibliography of Proportional Representation in Tasmania; Hobart: Government Printer, 1912, p. 30. (b) Figures for population given for the years 1856-1907 are for the quinquennial Census of the years designated, and have been adjusted to 10th April, 1906, for 1907. Population figures for the years 1933, 1947, and 1954 have been adjusted to 30th September, 1957, as the most recent base date for calculation purposes. All population figures are from publications of the Commonwealth Bureau of Census and Statistics.
FIGURE 2.
Comparison of Sizes of Legislatures in the Leading English-Speaking Federations.

For States or Provinces with Populations under 1,000,000:

<table>
<thead>
<tr>
<th>State or Province</th>
<th>Population</th>
<th>Size of Lower House (a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasmania (b)</td>
<td>308,752</td>
<td>30 (at present)</td>
</tr>
<tr>
<td>Tasmania (proposed)</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>South Australia</td>
<td>797,094</td>
<td>39</td>
</tr>
<tr>
<td>West. Australia</td>
<td>638,771</td>
<td>50</td>
</tr>
<tr>
<td>Prince Edward (c)</td>
<td>99,285</td>
<td>30</td>
</tr>
<tr>
<td>Newfoundland</td>
<td>415,074</td>
<td>36</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>694,717</td>
<td>43</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>554,616</td>
<td>53</td>
</tr>
<tr>
<td>Manitoba</td>
<td>850,040</td>
<td>67</td>
</tr>
<tr>
<td>Delaware</td>
<td>318,085</td>
<td>35</td>
</tr>
<tr>
<td>Nevada</td>
<td>160,083</td>
<td>37</td>
</tr>
<tr>
<td>Wyoming</td>
<td>290,529</td>
<td>56</td>
</tr>
<tr>
<td>Idaho</td>
<td>580,637</td>
<td>59</td>
</tr>
<tr>
<td>Utah</td>
<td>688,602</td>
<td>64</td>
</tr>
<tr>
<td>New Mexico</td>
<td>681,187</td>
<td>66</td>
</tr>
<tr>
<td>South Dakota</td>
<td>652,740</td>
<td>75</td>
</tr>
<tr>
<td>Arizona</td>
<td>745,987</td>
<td>80</td>
</tr>
<tr>
<td>Montana</td>
<td>591,024</td>
<td>89</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>791,896</td>
<td>100</td>
</tr>
<tr>
<td>North Dakota</td>
<td>619,638</td>
<td>113</td>
</tr>
<tr>
<td>Maine</td>
<td>913,774</td>
<td>151</td>
</tr>
<tr>
<td>Vermont</td>
<td>377,747</td>
<td>150</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>533,242</td>
<td>286</td>
</tr>
</tbody>
</table>

The fact that the proper working of Parliamentary government requires a certain minimum number of members was pointed out as long ago as 1914 by Mr. R. M. Johnston, I.S.O., Government Statistician, in giving evidence to a Select Committee considering electoral changes. To quote Mr. Johnston: “Five sevens would be better than 31. The number of representatives of any State, however small the population, should never fall below a practical working minimum number. Theoretically there ought to be not less than 35 representatives, even in a small State like this. The question of economy should not be a difficult matter” (a).

Even in 1906 when the question of adopting the Hare-Clark system was being debated in the House of Assembly, there was criticism of the proposed move for reducing the membership of the House, then 35, to the present 30. In opposing this move, “The Mercury” stated in an editorial of September 26, 1906: “... The saving in annual expenditure would be trifling, and there is no reason to believe that among the smaller number would be found a greater aggregate of wisdom. Moreover, with

(a) Parliamentary Paper No. 31 of 1914, p. 6.
the probability of a serious crisis arising in consequence of the financial and other relations between the Commonwealth and the States, it seems to us a very inopportune time to do anything which may have the effect of weakening the power and influence of the Tasmanian Legislature".

For persons who may consider a 35-member House too large, Figure 2, showing the sizes of the smaller American States and Canadian provinces, will furnish interesting comparisons and contrasts.

Because the reasons for a 35-member House are obvious enough it may seem a waste of the readers' time to record even the above incomplete account. A reluctance however, by the public and by Parliament, to increase the membership of the House to 35 has prevented the establishment of seven-member electorates ever since 1912. Instability in Parliament and electoral injustice to the voters will continue unless seven-member electorates are adopted. Six-member electorates, even with the existing Parliamentary "deadlocks" law cannot guarantee majority rule.
### APPENDICES TO PART II

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<td>VI</td>
<td>Final Summary of Recommendations Submitted to the Select Committee on Electoral Reform</td>
</tr>
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<td>VII</td>
<td>Candidates for the House of Assembly, 1909-1955, with Data Concerning Their Candidacies</td>
</tr>
</tbody>
</table>
Notes on Appendices to Part II

Appendix I describes briefly the distinguishing features of the Hare-Clark system and how the votes cast under it are counted. It has been prepared for this appendix in order to point out how the Hare-Clark system compares with other forms of the Single Transferable Vote systems of proportional representation.

Appendices II to VI, inclusive, are included for two reasons. One is to present further background for assessing the proposal to elect seven rather than six members per electorate under the Hare-Clark system. The second reason is to show the evidence which had an important bearing on the decision in 1957 of the Select Committee on Electoral Reform of the Tasmanian House of Assembly to recommend in favor of seven-member electorates. These appendices are taken from evidence submitted to this Committee by the writer. As these submissions were of value primarily for the deliberations of the Committee, they were not included in the report "Democratic Representation under the Hare-Clark System".

The statistics of Appendix II were useful in showing that ever since the first Hare-Clark election in 1909 the voters have clearly demonstrated, by their strong support for either one or both of the two major parties at almost every election, that they favored a two-party system for the House of Assembly. (The figures on the 1959 election were added to those prepared for the Committee for the period 1909-1956.)

The information given in Appendix III reveals that except for a few outstanding candidates, Independents have generally not been serious rivals to the major parties; of the 131 Independent candidates who stood
in the period under examination (viz., 1909-1956), only 17 were elected. Knowledge of the strength of the major parties and of Independents over a considerable period of elections was needed for the deliberations of the Committee - hence another reason besides general information for the data contained in Appendices II and III.

Appendix IV lists a variety of ways by which six-member electorates could be eliminated; Appendix V follows in order to demonstrate by specific sample redistributions what the results of recent elections would have been if the Assembly had been chosen from new electorates each returning five members. The tables of Appendix V showed vividly to the Select Committee that altering electoral boundaries could have altered significantly the party composition of the Assembly; this fact helped to induce Committee members to seek solutions not requiring changes to Divisional boundaries.

Appendix VI, which is a copy of the writer's final conclusions and recommendations to the Select Committee, summarizes the research undertaken by the writer in seeking a remedy to "deadlocks" in the Assembly. The Committee's official report (viz., Parliamentary Paper No. 59 of 1957, Tas.) is based largely upon the submissions contained in Appendix VI.

The final appendix, No. VII, is based upon data a large portion of which was gathered, with other information, for discussing with Committee members the possible effects of various proposals to amend the electoral system.
APPENDIX I

DEFINITION OF HARE-CLARK SYSTEM AND EXPLANATION OF THE VOTE COUNTING PROCEDURE USED

Definition and Chief Features

The Hare-Clark system is the name of the method of election used to choose the members of the Tasmanian House of Assembly. It is a form of the Single Transferable Vote system of proportional representation, and is designed (a) to provide the electors with a wide choice of candidates and (b) to maintain a planned, proportional relationship between the votes cast and the seats won by competing groups or parties.

These two objectives are achieved by the operation of the four chief features of the system, namely: (a) multiple-member constituencies, (b) election by quota, (c) a single transferable votes, and (d) a preferential ballot-paper. The electorates, which are five in number and return seven members from each to elect a 35-member House, are named Bass, Braddon, Denison, Franklin, and Wilmot. The electoral quota is the number of votes needed to elect a candidate. A single vote which can be expressed preferentially among the candidates not only facilitates the proportioning of seats among parties or groups according to votes received but also allows the electors themselves to determine which particular candidates will win the seats.

Contrasts with Other Systems

Most methods of election now in use elsewhere, such as the single-member electorate system, neither provide a wide choice of candidates nor assure a planned
relationship between votes cast and seats won. Party list systems of proportional representation, which are used in most countries of Western Europe, do provide for a planned, proportional relationship between votes and seats; but the list systems do not give the electors the broad opportunity provided by the Hare-Clark system for choosing among individual candidates.

Although the application of the Single Transferable Vote system of P.R. used to elect the Australian Senate shares some of the basic features of the Hare-Clark method, it is distinctly different in various important respects, as noted below. Other differences could be given, but these may be enough to show why the two methods produce different effects.

1. In Senate elections, the political parties normally endorse only as many candidates as they consider is the most they can expect to elect. In contrast, for Hare-Clark contests the parties usually endorse about twice as many candidates as they expect can be elected, thus giving the voter in these contests the important benefit of a much wider choice of candidates. One reason for this greater number is that under the Hare-Clark system, candidates for election to casual vacancies (conducted by recounting the ballot-papers which elected the vacating member) are limited to those who stood at the preceding general election. Hence, political parties, in order to have a reserve of candidates available to fill possible casual vacancies, need to endorse more candidates than they can expect to elect.

2. The order in which candidates' names are listed in their party groups on ballot-papers for Senate elections is normally determined by party management, so that in practice the latter, aided by the use of numbered how-to-vote cards, regiment their supporters into voting straight down the party ticket on the ballot-paper in the same order as that given on the party's voting card. In contrast, in elections under the Hare-Clark system, since the political parties do not use numbered how-to-vote cards and since the names of
candidates are required to be listed alphabetically, not according to party decision, the voters are able to exercise a more effective selection of candidates, as explained on pages 14-15 of "Democratic Representation under the Hare-Clark System" (in Part II of this thesis).

3. In Senate elections voters are required to mark preference numbers beside the names of every candidate on the ballot-paper. In Hare-Clark elections, however, it is compulsory for electors to mark only three choices to cast a valid ballot-paper (although in fact more than 97 per cent of electors vote beyond the minimum, judging by some surveys made by the writer). The compulsory numbering of all preferences produces various undesirable effects, such as increasing the number of invalid ballot-papers and the amount of "donkey voting" (a term commonly used in Australia to describe ballot-papers marked 1, 2, 3, etc., unselectively, straight down a list of candidates or across the paper). Moreover, the requirement to number every candidate blurs the voter's understanding of the electoral process by obliging him to record choices for candidates he does not want or may even detest.

4. When surplus votes are distributed in Senate elections, a certain proportionate number of ballot-papers must of course be chosen for transfer from those sorted according to next available preferences. The particular papers which are chosen to form this number are selected "at random", a process rather different from that followed in the more precise Hare-Clark counting procedure, which is explained below.

Summary of the Chief Steps in the Vote Counting Procedure of the Hare-Clark System.

1. Sorting of first choices. All formal ballot-papers are sorted into groups according to the first choices marked for the various candidates. The total number of ballot-papers held by all the candidates is then ascertained.
(The vote counting is done separately for the five electorates by a counting staff in each of those electorates.)

2. **Determining the quota.** The electoral quota is then obtained by dividing the total formal vote of the electorate by a number one more than the number of seats to be filled (in this case, 7 + 1) and (after ignoring fractions) adding one to the result.

3. **Distributing possible surplus votes.** Any candidate having a total of first choices equal to or greater than the electoral quota is declared elected. Votes for a candidate in excess of the quota are called surplus and are distributed proportionately to other candidates in accordance with the procedure noted in the section below entitled "Distributing Surplus under the Hare-Clark System".

4. **Successive elimination of candidates lowest on the poll and distribution of their preferences.** After all surplus votes, if any, have been distributed, the next step is to drop the candidate with the least votes. (In the unlikely event that the distribution of surplus should result in the filling of all remaining seats, the dropping of defeated candidates would not, of course, be necessary. This remote possibility has not been experienced under the Hare-Clark system.)

The ballot-papers of this eliminated candidate, after being examined to see for which other candidates the next available preferences(1) are marked, are then transferred to those candidates. The process of eliminating the candidate lowest on the poll and transferring his votes is continued until the required...
number of seven candidates is elected. In this elimination process some candidates invariably will receive enough transfers to reach more than a quota. When this occurs the surplus so obtained is dealt with before further candidates are eliminated.

**Distributing Surplus Votes under the Hare-Clark System.**

The aim in distributing surplus votes under any single, Transferable Vote system of proportional representation is to provide that all candidates (excluding those with surplus) receive their fair, or proportionate, share of surplus votes.

This aim is achieved, in most of these systems of P.R. (but not in the Hare-Clark method) by providing that ballot-papers equal to the number of surplus votes be taken from the candidate with the surplus; this candidate is then left with a number of ballot-papers equal to a quota, and this quota of papers is set aside as finally dealt with. In deciding which ballot-papers are selected for distribution as surplus, an endeavor is made to provide that each continuing candidate receives a proportion of the surplus votes equal to the proportion on which he was marked as next available preference on

(1) "Next available preference" refers to the "continuing" candidate marked next in order of preference on the ballot-paper of a candidate whose papers are being transferred. Papers need to be transferred when a candidate has surplus votes or when a candidate is eliminated from the count. The next preference or choice on a ballot-paper may not necessarily be the next available choice, for the next choice may be for a candidate already elected or eliminated; if so, the next choice is passed over and the ballot-paper is transferred to the first candidate next in preference who is as yet neither elected nor eliminated.

A "continuing" candidate is one who is not yet elected or eliminated.
the ballot-papers of the candidate whose surplus is being considered. Under this method of distributing surplus votes all ballot-papers retain, as would be expected, the same value; that is, each ballot-paper is worth one vote whether it is used to fill the quota of the candidate with the surplus or whether it is transferred to another candidate.

In contrast, when a candidate has a surplus of votes under the Hare-Clark system, a quota of votes is not set aside as finally dealt with, and a quantity of ballot-papers equal to the surplus is not selected for distribution to continuing candidates. Instead, all the ballot-papers of the candidate with surplus are distributed to the next available preferences indicated thereon, with each paper representing a certain fraction of a vote, the size of the fraction depending on the number of surplus votes. Therefore, although the ballot-paper is transferred to the candidate marked as the next available choice, part of the value of the paper is retained to make up the quota of the candidate who received the surplus, and the remaining value of the paper is passed on to the candidate who is the next available choice.

In effect, each continuing candidate will receive from the value of the surplus votes a proportionate share which is exactly equal to the proportion of ballot-papers on which he was marked as the next available preference on the papers of the candidate whose surplus is being distributed.

To illustrate: --

Suppose candidate Smith obtains 5,000 first-choice votes and the quota is 4,000: the surplus therefore is 1,000 votes or 20%. (The 20% is found
by dividing the surplus of 1,000 by Smith's total
vote of 5,000). Smith's 5,000 ballot-papers there-
fore have a transfer value of 20%. This means
that when Smith's papers are distributed to other
candidates, each paper is worth 20% of a vote. The
other 80% represents the value needed for making up
Smith's quota; 80% of Smith's total of 5,000 first-
choice votes equals 4,000, which is the quota.

When Smith's 5,000 ballot-papers are distributed,
they go to the candidates who are marked thereon as
the next available choice. If candidate Brown were
marked as the next available choice on 1,000 papers,
those 1,000 papers would be transferred to Brown,
who would be credited with 200 votes since 20% of
1,000 equals 200.

Explanation of Vote Counting Procedure by Means of an
Illustrative Election.

The hypothetical election explained below shows,
with the use of exact figures and the table on the
following page, how the vote-counting process of a
Hare-Clark election is applied. In this example
only three vacancies are to be filled, instead of
the seven in an actual Hare-Clark election, since the
steps required for electing three members are
sufficient to illustrate the steps needed for electing
seven.

The process is revealed by the following steps of
the count:

1. Sorting of first choices. Count No. 1 of the
table records how the ballot-papers were distributed
among the candidates when sorted according to the
first choices marked for these candidates. In this
date there were no informal votes.
Table Showing
Results of Scrutiny of Hypothetical Election

Total formal vote = 1,004  Number of vacancies = 3
Electoral quota = \(\frac{1,004}{3 + 1}\)

<table>
<thead>
<tr>
<th>No. of Count(s) (cc)</th>
<th>Candidates of Party A</th>
<th>Candidates of Party B</th>
<th>Non-Party Candidates</th>
<th>Remainders</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>155</td>
<td>100</td>
<td>200</td>
<td>100</td>
<td>90</td>
</tr>
<tr>
<td>(2)</td>
<td>169</td>
<td>108</td>
<td>252</td>
<td>163</td>
<td>62</td>
</tr>
<tr>
<td>(3-4)</td>
<td>(\frac{3}{252})</td>
<td>(\frac{3}{252})</td>
<td>(\frac{3}{252})</td>
<td>(\frac{3}{252})</td>
<td>1</td>
</tr>
<tr>
<td>(5-7)</td>
<td>(\frac{4}{252})</td>
<td>(\frac{4}{252})</td>
<td>(\frac{4}{252})</td>
<td>(\frac{4}{252})</td>
<td>(\frac{4}{252})</td>
</tr>
<tr>
<td>(8)</td>
<td>(\frac{4}{252})</td>
<td>(\frac{4}{252})</td>
<td>(\frac{4}{252})</td>
<td>(\frac{4}{252})</td>
<td>(\frac{4}{252})</td>
</tr>
</tbody>
</table>

\(\star\) Footnotes on next page.  \(\star\) = elected.  (Explanatory note for tables is on next page)
Explanation and Footnotes for Table on Preceding Page:-

Candidate A is elected with a surplus at the first count; B is elected next, then he receives sufficient preferences from the exclusion of candidate C at the 5th count; at the 9th and last count, D receives enough preferences upon the elimination of his party colleague A to win election to the third and last seat. Candidate E is runner-up.

* In general, this table follows the form used by the Tasmanian State Electoral Department in reporting Hare-Clark election returns.

** The results, in votes, for each count are noted in the row of figures beside the number of the count. In the row below those figures is the progressive total of votes for the various candidates.

(2) Distribution of A's surplus. Count No. 2 records how the surplus votes of candidate A were distributed. As noted from the formula given in the table, the quota is 252 votes. A, with a vote total of 280, therefore has a surplus of 28 votes. This surplus needs to be distributed to the candidates who are marked second choice on A's 280 ballot-papers. Each paper of A will therefore represent only a certain fraction of a vote since part of the value of each paper goes to make up A's quota, and the remaining value is credited to the candidate marked thereon as the next available choice.

This transfer of surplus to the various candidates is shown in Count 2, which records the value in votes of the papers transferred. This value is determined by the transfer value of A's surplus and is found by dividing the number of A's surplus votes by the total number of votes received by A. In this example, therefore, the transfer value of A's surplus becomes:
Transfer Value = \frac{260 - 252}{280} = \frac{28}{280} = 0.10
d

The first step in distributing \( \triangle \)’s surplus is
(a) to sort all of \( \triangle \)’s 280 ballot-papers into
separate piles according to the candidates marked
thereon as second choice. Next (b), the number of
ballot-papers in each pile is multiplied by the
transfer value of the surplus. Then (c), the various
resulting products (i.e., the results of multiplication
noted in (b)) show the value of the papers emitting
transfer; these products are recorded in their
appropriate places in the row of figures for Count 2
and signify the value of the surplus transferred from
\( \triangle \) to the various continuing candidates marked second
choice on \( \triangle \)’s 280 ballot-papers. The table records,
therefore, in respect of surplus votes (but only of
surplus) not the number of ballot-papers transferred,
but the value of such papers.

(The record of the number of papers transferred
to the various continuing candidates and the
calculations made to ascertain the value in votes
of transferred papers are not entered on the accompanying
table, but are noted on another table which it is
not necessary to include here.)

Notes re surplus votes:

An example will illustrate that the quantities
noted in Count 2 refer to votes (i.e., to values expressed
as votes) and not to quantities of ballot-papers;
for instance, candidate \( \triangle \) is recorded as having
received 14 votes from the surplus of \( \triangle \). This
figure, 14, signifies that at least 140 of the
280 ballot-papers of \( \triangle \) are credited to \( \triangle \) (because
\( \triangle \) was marked as second choice on at least 140 papers).
Since the transfer value of A2's surplus is 10%,
candidate A2 therefore receives a value of 1.4 votes
(which is 10% of 140).

To be more specific and also to illustrate how
fractional remainders are dealt with, let it be
assumed that A2 received 143 papers from A3's
surplus. This number, 143, multiplied by the
transfer value of 10% results in a value of 14.3
votes. Since fractional remainders are omitted
under the Hare-Clark system as being negligible,
14 votes are credited to A2, and the remainder of
.3 of a vote is not tabulated. Fractional remainders
crushing from the distribution of A3's surplus
amount to 2 votes. (Fractional remainders occur
only when ballot-papers with fractional values
(i.e., surplus votes) are dealt with and do not occur
when ballot-papers of whole value (namely,
those from defeated candidates) are transferred.
Since the total value of fractional remainders at
any count can never exceed the number of candidates
then remaining, the amount must be negligible in
Hare-Clark elections for the Tasmanian House of
Assembly and therefore is disregarded.)

(3-4) **Exclusion of Candidate B3.** The candidate
lowest on the poll (namely, B3) is excluded. The
79 primary votes of B3 are distributed in Count 3,
and the papers representing the 2 surplus votes
received from A2 are distributed in Count 4. (For
convenience in recording, the results of the two
steps are combined together on one line as Counts
3 and 4.)

(5-7) **Exclusion of Candidate C.** Candidate C, an
independent, is now lowest on the poll and is
excluded. Three counts are required to transfer
his votes (namely, Count 5 to distribute the 90 primary votes received by \( Q \); Count 6 to distribute the papers representing the value of one surplus vote received on Count 2 from A2's surplus; and Count 7 to distribute 3 primary votes received by Q from B2 at Count 4). The transfer of Q's votes, of which 28 went to B1, gives B1 a total of 273 votes or 21 more than a quota, thus electing him to the second seat. The next step, therefore, is to allocate this surplus of 21 votes.

(8) Distribution of B1's surplus. The surplus of 21 votes from B1 are distributed in Count 8. As this surplus is acquired from the last parcel of votes received by B1 (namely, 28 votes received from C), all 28 of these papers (which are of full value) are transferred to their next available choice (or, "n.a.c.", as abbreviated on the official scrutiny sheets) at a value equal to the surplus (namely 21) divided by the total number of papers concerned (namely 28). Since \( \frac{21}{28} = 75\% \), each of the 28 papers will, upon transfer, equal 75\% of a vote. In this particular case, A1 was n.a.c. on 4 papers and received 75\% of their value, namely 3 votes; A2 was n.a.c. on 2 papers, and since 75\% of 2 votes is 1.5, A2 is credited with 1 vote and .5 is omitted as the fractional remainder. As B2 was n.a.c. on 22 papers, since 75\% of 22 is 16.5, B2 is credited with 16 votes, with .5 as the omitted fractional remainder.

(9) Exclusion of A2. The next operation is to drop the candidate who is now lowest on the poll (namely,
\(\text{[12]}\) and transfer his votes. The first step consists of transferring his first parcel of votes, namely, the 100 first-choice votes received by him at the first count. Of these, 25 go to his party colleague (\(\text{[1]}\)), placing \(\text{[1]}\) well beyond a quota and electing him to the third and final vacancy.

As all three seats have now been filled, it is unnecessary to transfer either the 25 votes remaining with \(\text{[12]}\) or the surplus now held by \(\text{[1]}\). In Count 2, candidate \(\text{[2]}\) was next available choice on 3 papers; these 3 votes presumably were from Party 2 supporters who had given their first choice for personal reasons to candidate \(\text{[1]}\) of Party 1. Two papers became exhausted because preferences on them had not been extended to \(\text{[1]}\) or \(\text{[2]}\), and could not be transferred to any other candidate since at this stage all candidates except \(\text{[1]}\) and \(\text{[2]}\) had been either elected or eliminated.

Candidate \(\text{[2]}\) becomes the runner-up for the last seat and is not excluded since the determination of the election does not require examining his votes.
# Appendix II

**Table 000**  
**Hare-Clark Election Results, 1909-1959**  
By Electoral Divisions and With State-Wide Totals

This table summarizes the results of the elections for the Tasmanian House of Assembly since the first use of the Hare-Clark system in 1909.

**Notes**—The votes cited refer to valid, first preference votes cast for candidates noted in the left-hand column.

A.L.P. is the abbreviation for the Australian Labor Party, more commonly referred to merely as the Labor Party. The other major party, now called by its original name—the Liberal Party, was known previously as the Nationalist Party. Under the latter name it contested elections from 1919 to 1941 inclusive.

The Independent candidates, unless otherwise noted, were independent not only of political parties, but of each other.

The five columns headed by the names of the five multi-member electoral divisions give the election results on a Division basis. State-wide totals appear in the right-hand column.
Part A — Results of Each General Election

<table>
<thead>
<tr>
<th>Year</th>
<th>Bass</th>
<th>Bradenon</th>
<th>Denison</th>
<th>Franklin</th>
<th>Wilmot</th>
<th>State Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Votes</td>
<td>Seats</td>
<td>Votes</td>
<td>Seats</td>
<td>Votes</td>
<td>Seats</td>
</tr>
<tr>
<td>1909</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.L.P.</td>
<td>2,772 (2)</td>
<td>11,218 (5)</td>
<td>30,000 (4)</td>
<td>3,218 (3)</td>
<td>3,448 (3)</td>
<td>3,635 (2)</td>
</tr>
<tr>
<td>%</td>
<td>36.1</td>
<td></td>
<td>28.4</td>
<td></td>
<td>13.2</td>
<td></td>
</tr>
<tr>
<td>Anti-Socialists</td>
<td>4,064 (3)</td>
<td>2,112 (3)</td>
<td>5,112 (3)</td>
<td>719 (4)</td>
<td>1,109 (4)</td>
<td>5,090 (4)</td>
</tr>
<tr>
<td>%</td>
<td>50.3</td>
<td></td>
<td>45.7</td>
<td></td>
<td>19.5</td>
<td></td>
</tr>
<tr>
<td>Liberal Democrats</td>
<td>1,231 (1)</td>
<td>2,178</td>
<td>719</td>
<td>221</td>
<td>4,748</td>
<td>11</td>
</tr>
<tr>
<td>%</td>
<td>15.6</td>
<td></td>
<td>7.0</td>
<td></td>
<td>2.5</td>
<td></td>
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<tr>
<td>Independent</td>
<td>120</td>
<td>500</td>
<td>500</td>
<td>10</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Totals Per Division</td>
<td>6,070 (6)</td>
<td>9,808 (8)</td>
<td>11,197 (6)</td>
<td>10,988 (6)</td>
<td>8,880 (6)</td>
<td>18,980 (8)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.L.P.</td>
<td>5,109 (3)</td>
<td>11,240 (3)</td>
<td>11,950 (3)</td>
<td>4,020 (3)</td>
<td>4,420 (2)</td>
<td>38,044 (14)</td>
</tr>
<tr>
<td>%</td>
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<td></td>
<td>51.1</td>
<td></td>
<td>43.7</td>
<td></td>
</tr>
<tr>
<td>Liberal</td>
<td>7,020 (3)</td>
<td>6,684 (3)</td>
<td>5,000 (3)</td>
<td>9,000 (3)</td>
<td>8,000 (4)</td>
<td>40,000 (10)</td>
</tr>
<tr>
<td>%</td>
<td>91.8</td>
<td></td>
<td>47.2</td>
<td></td>
<td>57.3</td>
<td></td>
</tr>
<tr>
<td>Totals Per Division</td>
<td>14,785 (6)</td>
<td>18,124 (6)</td>
<td>17,950 (6)</td>
<td>16,020 (6)</td>
<td>16,000 (6)</td>
<td>73,984 (10)</td>
</tr>
<tr>
<td>Year</td>
<td>Bass</td>
<td>Braddon</td>
<td>Denison</td>
<td>Franklin</td>
<td>Wilmot</td>
<td>State Total</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
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<td>---------</td>
<td>----------</td>
<td>--------</td>
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</tr>
<tr>
<td></td>
<td>Votes</td>
<td>Seats</td>
<td>Votes</td>
<td>Seats</td>
<td>Votes</td>
<td>Seats</td>
</tr>
<tr>
<td>1913</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.L.P.</td>
<td>6,082 (3)</td>
<td>5,441 (3)</td>
<td>7,132 (3)</td>
<td>0,077 (3)</td>
<td>4,521 (3)</td>
<td>31,033 (14)</td>
</tr>
<tr>
<td>Liberal</td>
<td>6,820 (3)</td>
<td>6,114 (3)</td>
<td>7,717 (3)</td>
<td>8,765 (3)</td>
<td>6,811 (4)</td>
<td>36,157 (10)</td>
</tr>
<tr>
<td>Independent</td>
<td>49.7</td>
<td>52.0</td>
<td>52.0</td>
<td>52.0</td>
<td>52.0</td>
<td>53.3</td>
</tr>
<tr>
<td>Totals For Division</td>
<td>13,771 (6)</td>
<td>12,815 (6)</td>
<td>14,849 (6)</td>
<td>15,545 (6)</td>
<td>12,280 (5)</td>
<td>68,787 (30)</td>
</tr>
<tr>
<td>1916</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.L.P.</td>
<td>5,382 (3)</td>
<td>4,842 (3)</td>
<td>4,130 (3)</td>
<td>1,097 (3)</td>
<td>5,068 (3)</td>
<td>36,118 (14)</td>
</tr>
<tr>
<td>Liberal</td>
<td>7,134 (3)</td>
<td>6,277 (2)</td>
<td>8,065 (3)</td>
<td>7,038 (3)</td>
<td>7,080 (4)</td>
<td>33,039 (10)</td>
</tr>
<tr>
<td>Independent</td>
<td>45.3</td>
<td>38.7</td>
<td>50.4</td>
<td>51.8</td>
<td>54.7</td>
<td>50.0</td>
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<td>Totals For Division</td>
<td>15,746 (6)</td>
<td>13,492 (6)</td>
<td>10,995 (6)</td>
<td>15,333 (6)</td>
<td>12,146 (5)</td>
<td>76,514 (30)</td>
</tr>
<tr>
<td></td>
<td>1919</td>
<td>1922</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Bass</td>
<td>Braddon</td>
<td>Denison</td>
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<td>Wilmot</td>
<td>State Total</td>
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<tr>
<td></td>
<td>Votes</td>
<td>Seats</td>
<td>Votes</td>
<td>Seats</td>
<td>Votes</td>
<td>Seats</td>
</tr>
<tr>
<td>A.L.P.</td>
<td>No.</td>
<td>6,142</td>
<td>8,706</td>
<td>3 (3)</td>
<td>7,731</td>
<td>3 (3)</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>37.9</td>
<td>67.5</td>
<td>44.4</td>
<td>44.9</td>
<td>39.2</td>
</tr>
<tr>
<td>Nationalist</td>
<td>No.</td>
<td>8,499</td>
<td>4,475</td>
<td>2 (2)</td>
<td>9,703</td>
<td>3 (3)</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>62.1</td>
<td>37.2</td>
<td>55.6</td>
<td>55.6</td>
<td>99.9</td>
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<tr>
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<td>No.</td>
<td>1,841</td>
<td>1,841</td>
<td>1 (1)</td>
<td>448</td>
<td>1 (1)</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>8.5</td>
<td>15.3</td>
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| 1948   |       |         |         |          |        |             |       |       |
| A.L.P. | No.  | 16,987  | 3       | 13,006   | 3      | 12,344      | 5     | 15,383 | 3     | 70,470 | 13 |
|        | %    | 58.9    | 47.7    | 44.8     | 47.8    | 15,383      | 51.7  | 49.4   | 50.0  | 49.4   | 50.0 |
| Liberal| No.  | 11,794  | 3       | 13,377   | 3      | 5,797       | 1     | 11,312 | 2     | 11,860 | 3   | 44,010 | 12 |
|        | %    | 44.1    | 45.7    | 40.9     | 38.8    | 11,312      | 51.7  | 45.8   | 40.0  | 57.5   | 40.0 |
| Independent| No. | 3,199   | 1       | 1,927    | 2      | 6,066       | 1     | 1,250  | 1     | 15,023 | 2   | 18,238 | 3  |
|        | %    | 6.6     | 34.6    | 16.4     | 2.5     | 6,066       | 12.8  | 12.6   | 10.0  | 12.8   | 10.0 |
| Totals Per Division |       | 26,781 | 6      | 25,373   | 6      | 27,746      | 6     | 25,481 | 6     | 142,722 | 30 | 290,224 | 60 |</p>
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<td>14,317</td>
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</tr>
<tr>
<td></td>
<td>% 44.5</td>
<td></td>
<td>46.9</td>
<td></td>
<td>41.4</td>
<td></td>
</tr>
<tr>
<td>D.L.P.</td>
<td>No. 1,301</td>
<td>3</td>
<td>1,310</td>
<td>3</td>
<td>900</td>
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</tr>
<tr>
<td></td>
<td>% 4.0</td>
<td></td>
<td>4.2</td>
<td></td>
<td>2.6</td>
<td></td>
</tr>
<tr>
<td>Independent</td>
<td>No. 139</td>
<td>3</td>
<td>3,508</td>
<td>3</td>
<td>3,905</td>
<td>3</td>
</tr>
<tr>
<td>Totals Per Division</td>
<td>33,419 (6)</td>
<td>31,565 (6)</td>
<td>34,960 (5)</td>
<td>20,717 (6)</td>
<td>31,334 (6)</td>
<td>100,329 (90)</td>
</tr>
<tr>
<td>1959</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A.L.P.</td>
<td>No. 10,357</td>
<td>3</td>
<td>16,817</td>
<td>4</td>
<td>12,970</td>
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</tr>
<tr>
<td></td>
<td>% 31.6</td>
<td></td>
<td>32.2</td>
<td></td>
<td>39.8</td>
<td></td>
</tr>
<tr>
<td>Liberal</td>
<td>No. 11,772</td>
<td>3</td>
<td>13,512</td>
<td>3</td>
<td>13,065</td>
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<tr>
<td></td>
<td>% 36.3</td>
<td></td>
<td>42.4</td>
<td></td>
<td>39.8</td>
<td></td>
</tr>
<tr>
<td>D.L.P.</td>
<td>No. 1,489</td>
<td>3</td>
<td>1,594</td>
<td>3</td>
<td>2,338</td>
<td>3</td>
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<tr>
<td></td>
<td>% 3.5</td>
<td></td>
<td>5.8</td>
<td></td>
<td>6.8</td>
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</tr>
<tr>
<td>Independent</td>
<td>No. 970</td>
<td>1</td>
<td>4,673</td>
<td>1</td>
<td>715</td>
<td>3</td>
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<tr>
<td>Totals Per Division</td>
<td>35,461 (7)</td>
<td>31,857 (7)</td>
<td>32,841 (7)</td>
<td>30,110 (7)</td>
<td>31,841 (7)</td>
<td>100,743 (50)</td>
</tr>
</tbody>
</table>
## Part B — Combined Totals of all General Elections, 1909-1959

**Note:** Since Part B covers the period in which the major non-Labor party was known by two different names, this party is referred to below merely as "Non-Labor".

<table>
<thead>
<tr>
<th></th>
<th>BASIX</th>
<th>BRADDOCK</th>
<th>DENISON</th>
<th>FRANKLIN</th>
<th>WILMOT</th>
<th>STATE TOTAL</th>
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</thead>
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<tr>
<td></td>
<td>Votes</td>
<td>Seats</td>
<td>Votes</td>
<td>Seats</td>
<td>Votes</td>
<td>Seats</td>
</tr>
<tr>
<td>A.L.P.</td>
<td>No.</td>
<td>196,300</td>
<td>(2)</td>
<td>188,992</td>
<td>(48)</td>
<td>104,392</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>50.6</td>
<td>48.6</td>
<td>49.3</td>
<td>51.4</td>
<td>47.2</td>
</tr>
<tr>
<td>Non-Labor</td>
<td>No.</td>
<td>171,500</td>
<td>(54)</td>
<td>175,378</td>
<td>(49)</td>
<td>164,420</td>
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<tr>
<td></td>
<td>%</td>
<td>45.1</td>
<td>49.6</td>
<td>45.9</td>
<td>45.0</td>
<td>41.1</td>
</tr>
<tr>
<td>Country Party</td>
<td>No.</td>
<td>909</td>
<td>(1)</td>
<td>3,075</td>
<td>(2)</td>
<td>5,029</td>
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<tr>
<td></td>
<td>%</td>
<td>0.2</td>
<td>0.2</td>
<td>0.5</td>
<td>0.5</td>
<td>0.7</td>
</tr>
<tr>
<td>K.L.P.</td>
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<td>2,560</td>
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<td>3,904</td>
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<td>3,138</td>
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<td></td>
<td>%</td>
<td>0.6</td>
<td></td>
<td>0.7</td>
<td></td>
<td>0.8</td>
</tr>
<tr>
<td>Independent</td>
<td>No.</td>
<td>12,695</td>
<td>(2)</td>
<td>12,695</td>
<td>(2)</td>
<td>15,012</td>
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<tr>
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<td>%</td>
<td>3.1</td>
<td>3.1</td>
<td>3.1</td>
<td>3.1</td>
<td>3.1</td>
</tr>
<tr>
<td>Totals Per Division</td>
<td>No.</td>
<td>380,776</td>
<td>(109)</td>
<td>592,107</td>
<td>(109)</td>
<td>398,177</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>4.5</td>
<td>4.3</td>
<td>4.3</td>
<td>4.3</td>
<td>4.3</td>
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### APPENDIX III

**Votes Obtained by Independent Candidates for the House of Assembly,**

**Tasmania, 1909-1956**

(Expressed as Percentages of Total Formal Vote of Electorates Concerned)

**Part A - Votes Obtained by Successful Independent Candidates**

<table>
<thead>
<tr>
<th>Year</th>
<th>Electorate</th>
<th>Candidate Groups and/or Candidates</th>
<th>% of Total First Pref.</th>
<th>% Received for Election</th>
<th>Order of Election</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>Denison</td>
<td>Group B (2) Wedd; McPartlan</td>
<td>9.35</td>
<td>13.07</td>
<td>Wedd 6th, with incomplete quota.</td>
</tr>
<tr>
<td>1948</td>
<td>Denison</td>
<td>Group A (3) Wedd &amp; 2 others</td>
<td>12.14</td>
<td>14.29</td>
<td>Wedd 4th, with full quota</td>
</tr>
<tr>
<td></td>
<td>Denison</td>
<td>Group C (2) Townley; Joc</td>
<td>20.79</td>
<td>Surplus</td>
<td>Townley 2nd, with 1.40 quotas</td>
</tr>
<tr>
<td></td>
<td>Franklin</td>
<td>Group B (4) Grey, Pearsall &amp; 2 others</td>
<td>17.75</td>
<td>20.77</td>
<td>Grey 6th, with incomplete quota (11.92%); Pearsall runner-up with 8.82%.</td>
</tr>
<tr>
<td>1946</td>
<td>Denison</td>
<td>Townley</td>
<td>31.99</td>
<td>Surplus</td>
<td>Townley 1st, with 2.42 quotas.</td>
</tr>
<tr>
<td></td>
<td>Franklin</td>
<td>Group C (4) Grey, Pearsall &amp; 2 others</td>
<td>13.32</td>
<td>12.49</td>
<td>Grey 5th, with incomplete quota.</td>
</tr>
<tr>
<td>Year</td>
<td>Electorate</td>
<td>Candidate Groups and/or Candidates</td>
<td>% of Total % Receipt</td>
<td>Order of Election</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
<td>-----------------------------------</td>
<td>---------------------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>1924</td>
<td>Denison</td>
<td>Carruthers</td>
<td>6.66</td>
<td>Carruthers 6th, incomplete quota.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Franklin</td>
<td>Pearseall</td>
<td>7.23</td>
<td>5th, full quota.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wilmot</td>
<td>Becker</td>
<td>7.26</td>
<td>6th, incomplete quota.</td>
<td></td>
</tr>
<tr>
<td>1931</td>
<td>Franklin</td>
<td>Watkins</td>
<td>10.13</td>
<td>6th, incomplete quota.</td>
<td></td>
</tr>
<tr>
<td>1928</td>
<td>Franklin</td>
<td>Pearseall</td>
<td>7.68</td>
<td>6th, incomplete quota.</td>
<td></td>
</tr>
<tr>
<td>1925</td>
<td>Franklin</td>
<td>Murdoch</td>
<td>8.71</td>
<td>5th, incomplete quota.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Franklin</td>
<td>Higgett</td>
<td>7.59</td>
<td>6th, incomplete quota.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wilmot</td>
<td>Cameron</td>
<td>11.21</td>
<td>6th, full quota.</td>
<td></td>
</tr>
<tr>
<td>1922</td>
<td>Bass</td>
<td>Jensen</td>
<td>8.26</td>
<td>6th, incomplete quota.</td>
<td></td>
</tr>
<tr>
<td>1919</td>
<td>Braddon</td>
<td>Whitsitt</td>
<td>11.55</td>
<td>1st, with 1.07 quota.</td>
<td></td>
</tr>
<tr>
<td>1916</td>
<td>Braddon</td>
<td>Whitsitt</td>
<td>10.58</td>
<td>5th, incomplete quota.</td>
<td></td>
</tr>
</tbody>
</table>

**Summary:**
- Total no. of successful Independent candidates 1906-1956: 17
- No. of instances of surplus or last preferences: 3
- No. of instances of election with full quota (a): 3
- No. of instances of election with incomplete quota: 14

(a) This category refers to those who reached quota by gaining preferences during the scrutiny.

<table>
<thead>
<tr>
<th>Frequency of election as last candidate</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
<th>5th</th>
<th>6th</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
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</tr>
<tr>
<td>&quot;</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

17
PART B - Votes Obtained by Unsuccessful Independent Candidates

Finishing as Runner-up\(^{(a)}\) at End of Count

<table>
<thead>
<tr>
<th>Year</th>
<th>Electorate</th>
<th>Candidates</th>
<th>% of Total First Pref.</th>
<th>% of Vote for Runner-up(^{(a)}) at end of Scrutiny</th>
</tr>
</thead>
<tbody>
<tr>
<td>1918</td>
<td>Franklin</td>
<td>Peersall</td>
<td>6.16</td>
<td>8.85</td>
</tr>
<tr>
<td>1926</td>
<td>Wilmot</td>
<td>Lee</td>
<td>7.72</td>
<td>10.18</td>
</tr>
<tr>
<td>1931</td>
<td>Braddon</td>
<td>Medwin</td>
<td>7.33</td>
<td>10.46</td>
</tr>
<tr>
<td></td>
<td>Braddon</td>
<td>Peersall</td>
<td>7.21</td>
<td>12.77</td>
</tr>
<tr>
<td>1928</td>
<td>Braddon</td>
<td>Whitsett</td>
<td>7.54</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>Denison</td>
<td>Mahoney (Ind., Labor)</td>
<td>10.75</td>
<td>12.65</td>
</tr>
<tr>
<td>1925</td>
<td>Bass</td>
<td>Jensen (Ind., Labor)</td>
<td>8.83</td>
<td>12.45</td>
</tr>
<tr>
<td>1922</td>
<td>Braddon</td>
<td>Whitsett</td>
<td>8.56</td>
<td>12.81</td>
</tr>
</tbody>
</table>

\(^{(a)}\) The "runner-up" is the unelected and unexcluded candidate at the close of scrutiny who ranks next below the 6th elected candidate in number of votes.
### APPENDIX III (continued)

VOTES OBTAINED BY INDEPENDENT CANDIDATES FOR THE HOUSE OF ASSEMBLY, TASMANIA, 1909-1956

(Expressed as Percentages of Total Formal Vote of Electorates Concerned)

**PART C - VOTES OBTAINED BY UNSUCCESSFUL INDEPENDENT CANDIDATES BELOW RANK OF RUNNER-UP**

<table>
<thead>
<tr>
<th>Year</th>
<th>Electorate</th>
<th>Candidate Group or Single Candidates</th>
<th>% of Total First Prots</th>
<th>% of vote at time of exclusion or at end of count</th>
</tr>
</thead>
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<td>1956</td>
<td>Bass</td>
<td>A.C.R.P. (1)</td>
<td>4.05</td>
<td>4.05</td>
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<td></td>
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<td>A.C.R.P. (3)</td>
<td>3.91</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Miller</td>
<td>.94</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bredon</td>
<td>A.C.R.P. (1)</td>
<td>4.15</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Group B</td>
<td>2.60</td>
<td>2.56</td>
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<tr>
<td></td>
<td></td>
<td>Roper, Webb</td>
<td>6.82</td>
<td>7.64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bond</td>
<td>.26</td>
<td>.33</td>
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<td></td>
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<td>Lloyd</td>
<td>.17</td>
<td>.19</td>
</tr>
<tr>
<td></td>
<td>Denison</td>
<td>A.C.R.P. (3)</td>
<td>2.74</td>
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<td></td>
<td>McDougall</td>
<td>5.33</td>
<td>6.00</td>
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<td></td>
<td>Franklin</td>
<td>A.C.R.P. (3)</td>
<td>3.82</td>
<td>3.57</td>
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<td>Delany</td>
<td>5.92</td>
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<td>Webb</td>
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<tr>
<td></td>
<td>Bass</td>
<td>Delany</td>
<td>5.92</td>
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<td>1955</td>
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<td>Denison</td>
<td>6.68</td>
<td>6.26</td>
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<td>Year</td>
<td>Electorate</td>
<td>Candidate Group</td>
<td>% of Total</td>
<td>% of vote at time of exclusion or at end of count</td>
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<td>-----------------</td>
<td>------------</td>
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<td>Single Candidates</td>
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<td>McPartlan</td>
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<td>Bound</td>
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<td>.32</td>
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<td>Franklin</td>
<td>Grey</td>
<td>8.70</td>
<td>8.34</td>
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<td>1948</td>
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<td>Group C</td>
<td>6.56</td>
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<td>Churchward-Kelly</td>
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<td>1946</td>
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<td>Galkerby</td>
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</tr>
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<td>Margetts</td>
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<td>Denison</td>
<td>Group B</td>
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<td>7.47</td>
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<td></td>
<td>McPartlan; Verlington</td>
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<td>5.91</td>
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<td></td>
<td>Wilmot</td>
<td>Group A</td>
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<td>Burbury; Chamberlin</td>
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<td>5.97</td>
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<tr>
<td>1941</td>
<td>Denison</td>
<td>O'Reilly</td>
<td>1.28</td>
<td>1.35</td>
</tr>
<tr>
<td></td>
<td>Franklin</td>
<td>Kimber</td>
<td>2.65</td>
<td>2.79</td>
</tr>
<tr>
<td>1937</td>
<td>Bass</td>
<td>Sheehan</td>
<td>.34</td>
<td>.36</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Harvey</td>
<td>2.21</td>
<td>3.05</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
</tr>
<tr>
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<td>-----------</td>
<td>-------------</td>
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<td>-------------</td>
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<tr>
<td>Braddon</td>
<td>Campbell</td>
<td>.52</td>
<td></td>
<td>.38</td>
</tr>
<tr>
<td>Denison</td>
<td>Collis</td>
<td>2.28</td>
<td></td>
<td>2.81</td>
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<td>Carruthers</td>
<td>4.15</td>
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<td>6.08</td>
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<td>Wilmot</td>
<td>Lambert</td>
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<td>2.36</td>
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<td>Bread</td>
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<td>McShane</td>
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<td>Year</td>
<td>Team</td>
<td>Player</td>
<td>(4)</td>
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<td>---------</td>
<td>-----</td>
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<td>Cameron</td>
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<td></td>
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<td>Youl</td>
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<td>1.39</td>
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<td>Wilmot</td>
<td>Cameron</td>
<td>6.18</td>
<td>6.18</td>
</tr>
<tr>
<td>1913</td>
<td>Wilmot</td>
<td>Cameron</td>
<td>7.95</td>
<td>8.14</td>
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<tr>
<td>1912</td>
<td>(None)</td>
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<td></td>
<td></td>
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<td>1909</td>
<td>Denison</td>
<td>Rowntree</td>
<td>3.23</td>
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Summary on Independent Candidates 1909-1956

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
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</thead>
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<tr>
<td>No. of Elected Independent candidates</td>
<td>17</td>
</tr>
<tr>
<td>No. of Runner-up Independent candidates</td>
<td>8</td>
</tr>
<tr>
<td>Unelected Independents standing as grouped colleagues of elected Independents</td>
<td>(b) 10</td>
</tr>
<tr>
<td>Other unelected Independents</td>
<td>96</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>132</td>
</tr>
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</table>

Footnotes for Part C:-

(a) A.C.L.P. = Anti-Communist Labor Party
(b) In 1950, 1948 and 1946, a total of 10 unelected candidates stood as part of groups of independent candidates which won seats. As the votes on these 10 are included as part of the total for the respective groups noted in Part A, these 10 candidates are not listed among the unelected candidates of Part C.

Notes for Appendix III:

**Source of figures:** all percentages are based on figures from official election result sheets for the years concerned.
APPENDIX IV

This appendix consists of a summary of plans submitted to the Select Committee on Electoral Reform to point out a range of possibilities for overcoming the faults arising from the use of six-member electorates under the Hare-Clark system. The writer described the various proposals orally to the Committee members and answered questions raised by them.

Following discussion on the proposals, the Committee decided to ask for fuller and separate reports on Plans I and II, below. The statistical work for the requested report on Plan I is shown in Tables II, IV, VI, and VII of "Democratic Representation under the Hare-Clark System". Since an adequate appraisal of Plan II necessitated some sample electoral redistributions, these were prepared and submitted to the Committee; they are contained in Appendix V, which follows. After being examined by the Committee on Plans I and II, the writer was asked to prepare final recommendations, which are presented in Appendix VI, below.

Plan III is the nucleus of the plan which is identified as Proposal A of "Ensuring Majority Rule" (in Part IV of this thesis).

\[ \text{Copy} \]

To the Chairman and Members of the Select Committee on Electoral Reform:

Below are listed 13 plans, all of which would overcome the basic fault at present of electorates returning members in even numbers. The plans are not listed in any particular order of preference, and although some are distinctly inferior to others, all are included for study and
comparison purposes. Some proposals, including Plan IV and V are not recommended, and Plan XIII is regarded as outside the scope of the present enquiry. Several of the schemes are not new plans, but are a re-listing of known ones.

Plan I. Five Seven-member Electorates.

Elect seven members from each of the five existing electorates by the present Hare-Clark method.

Plan II. Seven Five-member Electorates.

Elect five members from each of seven new State electorates to be formed from groupings of existing subdivisions (or redivisions thereof, if necessary).

Plan III. Additional Member by Recount. Method A.

Following the election of the six members, as now, from each of the existing five electorates, recount (by the majority, preferential method) all ballot-papers used to elect these six, together with papers remaining at the end of the last transfer, to choose an additional member from among the remaining unelected candidates.

Method B. Follow Method A, but limit candidates for the additional seat to members of the majority or plurality party.

Plan IV. Successive P.R. Counts. (A).

Use the Hare-Clark method to elect five members from each existing electorate, then recount the same ballot-papers which elected these five to choose two more members.

Plan V. Successive P.R. Counts. (B).

Same as Plan IV, but elect four members at the first counting and three at the second.

Plan VI. Weighted Voting Strength in Parliament.

Elect the House of Assembly as now, but provide that when the parties are returned in equal or nearly equal numbers that the members of the Government and Opposition parties receive a voting strength according to a prescribed ratio, as seven votes for each member of the Government Party and five votes for members of the Opposition. The difference in the State-wide totals of the parties would determine the ratio between voting strengths in Parliament.
Plan VII. Utilization of Unused Remainders.

Neglect the House as now, then determine on the basis of the state-wide vote which is the majority party. Provide that the majority party receives an additional seat for each electorate in which it has the larger unused remainder.

Plan VIII. Electorates of Mixed Numbers (A)

Provide that two electorates (say, Denison and Bass) return six members from each and that three electorates (say, Braden, Franklin, and Wilmot) return seven each.

(b) Adopt Method A, but provide also that Denison, as a metropolitan district, be divided into three-member constituencies.

Plan IX. Additional Member by Indirect Selection.

Elect six members from each electorate as now, but provide that the three elected members of the majority party select an additional member from among the unelected candidates.

Plan X. Modification of Counting Rules Regarding Eliminations.

Use the Hare-Clark system to choose seven members from each of the existing electorates, but provide that after the distribution of surplus that any ungroupeed candidate or any group of candidates failing to achieve a certain percentage of the votes, say 8%, be eliminated from the count and their ballot-papers transferred accordingly to their next available preferences.

Plan XI. Six Five-member Electorates.

Retain a 30-member House, but choose five members from each of six new State electorates formed from existing subdivisions (or redivisions thereof, if necessary).

Plan XII. At-large Elections on State-wide Basis.

Choose 30, 31, 33, or 35 members at large, in a State-wide poll with the Hare-Clark method, incorporating, possibly, the elimination provisions of Plan X.

Plan XIII. Composite Ministries.

Use the Hare-Clark method to choose the ministry either as a regular practice or when the parties are equal, or nearly so, in numbers of members.
Schemes for three-member constituencies or election by supplementary ballots are not recommended, but it is suggested that reference be made to these and some other plans for comparison purposes.

Respectfully submitted,

George Howatt.
July 29, 1937.
APPENDIX V

The results of sample redistributions, designated as Plans A to G, below, were submitted to the Select Committee in order to show what the party composition of the House of Assembly would be under various proposed re-groupings of subdivisions applying the returns for the elections of 1956, 1955, and 1950.

(The following is a copy of a submission to the Committee, dated August, 1957.)

TABLES SHOWING DISTRIBUTION OF VOTES ACCORDING TO POLITICAL PARTIES UNDER VARIOUS GROUPINGS OF EXISTING SUBDIVISIONS

SECTIONS I AND II

Notes:

1. Subdivisional enrolment figures as of July 27, 1957, have been taken for determining the enrolment size of all the electorates formed by the sample groupings represented in Sections I and II.

2. Votes for the respective parties are those given for ordinary votes in the statistical reports on Parliamentary elections prepared by the State Electoral office for the years concerned. Absent, postal, and Sec. 116A votes are not included, but the distribution of these can be assumed to be in close enough proportion to the ordinary votes for the purposes of these tables.

3. The votes tabulated for the sample redistributions refer to first preference ordinary votes and are strictly accurate as representing the actual votes cast within the various subdivisions which are grouped together to form the illustrative electorates.

4. The assignment of seats on the basis of primary votes cannot accurately take into account possible effects of transferred votes, but the distribution of seats noted in Plans A to G, below, are close enough to show what the general political character of the groupings would be.

5. The enrolments of the present Commonwealth Divisions, as of July 27, 1957, are as follows:
Bass 36,066
Breddon 34,356
Bunyip 37,711
Franklin 33,419
Hilmot 21,202
Total 175,955

6. The enrolment total of the sample electorate groupings is recorded after the name of the illustrative groupings. The names of the latter are adapted from the existing electorate names.

7. The quota for each of the seven proposed state electorates = 25,136 per electorate, with a permissible maximum quota of 30,163 and a permissible minimum of 20,109.

8. The quota for each of the proposed six state electorates = 25,226, with a maximum of 35,121 and a minimum of 23,461.
### SECTION I - Groupings to Form 7 New State Electorates
Returning 5 Members from Each to Elect a 35-Member House of Assembly.

**Plan A.** Groupings with Minimum Departures from Existing Boundaries

<table>
<thead>
<tr>
<th>BASS</th>
<th>(25,135):-</th>
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<tbody>
<tr>
<td>FlindersPortland</td>
<td>RingaroomaScottsdale</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>BRADDON</th>
<th>(23,443):-</th>
</tr>
</thead>
<tbody>
<tr>
<td>King IslandCircular Head</td>
<td>Table CapeEmu Bay</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>DENISON</th>
<th>(26,630):-</th>
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</thead>
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<tr>
<td>Queanbouyouth Hobart South</td>
<td>Hobart East</td>
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</table>

<table>
<thead>
<tr>
<th>FRANKLIN WEST</th>
<th>(26,485):-</th>
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<tr>
<td>RecherchePort Cygnet</td>
<td>KingboroughNelson</td>
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<table>
<thead>
<tr>
<th>FRANKLIN EAST</th>
<th>(22,088):-</th>
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<tr>
<td>TasmanSorell</td>
<td>Spring BayRichmond</td>
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### Plan A: Distribution of Votes and Seats Resulting from above Groupings:

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<th>Electorate</th>
<th>ALP</th>
<th>Liberal</th>
<th>Others</th>
<th>Total</th>
<th>ALP</th>
<th>Liberal</th>
<th>Others</th>
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<td>770</td>
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<td>21,284</td>
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<td>2</td>
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<td>6,506</td>
<td>723</td>
<td>30,708</td>
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<td>62,548</td>
<td>6,833</td>
<td>143,453</td>
<td>19</td>
<td>15</td>
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(a) assignment of 5th seat in doubt.
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<td>Braddon</td>
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<td>Denison</td>
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<td>9,509</td>
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<td>Franklin East</td>
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<td>13,246</td>
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<td>Wilmot North</td>
<td>9,734</td>
<td>11,739</td>
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<td>11,721</td>
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<td><strong>Totals</strong></td>
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Plan A 1959

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<th>Liberal</th>
<th>Others</th>
<th>Total</th>
<th>ALP</th>
<th>Liberal</th>
<th>Others</th>
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<td>10,874</td>
<td>2,853</td>
<td>25,383</td>
<td>2</td>
<td>2</td>
<td>1 (a)</td>
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<td>5,431</td>
<td>638</td>
<td>7,790</td>
<td>2</td>
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<td>Franklin West</td>
<td>10,856</td>
<td>10,262</td>
<td>1,761</td>
<td>22,889</td>
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<td>(b)</td>
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<td>11,663</td>
<td>50</td>
<td>19,448</td>
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<td>18,931</td>
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<td><strong>Totals</strong></td>
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<td>62,045</td>
<td>5,110</td>
<td>131,527</td>
<td>16</td>
<td>16</td>
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(a) for Gen. 1950: ALP, 2 quotes + 3310
Lib: 2 quotes + 2528  Because of large Townley surplus to Webb, it is
Ind.: none + 2503 probable that 5th would have gone to Webb.

(b) Since Labor had enough primaries to fill 3 quotas, this allocation of
seats could be expected; however, if Labor lost even a modest amount because of
cross voting, the seat
would have gone to the Liberals.
**Plan B: Greenings with Minimum Departures from Existing Boundaries**

- **BASS and WILLIOT EAST**
  - (25,285):-
    - Flinders
    - Beaconsfield
    - Scottsdale
    - Evandale
    - George Town
    - Portland
    - Campbell Town
    - Pinigal
    - Glamorgan

- **BRADON**
  - (Same as Plan A)

- **LAUNCESTON**
  - (23,257):-
    - Launceston North
    - Launceston Central
    - Launceston South
    - Launceston West

- **WILIAMSTOWN and NORTH**
  - (24,354):-
    - Devonport
    - Latrobe
    - Deloraine
    - Hamilton

- **WILIAMSTOWN and PLEATOR EAST**
  - (25,128):-
    - Bothwell
    - Brighten
    - Spring Bay
    - Tasman
    - Glenorchy
    - Oaklands
    - Richmond
    - Scrool
    - Clarence
    - New Norfolk

- **DRENGAN**
  - (Same as Plan A)
    - Queenborough
    - Hobart South
    - Hobart West
    - Hobart North
    - Hobart East
    - Hobart Central
    - New Town
    - Hobart North
Plan B: Distribution of Votes and Seats Resulting from above Groupings:

<table>
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Plan B

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(a) Den. for 1950: same figures as with Plan A.
Plan C. Groupings Arranged to Favor Liberal Party to Maximum Extent
(The selection of subdivisions for grouping into proposed electorates is based on the 1956 election returns.)

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<td>Waratah</td>
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<td>Leven</td>
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<td>Longford</td>
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<td>Deloraine</td>
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<td>Kentish</td>
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<td>LAUNCESTON (Same as Plan B)</td>
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<tr>
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<td>Portland</td>
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<td>St. Leonards</td>
<td>Flingal</td>
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<td>Derwent Park</td>
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### Plan C: Distribution of Votes and Seats Resulting from above Groupings:

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**DUNSTON**

**Hobart East**

**Hobart North**

**Hobart West**

**New Town**

**Koonoo**
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Plan D. Groupings arranged to favor Labor Party to maximum extent
(The selection of subdivisions for grouping into proposed electorates is based on the
1956 election returns.)

BRADBURY (23,463) Same as Plans A and B.

LAUGHERTON (23,257) Same as Plans B and C.

BASE and NORTH WEST (27,024):

Latrobe Westbury
Beaconsfield

George Town Lilydale
St. Leonards

Scottsdale Ringarooma
Portland

Flinders Longford
Ennismore

WILLIAMS (24,948):

Leven Devonport
Kentish

Daloraine Hamilton
Rothwell

Campbell Town Oaklands
Pingo

FRANKLIN WEST (27,057) Same as Franklin, Plan B.

FRANKLIN WEST & EAST (22,786):

New Norfolk Brighton
Richmond

Glenorchy Clarence
Sorell

Spring Bay Tasmania

DURBOUT (26,630): Same as Plans A and B.
Plan D: Distribution of Votes and Seats Resulting from above Grouping:

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(a) Preferences might have given 5th seat to Liberals.

Plan D: 1955

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<td>Others</td>
<td>Totals</td>
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(a) Denison: same as Plan A.
SECTION II - Groupings to Form 6 State Electorates Returning
5 Members from Each to Elect a 30-Member House
of Assembly.

BRADDOCK (30,454):-
King Island
Circular Head
Table Cape

BEM BOY
Penguin
Leven

WILMOT (20,090):-
Devonport
Lutana
Kentish

Deloraine
Westbury
Beaconsfield

LAUNCESTON AND
MORRIS蛭 (31,192):-
Launceston South
Launceston West

Launceston Central
Launceston North

Launceston East
St. Leonards

George Town
Hobart

COAST: NORTH
(26,756):-
Scottsdale
Bingera

Flinders
Wallaroo

NORTH
Spring Bay
Brighton

Clarence
Sorell

Tasman

FRANKLIN (27,736):-
Esperance
Fort Cygnet

Huon
Kingborough

Moona
Derwent Park

Glenorchy
Plan B: Distribution of Votes and Seats Resulting from above Groupings:

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<th>ALP</th>
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<th>Total</th>
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(a) Assignment of 5th seat is in doubt.
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(a) Assignment of 5th seat in doubt.
APPENDIX VI

This appendix consists of a copy of the final summary of recommendations made by the writer to the Select Committee. The report referred to in this summary is a report which was given, in part orally, to the Committee; the typed portions of the report are bound with the evidence submitted with the Committee's report to the House of Assembly.

COPY

TO: Chairman and Members, House of Assembly Select Committee on Electoral Reform

SUBJECT: Summary of research on "whether or not it is desirable to reform the existing system of election of Members of the House of Assembly, with particular reference to the desirability of resolving deadlocks."

The following is a summary of conclusions drawn from extensive research on the terms of reference of your Select Committee and from further study on broader aspects of the Hare-Clark system.

SHORT STATEMENT OF CONCLUSIONS

I. The overall merit of the Hare-Clark system is so outstanding as to be beyond question.

II. The operation of the electoral mechanism of the Hare-Clark system, however, depends upon the return of odd numbers within electorates in order to assure democratic results and satisfactory functioning.

III. Regard for both sound electoral principles and special conditions prevailing in Tasmania virtually limit the avenues of solution to one proposal, namely: the election of seven, instead of six, members from each of the existing five electorates.

IV. Alternative means for avoiding even-numbered seats within electorates have been rejected because investigation has shown them to be unacceptably inferior to seven-member divisions.

V. Past efforts to overcome the "dead heat" results of the six-member quota add further, heavy evidence that the solution lies in the election of seven members from existing electorates.
VI. An increase to seven members per electorate, though required to assure the democratic functioning of the electoral mechanism, is warranted also by (a) the near-doubling of population since 1907 and (b) the immensely increased functions of government since that time.

VII. Retention of the major features of the present Parliamentary deadlock law (Constitution Act, No. 2 of 1954) is recommended in order to help resolve deadlocks or avert unhappy narrow majorities.

VIII. In order to give further attention to other unsettled electoral questions it is suggested that the present Select Committee on Electoral Reform be directed to extend its inquiries into several related problems.

SUMMARY OF REPORT TO SELECT COMMITTEE

I. The overall merit of the Hare-Clark system is so outstanding as to be beyond question.

As noted in Part I of the Report to the Select Committee on Electoral Reform, the merits of the Hare-Clark system are overwhelming and its disadvantages very slight. Compared with single-member electorates and almost all other electoral devices in use elsewhere, the Hare-Clark system is in a class apart and has achieved most of the purposes of democratic elections with extraordinary and enviable success. For example, this system has provided the Tasmanian elector with a wider freedom of choice and a more effective vote than any other method of Parliamentary elections now prevailing on earth. However,

II. The operation of the electoral mechanism of the Hare-Clark system depends upon the return of odd numbers within electorates in order to assure democratic results and satisfactory functioning.

The only significant complaint against
the Hare-Clark system since its first use in 1909 has arisen from the consequence of electorates returning members in even numbers. As seen in Part II of the Report to the Select Committee, the political parties since 1909 have not generally been supported by the voters in equal or nearly equal strength; yet each party almost regularly has obtained an equal number of the seats in more than half the electorates. This anomalous condition arises from the fact that winning a majority of the six seats in any electorate requires considerably more than a majority of the popular votes.

As the electoral quota under the Hare-Clark system is based upon the number of seats to be filled, the existing six-member quota is 24.3% of the valid votes in each electorate. Consequently, one party can receive as few as 42.2% of the votes (just three quotas) and obtain three seats and the other party can receive almost 57.2% and still obtain only three seats. In the period since 1909 a party sometimes has won a fourth seat by obtaining the necessary 57.2% or more of the vote within an electorate, and sometimes an independent candidate has broken the 3-3 division of members between the two major parties by winning a seat, but, as seen in Table I of the Report, the overwhelming pattern in most electorates during the life of the Hare-Clark system has been a "dead-heat," 3-3 division of seats.
between the two major parties.

A fair and reasonable premise of a democratic election system is that a majority of the voters within an electoral unit should be guaranteed the right of returning a majority of the elected members. The Hare-Clark system can make this guarantee, but only provided an odd number of members is chosen. If odd numbers are chosen within an electorate, any party or any group obtaining a majority of the votes, no matter how slight, must win a majority of the seats in that electorate; but, when even numbers are chosen, if the majority party does not exceed the minority by at least one quota of votes, the minority party will receive representation equal to that of the majority.

This theoretical defect inherent in six-member electorates is shown to be a fault in practice as well, because in Tasmania, (as in other countries with a two-party political system) a difference in voting strength between the two major parties of a whole quota (11.3%) in the total vote over a large area is very unusual. The conclusion is inescapable that the operation of the six-member quota, not the decision of the electors, has created a misleading and unjust condition of equality or near-equality in the Parliamentary representation of the two major parties.
Equal Parliamentary representation with unequal popular support has been the prevailing pattern in the past and will inevitably so continue as long as the six-member quotas and the two-party system remain, and the support for the present parties continues roughly the same as now. However, whether two parties or no parties exist, the democratic reflection of public opinion necessitates the use of electorates returning members in odd numbers. While the number of members per electorate is only a relatively minor structural feature of the Hare-Clark system, this feature has immense functional importance.

That Tasmanians have managed as well as they have with the electoral anachronism of the six-member district is most remarkable, but a change to odd-numbered seats is imperative if Tasmania is going to avoid costly instability in Parliamentary government and acquire the full potential benefits of the Hare-Clark system.

III. Regard for both sound electoral principles and special conditions prevailing in Tasmania virtually limit the avenues of solution to one proposal, namely: the election of seven, instead of six, members from each of the existing five electorates.

Although the chief problem is providing an arrangement whereby some odd number is chosen from each electorate, the facts of the situation, as explained in Part III of the Report, clearly and strongly favor the election of seven members per electorate as the best solution.
A major advantage of choosing seven
members from each electorate is that this arrange-
ment permits the continued use of federal
electoral divisions, thus obviating the creation
of separate electorates for House of Assembly
purposes. New, separate state electorates
would involve considerable administrative
expense and inconvenience; would necessitate
the creation of a Boundaries Commission and
subsequent, periodic Redistribution Commissions;
and would constitute yet another complication
for the citizen to cope with in discharging his
responsibilities as an elector.

Moreover, as noted in Part III, seven-
member electorates would (a) permit a closer
proportioning of representation between groups
or political parties than five-member or three-
member districts; (b) reduce the number of
unutilized, remaindered votes; and (c) increase
the likelihood of a working Parliamentary
majority for the governing party. Another
strong reason for retaining the existing
federal divisions is that, inasmuch as they are
established by the authority of the Common-
wealth government, the impartiality of these
boundaries for State purposes is not questioned.
In addition, all seven federal electorates
have the cardinal merit, from the viewpoint of
electoral principle and party competition, of
being "swingcrs". A relatively small change
in electoral support could enable either of the
two major parties to win a majority of the
seats in every electorate; the resultant
20-15 division in the Parliamentary representation
of the two parties would thus provide a working majority for the governing party and an adequately large opposition.

Seven-member electorates would materially reduce the alleged undue intra-party rivalry for No. 1 votes by inducing candidates of the same party to work together in a more united way towards the goal of capturing the fourth seat. At present a large number of votes can be lost or gained by either party without affecting party representation. Yet with seven-member electorates even a single vote could, potentially, be decisive in determining the winning of the fourth seat; this change in circumstances would place a premium on cooperation within parties.

IV. *Alternative means for avoiding even-numbered seats within electorates have been rejected because investigation has shown them to be unmistakably inferior to seven-member divisions.*

Part IV of the Report enumerates and evaluates various proposals designed to eliminate the effects of vacancies occurring in even numbers. Of these, even the two more obvious proposals, namely, the use of five-member or three-member electorates, are objectionable, especially in light of practical conditions prevailing in Tasmania.

Seven five-member electorates would present distinct disadvantages because of
existing concentrations of political party strength in various areas of Tasmania. As seen in Part IV, four or five of the seven five-member districts projected in the Tables would probably have "safe" majorities for either Labor or Liberal parties. Foreknowledge of an almost certain 3-2 result in favor of a particular party in four or five electorates would greatly reduce competition between the parties in these electorates. Moreover, since the majorities in these four or five districts would alternate between the two parties and largely cancel each other out, the effective decision as to which party would win the numbers to form the Government would rest in two or three electorates only. The probable result would be a much more frequent occurrence of small majorities for the governing party than would be the case with five seven-member electorates.

The use of three-member districts, while a very great improvement over single-seat electorates, would be gravely retrogressive for Tasmanians for several reasons. For instance, the relatively small three-member electorates would almost certainly promote a provincialism now happily absent in House of Assembly electorates. Next, the 2-to-1 division of party representation within electorates would be too rough for avoiding objectionable distortion between votes polled and seats received by the competing parties. Also, three-member electorates would reduce undesirably the voters' range of choice among candidates and
would increase unduly the number of unutilized, remaindered votes.

V. Past efforts to overcome the "dead heat" result in the six-member systems add further, heavy evidence that the solution lies in the election of seven members from existing electorates.

The imminence of small majorities for the governing party has been known ever since the second Hare-Clark election in 1912 (noted in the General Election Report for that year, P.P. No. 11 of 1912). Since then, various committees have been established to inquire into the cause and cure of deadlocks, the chief ones of which were the following:
Select Committee of 1914-15 appointed to report on "The Electoral Bill, 1914"; the Joint Committee of 1916-19 to consider the Constitution Bill 1916; and the Board of Inquiry on Parliamentary Deadlocks, 1931.

All the reports of these committees and the available evidence gathered by them have been carefully examined for that light they might throw on the inquiries of the present Select Committee on Electoral Reform.

All these past investigations reveal that an odd number in some form within the electorates or in the House was needed, and the conclusion can clearly be drawn that the chief reason why the choosing of seven members per electorate was either not recommended by the committees or else not adopted by Parliament came from a reluctance to enlarge the House to 35. Because of this regrettable unwillingness to increase the membership by
only five and because measures short of this step will not cure the problem, the crippling weakness of electorates returning members in even numbers continues.

VI. An increase to seven members per electorate, though required to ensure the democratic functioning of the electoral mechanism, is warranted also by (a) the near-doubling of population since 1907 and (b) the immensely increased functions of government since that time.

The election of seven members per electorate is not here recommended for the purpose of enlarging the membership of the House, but simply because the democratic operation of the electoral mechanism requires an odd number. Although as part of the total cost of government the addition of the salaries and expenses of five members would be negligible, even if the cost were exorbitant, it would be incomparably less expensive than the effects of either unstable or unworkable governments.

However, from the standpoint alone of work-load on the members of the House of Assembly, the slight increase in membership is more than warranted. Since the adoption of Hare-Clark the population of Tasmania has increased by more than two-thirds, and the functions of government have multiplied in manifold directions. Thirty members are simply not enough to give the electors the kind of service they are entitled to and which modern conditions require, as noted in Part VI.
VII. Retention of the major features of the present Parliamentary Deadlock law (Constitution Act, No. 2 of 1954) is recommended in order to help resolve deadlocks or events under narrow majorities.

Although it is seen in Part III that the election of seven members from each of the existing five electorates could generally be expected, on the basis of past experience, to give a working majority to the governing party, deadlocks and close majorities could still result under seven-member electorates, as under any system, if the circumstances arise. It is recommended therefore, that the principle of this deadlock law come into effect in the event of the Parliamentary representation of the parties dividing 16 to 17, or 17 to 17 with 1 non-major party member, or in other close margins as the Select Committee or Parliament may designate.

VIII. In order to give further attention to other unsettled electoral questions it is suggested that the present Select Committee on Electoral Reform be directed to extend its inquiries into several related problems.

For instance, although the terms of reference of the present Select Committee are directed particularly to possible amendments to the Electoral Act, an examination of the electoral aspects of the Parliamentary deadlocks act (Constitution Act No. 2 of 1954) would
seen to be a necessary and desirable extension of the Committee's inquiries. If seven-member electorates are adopted, the provisions of this Act will become inoperative and amendments will be required to make it effective under the new conditions. Moreover, other electoral questions, like the consideration of suggestions for altering the present method of listing names on the ballot paper, seem fully important enough to warrant attention by the Committee. Present evidence and opinions as to the effects of a fixed alphabetical listing of names are much too conflicting for drawing reliable conclusions. This question should be settled on the basis of scientific investigation. Similarly, other unsettled questions, like consideration of the pros and cons of continuing the present fractional rules for distributing surplus, appear important enough for evaluation by a Select Committee.

Respectfully submitted,

George Hewett.

September 25, 1957.
APPENDIX VII

CANDIDATES FOR HOUSE OF ASSEMBLY.
1909-1959

With Some Data Concerning Their Candidacies

This list records, in respect to each candidate at general elections for the House of Assembly 1909-1959, the following information: (a) party affiliation or lack of it; (b) electorate(s) contested; (c) dates of candidacy; (d) whether elected or defeated; and, where applicable, (e) candidacy at by-elections; and (f) candidacy at Legislative Council and Federal elections in Tasmania. When (f) applies, the following data is given: the date(s) of candidacy, the office sought, and whether the person concerned was elected or defeated.

Notes on Presentation of Data

The above items of information denoted by (a) to (f) are placed, in that sequence, after the names, of the 1,243 candidates who comprise the list.

(a) Political party affiliation or lack of it: Where such affiliation remained the same throughout a person’s career as a candidate under Hare-Clark elections, it is recorded on the same line as the candidate’s name. If the affiliation changed between one election and another, it is so indicated. The party affiliations apply only to candidacies for the House of Assembly and only for the election dates indicated, not to Legislative Council or to Federal elections.

Abbreviations Used

ALP = Australian Labor Party (from 1909 to date)
Lib = Liberal Party (from 1912 to 1916, inclusive, and from 1946 to date)
Nat = Nationalist Party (from 1919 to 1941, inclusive)
Lib-Dem = Liberal Democrats (1909 election)
Anti-Soc = Anti-Socialists (1909 election)
CP = Country Party (1922 election)
ACLP = Anti-Communist Labor Party (1954 election)
DLP = Democratic Labor Party (1959 election)
Comm = Communist Party
Ind = Independent of a political party.

(b) Electorate(s): contested: If a person stood for election in the same Division at each candidacy, the name of this Division is noted on the same line as the candidate’s name. If a candidate stood at different times in more than one Division, the changes are listed, in the order of their occurrence, for the election years concerned.

Abbreviations Used

Bass = (not abbr.)
Brad = Braddon
Den = Denison
Fr = Franklin
Wilmot = Wilmot
(c) Years of candidacy: The year of each candidacy of every candidate for all general elections is noted.

(d) Whether elected or defeated: If a candidate was elected at a given date, the year is printed in heavy type; if he was not elected, the year is in light type.

(e) By-election results: For by-elections prior to 1919 (when by-elections were conducted by re-poll) all candidacies by persons in this list are noted, whether they were elected or defeated. For by-elections since 1919 only successful candidacies have been recorded. This data on by-elections for the House of Assembly is placed immediately following the dates of the general elections.

(f) Candidacy at other Parliamentary elections: If any candidate ever stood for election to the Legislative Council since 1909 or to the Federal Senate or House of Representatives since 1901, the relevant data is recorded immediately after items (d) or (e) in the form corresponding to that explained above for recording data about their candidacies at election under the Harcourt system.

Abbreviations Used

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The names of women candidates (15 in number) are in italics. A continuation of these explanatory notes appears at the end of the list of candidates.
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boundary, Thomas Christ Den, ALP 1922; Nat 1926; Fr, Ind 1929.
BOHNEKE, Albert 1934.
BILHAM, Cyril Adelaide 1924; 1944; 1950; 1955; Lib 1956, 1959; R 1942.
BIRCHENWALL, John Harold Lib 1929; 1932; 1956; 1956; Br. 1921.
BIRCH, William Hathorne Lib; Bass 1946.
BIRKIN, Joseph James ALP; Brad 1959.
BIRCH, Stephen Edward Brad 1934; Nat 1937, 1941; Sen 1934.
BRESNEHAN, Brian Francis DLP; Den 1959.
BRICE, William Hutchinson Lib; Bass 1946.
BUTTON, Joseph James ALP; Brad 1959.
BROOKER, Colin Geoffrey 1959.
BROOKER, Edward ALP; Fr 1931; 1934; 1937; 1941; 1944.
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BROWN, Ronald Herbert 1946. LC 1948.
BROWN, Ronald Herbert Ind; Fr 1934; 1937; 1941; 1944; 1946; 1949; 1950. LC 1955.
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BROWN, Leslie 1934; 1937; 1941; 1944; 1946; 1949; 1950. LC 1955.
BROWN, Sudan Edward Brad 1926; 1929; 1932; 1937; 1941; 1944; 1946; 1949; 1950. LC 1952.
BROOKER, Colin Geoffrey 1931; 1934; 1937; 1941; 1944.
BROOKES, Ninian John 1919; 1941; 1946.
BROWN, Pat, 1929.
BROWN, John Harold Ind; Brad 1929.
BROWN, Ronald Herbert Ind; Fr 1934; 1937; 1941; 1944; 1946; 1949; 1950. LC 1955.
BROWN, Sudan Edward Brad 1926; 1929; 1932; 1937; 1941; 1944; 1946; 1949; 1950. LC 1952.
BROOKER, Colin Geoffrey 1931; 1934; 1937; 1941; 1944.
BROOKES, Ninian John 1919; 1941; 1946.
BROWN, Ronald Herbert Ind; Brad 1929.
BROWN, Ronald Herbert Ind; Fr 1934; 1937; 1941; 1944; 1946; 1949; 1950. LC 1955.
BROWN, Ronald Herbert Ind; Brad 1929.
BROWN, Sudan Edward Brad 1926; 1929; 1932; 1937; 1941; 1944; 1946; 1949; 1950. LC 1952.
LATTRY, John Aloysius 1937; HR 1934.

LAUGHTON, Kario Charles 1913.

LAW, John Ebel 1966.

LAYTON, Thomas 1914; LC 1915.

LEARY, John Henry 1908.

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LIND, Ethel 1955.

LLOYD, Den 1948; LC 1952.

LLOYD, Thomas Den 1948.

LITTLE, John Robert 1909.

LIOTHAM, George 1909; Lib 1912, 1916; Nat 1919, 1922; Lib 1925; Nat 1928, 1931, 1934; Ind 1946.

LLEWELLYN, Vernon Mackenzie 1959.

LEITCH, Robert Douglas 1934.


LWIS, Hubert Charles 1948. LC by-election 1948.

LWIS, John Joseph 1916; 1919; 1925.

LWIS, Neil Elliot 1909; 1912; 1913; 1916; Nat 1919.

LIPS COMBE, Theodore Steer 1909.

LIPS COMBE, Thomas Meredith 1955.

LLOYD, William Ernest 1913; 1914; 1916; 1919; 1925; 1928; 1934; 1940; 1946; Sen 1934; 1937.

LYDEN, Samuel 1925; 1928, 1931; ALP.

LYNE, Arthur Crosby Carmichael 1914.

LYONS, Bob Harold 1928.

LYNES, Dunstan Arthur James 1909; 1912; 1914; 1919; 1928.

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LICE, Thomas Joseph 1905; 1919; 1922; 1925.

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LICHERLY, Joseph Milner 1909; 1941; 1946.


PART III

FIXING RESPONSIBILITY FOR GOVERNING

When No Party Has An Absolute Majority
In Parliament
PARLIAMENT OF TASMANIA.

FIXING RESPONSIBILITY FOR GOVERNING

When No Party Has An Absolute Majority In Parliament

Paper by
George Howatt, M.A.

Presented to the House of Assembly by His Excellency's Command.

TASMANIA:
L. G. SHEA, GOVERNMENT PRINTER, HOBART.
1960.
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PREFACE

To the following I wish to express grateful acknowledgments:

Professors W. A. Townsley and H. J. Abraham, my academic advisers of the University of Tasmania and the University of Pennsylvania, respectively, for their deeply appreciated general supervision and never-failing encouragement.

Messrs A. J. Mazengarb and H. J. Corrigan, Commonwealth Divisional Returning Officer for Denison and Chief Electoral Officer of Tasmania, respectively, who have always given so generously of their time, their advice, and their exceptional knowledge of electoral matters.

Mr. J. F. H. Wright, President of the Proportional Representation Society of Victoria, and Mr. John Fitzgerald and Miss Enid Lakeeman, Director and Research Secretary, respectively, of the Proportional Representation Society, London, for their valuable opinions on the proposals of this report and for their reading of the manuscript.

The Hon. H. S. Baker, M.L.C., President of the Legislative Council, for his wise advice and his much-appreciated encouragement in my research studies.

The University of Tasmania for a grant which made possible this report and other research.

The many persons who have kindly given of their time to discuss the subject of this report and related problems in Tasmanian and Australian political affairs. Of these, I wish to express special thanks to the following, a majority of whom have also seen the manuscript:

(The identifications below refer to the positions held in Tasmania, unless otherwise noted.)

H. Bell, Secretary of the Proportional Representation Society of Victoria.

W. A. Bethune, M.H.A., Deputy Leader of the Opposition.

E. C. Briggs, Clerk of the Legislative Council.

Sir Robert Cosgrove, retired member of the House of Assembly; Premier, 1939-1958.

F. C. Green, retired Clerk of the Federal House of Representatives.

L. V. McPartlan, former Independent member of the House of Assembly.

C. K. Murphy, Clerk of the House of Assembly.

H. P. Senior, State President of the Democratic Labor Party.

R. C. Townley, M.H.A., former Leader of the Opposition.

Dr. M. L. Trip, former member of the House of Representatives of Montana, U.S.A.
J. C. Watt*, retired senior officer of the Public Service.
W. K. G. Wilkinson, a leading member of the Australian Labor Party.

Although my thanks go to the above for their criticisms and suggestions, of course I alone am responsible for the views expressed in the report.

Before coming to the conclusion that the proposals of this report were the best solution for the problems under consideration, I explored the general question of what reforms were needed and weighed various other possible solutions. In order, however, to save space, this report is concerned chiefly with the conclusions of this research and not with an examination of alternative measures considered inferior or undesirable.

This report is intended for readers with some knowledge of British Parliamentary practice and the Hare-Clark system of proportional representation.

GEORGE HOWATT.

Hobart,
April, 1959.

* June, 1960: Thanks go to Mr. Watt also for his reading the proofs.
To find the best means of combining responsibility with representation is one of the most important problems of the modern State," wrote the internationally distinguished political scientist Professor R. M. Maclver. On the central issues of this basic question of political science this report by Mr. Howatt crystallises much deep thinking and careful study in a lucid exposition of what otherwise might seem a difficult subject. While recording significant general conclusions, the report at the same time recommends specific measures for achieving the desired goal of combining responsibility with representation.

Critics of proportional representation argue that, while it gives accurate representation, it may fail to fix responsibility. Single-member electorates, on the other hand, usually produce responsibility at the expense of accuracy in representation. Can the "best of both worlds"—responsibility and accurate representation—be achieved within the framework of the Hare-Clark system? This report concludes that they can and outlines a method for fixing responsibility for governing when either party or each of two parties has only seventeen seats in the House of Assembly.

Stability and progress in government require that valuable traditions and established rules be observed faithfully until such procedures are found no longer to be the best. When, however, suggestions intended as desirable reforms are offered, it behoves those wishing to improve upon our Parliamentary institutions to consider them. In this report departures from several practices which Tasmania inherited from Westminster are recommended on the grounds that these usages are an outgrowth of an experience fashioned by the quite different single-member system of elections and are unsuited to a Parliament of small size chosen by the Hare-Clark method.

Although Mr. Howatt has been a strong supporter of the Hare-Clark system, he has not hesitated to advise improvements to it. This report, like his brochure advocating seven-member electorates (Parliamentary Paper No. 22 of 1958), elaborates on a recommendation he made when giving evidence to the Select Committee on Electoral Reform in 1957.

Mr. Howatt was a lecturer in political science at Lehigh University, U.S.A., before coming to Australia on a Fulbright Scholarship from the University of Pennsylvania to investigate electoral systems in this country. Here, as in his own country, Mr. Howatt has had direct, as well as academic experience with political problems. He has written an M.A. thesis on proportional representation in American city elections and many articles on electoral subjects. The present report concerns one of a series of political science problems which Mr. Howatt is investigating as a research scholar in the Department of Political Science of the University of Tasmania.

W. A. TOWNSLEY,
Professor of Political Science
University of Tasmania.
SUPPLEMENTARY PREFACE
Preface to Additions Inserted after the Elections of May, 1959.

Since this report was written prior to the Tasmanian general elections of May, 1959, alterations have been made to the original manuscript in order (a) to include the results of all 1959 Australian State elections, (b) to add Part VI., entitled "Post-Election Comment", which discusses the proposals of this report in relation to the 1959 election results, and (c) to insert some new material in footnotes.

Proposals Needed Now and For Future.
The original title for this report was LETTING THE ELECTORS DECIDE—The Forming of Governments When No Party Has An Absolute Majority in Parliament, thus highlighting one of the two chief purposes of the recommendations of the report. The present title FIXING RESPONSIBILITY FOR GOVERNING has been chosen since it emphasises the second purpose of the report and is the more timely subject now that the first election for a 35-member House under the Hare-Clark system has been held and a Government chosen. Although Proposals 1, 2, and 5 of this report would not need to be applied until after the next general election, Proposals 3, 4, 6, and 7 are needed now and can take effect immediately if the necessary legislation is adopted. Unless Proposals 3 and 4 are implemented, responsibility for governing cannot be fixed during the present Parliament. As all seven proposals are interlocked and generally dependent upon each other for their mutual effectiveness, the group of proposals should be considered and acted upon as a unit.

Terminology: There is No "Deadlock" Now.
Because of the ever present possibility of the membership of the former 30-member House being divided 15-15 between the two main parties, the term "deadlock" became widely used to denote this 15-all condition and also to describe the related condition when the House contained members from other than the two major parties and when no party could govern in its own right after supplying the Speaker and Chairman of Committees.

In a 35-member House there cannot, of course, be a "deadlock" in the sense of all seats of the House being divided equally between two main parties. Hence, although use of the term "deadlock" was warranted as a popular description of the 15-15
situation in the 30-member House, such a designation is neither proper nor adequate for the recommendations of this report, which is concerned with a 35-member House. Instead, the recommendations could be described roughly as proposals for determining Governments on a democratic basis and for fixing responsibility for governing when no party has an absolute majority of seats.

Measures for Clarifying Intention of Electors.

Since this report is concerned with machinery measures for forming Governments and fixing responsibility under certain conditions, in an endeavour better to implement the electors' wishes, it is not concerned with whether the voters choose to elect non-party members, members from two main parties, or from several parties. Whom the electors choose as their representatives is their democratic prerogative. In Tasmania, the electors have used this prerogative to support the two-party system more strongly than in most places in the world. But in certain situations existing Parliamentary machinery prevents the two-party system from operating in the manner presumably intended by the electors. Proposals of this report point out how in these circumstances existing practices in Parliament can be adjusted in order to make it function in fuller accord with the peoples' verdict at the polls.

G. H.

Hobart,
September, 1959.
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G. How can it be correctly alleged that, in the 17-17-1 illustration, the one cross-bencher "rules" Parliament when he is only one of 35 individual members in the House?

H. Why cannot Parliamentarians forget their party ties and act as 35 separate individuals, using their own judgments and votes as they see fit?

I. How important, really, is fixing responsibility for governing?

J. Does not a 17-member party supported by one cross-bencher in the House have a better mandate to govern than a 17-member party ruling on its own?

K. Do not these proposals have the effect (a) of disfranchising the electors who voted for the cross-bencher and the Speaker and (b) of denying the Speaker a vote?

L. Is not coalition or all-party Government preferable to Government by a single party?

M. Could the voting figures on the scrutiny sheet at the end of the count be used to ascertain the majority party, thus obviating the procedure of Proposal 5?

N. If a special examination of ballot-papers is required to ascertain the majority party, could this examination be made at the end of the count?

O. Could the majority party be determined by conducting a poll especially for this purpose by means of a separate ballot-paper when general elections are held?

P. Could the principle for determining the Government in the illustrative 17-17-1 situation be applied correspondingly when the members are returned 16-16-3?

(The wording of some questions above is a condensation of that used in the text.)
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PART I.—WHY REFORM IS NEEDED.

For Deciding Governments Democratically.

If the members of a Parliament of 35 should be returned 17-17-1, there is at present no means for assuring that the choice of the Government will be made on a democratic basis. Conventional Parliamentary practice leaves in the hands of the one cross-bencher the power to determine which party shall govern. When sound and democratic methods are available for determining the Government, if the distribution of seats is 17-17-1, these means should be explored in order to strengthen democratic processes, fix responsibility for governing, and promote stability in government.

Among the enormous advantages of the Tasmanian-pioneered Hare-Clark system of proportional representation is the fact that it supplies an extraordinary wealth of electoral data. In its extensive election returns are registered the answers of the electors on many questions. Normally this record is examined for only one purpose—namely, to reveal whom the electors want as their Parliamentarians. But the same record is capable of revealing precisely which of the two parties in the 17-17-1 or related situations is preferred by the electors on a State-wide basis. All that is required to reveal this preference is to examine this record—a quick and easy operation, as described in Part III.

The supreme aim of a democratic election system should be to elect Parliaments and Governments in fullest accord with the wishes of the electors. With this aim as the guide, what method seems fairest and most democratic for determining which of

---

(1) The figures 17-17-1 signify that following an election of a Parliamentary body of 35 members two political parties have each elected 17 members, with the remaining seat being won by a minor party member or Independent. This report, for sake of brevity, will often refer to a non-major party member as a "cross-bencher", whether he is an Independent or a representative of a minor party.

(2) Following the May 2, 1959, elections, Mr. W. G. Wedd, Independent Member, chose to support the Labor Party, thus allowing it to continue in Government. As the Labor Party with 17 seats to the Liberals' 16 had obtained (a) more members in the House, (b) an appreciably larger primary vote than the Liberal Party, and (c) other claims to being considered the party most preferred by the voters (see pages 82-83 and Table VII.), this action by Mr. Wedd can be considered as implementing the verdict of the electors.
Fixing Responsibility for Governing.

Under the best of circumstances it is difficult enough for the electors to appraise the stewardship of a Government, especially in view of the ever-growing complexities and ramifications arising from determining public policy and administering it. This task of assessment—on which a reasoned vote at the polls depends—is made immeasurably more difficult if a party is not governing in its own right, but dependent on support from Independent or minor party members. When one party cannot be charged with holding sole responsibility for Government policy and administration, the voter finds it difficult, if not impossible, to know who deserves the credit and who the blame. On polling day the electors have the power to punish or approve, but they cannot use this power with assurance if responsibility for governing is confused. If a party is governing in its own right, it can properly claim credit for successes, but, on the other hand, it cannot escape criticism for failure by trying to ascribe blame to others. For a party to have to accept responsibility for governing without possessing authority adequate for meeting such responsibility is an unfair burden for it and a source of confusion for the electors.

Adoption of the proposals of this report would fix responsibility for governing if the party in office had 17 seats and also was preferred over any other party by a majority of the voters in the State. Without alteration to existing practices, responsibility for governing cannot be charged to a certain party, and thus made clear to the electors, unless a party has 18 or more seats (3).

Other Advantages.

Although the seven proposals of this report are designed primarily for achieving the two major purposes mentioned above, most of them have, in addition, individual advantages of their own. The proposals are stated in Part II. and discussed in Part III.

(3) This report does not deal with means for clearly fixing responsibility in the eventuality of the governing party obtaining only 16 seats; in this case single-party responsibility would not be possible. See answer to Question P, page 73.
PART II.—STATEMENT OF PROPOSALS.

Text of Proposals (1).

Proposal 1.—Determining the Government on State-wide Vote when Members are Returned 17-17-1.

If the membership of the House consists of 17 members of one party and 17 members of another party, with one member not associated with these two parties, the 17-member party which has received a majority of the State-wide vote, as determined by Proposal 5 below, shall constitute the Government and the party with the smaller State-wide vote shall constitute the Opposition.

When it is not clear, from the return of members to the House, which party the electors wish to form the Government, as could be the case when the composition of the House is 17-17-1, Proposal 1 provides for the further examination of the voting record to see which party the majority of the electors wants to govern the State.

Proposal 2.—Determining the Government on State-wide Vote under Certain other Circumstances.

Whenever no party has more than 17 seats and only one party has 17 seats and this party also has a majority of the State-wide vote, as defined in Proposal 5 below, this party shall form the Government.

Thus in instances popularly referred to as 17-16-2, 17-15-3, &c., the 17-member party shall govern if it also have a majority of the State-wide vote. If it lacks this State-wide majority, the Government shall be determined by the members of the House of Assembly in the traditional manner.

Proposal 3.—Presiding Officers from Opposition.

If at any time the Government has fewer than 19 members or supporters in the House, and this number is equal to or greater than the number of seats held by the Opposition, the Opposition shall supply the Speaker and Chairman of Committees.

Thus in all cases except when the Government has a strong majority the Opposition will be obliged to furnish these two officers of the House. Examples of situations when Proposal 3 would apply include, therefore, such instances as when the parties and members are divided 18-17, 17-17-1, 17-16-2, &c.

(4) The text of the proposals is printed in italics.
Proposal 4.—Resolving Equal Voting in Favour of the Government.

In the event of votes being equal on the floor of the House, Government measures pass and non-Government measures fail.

Proposal 4, by thus resolving possible occurrences of voting equality, spares the Speaker from giving casting votes and assists the Government of the day to carry on in its own right, thus enabling the electors to fix responsibility for governing.

Proposal 5.—Ascertaining which Party has a State-wide Majority—by Adding the Preference Votes of Non-major Party Candidates to the Primary Votes of the Two Major Parties.

Proposal 5(a).—When Two Parties Each Have 17 Seats.

That 17-member party which is preferred over the other by a majority of all those voters who have recorded on valid ballot-papers a preference for one party over the other shall be considered to have a majority of the State-wide vote.

The total primary votes for the candidates of the two major parties, plus, when necessary, the allocation to these candidates of the preference votes of non-major party candidates, would be used to determine which party had a majority of the State-wide vote.

The process would consist, first, of ascertaining the total number of primary votes for the candidates of each of the two major parties. Next, the preference votes of all non-major party candidates would be examined to see for which major party candidates the highest preferences were marked(5). To illustrate: the major party whose candidate received the highest next preference on any given ballot-paper marked first-choice for a non-major party candidate would receive credit for that vote. The preferences of the effective(5) ballot-papers of non-major party candidates would form, therefore, two groups, one group showing higher preferences for candidates of one major party and the second group showing higher preferences for candidates of the other major party. The total number of ballot-papers in these two groups, added to the totals of primaries for the two parties

---

(5) The terms primary votes and primaries are synonymous and refer to the first choices (also called first preferences) indicated on ballot-papers. The terms preference votes and preferences are synonymous and refer to second or subsequent choices for given candidates. The highest preference refers to the first effective preference after the first-choice selection. Effective ballot-papers of non-major party candidates would be, in this case, ballot-papers which indicated a preference for some candidate(s) of either major party. If a ballot-paper marked first-choice for a non-major party candidate recorded no preference for any candidate of either major party, it would be non-effective for the purposes of Proposal 5.
would show which party had a majority of the State-wide vote. If one party has an absolute majority of primary votes, inspection of preferences of non-major party candidates is not necessary.

Proposal 5(b).—When One Party has 17 Seats and no Other Party has as many as 17 Seats.

The 17-member party shall be considered to have a majority of the State-wide vote if, upon being compared with the largest of any other parties by the method described in 5(a) above, the 17-member party is found to be preferred over the other party.

Proposal 6.—Alternatives to Supplying of Presiding Officers by the Opposition.

If the Opposition fails to supply the Speaker and Chairman of Committees when it is obliged to do so, the Government shall furnish the Speaker and be granted an additional member as replacement for the Speaker on the floor of the House. This replacement shall be chosen, in the manner used for filling casual vacancies, by recounting the ballot-papers which elected the Speaker. During the period required for the selection of the replacement member, Parliament shall be adjourned, unless the Opposition agrees to supply a pair for the prospective replacement. Whenever the Speaker is provided by the Government as a result of the application of Proposal 6 the Speaker and Chairman of Committees shall have a deliberative vote.

As Proposal 6 would come into effect only if the Opposition refused to fulfill the obligation of supplying the Speaker, it is difficult to imagine that Proposal 6 would ever be called into use. Since the provisions of this proposal would give the Government the same relative voting strength as if the Opposition had supplied the Speaker, there is every reason to expect that the Opposition would supply the Speaker. In practice, therefore, the likelihood of an extra, replacement member would be too remote to expect.

Proposal 7.—Automatic Dissolution.

If a member votes against the party with which he was identified on the ballot-paper (or fails to vote with this party) and if this vote causes the Government to fall, a dissolution of the House of Assembly shall follow automatically.

This proposal improves the power of the electors to decide the formation of Governments. Under this proposal individual members of political parties would not be able, in many cases (6),

(6) In particular, a member of the Government party could not break a Government without referring the question to the voters.
to break and make Governments without first referring the question to the voters at a general election. This proposal would retain for non-party members the traditional privilege of breaking and making Governments, if opportunity for so doing arose, without an obligation to refer the question to the electors.

**Provisions of Proposals Summarised.**

The provisions of the foregoing seven proposals are summarised below, showing also how they would be applied if the situations noted in points A, B, or C arose.

A. *If seats are divided 18-17:*

   The 17-member party shall supply Speaker and Chairman of Committees.

B. *If seats are divided 17-17-1:*

   1. The majority party shall be declared the Government and the minority (i.e. party the Opposition, the distinction to be made on the basis of the total primary vote received by the respective major parties, plus allocation to the major parties of preferences of the supporters of non-major party candidates.

   2. The Opposition shall supply the Speaker and Chairman of Committees.

   3. Equal voting on the floor shall be decided in favour of the Government by providing that in event of tie votes, Government measures pass and non-Government measures fail.

C. *If seats are divided 17-16-2 (or similar situations where one party has 17 seats, as 17-15-3; &c.):*

   If the 17-member party is also the majority party the provisions of B shall apply.

D. *Presiding Officers from Opposition:*

   Whenever the Government has fewer than 19 members the Opposition shall supply the Speaker and Chairman of Committees.

(7) This condensed version of the provisions is a copy of a memorandum of the writer’s, dated January 30, 1959, which he used in consulting Parliamentary and other leaders for their views on the seven proposals.

(8) Minority party is used to distinguish the smaller of the two major parties from the larger or majority one. In this report minor party will be used to refer to a small party in order to distinguish it from the two major parties which have characterised Tasmanian politics following the adoption of the Hare-Clark system.
E. Resolving equal voting:
In all circumstances a tie vote on floor of the House shall be decided in favour of the Government.

F. Automatic dissolution:
If a member votes against the party with which he was identified on the ballot-paper and if this vote causes the Government to fall, there shall be an automatic dissolution.

G. Inducing Opposition to accept Speakership:
If the Government supplies the Speaker when the Opposition is entitled to do so, a replacement for him shall be obtained by a recount of the Speaker's ballot-papers, and the Speaker shall be given a deliberative vote.
PART III.—EXPLANATION OF PROPOSALS.

Underlying Principles (1).

The seven proposals described below, besides having individual merit of their own, aim to give effect to the following principles: namely—

1. That the Government should be determined on the State-wide vote when the electors have not clearly indicated by the return of members to Parliament which party they wish as the Government.

2. That, if a political party is found entitled to govern, responsibility for governing should be fixed upon it by—
   (a) Adjusting practices in Parliament to enable it better to function in accord with the verdict of the electors.
   (b) Giving the party made responsible for governing the power necessary for governing.

Explanation of Proposals (2).

Proposal 1.—Determining the Government on State-wide Vote when Members are Returned 17-17-1.

*If the membership of the House consists of 17 members of one party and 17 members of another party, with one member not associated with these two parties, the 17-member party which has received a majority of the State-wide vote, as determined by Proposal 5 below, shall constitute the Government and the party with the smaller State-wide vote shall constitute the Opposition (10).*

Letting one person determine the Government in cases like 17-17-1 is distinctly undemocratic in principle when compared with methods which allow the electors of the whole State to decide. Moreover, any practice which so vastly magnifies the position of one man is contrary to the philosophy of the Hare-Clark system, which holds the proportional representation of all as one of its major objectives. From practical considerations, too, there are well-founded objections to lodging such enormous power in one individual.

(9) Part III, like the other parts of this report, is intended only to explain general principles and not to discuss detailed points concerned with rare circumstances or with matters chiefly of a drafting nature.

(10) The texts of the seven proposals, which were given in Part II, are restated, for the sake of convenience for reference, preceding the individual explanations of the proposals in Part III.
When a decision is made by a Parliamentary political party it is generally a collective one, arrived at after extensive deliberations in party meetings, attended by about half of Parliament in cases of 17-17-1. Thus members from every electorate\(^{(1)}\) of the State representing a wide cross-section of qualifications, occupations, and experiences contribute to a collective decision. Moreover, if this party wishes to stay in Government or to succeed to Government, it is virtually essential that it take a balanced, State-wide view. The judgment on the Government side is aided also by the benefit of advice from the professional public service.

In contrast, the lone cross-bencher has to depend on his own, necessarily limited resources for studying legislation and voting on it. This handicap, moreover, is greater than implied by the adage that "many heads are better than one". Proper decision on many public questions requires a balanced consideration of the many ramifications and conflicting interests involved in legislative changes. A party composed, as two major parties must be, of a wide cross-section of the public, normally is incomparably better qualified to make such a decision than a single individual.

To suggest that an Independent, by being able to hear both sides of the debate in the House, can thus obtain adequate background for judging legislation is to take an unrealistic and misleading view of what can be accomplished by Parliamentary debate. Facilities are inadequate and time insufficient for Parliamentary debate to deal with all the elements involved in decision-making in modern Parliaments, which are confronted by ever increasing problems of rapidly expanding complexity.

The placing of the power of Government formation in one person could, potentially, endanger the general welfare in several ways. For example:

(a) If the cross-bencher chooses to bargain with his key position to gain concessions from the Government which he puts and keeps in power, he can exert a virtual blackmailing force, "holding the Government to ransom", so to speak.

(b) If he wishes to assume dictatorial influence over Parliament, there are few limitations on him except the costly, and often publicly troublesome, device of a premature dissolution.

\(^{(11)}\) Under the Hare-Clark system both major parties will be composed of Parliamentarians from every electorate of the State, thus assuring a wide distribution of representation geographically and thereby improving the opportunity for the major parties to take a more balanced point of view. In unfavourable contrast is the single-member system, under which large areas of a State or nation are often completely unrepresented by one party or other. In metropolitan Melbourne, for example, it is normal for every or almost every State Parliamentary seat north of the Yarra River to be held only by the Labor Party and for every or almost every electorate south of the Yarra to be represented only by Liberal Party members.
(c) It is not in the general interest that public affairs be entrusted to a Government of the day that depends for its life on winning support from a lone cross-bencher or minor party. When proposing legislation or administering the laws the Government should be concerned primarily with the broad public interest or what the general mass of electors think about the matter, not what one individual or the spokesman of a minor party may think or demand. To force Governments to depend for their life on cross-benchers is potentially to allow the general welfare to be unduly influenced by elements representing narrow and atypical views. A major party, if it wishes to remain a major one, is normally obliged to appeal to more than half the electors. If, in compromising with a minority group to gain support, it alienates sufficient numbers of its own supporters, a major party is itself in danger of losing its major-party size and losing the general appeal and balanced view which usually characterise a main party.

(d) The single cross-bencher could nullify the general will if he chose to support, say, Party B when most of the electors prefer Party A to govern.

The above illustrations could be expanded considerably but they should be enough to show the potential dangers of placing enormous powers in any one individual. Although almost all Independents elected in the history of the Hare-Clark system, and every Independent chosen in the last generation, have been sound, reasonable men who took a broad look on public affairs, this fact does not lessen the need or importance of the proposals of this report, for these proposals are for the future, not the past. Moreover, these proposals are designed to apply desirable general principles as a matter of justice to the electors, even though the lodging of exaggerated power in one person may not always prove in practice as undesirable as it appears in principle.

The absence of these proposals for determining the choice of Governments could also cause practical effects detrimental to the cross-bencher himself. For instance:

(e) If an Independent holds the balance of power in the 17-17-1 situation, a most onerous, invidious responsibility is thrust upon him when he has to decide which half shall hold office and which shall not. No matter which side he chooses to support, he incurs the disfavour of the other. These proposals would relieve the conscientious cross-bencher of the terrific strain and personal pressure arising, also, from having to decide whether measures pass or fail.
(b) This forcing him to take sides of course impairs his independence and could prevent the Independent from forcefully representing his electors. In order to support the Government he keeps in power he may need to vote for legislation of which he disapproves. If he voted otherwise he could defeat the Government and perhaps cause a dissolution; thus bearing the onus of forcing a premature election, he could well jeopardise his own seat. These proposals would enable the cross-bencher to voice the opinions of those he represents and to vote as he thinks fit without the fear that his actions would (a) commit him to either main party or (b) precipitate an election. As a consequence of these proposals, any of the unpleasant onus of governing cannot be shifted by the governing party to the cross-bencher. These proposals indeed help an Independent to maintain his independence.

Although massive evidence on the success and failure of democratic government in other lands confirms the wisdom of Tasmanians in expressing their political needs by means of the two-party system, the intention of all seven proposals of this report, as well as the philosophy of the Hare-Clark system, is to allow the electors freely to decide for themselves whether they wish to maintain the two-party system or to weaken or abandon it. That Tasmanians have chosen, however, to support the two-party system more strongly than voters in any other Australian State is seen in Figure 1, page 24.

The purpose of Proposal 1 is simply to provide a democratic way for ascertaining which of two 17-member parties should govern, when the electors have not clearly indicated by the return of members to Parliament which party they wish as the Government. If neither major party obtains 17 seats Proposal 1 does not apply, and formation of the Government would be left for Parliament to decide in the conventional manner.
FIGURE 1 and TABLE I.

**Seats Won by the Two Largest Parties Compared with Seats Won by All Others.**

In Elections for the Lower Houses of the Australian Commonwealth and State Parliaments during the Periods Indicated.

**Figure 1.—In Percentages.**

<table>
<thead>
<tr>
<th>State</th>
<th>Period</th>
<th>Seats Won by Two Largest Parties</th>
<th>Seats Won by All Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasmania</td>
<td>1909-1959</td>
<td>3.1</td>
<td>96.9</td>
</tr>
<tr>
<td>Tasmania</td>
<td>1919-1959</td>
<td>6.9</td>
<td>93.1</td>
</tr>
<tr>
<td>South Australia</td>
<td>1907-1959</td>
<td>12.9</td>
<td>87.1</td>
</tr>
<tr>
<td>Commonwealth</td>
<td>1919-1958</td>
<td>19.9</td>
<td>80.1</td>
</tr>
<tr>
<td>Queensland</td>
<td>1918-1957</td>
<td>20.3</td>
<td>79.7</td>
</tr>
<tr>
<td>New South Wales</td>
<td>1927-1959</td>
<td>21.5</td>
<td>78.5</td>
</tr>
<tr>
<td>Western Australia</td>
<td>1911-1959</td>
<td>25.6</td>
<td>74.4</td>
</tr>
<tr>
<td>Victoria</td>
<td>1902-1958</td>
<td>26.9</td>
<td>73.1</td>
</tr>
</tbody>
</table>

The two major parties have won a larger percentage of the total seats in Tasmania than in any other State or in the Commonwealth House of Representatives.
Table 1.—In Numbers.

<table>
<thead>
<tr>
<th>Year Range</th>
<th>Party with 17 Seats</th>
<th>Seats in Parliament</th>
<th>Seats in Total</th>
<th>Total Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasmania</td>
<td>1909-1959</td>
<td>517</td>
<td>28</td>
<td>545</td>
</tr>
<tr>
<td>Tasmania</td>
<td>1910-1959</td>
<td>528</td>
<td>27</td>
<td>423</td>
</tr>
<tr>
<td>South Australia</td>
<td>1927-1959</td>
<td>392</td>
<td>58</td>
<td>450</td>
</tr>
<tr>
<td>Commonwealth</td>
<td>1919-1958</td>
<td>1,152</td>
<td>286</td>
<td>1,438</td>
</tr>
<tr>
<td>Queensland</td>
<td>1918-1957</td>
<td>823</td>
<td>200</td>
<td>1,023</td>
</tr>
<tr>
<td>New South Wales</td>
<td>1927-1959</td>
<td>860</td>
<td>236</td>
<td>1,096</td>
</tr>
<tr>
<td>Western Australia</td>
<td>1921-1959</td>
<td>490</td>
<td>100</td>
<td>590</td>
</tr>
<tr>
<td>Victoria</td>
<td>1920-1958</td>
<td>762</td>
<td>280</td>
<td>1,042</td>
</tr>
</tbody>
</table>

The data for Table 1 and Figure 1 are based upon a fuller coverage of the subject presented in Table VIII, page 88. Availability of figures on the distribution of seats governed the number of years chosen for consideration, but the span of years given for each State is extensive enough to furnish a wide basis for comparison. As results were available for all elections in Tasmania under the Hare-Clark system (namely, from 1909 to date), this longer period is included as well as the shorter span, namely from approximately 1919 onwards, for which figures were available for five of the seven Parliaments concerned.

Proposal 2.—Determining the Government on State-wide Vote under Certain other Circumstances.

(Whenever no party has more than 17 seats and only one party has 17 seats and this party also has a majority of the State-wide vote, as defined in Proposal 5, this party shall form the Government.)

If one party, by obtaining 17 seats, has the largest representation in Parliament, it is likely also to have a majority, as compared with the next largest party, of the State-wide vote. If so, it is entitled to govern as much as the majority party in the case of 17-17-1. Illustrations of situations for which Proposal 2 is intended would be 17-16-2, 17-15-3, &c.

As winning 17 seats, though more than any other party, would not in itself necessarily indicate that this 17-member party had a State-wide majority, an examination of the electoral record, as explained in Proposal 5, could be required. To illustrate in the case of 17-16-2, the situation is clear-cut if an examination of the votes shows that the 17-member party has a State-wide majority: namely, the 17-member party forms the Government and the 16-member party forms the Opposition. But if the
17-member party lacks such a State-wide majority, the House will decide which party governs. In order, therefore, for either party to win the Government in the latter circumstances the 17-member party would need to obtain the support of one of the two cross-benchers and the 16-member party the support of both of them.

If the two cross-benchers were Independents or minor party members in close sympathy with the 16-member party, it could be expected that the preferences of their supporters would not favour the 17-member party; in this instance, therefore, the 17-member party would not obtain a State-wide majority and the 16-member party, being supported by the two cross-benchers, could govern, with the 17-member party forming the Opposition.

In summary: since it cannot be assumed that the 17-member party necessarily has a State-wide majority, an inspection of the electoral record is necessary. If, for example, the 17-member party were declared the Government without confirmation by such an examination, the will of the electors would be negated in the event that they wished the 16-member party to govern with the support of the two cross-benchers.

Though no example of such eventuality is now foreseen, it could arise. Suppose, for example, that non-Labor Party rural interests should establish a separate Country Party in Tasmania as they have on the Australian Mainland and elect, at the expense of the Liberal Party, two members in a House containing 17 Labor members and 16 Liberal ones. If the Country Party preferences favour the Liberals, it could be expected that the Labor Party, though holding 17 seats, would not have a State-wide majority and that the Liberal Party, and rightly so, would govern with Country Party support. With the uniquely satisfying representation afforded by the Hare-Clark system the desire among the electors to support splinter parties or Independents is much less than under the extremely restricted system of single-member electorates. Nevertheless, since there is always a possibility that non-major party representatives could win seats in the House of Assembly, legislation providing for the democratic determination of the Government should be adopted for at least certain obvious circumstances.

Proposal 3.—Presiding Officers from Opposition.

(If at any time the Government has fewer than 19 members or supporters in the House, and this number is equal to or greater than the number of seats held by the Opposition, the Opposition shall supply the Speaker and Chairman of Committees.)
Proposals 3 and 4, besides having merit in their own right, are part of the provisions required for making Parliament function in better accord with the verdict of the electors. If, for example, the electors have declared their wish for a certain party to govern, the rules of Parliament should not obstruct the fulfilment of this wish. Observance of fundamental principles will require, therefore, alteration in such current practices as lodging in the Speaker and Chairman of Committees the power of giving casting votes.

The provision that the Speaker and Chairman of Committees in some cases are to be supplied by the Opposition is not new to Tasmania, as this feature came into practice in 1955 (12). A major reason for prescribing that the Opposition supply the presiding officers is to avert the weakening of the Government’s voting strength in the House if it should have to fill these positions. But choosing the Speaker and Chairman of Committees from the Opposition is beneficial also because:—

1. It provides a much wider selection of candidates for these offices.

If chosen from Government ranks, these two officers would not generally be selected until after a cabinet of nine members had first been chosen. Moreover, the Government supplies the Chairman of the Public Works Committee and a party Whip. If, therefore, the Speaker and Chairman of Committees were also supplied from the Government side, the Government would need to select 13 members for these Governmental or Parliamentary posts. These circumstances could often mean fitting every available member into a job regardless of qualifications.

Since the Opposition has only two major Parliamentary positions to fill, namely Leader and Deputy Leader, the choice of Speaker and Chairman of Committees could come third and fourth in their considerations. In contrast, if these officers were chosen from Government ranks after the selection of the Cabinet, they would rate about tenth or eleventh in priority of consideration. Because of a wider choice of candidates, it normally could be expected that more capable personnel would be chosen if supplied by the Opposition. Proposal 3 reserves the right of the Government to name the two presiding officers if it has won 19 or more seats, and thus has a wider range of candidates from whom to choose.

2. It assists the maintenance of impartiality by the Chair.

In the Tasmanian Parliament, in accordance with British tradition, impartiality by the Speaker and Chairman of Com-

(12) Constitution Act (No. 2) of 1954, which provided for this feature, was amended in December, 1958. When the May, 1959, elections took place, provision for obtaining presiding officers from the Opposition lapsed. See pages 37-38.
mittees is generally regarded as very desirable. Proposal 3, by giving these positions to the Opposition, improves the prospects for impartiality, for when the conduct of the debate in the House is not in the hands of the controlling party a less partisan approach to these duties is possible. The actions of an Opposition-supplied Speaker or Chairman of Committees may be tempered by the knowledge that the Government has the voting strength to overrule his decisions, but a presiding officer chosen from Government ranks knows that he generally is safe from the corresponding curb being exercised by the Opposition.

It is now generally agreed, after a four-year trial with presiding officers furnished by the Opposition, that there has been greater impartiality during this period than previously, when these posts were filled by members from the Government side. Although the charge has been made in former years that the Speaker took unfair advantage of the Opposition, there have been no complaints since the adoption of Constitution Act (No. 2) of 1954, that the Speaker has discriminated unfairly against either the Opposition or the Government.

For those interested in United Kingdom practice, it may be worth recalling that in Britain a Speaker, if he is willing to serve, generally is retained as Speaker even though the party which first named him to office is no longer the Government. During the nineteenth century, for example, on all five occasions when the party which had elected the Speaker lost its majority to the other party, the Speaker was re-elected.

In Australian Mainland State Parliaments, moreover, there have been instances of the Speakership being held by non-Government members. For example, Mr. (later Sir) George Knox, who was elected to the Victorian Legislative Assembly as a member of the United Australia Party, was chosen Speaker by this party in 1942. When the Labor Party took office in 1945, Sir George was re-elected Speaker.

3. It gives greater recognition to the Opposition.

In the two-party political system, with single-party responsibility, it is important that one party take sole responsibility for governing if the electors are not to be confused in assessing credit or blame for governmental policy and administration. This means that all cabinet posts must be filled by Government members, thus leaving only limited opportunity for official recognition to those of the Opposition. Proposal 3 thus provides a chance to recognise

and utilise the services of two Opposition members without lessen­
ing the obligation of the Government to take full responsibility for

In conclusion, Proposal 3 has passed the test of experience
over the past four years. Moreover, during this period presiding
officers have been supplied by the Opposition for two Parliaments
and in the person of different members. It is generally agreed
that this trial has shown the plan to be meritorious.

Proposal 4.—Resolving Equal Voting in Favour of the Govern­
ment (12b).

(12b) Under Proposal 4 the intention is that the present method
for deciding what are “Government” and “non-Government” measures should
remain unchanged. When free votes are taken in the House and the policies
of neither the Government nor the Opposition are at issue, the Speaker and
the Chairman of Committees could be permitted to exercise a vote without
fear of interfering with the fixing of responsibility, since in these circumstances
there is no need for placing responsibility on either party.

Proposal 4 is a companion feature of Proposal 3. In the
eventuality of equal voting on the floor of the House the present
method for resolving it is to give the casting vote to the Speaker
or Chairman of Committees. This provision is fully logical if
these posts are occupied by Government members. But as Proposal
3 gives these two positions to the Opposition, it would be quite
anomalous to continue the existing practice of extending a casting
vote to the presiding officer. To allow him this privilege would
mean that in the event of tie votes the life of the Government
would depend on permission from the Opposition. Such a position
obviously destroys single-party responsibility.

When the electors have given a party the responsibility for
governing, this party must also be given the tools for meeting
this responsibility. Moreover, if the electors are to be able to judge
the performance of a Government and hold it accountable, this
Government must be able to control its policies and actions.
Patently, it cannot do this if its fate rests with a casting vote
controlled by the Opposition. Hence, the existing rule for deciding
tie votes needs to be altered along the lines of Proposal 4.
Eventualities of equal voting must be taken into account; to
resolve them in favour of the party which won the mandate to
govern is both democratic and also essential for stability and
for enabling the electors to fix responsibility for governing.

A further advantage of this proposal is that it helps further
to promote the impartiality of the Chair. When a presiding
officer knows in advance that his vote will not be called for in
order to decide the passage of measures, he can take a more
detached attitude and consequently conduct the proceedings of
the House in a more impartial manner.

The existing rule which gives the Speaker and the Chairman of
Committees a casting vote has its origin in the practice of the
British House of Commons where conditions in respect to deciding
tie votes are obviously not analogous to those in Tasmania, as
noted on pages 45-46 and elsewhere. In a House of more than
600 members, chosen by an electoral system which generally
acts to suppress drastically the size of the representation of the
Opposition party, occurrences of equal voting are relatively rare
and can be dealt with in a manner which is not satisfactory for
a small body chosen by an electoral system which provides for
the most accurate representation possible.

Though given a casting vote in Britain, the Speaker in fact,
rarely uses it—in the whole of the nineteenth century, for
instance, he used it on only eleven occasions (12d). The practical
effect, therefore, of applying Proposal 4 to the Commons at
Westminster would be, broadly speaking, merely to declare in
words what already exists in practice. Those interested in follow­
ning United Kingdom precedents where they are suitable for
adoption outside Britain will see that Proposal 4 makes the voting
position of the Speaker of the House of Assembly more comparable
to that of the Speaker at Westminster than it is in Tasmania at the
present time (12d).

Methods for resolving tie votes in various governing bodies
are not uniform and have been adapted to fit given circumstances.
For example, when voting is equal in the Australian Federal
Senate the Constitution provides that the question passes in the
negative, the President of the Senate having a deliberative, but
no casting vote. In many governing bodies a chairman is given
both a deliberative and a casting vote. Proposal 4 illustrates
another method for resolving ties and takes its particular form
for the various reasons noted in this report.

(12d) Papers on Parliament, A Symposium sponsored by the Hansard

(12d) Proposal 4 bears another resemblance to practices at Westminster
in respect to resolving equal voting. According to tradition the presiding
officer in the House of Commons does not use personal discretion in deciding
whether to give his casting vote for or against measures. It is expected in
instances of equal voting (a) that the Speaker should vote so as to enable
the measure to receive further consideration and (b) that the Chairman of
Committees should vote so as to maintain the status quo. In the respect that
Proposal 4 also removes the presiding officer’s personal discretion in resolving
equal voting on the floor, this proposal is more akin to usage at Westminster
than the common practice in Australian Parliaments for the Speaker to
use his vote in a strictly discretionary fashion, opposing or favouring
measures, as the case may be, in accordance with the wishes of his party.
Proposal 5.—Ascertaining which Party has a State-wide Majority—by Adding the Preference Votes of Non-major Party Candidates to the Primary Votes of the Two Major Parties.

(a) When Two Parties Have 17 Seats Each.

That 17-member party which is preferred over the other by a majority of all those voters who have recorded on valid ballot-papers a preference for one party over the other shall be considered to have a majority of the State-wide vote.

(b) When One Party has 17 Seats and no other Party has as Many as 17 Seats.

The 17-member party shall be considered to have a majority of the State-wide vote if, upon being compared with the largest of any other parties by the method described in 5(a) above, the 17-member party is found to be preferred over the other party.

Proposal 5 shows how the extensive electoral record of the Hare-Clark system is examined in order to reveal which of two parties is preferred by the electors. The first step of the examination process is to total separately the primary votes of all candidates of the two major parties and of all non-major party candidates. If any party has an absolute majority of the total primary vote, no further examination is necessary as only one party, of course, can obtain an absolute majority. This 17-member party forms the Government and the other major party forms the Opposition; in these circumstances, therefore, the preferences of non-major party candidates would not require inspection.

If no major party has an absolute majority of the primary vote (and this is the more probable condition when no party has as many as 18 seats), the preferences of non-major party candidates will require examination. The process consists of inspecting the ballot-papers marked first-choice for these non-major party candidates in order to see which candidates, if any, of a major party have been marked next in preference after non-major party candidates. The major party whose candidate receives the highest preference on any given ballot-paper will be credited with that ballot-paper. At the end of the inspection of these votes of non-major party candidates there will be, therefore, at least two groups of ballot-papers, one group on which one major party is marked higher in preference and another group on which the other major party is higher. In some or all of the electorates there may also...
be a third group consisting of votes which are ineffective in respect to Proposal 5, that is, ballot-papers on which no preference has been marked for any candidate of either major party.

The total preference vote for each major party is then added to the total primary vote obtained by each party. Barring a tie (which would be resolved by the Chief Electoral Officer), one party or other must have a majority of the total votes thus obtained by both parties. The party winning this majority becomes the Government and the other party the Opposition.

The examination of non-major party preferences could be done after the completion of the whole count, but doing so at this stage would involve enormous work. By the end of the count some, or perhaps all, of the primary votes for non-major candidates would have been transferred to winning candidates or to the accumulation of "exhausted" votes, thus requiring the immense task (perhaps taking several days or more) of gathering these primaries together. If, instead, the preferences of non-major party candidates are examined just prior to the "cut-up" (13), the inspection could be completed in a few minutes or an hour or so (depending on size of vote for non-major party candidates), adding little to the job of conducting the scrutiny and hardly delaying the completion of the counting (14). After this inspection, these papers would be re-sorted according to their first choices and the scrutiny for the election of members resumed.

Although this information on the relative strength of the parties on a State-wide basis will be needed only in eventuations of 17-17-1 or the cases, like 17-16-2, mentioned in Proposal 2, the legislation should authorise the Chief Electoral Officer to extract this information in advance if, in his judgment, he considers that such information may be needed later, when the exact distribution of the seats becomes known. This is not the place to discuss machinery details, but it may be noted that the special inspection required by Proposal 5 would be made separately within the five Commonwealth-State electoral divisions, where the other counting is done, and the results sent on to the Chief Electoral Officer for the State.

Proposal 5 provides clear-cut, readily workable methods for determining accurately the electors' opinion on the question at hand, namely, which of two parties is held in higher preference.

(13) "Cut-up" is the term of popular usage in Tasmania to denote the process from the completion of the first count to the end of the scrutiny. This phase includes the distribution of surplus (when necessary) and the transference of votes of excluded candidates.

(14) Proposal 5 would involve the inspection of very few papers in many cases. For example, in the 1959 elections in Wilmot only the 1,062 votes cast for the D.L.P. candidate, Mr. Hill, would have required the inspection specified by Proposal 5.
by all the electors of the State. Why other methods sometimes suggested for ascertaining the State-wide majority party are either unsound or undesirable are discussed elsewhere in this report(15).

Proposal 6.—Alternatives to Supplying of Presiding Officers by the Opposition.

If the Opposition fails to supply the Speaker and Chairman of Committees when it is obliged to do so, the Government shall furnish the Speaker and be granted an additional member as replacement for the Speaker on the floor of the House. This replacement shall be chosen, in the manner used for filling casual vacancies, by recounting the ballot-papers which elected the Speaker. During the period required for the selection of the replacement member, Parliament shall be adjourned, unless the Opposition agrees to supply a pair for the prospective replacement. Whenever the Speaker is provided by the Government as a result of the application of Proposal 6, the Speaker and Chairman of Committees shall have a deliberative vote.

Since Proposal 6 would come into effect only if the Opposition refused to fulfill the obligation of supplying the Speaker, it is difficult to imagine that it would ever be used. As the provisions of this proposal would give the Government the same relative voting strength (for the conditions covered in this report) as if the Opposition had supplied the Speaker, there is every reason to expect that the Opposition would supply the Speaker. Therefore, the likelihood in practice of an extra, replacement member is too remote to expect. Nevertheless, provisions to induce the Opposition to accept the positions of Speaker and Chairman of Committees are necessary to insure stable and effective government. Without provision for the Government to replace its loss on the floor when it supplied a Speaker, while lacking a majority in the House, the Opposition could break the Government at any time it chose by refusing to provide this officer or by withdrawing him at will. Such action would, of course, destroy independent, single-party responsibility and thwart the fulfilling of the objectives for which the proposals of this report are designed.

Despite the advantages of holding the Speakership it could be expected that a party would forego these benefits, if it saw a political advantage in so doing. The Victorian Parliament at the present time is a case in point: of the 34 seats in the Legislative Council the governing Liberal and Country Party holds only 17.

(15) Methods based (a) solely on primary votes, or (b) on respective party totals at the end of the count, are unsound and otherwise undesirable. Method (a) is discussed in Part IV, pages 39-41, and method (b) in Part V, pages 67-69.
thus lacking a governing majority and becoming a minority because it provides the Presidency of the Council. The L.C.P. endeavoured to persuade a member of the Country Party's representation of eight in the Legislative Council to take the Presidency; but the Country Party refused to let any of its members accept the offer, as it valued more highly the chance, when in agreement with the Labor party's nine members in the chamber, to control the Government's actions.

If the Opposition, when in accordance with Proposal 3 it has furnished a Speaker and Chairman of Committees, should suddenly withdraw them when Parliament is in session, a crisis could arise until a replacement member for the Government-supplied Speaker took his seat in the House. This period would normally be a minimum of ten days. To enable the Government to carry on during this interval, Proposal 6 provides that Parliament be adjourned for this brief period unless the Opposition grants a pair for the pending replacement. If a hurried reading of the provisions of Proposal 6 should give the impression that they are undesirably complex, it should be remembered that the provisions are likely never to take effect and are provided only for the most unlikely eventuality that an Opposition party should sometime not fulfill its obligation to furnish the Speaker and Chairman of Committees when it is privileged to do so.

Proposal 7.—Automatic Dissolution.

(If a member votes against the party with which he was identified on the ballot-paper (or fails to vote with this party) and if this vote causes the Government to fall, a dissolution of the House of Assembly shall follow automatically.)

Provision for automatic dissolution is necessary for complementing the proposals of this report and for improving or assuring control of Parliament by the electors. At present the rules determining Government formation permit wide possibilities for even one member of Parliament to subvert the expressed wishes of the electors. Suppose, by way of illustration—

First, that the voters have returned Parties A and B each with 17 members, with one seat being won by a cross-bencher, and

Second, that Party A, by virtue of having received the larger State-wide vote, becomes the Government, and

(16) Candidates at the previous general election who wish to be considered for election to a casual vacancy are allowed up to ten days after the announcement of the vacancy to file for nomination with the Chief Electoral Officer.
Third, that during the life of Parliament one member from Party A chooses to cross the floor in hope of helping Party B to defeat Party A and replace it in Government.

If the ex-member from Party A succeeded in his attempt, it would mean, of course, that the wishes of the State-wide voters had been reversed by one individual as a consequence of the failure of existing rules of Parliament to safeguard against exploitation of this type. Although a dissolution of Parliament would prevent this defector from supporting his former opponents without first consulting the electors, the possibility of obtaining a dissolution is not assured by present Parliamentary customs, despite increasing recognition that a Government does have the right to a dissolution in these circumstances (17). Proposal 7 would both (a) remove doubt as to this right of dissolution and (b) take the Governor out of politics in the eventualities provided for in this proposal. The right of members of Parliament to join and leave parties is not questioned in a free country, and the opportunity of members to destroy Governments is not eliminated by Proposal 7; it will be noted that the ex-member of Party A is quite free to vote the Government out—all that Proposal 7 does is to prevent him from changing the Government without first consulting the electors.

From the standpoint of applying democratic principles it may appear superfluous to note that the electors have the right to be consulted when so great and vital a question as deciding the Government is at stake; yet the fact remains that rules of Parliament, as they exist now, could allow an alternative Government to be established by the action of a lone defector without any reference whatever to the electors.

As almost all electors support candidates for the House of Assembly on the basis of allegiance to a political party, these electors have the right to expect the members chosen under the respective party standards to act accordingly. If members should not so act, but instead break away from the party under whose colours they were elected, the electors have the right to be consulted at least if such defection could mean a change in Government.

(17) Arguments supporting a case for dissolving the House of Assembly in 1950, when the seats were distributed 15-14-1, are presented in Parliamentary Paper No. 10 of 1950 (Tasmania). This paper also cites references to literature dealing with the question of dissolutions.

Arguments for and against granting a dissolution of the House of Assembly in September 1956, together with references to appropriate literature, are contained in Parliamentary Paper No. 59 of 1956 (Tasmania).

An excellent summary of the factors involved in the Governor’s discretion to accept or reject a Premier’s request for a dissolution is furnished in an article by the Hon. H. S. Baker, M.L.C., in The Mercury, Hobart, of April 21, 1959, entitled “At Governor’s Discretion?”
As non-party members may not carry an obvious mandate, as major party members do, in reference to the support of a given party, Proposal 7 would allow non-party members to switch support from one party to another without forcing an election. Moreover, the same opportunity of switching support would be available to a non-major party. Situations can be envisaged where all members of such a party, by transferring their backing from one major party to another, could effect a change in Government without necessitating an election.

Aside from their general merit in improving the electors' control over Parliament, the features of Proposal 7 are necessary also for complementing the other proposals of this report. As these proposals are conditioned upon a certain distribution of Parliamentary seats, if this distribution should be altered as a result of defection, further proposals would need to be adopted to meet these additional contingencies if the provisions for automatic dissolution were not made.

To illustrate by citing the hypothetical case above, where, first, Parties A and B each have 17 seats, with one seat held by a cross-bencher, and second, Party A forms the Government because of having won a majority of the State-wide vote, and third, one member from Party A defects to Party B; by virtue of having won the State-wide vote Party A has a mandate to govern, but the defection would mean that on the floor of the House the voting strengths would be 16 for Party A as against 16 for Party B (one from Party B being in the Chair), plus the one cross-bencher and the one defector. In these circumstances the Government could govern only if supported by the cross-bencher, unless provision were made for off-setting the vote of the defector.

As automatic dissolution could prevent a defector from subverting the mandate of the electors, this proposal can protect the electors' interest as effectively as could specific proposals aimed at countering the vote of a defector in the House. Yet, unless a clear-cut and simple provision like automatic dissolution were adopted, some more complex measure would be required for providing the same protection.

If this provision for automatic dissolution were likely to result in troublesome or costly general elections, alternative means for countering defections would be advisable; automatic dissolution provisions, however, could reasonably be expected to result in fewer dissolutions. If, on one hand, a potential defector knew in advance that his actions would be put immediately to the test of a general election, he undoubtedly would not defect for insubstantial reasons. On the other hand, if his reasons for defection seemed
important and worth the forcing of a premature election, it is in the public interest that the electors be given opportunity to declare themselves on the issues involved. Proposal 7 is thus a kind of referendum to enable the electors to settle certain types of possible instability in the House.

Since Proposal 7 deals only with cases of voting in the House when the life of a Government is concerned, it is unnecessary to dwell here on what constitutes a vital measure; factors which distinguished vital measures from non-vital ones in the past will continue to do so. Members can continue to vote contrary to their parties as much as they have in the past; only when a member votes against his party and when this action precipitates a fall of the Government does Proposal 7 come into operation.

Although Proposal 7 is concerned with establishing a basic principle rather than prescribing exact steps for implementing this principle, one foreseeable technicality is provided for in the proposal, namely: as abstention from voting or absence from the House could sometimes defeat a Government as surely as an actual vote against it (as in the case of the hypothetical defector from Party A, cited above), it is specified that failure to vote for the Government shall be considered as equivalent to voting against it.

Tasmanian Precedents for Proposals.

Although the foregoing seven measures introduce some new features, such as deciding tie votes in the House without involving the Speaker, counting the State-wide vote on the basis of primaries plus preferences, and providing for possible automatic dissolutions, most of the proposals are not new to Tasmania. The precedent for deciding the Government on the State-wide vote was established by the Constitution Act of 1953 (Act No. 89 of 1953) and by the act which superseded it, namely the Constitution Act (No. 2) of 1954. Both measures provided that if two parties were returned in equal numbers of 15 members each (in the then prevailing 30-member House) the party with the larger State-wide vote was to be declared the majority party and be entitled to form the Government and the party with the smaller vote was to be declared the minority party and would constitute the Opposition.

The Act No. 89 of 1953 provided that the party with the larger vote would obtain an extra member (thus being able to form a Government), thereby increasing the size of the House for the duration of the Parliament concerned. In order to ascertain which of the two 15-member parties was the larger, it was proposed to issue to the elector a separate additional ballot-paper (containing a list of the parties contesting the election), on which the elector would indicate his choice of party. Most of the implementation of Act No. 89 of 1953 is contained in the Electoral Act 1953 (No. 76 of 1953). The alterations in the electoral provisions necessitated by Constitution Act (No. 2) of 1954 (Act No. 88 of 1954) are contained in an electoral act of that year, namely Act No. 87 of 1954.
The act of 1954 included the provisions (a) that the majority party would be the one which received the most primary votes, (b) that the minority party would have the privilege of supplying the Speaker, and (c) that if the minority party declined to provide the Speaker and the position was then filled by the majority party, the latter would be permitted to replace the member chosen as Speaker by the election of an additional member on a recount of the ballot-papers which elected the Speaker to Parliament.

Most of the features, therefore, of the Constitution Act (No. 2) of 1954 are incorporated, with the modification necessary for adaptation to a 35-member House, in the proposals of this report. Although these proposals expand the application of the 1954 act and introduce some new features, the chief elements of the proposals find their precedents in the 1954 enactment, which was repealed when the measure establishing seven-member electorates and a 35-member House was adopted by Parliament last year.
PART IV.—HOW PROPOSALS ELIMINATE DEFECTS OF PLAN REJECTED BY LEGISLATIVE COUNCIL.

When the Legislative Council on December 3, 1958, approved the Bill for choosing seven members per electorate instead of six, it rejected accompanying provisions (contained in Clause 3) for "overcoming deadlocks in the Assembly".(18).

This "deadlocks" clause presumably aimed to achieve some of the objectives sought by the recommendations of this report, yet in machinery and in probable effect, Clause 3 could be considered almost completely different from these recommendations. Part IV will endeavour to outline the chief defects of the rejected "deadlocks" provisions and show how they are avoided in the proposals of this report.

In brief, many aspects of the rejected measure were (a) unsound in principle, (b) unworkable in practice, and (c) incomplete in their provisions, as explained under these headings in the three sections which follow.

A. Unsound in Principle.

There were grave theoretical faults in the rejected clause, for example, in the provision for determining the Government in cases of 17-17-1 on the basis of the primary votes of only the major parties. This provision is faulty for the following reasons:—

1. Deciding the Government by this method means that the votes cast for non-major party candidates are not counted; hence the Government of the day would be decided on part of the State-wide vote, not all of it.

(18) The bill in question was the Constitution Amendment Bill 1958 (Bill No. 20 of 1958), which became Act 91 of 1958. Clause 3 contained the amendments which converted the provisions of Section 24A of the Constitution Act to apply to a 35-member House instead of a 30-member one.

The "deadlocks" provisions of Clause 3 included the following:—

(1) In case the seats were divided 18 to 17 between two parties, the 17-member party was given the privilege of supplying the Speaker.

(2) If the seats were divided 17-17-1, the 17-member party with the larger primary vote became the Government with the other 17-member party forming the Opposition and having the privilege of supplying the Speaker.

(3) If the Opposition declined to provide the Speaker, the Government was given the opportunity of doing so, with the right to an additional member in the House, this person to serve as a replacement for the Speaker on the floor of the House and to be chosen by a recount of the ballot-papers which elected the Speaker.
2. Not counting the preferences recorded for non-major party candidates means that if electors vote for an Independent or minor party candidate they disfranchise themselves in respect to determining the Government when it is decided on State-wide voting. While it is true that the extremely wide freedom of choice available to electors under the Hare-Clark system may in practice make it unnecessary for them to look outside the two major parties for the representation they seek, the right of all electors to express themselves freely in choosing both the Government and members of Parliament needs to be provided for if fullest democratic principles are to be observed.

Although it is acknowledged that examining preferences of non-major party candidates for the purpose of determining the State-wide vote to decide the Government may give supporters of Independents and minor party candidates an influence greater than is afforded them within the framework of the Hare-Clark system, the possible disadvantages of this contingency are outweighed by other considerations. If all electors are not privileged to participate fully in selecting the Government (such as could be the case if State-wide vote totals were assessed only on primaries), it becomes difficult to determine on a fair basis which electors should not have an effective voice.

3. Deciding the Government on the primary votes of only the two major parties could in fact misrepresent the intent of the electors under certain conditions. Suppose, for example, that, first, a Parliament is elected consisting of one cross-bencher plus 17 members each from Parties A and B, and second, the cross-bencher is known to be either favourable to Party A or sympathetic to its policies. In this case it is highly probable that the election of this cross-bencher will draw many votes from the same source as Party A. Consequently, Party B is likely to have more primary votes, and, according to the rejected deadlocks bill, it would form the Government and Party A the Opposition, despite the possibility that the total number of electors supporting Party A and the cross-bencher exceeded those supporting Party B.

If there were a natural affinity between Party A and the cross-bencher and the latter wished to support Party A in Government, he would be prevented from doing so. Determining the
majority party, therefore, on the primary vote of only the major parties could result in the anomalous situation of preventing an alliance desired by the electors. In contrast, if the Government were determined in this situation by Proposal 5 of this report, the preference votes of non-major party candidates would be added to the primary votes of the two major parties for ascertaining the Government. Consequently, since the preferences of this cross-bench would probably favour Party A, this party is likely to obtain a State-wide majority and thus win the right to govern.

If the Government is determined by only the primary votes of the major parties, the intent of all the electors is not examined, and a party could be declared the Government which in fact might not be preferred either by the electors or by a majority of the members of the House. When the Government, however, is determined by Proposal 5, the intent of all the electors is examined and implemented, and there is no doubt of the validity of the mandate.

B. Unworkable in Practice.

According to the deadlocks provisions rejected by the Legislative Council, in the 17-17-1 situation the Government would have 17 votes on the floor of the House with an Opposition vote of 16 (one Opposition member being in the Chair), plus the cross-bench vote of one. The possibility of voting being equal on the floor of the House would be ever present in this situation, as the Government vote of 17 is the same as the combined non-Government strength of 16 plus one.

Whenever equal voting occurred on the floor of the House, the fate of the Government would rest, therefore, according to the rejected deadlocks measures, in the decision of a Speaker supplied by the Opposition! Needless to say, a situation which thus permits a Government to hold office through the grace of the Opposition is quite preposterous if any intention exists for fixing responsibility for governing. It is not difficult, therefore, in view of this potential anomaly, as well as the points of Section (A), above, to find reasons why the rejected clause was described as a “monstrosity” in the debate on it in the Legislative Council.

Proposal 4 of this report, as explained in Part III., remedies this unworkable situation by providing that eventualities of tie votes are resolved without obliging the Speaker to give a casting vote.

C. Incomplete in Their Provisions.

Even if the rejected deadlocks clause were not condemned because of points of Sections (A) and (B), above, it was defective because of certain omissions. For example, although the operation
of the clause rested upon a certain distribution of seats in the House, the clause contained no provision for determining the Government in the event that the distribution of seats altered during the life of Parliament. Suppose, following a general election, that, *first*, by virtue of the respective sizes of their primary votes Party A, with 17 seats is declared the Government and Party B, also with 17 seats, is declared the Opposition, and that, *second*, during the life of the Parliament some member from Party A defects to Party B; a conflict then arises, as the deadlocks clause authorises Party A to govern, yet the defection takes from it the numbers necessary for governing.

The rejected deadlocks clause made no provision for answering this quandary, the occurrence of which is quite possible, as seen in the case of the 30-member House in September, 1956. Then a member of the governing party left it to join the Opposition when the parties had been divided 15-15 (20).

Although it would not be wise nor possible to plan for all contingencies, this particular one is too serious to overlook. Proposal 7 of this report prepares for it by providing for automatic dissolution in such contingencies, as explained in Part III.

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(20) The governing party of 15 on the floor of the House was thereby reduced to 14 and the Opposition (which was supplying the Speaker) increased from 14 to 15 on the floor. According to Constitution Act (No. 2) of 1954, the "deadlocks" act then in effect, the governing party was still the Government, but in fact it had lost its majority in the House. The conflict was resolved by a dissolution and fresh election. Arguments whether or not a dissolution should be granted in these circumstances are contained in Parliamentary Paper No. 59 of 1956 (Tasmania).
PART V.—ANSWERS TO QUESTIONS ON PROPOSALS.

In order to pin-point specific issues related to the proposals, the material of Part V is presented in question-and-answer form. The questions have been chosen from those put to the writer by various persons with whom he discussed the seven proposals prior to drafting. Although, in the interest of shortening this report, only the chief questions have been included, it is hoped that these may cover indirectly some of the subjects of omitted questions. Those who asked the questions did so in some cases to challenge features of the proposals and in other cases merely to seek clarification on them. The value of both types of queries is that they bring out what are regarded as key considerations for judging the proposals.

Because some of the questions necessarily refer to related subjects, some duplication or overlap in the replies or with material already covered in this report is inevitable, even although the answers are intended to be confined only to those points considered most essential for a reply. Yet, in spite of a certain unavoidable overlap, it is felt that the subject can be presented more efficiently for the reader by using this specific question-and-answer approach than by furnishing, instead, a general discourse covering the same topics.

A. Does not the change from six- to seven-member electorates obviate the need for special "deadlock" provisions?

Unlike six-member electorates, seven-member ones will reflect the wishes of the voters faithfully in respect to the election of representatives within constituencies. This change, on the basis of past elections, would normally have resulted automatically in the implementation of the electors' wishes by giving one party or

(21) Six-member electorates are faulty in that they cannot guarantee that a majority of the electors can return a majority of the six elected representatives. The six-member quota of 14.3 per cent requires that a party must receive almost 58 per cent of the votes of an electorate to win a majority of the six seats in the electorate. Since a party will receive three of the six seats whether it obtains 43 or 57 percent of the vote, the likelihood of a 3-3 division of seats within electorates, and a consequent 15-15 division in the House, is extremely great. Six-member electorates in the past have forced deadlocks artificially, even when the votes of the electors showed that they wanted one party to have a clear majority of seats.

Summarized information on (a) why the successful operation of the electoral mechanism of the Hare-Clark system depends upon the return of an odd number of members from electorates and (b) other advantages of seven-member electorates, instead of six-member ones, is contained in Parliamentary Paper No. 22 of 1958 (Tasmania), prepared by the writer and entitled Democratic Representation Under the Hare-Clark System.
the other a majority of the seats. Yet even under the seven-member plan it would be entirely possible in certain abnormal situations not to be able to determine the intent of the electors in respect to which party they desire as the Government unless a further examination of the ballot-papers were made, as explained in Proposal 5.

So-called “deadlocks” can sometimes arise, therefore, from two artificial causes—one, from defects in the method of electing members to Parliament and two, from defects in the manner of choosing the Government when certain conditions prevail. The first defect has been rectified by the adoption of seven-member electorates, and the second would be corrected by the proposals of this report.

B. What is the likelihood of the largest party winning fewer than 18 Seats?

This possibility depends on how the votes are cast, whether non-major party candidates are elected, and whether the existing five Commonwealth-State electorates maintain their present characteristic of each being potentially a “swinging” constituency. Nevertheless, if past voting experience were repeated, the winning party would obtain 18 or more seats in nine cases out of ten. As seen in Table II., in six of the ten elections since 1928, one party or other would have received 20 or more seats if seven-member electorates had been used. On three occasions the Government would have obtained 18 seats, with expectation of additional support from Independents in two of these Parliaments. In the election of 1950, however, the result with seven-member divisions would have been 17-17-1.

If the seats of five seven-member districts divide 4 to 3 in favour of one of the major parties in two electorates and 8 to 4 against it in two other electorates, with the seats of the remaining electorate being shared 3 to 3, plus the election of one non-major party candidate, a 17-17-1 result must occur. Although in the 28-year period from 1928 to 1956, this 17-17-1 situation would have happened only once, there is no way of foretelling how frequently or rarely it might occur in the future. For example, a sudden

(22) If each of the five divisions is a fair cross-section of the political complexion of the State, one party will win four seats in each division (thus 20 seats in a House of 35) provided there is in its favour a sufficient and reasonably uniform swing of votes throughout the State. But if, for example, two electorates should develop strong majorities for one party and two electorates strong majorities for the other, both parties could expect to gain 17 seats each. The winning of the seventh seat in the fifth electorate would decide, therefore, whether the result would be 18-17 in favour of either party or else 17-17-1, if a non-major party candidate should win a seat.

(23) Since this was written, the 1959 elections have been held.
swing of public opinion because of some unexpected event shortly prior to an election might convert what otherwise would have been an 18-17 result into a 17-17-1 division of seats.

TABLE II.
RESULTS OF ELECTIONS FOR HOUSE OF ASSEMBLY, 1928-1956, BASED ON RETURN OF SEVEN, INSTEAD OF, SIX MEMBERS FROM EACH EXISTING ELECTORATE.

<table>
<thead>
<tr>
<th>Year</th>
<th>Non-Labor</th>
<th>Labor</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>1928</td>
<td>18(b)</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>1951</td>
<td>12</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>1934</td>
<td>18(e)</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>1937(d)</td>
<td>21</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>1941</td>
<td>23</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>1946</td>
<td>20</td>
<td>13</td>
<td>2</td>
</tr>
<tr>
<td>1948</td>
<td>14</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>1950</td>
<td>17</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>1955</td>
<td>15</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>1956</td>
<td>20</td>
<td>15</td>
<td>1</td>
</tr>
</tbody>
</table>

In the above summary of ten elections, the largest party on six occasions wins 20 or more seats and on three occasions 18 seats. In 1950 both parties obtain only 17 seats.

(a) Further information on the results of elections from 1928 to 1956, inclusive, calculated with seven-member quota is contained on pages 23-25 of Parliamentary Paper No. 22 of 1958, (Tasmania).
(b) Includes G. W. Mahoney, who in 1928 stood as an Independent Labor candidate; he later was re-admitted to the Labor Party.
(c) Includes G. G. Becker, a Labor Party member of many years who stood as an Independent Labor candidate in 1934 and was re-admitted to the party after the election.
(d) One seat not ascertained under seven-member calculation.

C. These proposals depart from the procedures of the British House of Commons—are such departures warranted?

Although the British House of Commons is regarded deservedly as the “Mother of Parliaments” because of the many worthy examples of Parliamentary practice which it has established, its procedures are not a good guide on the particular problems treated in this report. Among the reasons for the unsuitability of these United Kingdom practices are—:

(a) The problems of choosing Governments and obtaining working majorities in a House of more than 600 members and a House of only 35 are not sufficiently comparable.

(b) The single-member constituency system used to elect the House of Commons generally acts to distort the representation of public opinion and to suppress drastically the size of the Opposition. Consequently, with the resultant gross exaggeration of the Government’s majority in the Commons, it can usually be expected, without any previously planned method for determining the Government, that the Parliamentary majority of the winning party in Britain (despite receiving possibly only a minority of the
nation-wide vote) will be sufficient to enable it to form a Government automatically. Since the aim of the Hare-Clark system is to represent public opinion fairly, the Opposition in the Tasmanian House of Assembly is always likely to be large when a two-party system exists; procedures, therefore, for forming the Government when primitive and slapdash electoral methods are used (like first-past-the-post voting with single-member electorates) can be quite inappropriate for a refined and scientific method of representation like the Hare-Clark system.

One of the reasons for the generally acknowledged success in the practice of government in the United Kingdom, in spite of the disadvantages of the method employed to elect its Parliament, has been a British willingness to adapt to circumstances and to avoid doctrinaire adherence to prescribed rules for the organisation of government. As one would not expect the British to imitate overseas practices, unless they were suitable to Britain, one should not expect Tasmanians to follow slavishly those House of Commons procedures which are not satisfactory. If in pioneering the election of Parliament by the Hare-Clark model Tasmania leads Britain, it is quite appropriate for Tasmania to break some new ground in establishing certain definite principles in respect to forming Governments and fixing responsibility.

D. Are these proposals not an attempt to legislate for every contingency?

No, emphatically not! Provision is made only for a limited number of the very possible and very foreseeable circumstances, noted in the seven proposals. The purpose of these proposals is to establish only a few guiding principles, leaving great fluidity in their application according to specific circumstances. Whether the electors return only two parties or several parties or whether they return many Independents or none is not the concern of this report.

If in future elections there is any substantial departure from the two-party system it shows that the electors do not want to place responsibility for governing on any one party; in this case the Government-forming provisions of the proposals do not apply. Indeed, these provisions become operative only when the electors have reasonably shown that they wish single-party responsibility but when existing procedures of Parliament do not give effect to this wish.

The first feature of the proposals—namely, to determine the Government on a more democratic basis by deciding it on the State-wide vote—comes into effect only when one party or each of both
parties has 17 seats. If either party has 18 or more seats or 16 or fewer seats, the provisions regarding Government determination do not apply. The first feature of the proposals provides, therefore, for only a narrowly circumscribed contingency.

The other provisions relate to the responsibility-fixing features and are only three in number, namely:—(a) that the Opposition supply the presiding officers when Government strength is fewer than 19 seats, (b) that eventualities of equal voting be resolved in favour of the Government of the day, and (c) that Parliament be dissolved automatically in certain instances of defection. Could, therefore, these several provisions really be considered as covering more than very limited contingencies? Surely not.

E. Won't these proposals give a party virtually unlimited power to govern in a 17-17-1 distribution of seats, without any check by the cross-bench member?

No; for several reasons.

First, even a Government with a strong majority (say 19 or 20 seats in a House of 35) does not have unlimited power to govern, for as long as a party is answerable to the electors at periodic intervals it must be careful not to legislate or act contrary to the wishes of the electors—if it hopes to remain in power. Possible adverse public reaction is a potent check on any Government, even if it has the numbers, theoretically, to push any measures through a Parliament.

The thoughtless, though occasionally heard, remark that Governments (in reference especially to those with working majorities in Parliamentary democracies) can "do anything they want" is not true in practice, for Governments must always look forward to the day of reckoning—the inevitable polling day when the elector is sovereign. This check by the electors, moreover, is more effective under the Hare-Clark system than, say the single-member system, for the latter frequently handicaps the electors from registering disapproval of Governments because of features characteristic of the single-member system, such as uncontested elections, safe seats, and gerrymandered electoral boundaries. Governments chosen under the contrasting, highly competitive, strictly honest Hare-Clark conditions must remain especially sensitive to public opinion if they wish to stay in power. Besides, (a) with the relatively easy provisions for minority representation inherent in the Hare-Clark system, and (b) with the chance given to the voters exclusively by this system to replace sitting members
at polling time without voting against their preferred party\(^{(24)}\), electors enjoying use of the Hare-Clark system have greatly less to fear in reference to Governments wielding uncontrollable power. Fear of power is warranted only if those who exercise this power cannot be held accountable.

Second, a party with only 17 seats, even with the provisions of this report, will be in a weaker position than if it had 18 or 19 seats. In the first place, a full attendance of members will generally be demanded when pairs cannot be obtained. Next, the holding of only 17 seats would normally mean that a party has a majority of the representation in only two of the five divisions. Holding 18 or 19 seats would put the Government party in a more advantageous position for waging the next election campaign, for then it would have not only the benefit of support built up by its own sitting members, but also less competition from the sitting members of the Opposition because the latter would be fewer in number.

Third\(^{(24)}\), the check by the cross-bencher upon the Government would conceivably be increased, rather than lessened, by the operation of these proposals. In the 17-17-1 illustration, the cross-bencher must choose to support one side or the other in Government. In the process, he may feel constrained to vote for measures of which he disapproves, knowing that the defeat of the Government might entail a dissolution of Parliament. Since bearing the onus for causing an unpopular dissolution could jeopardise the cross-bencher's own seat, he might well be less outspoken against the Government than if his status were made independent by the operation of these proposals. If these measures were in effect, he could speak and vote as he saw fit and voice criticism against the Government without the restraint a cross-bencher must bear to some degree when he is responsible for keeping a Government in office.

Finally, the important question arises as to the desirability of the cross-bencher exercising the suggested check. In this regard, at least two considerations are involved, namely:

\begin{itemize}
\item (a) Suppose the cross-bencher does not act in the general public interest? Since the Independents elected to the House of Assembly in the last generation have been men with a broad
\end{itemize}

\(^{(24)}\) Because a panel of candidates from each party is provided on the Hare-Clark ballot-paper, electors have a ready opportunity to vote for new representatives without changing their party allegiance. Since under the single-member system electors normally cannot vote against the sitting member of their own party without voting for their party's opponent(s), electors under this restrictive system are commonly inhibited from voting against the sitting member whom they disfavour.

\(^{(25)}\) This third reason is discussed further on pages 22-23.
outlook, who endeavoured to act in behalf of the general welfare as they conceived it, the possibility may be overlooked that the cross-bencher could be other than this public-minded and rather selfless Independent. Instead, he possibly could be a narrow-viewed person, striving to advance the benefits of a sectional group against the interest of the general welfare. If this type of cross-bencher were elected, it would be in the State-wide interest that he not hold an undue check over the Government.

Granted that members of a major party could individually be self-seeking or sectional in their motives, major parties collectively must represent the general welfare of the whole State if they wish to stay in Government or succeed to Government. Since one cross-bencher represents only a minor fraction of one of five electorates (26), there is no assurance that he necessarily will represent the general welfare, whereas the collective decision of a major party is likely to reflect the general wishes of the public since it must direct its appeal to more than half of the State-wide voters if it wishes to succeed.

(b) Is it better that a major party be held responsible solely to the general public or partly held in check by a moderate-minded cross-bencher? Granting the possibility, first, that a major party held in office by moderate-minded Independents may produce government serving in the general interest, and, second, that in the absence of such a check a Government may take steps not in accord with the wishes of the electors, the fact of periodic accounting to the electors is a powerful restraint and can make Governments realise that they will be held responsible for their acts when the next polling takes place. If Governments lose sight of the day of reckoning and pass measures not desired by the electors simply because the Government has the numbers in Parliament, the electors can vote in an alternative Government. Federal politics in Australia in the years, 1946 to 1949, provide a case in point. The then-ruling Labor Party, possessing the numbers in both Houses of the Federal Parliament, tried to implement a policy of bank nationalisation, a highly controversial move

(26) The fraction of voters represented by one Parliamentarian would be even smaller under corresponding single-member conditions—in fact almost half as small. For example:—With a total State-wide formal vote of 150,000 and 25 single-member electorates of equal size, the quota for election would be (if an absolute majority) 2,286 votes. With the same State-wide vote and five seven-member electorates under the Hare-Clark system, the quota would be 4,001 votes.

Expressed in another way, the number of votes necessary to elect one member under the single-member system would be: \( \frac{1}{2} \times \frac{1}{3} = \frac{1}{6} \), or 1.6 per cent of the State-wide vote (that is, one-half of the votes of one of the 35 constituencies). Under the Hare-Clark system the number of votes necessary to elect one member would be: \( \frac{1}{5} \times \frac{1}{7} = \frac{1}{35} \), or 2.9 per cent of the State-wide vote (that is, one-eighth of the votes of one of the five seven-member constituencies).
which brought forth widespread adverse public reaction aroused by criticisms of the measures by the Liberal Party Opposition. When the Labor Party next faced the electors, it was decisively defeated as a result, to a large measure, of the nationalisation issue.

If the Labor Party had been holding office through support by Independents who would not have agreed to the introduction of these nationalisation measures, the latter would not have been proposed (and Labor might well have won the 1949 elections). While, therefore, the presence of Independents holding the balance of power could sometimes prevent a Government from acting contrary to general public wishes, the curb most consistent with the application of democratic principles is that exercised by the general electorate itself.

F. Could the proposals not result in the minority potentially ruling the majority in the illustrative 17-17-1 situation?

(This question is answered further, and perhaps from a more important consideration, in the reply to Question J where reasons are given why a mandate to govern is more democratic if based upon gaining a majority of the State-wide vote than upon winning the support of a cross-bencher.)

This question presupposes the case in which 18 non-Government members in the House may be against a measure and only 17 Government members for it and yet the measure passes because, by virtue of the proposals (a) the voting strengths on the floor are 17 Government + 16 Opposition + one cross-bencher, meaning a potential 17-17 tie vote, and (b) tie votes are resolved in favour of the Government. The question then is raised, is not democracy being reversed because the 18 members (including the non-voting Speaker) against the measure are likely to represent more electors than the 17 members for the measure?

The answer, after relevant factors are taken into consideration, is either (a) "emphatically no", (b) no, or (c) "more no than yes"—depending on the varying assessments of the situation, noted as follows:

(a) The case for "emphatically no" rests on these grounds:

First, if there can be no fixing of responsibility, the electors cannot make clear, unconfused choices. Hence, democracy cannot function well if the electors do not know where to give credit or direct blame. To fix responsibility requires that the Government party of 17 be given power to put through the measures on which it will be judged.
Second, a Government which derives its authority by obtaining a majority of the State-wide vote has an incomparably more democratic mandate than one resting on permission given by one cross-bencher representing about 2½ per cent of the electors of the State.

(b) The case for "no": Only the 17-member party which receives a majority of the State-wide vote (as explained in Proposal 5) becomes entitled to the privileged position of governing. Since members under the Hare-Clark system are elected by approximately equal quotas, the likelihood would be that each party would have roughly the same number of votes. There then is the further likelihood that the party which does obtain a State-wide majority after the distribution of the preferences of non-major party candidates will be that party which is favoured by the preferences of the electors who voted for the cross-bencher. Thus, there would generally be a strong probability that the 17 Government members would indeed represent more electors than those superficially thought to be represented by the 17 + 1 members on a particular issue. In short, the special examination of the voting record, as provided by Proposal 5, is the clearest guide as to which side represents more electors.

(c) The case for "more no than yes": It is of course true that there is a theoretical possibility that on some occasions 17 members voting for a measure may represent fewer electors than the members opposed to it, namely; the 16 + 1 other members on the floor + the non-voting member in the Chair. Two considerations, however, which show that this potential shortcoming is not serious, are:

First, if this objection is weighed against the benefits of the two major purposes of this report (namely, deciding Governments democratically and fixing responsibility for governing), the shortcoming is trivial.

Second, if the objection is viewed in comparison with Parliaments chosen under other systems of election, the complaint may appear even more trivial because of the contrast. Under the single-member system, for example, it is common for the governing party to be supported by only a minority of the electors or even by fewer electors than those favouring the Opposition—yet this Government of the day may prevail throughout the life of Parliament, passing ALL measures, not merely occasional ones, and
directing the affairs of the State or Country under its control, without check from an Opposition which may speak for more electors (C).

G. How can it be alleged correctly that, in the 17-17-1 illustration, the one cross-bench member "rules" Parliament when he is only one of 35 individual members in the House?

The answer depends on what meaning is given to "rules". Certainly, when two sides are evenly divided, and it is only the decision from the cross-bench that determines which party shall hold office and which shall not, there should be no doubt as to the enormous power resting in this one individual. A similar, though perhaps lessened, power is exercised when the cross-bench decides what political policy shall be implemented. When action on the floor of the House is taken, the 35 participants do not play distinct, individual roles, but act within the framework of the party system. Consequently, there are, for most practical purposes, three units to be considered in the 17-17-1 situation, not 35. As neither major unit is sufficient to govern without the added support of the cross-bencher, there seems to be no denying the fact that he occupies a powerful, though perhaps invidious, position.

H. If rate-payers can manage their business by means of local councils and if private associations, like cricket clubs, can conduct their affairs through committees—without the interference of a political party system—why cannot parliamentarians forget their party ties and act as 35 separate individuals, using their own judgments and votes as they see fit? Then, these proposals for determining governments and fixing responsibility would not be necessary.

The reply involves several considerations:

First, the party members of Parliament are not morally free to divest themselves of party affiliation, at least not without first offering themselves to the electors as non-party candidates. As the voters have put the members in as party representatives, the members are expected, and properly so, to act as such. Whether Parliament consists of party or non-party representatives is, in accordance with obvious democratic precept, for the electors, not for the Parliamentarians, to decide. Under the Hare-Clark system,

(27) Elections for the British House of Commons in 1951 illustrate the feature of the single-member system which may allow the minority to rule the majority. The Conservative Party with 55,000 fewer votes than the Labor Party obtained 321 seats to Labor's 298. Interestingly, with 66 per cent of the total vote in 1950, Labor won 315 seats; yet when its vote increased to 48.3 per cent in the 1951 elections, its total of seats fell by 19 seats to 296.
and perhaps more easily under this method than other systems of representation, the electors could dispense with the party system if they wished. The patent fact, however, is that the great preponderance of the electors, including even some who occasionally voice offhand complaints about the party system, want it and therefore perpetuate it.

Second, the same electors who desire a party system for running their State or Federal affairs may not want a party system in local government and probably have not even entertained the thought of adopting it for private club affairs. A system considered necessary for one level of activity may be unnecessary or undesirable on another level as, for example, local government in a small community. Here, where the problems of government are limited and often related to the experience of the rate-payers and where the voters have a fair opportunity of assessing the performance of the aldermen and councillors, a party system may be unnecessary or objectionable.

Correspondingly, in a private society or association where all members have a common background and specialised knowledge (such as in a cricket club or a trade association) the use of a party system to conduct its affairs might generally be an anomalous abomination. But when the area of jurisdiction is no longer a local community, but a whole State or nation; when membership is no longer homogeneous but exceedingly heterogeneous; and when problems become—such as they are now—extremely wide in range and most involved in complexity, the citizen is no longer able to exercise any effective personal surveillance over, or even to keep track of, the manifold decisions and actions of individual members of Parliament. The party system thus has arisen, in

(28) How the Hare-Clark method succeeds extraordinarily well in permitting the electors to choose a thoroughly representative local council without the intrusion of political parties is seen in the example of Armidale, N.S.W., which has employed the Hare-Clark system since 1928 for choosing its council of 12 members. As the council are elected on a city-wide basis, the resultant quota of less than eight per cent has allowed all substantial groups in the community to elect a representative. Unlike many local communities in Australian mainland States, especially where adult franchise is used for local government elections, Armidale has been free of party politics in local affairs. Observers have given the use of the Hare-Clark system much credit for this commendable absence of party politics. For further information, see an article by the writer "28 Years of P.R. in Australian City", in the National Municipal Review (New York), April, 1956. (The initials "P.R." refer to proportional representation, a general term for describing a variety of electoral systems of which the Hare-Clark system is a form).
...pite of many obstacles, to answer the need for ascertaining what general policies the electors want and for taking responsibility for carrying out these policies. Within the last century and particularly within the last half-century, as the franchise was extended, as populations grew, and as public affairs became increasingly complex, the need for better-organised and more responsible parties became more apparent. Unquestionably, many improvements are needed in the present party system, but the suggestion that parties can be dispensed with and that all members of Parliament should begin to act as separate entities, each assuming personal responsibility for espousing, moulding, or administering policy is extravagantly unrealistic and impractical.

Since the political party system appears, therefore, to be an essential component of the machinery of effective self-government at the present time on the State level, the path of progress is to improve the functioning of this system. The proposals of this report, because they would result in making political parties more responsible to the electors, are steps along this path of improvement.

Third, although parties may need to act chiefly as units when policy measures are being decided upon in Parliament (provided responsibility is to be fixed), this does not lessen the importance of individual actions by members. When a party is deliberating on policy in preparation for announcing it in Parliament, the separate individual views of members are most important, and questions must be discussed in party meetings in the frankest, most thorough manner possible if mistakes are to be avoided. Individual members, therefore, do use “their own judgments and votes as they see fit” in the deliberative stages of the process of formulating and adopting policy. But at the subsequent stage, when the Government is obliged to announce and defend its policy in Parliament and when the Opposition is given opportunity to criticise, members generally need to stand united in support of their party policy, if responsibility for these policies is to be established. On questions not related to party policy, voting on party lines in Parliament is not required, since responsibility in these cases does not need to be fixed upon one party.
I. How important, really, is fixing responsibility for governing?

Overwhelmingly important, for reasons noted on pages 14 and 61, and elsewhere, in this report. Of central importance to the successful functioning of democracy is the ability of electors to know who is responsible for governing. Without this knowledge, electors cannot make clear assessments and therefore are denied the basis for judging with discrimination, at polling times and on other occasions, the performance of the governing party.

Noted political scientists(29) emphasise repeatedly the desirability of the electors being able to hold one party clearly accountable for governing. In fact, this determination of responsibility is considered so vital by many experts that they are willing to accept the single-member system of elections—despite its known glaring faults—simply because it is generally expected that the single-member system is likely to result in one party obtaining a large majority of seats.

When, under single-member constituencies, a Parliamentary majority is achieved, it is usually at the expense of suppressing the representation of the Opposition. The Hare-Clark system, by giving the Opposition its fair share of the seats, is less likely to result in the governing party obtaining extremely large majorities. But the desired objective of fixing responsibility under the Hare-Clark system could normally be achieved by the proposals of this report, thus incorporating the chief acknowledged benefit of single-member electorates without introducing the manifold faults inherent in that system(30).

(29) A survey of the relevant literature would show that the great preponderance of political scientists who have studied this question agrees on the extreme importance of fixing responsibility. In fact, so strong are their conclusions on this issue that they reject devices which they consider lessen the chances for fixing responsibility. Typical statements of their reasons can be seen in:


(30) Single-member electorates commonly disfranchise, in effect, nearly half the electors, distort the representation of public opinion, restrict severely the selection of candidates available to the electors, foster gerrymandering, create citizen apathy because of safe and uncontested seats, and produce sundry other evils.

A summary of the chief advantages of the Hare-Clark system, in contrast with the shortcomings of the single-member system, is contained in Parliamentary Paper No. 22 of 1958, (Tasmania).
Although the single-member system may fix responsibility, it does this haphazardly and unfairly. Moreover, it cannot be relied upon to fix responsibility, and, indeed, it may fix responsibility for governing on the wrong party, namely, on the one with the smaller vote, as in the British House of Commons elections of 1951, as noted on page 52. In contrast, the Hare-Clark system could provide a planned and fair way for fixing responsibility in cases like 17-17-1, if the proposals of this report were adopted.

J. Does not a 17-member party supported by one cross-bencher in the House have a better mandate to govern than a 17-member party ruling on its own?

Superficially the answer might appear to be yes, since at present there are no carefully thought-out principles for determining the Government when no party has an absolute majority of seats. Consequently, it could be considered more democratic to have the cross-bencher decide which party should govern in a 17-17-1 situation than to adopt such inferior alternatives as drawing lots or letting the previous Government carry on automatically. If a Parliament is chosen from single-member electorates, the existing practice of making the Government's mandate depend upon some kind of link between the cross-bencher and one of the 17-member parties may seem adequate (31). Since, however, the proposals of this report require the winning of the mandate to be

(31) This practice may seem plausible, since the single-member plan does not lend itself as readily as the Hare-Clark system to determining a majority party on a State-wide vote. The meagre returns for elections conducted by first-past-the-post voting would of course furnish no preferences to be counted and would provide, normally or potentially, an extremely incomplete record of the voters' intentions. Even with preferential voting for single-member seats, appraising respective party strengths from the combined vote totals of individual candidates would, for the reasons noted below, be less indicative of the true strength of respective parties than a similar appraisal under Hare-Clark conditions.

First, it can be expected that electors under the single-member system sometimes vote for candidates of the party they do not in fact prefer because they do not care for the particular single candidate endorsed by their preferred party. Under the Hare-Clark system the frequency of thus voting, because of personal reasons, outside one's preferred party would be less because of the wide selection of candidates supplied by each party.

Second, utilization of the overall vote for determining the majority party in case of equal Parliamentary representation under the single-member system could produce a false result unless all seats were contested. If, however, significance were to be given to the overall vote under single-member conditions, it could be expected that seats previously uncontested would be contested and that seats previously safe for one party would become more seriously contested by the opposing party.
based on a further examination of the extensive election returns distinctive of the Hare-Clark system, a new and more rigorous test, not a weaker one, must be met before a party obtains the right to govern.

It is misleading to suggest, as Question J does, that a 17-member party governing by virtue of Proposal 5 is "ruling on its own". No 17-member party in a 17-17-1, 17-16-2, or related division of seats can govern unless it earns the right by winning a majority of the State-wide vote as provided by Proposal 5.

When a party receives enough votes to win 17 seats, this represents a measurable quantity of support from among the electors and a certain degree of mandate. Obtaining another vote in the House because of support from the cross-bencher does not necessarily alter in any way or improve the mandate. It is not correct to say, when a cross-bencher adds his support in the House to the governing 17-member party, that in effect a mandate to govern is established because the votes cast by the electors for the cross-bencher are added, in theory, to those received by the governing party.

The quota of votes obtained by the cross-bencher cannot accurately be considered to complete the mandate for either major party unless these votes are in fact inspected and assigned to the credit of either party in accordance with the preferences recorded thereon by the electors. This special examination of the preferences is what Proposal 5 does; indeed Proposal 5 goes farther than this—it provides for the examination of preferences of all non-major party candidates, not of the cross-bencher only.

The result of Proposal 5, therefore, is to base the mandate on the wishes of a State-wide majority of the voters as disclosed by counting actual ballot-papers. When a presumed mandate to govern is obtained by adding the vote of one cross-bencher in the House to those of one of the 17-member parties, the justification for the mandate rests on the assumption that the cross-bencher is acting on behalf of those who elected him. Unless this assumption is tested by an examination of the ballot-papers (as Proposal 5
would do), its validity depends on *speculation*. A mandate which necessarily is thus based on a large element of speculation is surely not a better mandate than one based on the tangible, measurable evidence from the ballot-box.

K. Do not these proposals, especially Proposal 4 (which resolves equal voting in favour of the Government), have the effect (a) of disfranchising those electors who voted for the cross-bencher, (b) of disfranchising those who voted for the Speaker, and (c) of denying the Speaker a vote?

The purpose of the proposals of this report is to enhance, not lessen, the voting power of the electors and consequently to strengthen, not reduce, their control over Parliament.

To answer points (a), (b), and (c) separately:—

Re (a): Since these proposals stipulate that the ballot papers shall be counted for two purposes when either party has only 17 seats, the proposals *increase* rather than *decrease* the voting power of electors who vote for non-major party candidates. The votes of such electors, as a result of these proposals, not only serve to elect a member but also can help *directly* to decide which party shall govern. At present, the most that a supporter of non-major party candidates can hope for is to elect a member and thus help only *indirectly* to determine the Government. Moreover, unless non-major party candidates have announced in advance of polling which side they will support if elected to Parliament, supporters of such candidates at present cannot even foresee what effect their votes will have in determining which party shall govern the State.

Further information in answer to point (a) is found on pages 31-32, 56-57, and elsewhere in this report.

Re (b): The Speaker in the House of Assembly, as in the British House of Commons, has no vote while occupying the Chair, except when the voting on the floor of the House is equal. Should it be concluded, therefore, that the electors who voted for the Speaker are disfranchised except on those occasions (which are most rare in Britain) when the Speaker exercises his casting vote? Much of the answer of course depends on the semantic
interpretation of "disfranchising those who voted for the Speaker". In Britain it is generally taken for granted as desirable that the Speaker should be as non-political as humanly possible(**), and the effect of this aim is of course—to use the language of Question K—to "disfranchise" the Speaker's constituents incomparably more than is the practice in Tasmania now or under the proposals of this report.

In representing his electors and serving his State, a member of Parliament has many duties, of which voting in the House is only one. Admittedly and necessarily, when a member chooses to accept the Speakership, without which position Parliament could not function, his opportunities for voting in the House are reduced. But since the office of Speaker confers upon its occupant many rights which are denied to other members of Parliament, the influence which the Speaker loses in representing his electors as a voting member is more than offset by his increase in authority arising from elevation to the Speakership.

Re (c): Although the operation of Proposal 4 would make the Speaker, in effect, non-voting for most(*** or all of the time when he is in the Chair, the Speaker would retain his right to vote when bills are in Committee stage. Correspondingly, the Chairman of Committees has the right to vote when the House is not in Committee. The opportunity of the electors, therefore, to observe the voting of these two officers of Parliament is retained under these proposals.

Furthermore, in reference to cases when the Government holds 18 or more seats, it should be remembered that although the Speaker normally would not have any vote under Proposal 4, neither would he under existing rules.

Resolving tie votes in favour of the Government of course does mean that a Speaker may sometimes be deprived of an opportunity to cast a deciding vote, but this is as it should be if

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(**) The nature of the Speaker's office is discussed in Sir Ivor Jennings, Parliament (Cambridge University Press, 1948), pages 54-64.

(***) The Speaker could be given a vote, without interfering with the fixing of responsibility, when free votes are taken, as mentioned in footnote (12b), page 29.
the democratic right of the majority of the State's electors to have their will carried out is to be safeguarded. If the current practice of giving the Speaker a casting vote thus confers on him the power to negate this general will, this practice means, in plain words, that the minority can prevail over the majority. Usages which permit such possibilities run counter, of course, to obvious principles of majority rule and democratic government.

In short, the existing rule which gives the Speaker and Chairman of Committees a casting vote should be abolished when presiding officers are supplied by the Opposition; to retain the rule could result in permitting the rights of the majority of the voters in the State to be defeated, in effect, by one member in the House of Assembly.

1. If coalition or all-party Governments have served some countries well in time of war, why cannot and should not this form of governing be used all the time, especially when no party has a majority in the House of Assembly?

This question can be answered from several angles:

First, in time of war, when the very survival of a country may be at stake, the demands of circumstances force from the parties of the coalition a far higher degree of co-operation than would be possible under normal and calm conditions. Moreover, since performance of highest efficiency and patriotism is so essential under war conditions, surveillance or criticism by an Opposition is greatly less necessary than it would need to be in the comparatively relaxed periods of peace. Besides, action on controversial political issues is often postponed for the duration of the war in order to unite parties and people in pressing for the immediate and clear-cut objective of victory. Hence, because conditions in times of war and peace are not parallel, methods suitable for governing in one case may not be satisfactory in another.

Second, as noted in answer to Question H above, and at other places, unless the determination of public policy and the control of administration can be charged to one party, responsibility for governing cannot be fixed clearly.
Third, collaboration between parties in an all-party Government means of course that an independent Opposition is either completely lost or greatly weakened. It is generally acknowledged that government is improved when there is a strong Opposition which can criticise the Government vigorously and keep it on its toes. An arrangement for collaboration between parties, whereby competition and criticism are thus reduced or eliminated, cannot be expected to produce at the same time the benefits arising from competition and criticism.

Fourth, an all-party Government, by drawing upon the best talents of each party in forming the ministry, not only would leave the Opposition weak, but would provide little opportunity for the electors to choose an alternative Government if they wished a change. For all practical purposes, there could be no alternative Government if the Government of the day were formed from both major parties (or from all parties in the case of a multi-party Parliament).

Fifth, the proposals of this report do not rule out coalition Governments, since the provisions for determining Governments on a State-wide vote would come into effect only when either party or each of both parties obtains only 17 seats. If either or both parties each win only 16 or fewer seats in the House of Assembly, a coalition or alliance of some kind would be required.

M. Could sufficient information be drawn from the voting figures at the end of the count, as noted on the "Result of Scrutiny" sheets, to ascertain which party has a majority of the State-wide vote, thus obviating the special inspection of ballot-papers provided for in Proposal 57(34)

No, as a consideration of relevant factors will show.

First, basing this assessment on the figures at the end of the count would not necessarily obviate a special examination of ballot-papers in some cases. Suppose, for example, that the runner-up was a non-major party candidate; if the votes to his

(34) The method suggested in Question M, would consist of totalling, according to party affiliation, the votes standing to the credit of individual candidates at the conclusion of the count. This calculation would be undertaken upon the completion of the scrutiny for the election of members to the House of Assembly whenever the results show that either the larger party or each of both parties has obtained 17 seats.

As applied to a typical example based on past elections (when there were six vacancies to fill in each division), the process would consist of obtaining, on an electorate basis, the sum of the votes standing to the credit of the three elected members of each party, plus the addition of the votes of the runner-up candidate to those of the three candidates of the same party as himself. The totals for the five electorates would then be combined to ascertain which party had a majority of the vote on a State-wide basis.
credit were not counted at all in ascertaining which party had a State-wide majority, a body of electors would have no voice in determining the Government. In order, therefore, to credit these votes to one major party or the other, the ballot-papers would need to be examined to see how many favoured each party.

Second, to expect figures from the scrutiny result sheet at the end of the count to reveal precisely, on an electorate or State-wide basis, the comparative overall totals of votes for competing parties is to ask the scrutiny record to show what it is not designed to show. For example, in order to assess correctly the relative party strengths in respect to overall votes, it is necessary to know the party preferred on ballot-papers which become “exhausted” (') in the process of electing members. Yet the result sheet does not show, and is not intended to show, how many of the ballot-papers set aside as exhausted favour one party and how many the other.

Since the occurrence of exhausted votes is not dependent upon any constant factor, such as the relative voting strengths of the two parties, but upon the order in which candidates are eliminated, it would be inaccurate to attempt to compare the overall voting strengths at the end of the count without inspecting exhausted votes and allocating them between the two parties under consideration.

(35) “Exhausted” ballot-papers are those on which all candidates for whom preferences have been marked are either elected or defeated. Hence, as the papers cannot further be transferred to other candidates they become “exhausted”. Although such papers are no longer useful for electing members, they nevertheless can disclose, of course, (unless marked solely for non-major party candidates) whether one of the major parties is preferred over the other, when the papers are examined for this purpose.
### TABLE III.

**COMPARISON OF TOTAL VOTES FOR PARTIES AT THE BEGINNING AND AT THE END OF THE COUNT**

*Illustrated by the Electorates of Braddon and Franklin, 1946-1956*

<table>
<thead>
<tr>
<th>Year</th>
<th>Party</th>
<th>Seats Won</th>
<th>Total Primary Vote</th>
<th>Total Vote at End of Count</th>
<th>Amount of Decrease or Increase in Vote</th>
<th>Vote Lost due to Ballotting</th>
<th>Vote Gain due to Ballotting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>Labor (3)</td>
<td>13,522</td>
<td>14,497</td>
<td>+ 575</td>
<td>129</td>
<td>Labor</td>
<td></td>
</tr>
<tr>
<td>1948</td>
<td>Labor (3)</td>
<td>13,868</td>
<td>12,746</td>
<td>- 1,122</td>
<td>1,335</td>
<td>Liberal</td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>Labor (3)</td>
<td>13,327</td>
<td>14,901</td>
<td>+ 1,574</td>
<td>114</td>
<td>Liberal</td>
<td></td>
</tr>
<tr>
<td>1952</td>
<td>Labor (3)</td>
<td>14,702</td>
<td>15,240</td>
<td>+ 538</td>
<td>13</td>
<td>Liberal</td>
<td></td>
</tr>
<tr>
<td>1954</td>
<td>Labor (3)</td>
<td>14,470</td>
<td>16,083</td>
<td>+ 1,613</td>
<td>32</td>
<td>Liberal</td>
<td></td>
</tr>
<tr>
<td>1956</td>
<td>Labor (5)</td>
<td>15,302</td>
<td>16,320</td>
<td>+ 1,018</td>
<td>1,858</td>
<td>Liberal</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Party</th>
<th>Seats Won</th>
<th>Total Primary Vote</th>
<th>Total Vote at End of Count</th>
<th>Amount of Decrease or Increase in Vote</th>
<th>Vote Lost due to Ballotting</th>
<th>Vote Gain due to Ballotting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>Labor (3)</td>
<td>14,874</td>
<td>13,281</td>
<td>- 2,593</td>
<td>29</td>
<td>Liberal</td>
<td></td>
</tr>
<tr>
<td>1948</td>
<td>Labor (3)</td>
<td>15,844</td>
<td>14,205</td>
<td>- 1,639</td>
<td>1,446</td>
<td>Independent</td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>Labor (3)</td>
<td>15,262</td>
<td>13,864</td>
<td>- 1,398</td>
<td>276</td>
<td>Liberal</td>
<td></td>
</tr>
<tr>
<td>1952</td>
<td>Labor (3)</td>
<td>14,641</td>
<td>15,901</td>
<td>+ 2,260</td>
<td>42</td>
<td>Liberal</td>
<td></td>
</tr>
<tr>
<td>1954</td>
<td>Labor (3)</td>
<td>17,332</td>
<td>15,915</td>
<td>+ 3,417</td>
<td>57</td>
<td>Liberal</td>
<td></td>
</tr>
<tr>
<td>1956</td>
<td>Labor (3)</td>
<td>14,556</td>
<td>16,001</td>
<td>+ 1,445</td>
<td>3</td>
<td>Labor</td>
<td></td>
</tr>
</tbody>
</table>

This table, with the accompanying explanations on pages 64-65, shows why voting figures at the end of the count, as revealed on the "Result of Scrutiny" sheets, may not provide sufficient information for ascertaining which of the two major parties has a majority of the State-wide vote.

Column E shows the total first-preference votes recorded for candidates of the two major parties; Column F records the votes standing to the credit of the corresponding parties at the end of the count.

Column G shows the total first-preference votes recorded for candidates of the two major parties; Column H records the votes standing to the credit of the corresponding parties at the end of the count.
Some specific examples taken from Table III., page 68, illustrate why inspecting exhausted votes would be necessary for a true comparison of overall vote totals of the two parties. For instance, in Braddon in 1946: the Liberal Party was only 497 votes behind the Labor Party in respect to primaries, but 2,382 votes behind Labor at the end of the count. As seen in Table III., the Liberal Party lost more than ten times as many votes due to exhaustion. The chief reason was that when Mr. H. H. McFie, Liberal candidate, was elected there were no Liberal Party colleagues left in the count at that stage who could have benefited from Mr. McFie's surplus, and 68 per cent of this surplus became exhausted.

Similarly, the 1956 elections in Braddon show how the order of elimination caused the exhausted votes to come, in this instance, almost entirely from the Labor Party. At the start of the count Labor led the Liberals by 488 votes, but at the end was 2,237 votes behind the Liberal total. The chief accretion of exhausted votes occurred when Mr. C. B. Aylett was elected as the third Labor member; at this stage there were no Labor Party colleagues left to benefit from Mr. Aylett's surplus, and 87 per cent of his surplus became exhausted.

The election in Franklin in 1955 furnishes another example of how a party can lead on primaries but finish with fewer votes recorded in its favour at the end of the count. In this case Labor had 1,259 more primaries than the Liberal Party but was credited with 3,448 fewer votes than the Liberals at the completion of the scrutiny. The preponderant cause in this instance was that three Labor candidates were already elected by the time the last Labor candidate, Mr. B. P. Crawford, was eliminated with 3,017 votes to his credit. Hence, with no fellow party candidates available to receive any of these 3,017 votes, all of them either were transferred to Liberal Party candidates or set aside as exhausted.

An illustration of how the combined vote for candidates of both parties can drop between the first and last counts is seen in Franklin in 1948, when the runner-up candidate was an Independent. The chief cause for the drop, as seen in Table III., is the occurrence of exhausted votes.

The impossibility of gaining a true comparative assessment of overall party votes from the figures at the end of the count is shown by other observations from the two illustrative electorates cited in Table III. In five of the ten examples the party with the larger primary vote increased its vote by the end of the count, but in the other five cases the party leading in primaries finished
with a decreased vote. In every case when the order of elimination so favoured a party that one of its candidates was runner-up, this party invariably experienced an increase in votes between the first and last counts. On three occasions the party with the larger primary vote actually fell below, by the conclusion of the count, the vote of the party with the smaller total of primaries. In all eight instances where the elected and runner-up candidates were from either major party (thus excluding the two cases where Independents were either elected or placed as runner-up), the party experiencing a smaller loss due to exhausted votes was ahead at the completion of the scrutiny.

Since, therefore, the incidence of exhausted votes (a) is the chief factor determining whether a party’s vote increases or decreases during the course of the scrutiny, and (b) is itself decided primarily by the order of elimination (which is not necessarily related to the support received by a party), it is clear that the information recorded on the scrutiny sheet after the last transfer is an incomplete indication of the comparative party strengths and therefore unsuitable for ascertaining the majority party based on an overall vote.

This unsuitability may also be seen from the following aspect: with the six-member electorates previously in use the accompanying quota of 14.3 per cent meant that a party obtained three seats when it gained 42.9 per cent of the votes. As each party normally received more than this number of votes, it could elect three members and have votes to spare. But whether these unused votes beyond this 42.9 per cent would (a) be included on the result sheet at the end of the count among those votes recorded to the credit of some candidate, or (b) become exhausted, would depend on the order in which candidates were eliminated.

Although an attempt to determine overall party strengths from information on the result sheet at the end of the count might usually be less unsuitable with seven-member electorates than with six-member ones, the general faults noted in the preceding paragraphs also would apply under the newly-adopted seven-member plan. To illustrate: since winning four of seven seats would require approximately 50 per cent of the votes, if a party won four seats it would be most improbable that it also would
have a candidate in runner-up position. Consequently, any votes beyond four quotas received by this party would either be transferred to candidates of the opposing party or become exhausted; thus a party would normally lose credit for any votes it received beyond four quotas.

N.—If, therefore, a special examination of the ballot-papers is required for making a true comparison of the overall support for two parties, could this inspection be made at the end of the scrutiny instead of immediately after the first count?

No, or at least not conveniently; the question poses two separate considerations.

First, if the special examination were of the type provided by Proposal 5, the inspection would produce the same accurate results whether made either immediately after the first count or at the conclusion of the scrutiny. On one hand it might appear, on first thought, to be desirable to delay the inspection until after the election of members is over, for the election result might show any further inspection of papers to be unnecessary. If any party obtained 18 or more seats, a further examination of the ballot-papers would of course be obviated.

On the other hand, if either the larger party or each of both parties obtained 17 seats, a special examination would be required. If this inspection was made immediately after the sorting of primary votes, it would involve extremely little work, as noted on page 32; but if the inspection had to be done after the conclusion of the count, enormous special efforts would be necessary. Moreover, conducting the special examination after the end of the scrutiny would leave the papers grouped chiefly according to primary votes only, not separated into the quotas which elected the successful candidates; consequently, further extra work would be required to restore the papers into the order needed for conducting by-elections by the recount method, if any casual vacancies should occur during the life of the ensuing Parliament.

Because of the great saving of time which could come from conducting the special examination at the stage most opportune for this purpose, it would seem very desirable to empower the

(35) In order to reach five quotas a party would require approximately 62.5 per cent of the votes, an amount too great to expect in large, multi-member electorates when two parties are closely matched in strength. Unless a party received a minimum of about a half a quota more than four quotas, it would not be able to place a candidate in runner-up position. Consequently, a party would lose credit, during an assessment made under the proposal suggested by Question M, for quantities of votes greater than four quotas but less than four and one-half quotas.
Chief Electoral Officer to undertake the inspection prior to the "cut-up" whenever he considers this step desirable (as noted on page 32).

Second, unless Question N clearly outlines a definite plan of post-scrutiny examination, the plan cannot be analysed and appraised. Various suggestions for a special examination of the ballot-papers after the conclusion of the count could produce false results. An example is a method whereby the State-wide majority of overall votes for a party is determined by (a) adding together the total of votes standing to the credit of all candidates of either major party who are elected or unexcluded; then (b) allocating to the two major parties, first, the votes set aside as exhausted and, next, the votes of possible non-major party candidates in runner-up position; and (c) combining the totals of (a) and (b) above to see which of the two parties has the majority of the overall vote.

This method, which shall be referred to here as Plan N, is a marked improvement over the procedure suggested in Question M because the latter ignored attention to exhausted ballot-papers, whereas Plan N gives them proper consideration. Nevertheless, Plan N is seriously defective and could not be relied upon to give accurate results, since totals of votes standing to the credit of individual candidates at the end of the count are not designed to provide a guide to the overall votes of the parties. Adding together the totals of votes specified in (a) and (b) of Plan N would not be an infallible indication of respective party strengths, because the votes represented by combining the totals of all candidates of a given party at the conclusion of the count may not constitute a clear expression of which party is preferred by the electors.

The reason why such may not be a clear expression can be seen from examples from past elections. Take, for instance, the two cases illustrated by the elections in Braddon in 1946 and in Franklin in 1955, which were cited above in connection with Question M: when Mr. McFie, Liberal candidate in Braddon, reached his quota with a surplus there were no party colleagues left to receive preferences when this surplus was distributed, and 68 per cent of it became exhausted. Hence, in accordance with Plan N this 68 percent would be inspected at the conclusion of the count and generally credited to the State-wide Liberal Party totals (assuming of course that these votes generally showed the State-wide majority of overall votes for the Liberal Party).
Liberal Party to be higher in preference). This procedure would give effect to the wishes of the electors, because the papers would be credited to the party which was marked higher in preference.

But what happened to the other 32 per cent of Mr. McFie's surplus? — They were transferred to two unelected Labor Party candidates. It is obvious, of course, that Mr. McFie's surplus were generally Liberal Party votes (that is, ballot-papers on which preferences for Liberal candidates were expressed prior to preferences for Labor candidates); yet, because there were no Liberal candidates available at that stage to receive transfers, the votes went instead to Labor candidates. For the election of members this procedure is quite in order for carrying out the wishes of the voters, but for ascertaining which major party is held in higher preference by the electors in 17-17-1 and related situations, the ballot-papers need to be examined exclusively for this purpose and before papers are transferred from the party in which the electors' highest preferences are marked. For this reason Proposal 5 does provide for the inspection of the ballot-papers before they have a chance to become transferred out of the party for which the highest preferences are marked.

The elections in Franklin in 1955 illustrate circumstances corresponding to the distribution of Mr. McFie's surplus; in this instance Mr. Crawford, Labor candidate, was eliminated when he had 3,017 votes to his credit and when there were no other Labor candidates left. Consequently, although 57 per cent of his votes were transferred to the accumulation of exhausted papers (which by the terms of Plan N would later be examined) 43 per cent were allocated to two unelected Liberal Party candidates. These 43 per cent obviously do not represent a preference for the Liberal Party over the Labor Party; yet this is how Plan N would interpret them.

If "leakages" (\(8\)) occurred only in the course of normal cross-voting, objection to calculating the overall party votes at the end of the count would be reduced. As seen in Table IV., page 69, the amount of normal cross-voting from major parties is limited; as noted in Part A of this table, such leakage away from the major parties to other candidates in the three elections examined (namely from 1950 to 1956, inclusive) amounted to slightly less than four per cent.

---

(8) "Leakage" is a term of common usage to designate votes which, in the process of being transferred, leave the party for which they were originally marked and either are counted to the credit of candidates outside this party or become exhausted. A ballot-paper, of course, can leave the party for which the highest preferences are marked only if the elector gives subsequent preferences to candidates not of this party.
In situations, however, where votes are transferred from a major party candidate when there is no party colleague left to receive a share of them, the amount of cross-voting to other candidates increases markedly, namely, to over 28 per cent, as seen in Part B of Table IV. In the elections from 1941 to 1956, inclusive, there were 26 cases similar to the two examples cited above in reference to Braddon in 1946 and in Franklin in 1955—instances where votes were transferred from a major party candidate when there was no party colleague left to benefit from them. Because such cases can occur, whether six- or seven-member electorates are used, reliable assessments of comparative party strengths cannot be made after votes have been transferred from the party for which the ballot-papers were first marked. Since Plan N uses calculations based upon the results at the very end of the count, when transfers have been completed, this method cannot disclose reliably which of two major parties is preferred by the electors on the basis of a State-wide vote in 17-17-1 and related situations.

**TABLE IV.**

<table>
<thead>
<tr>
<th>Part</th>
<th>Year</th>
<th>Total Votes Distributed</th>
<th>Votes Remaining Within Party</th>
<th>Votes Going Outside of Party</th>
<th>Votes Exhausted or Lost Due to Fractions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1956</td>
<td>46,545</td>
<td>42,821</td>
<td>92.0</td>
<td>1,685</td>
</tr>
<tr>
<td></td>
<td>1955</td>
<td>48,481</td>
<td>45,242</td>
<td>95.1</td>
<td>1,529</td>
</tr>
<tr>
<td></td>
<td>1950</td>
<td>52,340</td>
<td>48,167</td>
<td>92.0</td>
<td>2,460</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total</strong> 144,346</td>
<td><strong>134,230</strong></td>
<td><strong>93.0</strong></td>
<td><strong>5,674</strong></td>
</tr>
<tr>
<td>B</td>
<td>1941</td>
<td>19,494</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

This table reveals the number of votes which remained within a party's group of candidates when votes were distributed. (Votes for distribution consisted of surplus ones when candidates were elected or the entirety of their votes when candidates were excluded.) Examination shows, as illustrated in Part A, that few votes leave a party when at least one other candidate of that party still is in the count. When, however, votes are distributed from a party's last candidate (there being no party colleague left to receive preferences), the number of votes going to candidates outside this party increases markedly, namely, from an average of 3.9 to 28.6 per cent for the years noted.

The number of instances of transfer of preferences when there existed a choice of candidates from two or more parties was 39 in 1956, 39 in 1955, and 43 in 1950. In order to obtain sufficiently numerous cases of distribution of votes when no party colleague remained (the situation covered in Part B), elections from 1941 to 1956, inclusive, were considered, amounting to a total of 26 cases.
O.—Could the majority party be determined, in prescribed cases such as 17-17-1, by conducting a poll especially for this purpose by means of a separate ballot-paper when general elections for the House of Assembly are held? (27)

Yes, such a method is possible, but it could achieve nothing which would not be accomplished more satisfactorily by Proposal 5; moreover, this form of special balloting would almost certainly produce a variety of objectionable results, some of which are noted below.

1. Use of two ballot-papers would in all probability cause undesirable psychological effects. For instance, if the conditions such as 17-17-1, for which the extra ballot-paper is to apply, do not occur, these papers will not be counted, and many electors will wonder why the extra ballot-papers had to be marked. Judging on results from past elections based on the return of seven members from an electorate (as noted in answer to Question B), the extra ballot-paper would have been required only once in ten elections—yet it would have to be handed to the voters and filled in by them at every election whether needed or not.

On the other hand, if the extra ballot-papers are counted, the resulting totals for the respective parties almost certainly would be different from the totals for the same parties based on the number of primary votes cast for the candidates of the parties, as it is inevitable that in the ballot for the choice of Government some electors will vote for one party and then, in the ballot to elect the members, will give their first choice to a candidate of another party.

Illustrations of this type of discrepancy can be seen in Federal elections when two ballot-papers (for the Senate and the House of Representatives) are issued at the same time. Although this situation is not identical to that represented by Question O (which plans for two ballot-papers, though for the same body), it is related sufficiently to show what reasonably could be expected to happen—namely, that the support shown for the respective parties on one ballot varies from that shown on the other ballot. Take, for example, the Federal elections in Tasmania in 1958:

(27a) The plan envisaged by Question O would provide that the voter be given, in addition to the ballot-paper needed for electing members, a separate form listing the parties competing in the election. The voter would be expected to indicate, by marking his order of choice among the parties, which party he wanted as the Government. The votes so cast for the parties would then be counted if no party obtained an absolute majority of seats, and the division of seats, such as 17-17-1, was in a category for which determination of the Government by means of the special ballot-paper was prescribed. The method used in counting the ballot-papers would be similar to that prescribed by the electoral act for the counting of votes when only one member has to be elected.
In contests for the House of Representatives, candidates of the Australian Labor Party received 46.8 per cent of the State-wide primary vote, but the A.L.P. candidates for the Senate obtained only 41.0 per cent. Liberal Party candidates gained 44.5 per cent of the State's vote for the House of Representatives, but only 40.1 per cent for the Senate. On the other hand, although the Democratic Labor Party polled only 7.9 per cent of the overall vote for the House, it won 17.0 per cent of the vote for the Senate. Discrepancies, moreover, were much greater than this within various electorates, for instance: the vote for A.L.P. candidates in Bass and Wilmot was 55.6 and 59.6 per cent, respectively, for the House, yet only 43.2 and 42.7 per cent for the Senate in the same electorates. Although in elections for the House, Liberal Party candidates polled 52.6 and 54.1 per cent of the vote in Denison and Franklin, respectively, its candidates for the Senate obtained only 39.8 and 36.6 per cent in these Divisions.

On the one hand, since the two ballot-papers planned by Question O relate to contests for the same Parliamentary body, it could be expected that the discrepancy between the party vote totals, though still large, would be less marked than if the two ballots were for different bodies. But on the other hand, since these differences in vote totals would pertain to the same body, the discrepancy would be more serious and would confuse many electors. Moreover, if in a 17-17-1 division of seats one of the 17-member parties leads strongly in primary votes cast for its candidates while the other 17-member party leads in the votes cast in the contest to choose the Government, this discrepancy will appear not only confusing, but anomalous, to many electors. Under Proposal 5, in contrast, the two totals would always be identical, as primary votes cast for the candidates of a party would determine the number of votes credited to that party.

2. The use of two ballot-papers would require much effort from somewhere to educate the electors on the purpose and functioning of the dual balloting. The adoption of the proposals of this report, however, would require not only no extra ballot-paper but no change in the procedure or in the purpose of voting. Proposal 5 would merely further examine the voting record to ascertain which party the electors wished to form the Government when this fact is not fully revealed by the return of members to the House.

3. Having to mark two ballot-papers would increase the amount of informal voting. Evidence of this expectation can be seen in Federal electoral experiences. In 1953, when a Federal election was held only for the Senate (without the usual contest for the House of Representatives normally held simultaneously, by means
of another ballot-paper), the average of informality for all States was 4.56 per cent. In the previous elections in 1951, when the usual two ballot-papers were used (one for the Senate and one for the House), the average informality for all States was 7.13 per cent; similarly in 1955 when the next elections were held concurrently for the Senate and House, the corresponding average was 9.63 per cent.

When informality for Senate contests is examined on the basis of experience within electoral Divisions, it is instructive to note that there was a drop in informality, from the elections of 1951 to those in 1953, in every Division in every State, save for five exceptions (38b). And from the elections of 1953 to those of 1955 there was an increase in informality in every Division of every State, with no exceptions.

The absurd requirement in Federal elections that a voter must put a number opposite the name of every candidate (whether he likes a candidate or not!) is the cause for much of the informality; but the issuing of two ballot-papers, even though for separate and distinct elections, contributes markedly to an increase in invalid votes. The connection between the number of informal votes and the number of ballot-papers given to an elector can be seen even in contests for the House of Representatives, in which the number of candidates on the ballot-paper is small in comparison with the Senate (38d).

In the elections for the House of Representatives in 1951 and 1955, when two ballot-papers were used, the average informality for all States was 1.9 and 2.9 per cent respectively. In 1954, when an election was held only for the House of Representatives, the corresponding average was 1.4 per cent. Moreover, if informality in contests for the House is examined on the basis of experience within individual electorates, the evidence is even more clear. From the election of 1951 (two ballot-papers) to that of 1954 (one ballot-paper) informality dropped, with three exceptions (38e), in

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(38b) The five exceptions were Fawkner, Lalor, and Melbourne in Victoria; Hindmarsh in South Australia, and Kalgoorlie in Western Australia. These five Divisions showed only a trifle more informality in 1953, the greatest rise being 0.62 per cent in Kalgoorlie.

(38c) Actually, if a voter has marked properly a preference number in consecutive order for all candidates except the last, the ballot-paper will not be considered informal; but this permission for an elector to omit a number for his last preference helps little to simplify the task of voting.

(38d) In 1955, for example, the average number of candidates contesting a seat for the House of Representatives was 2.7, while the average number of candidates on a Senate ballot-paper was thirteen.

(38e) The three exceptions, where the increase was less than one per cent in each case, were Reid and West Sydney in New South Wales and Capricornia in Queensland.
every Division of every State. Correspondingly, from the elections of 1954 to those of 1955 (two ballot-papers) there was, with two exceptions (38f), an increase in informality in every Division of every State (38g).

4. As the reasons given so far in answer to Question O may suffice to show why the suggestion for two ballot-papers is faulty, it does not seem necessary to consider here what unforeseen factors might arise from implementing the suggestion; but it could be expected that the dual voting would produce many new and unforeseeable consequences. For instance, would the dual balloting encourage some electors to vote only for a party and not for individual candidates? Among other objections, such a practice would have the effect of disfranchising either partially or completely those electors who voted in this manner; votes marked only on the "party ballot-paper" proposed by Question O would of course not count unless there occurred a certain prescribed division of seats, such as 17-17-1.

P.—Could the principle for determining the Government in the illustrative 17-17-1 situation be applied correspondingly when the members are returned 16-16-3?

Yes, if clearly-based democratic mandates are to be a prerequisite for governing in cases of 16-16-3.

The proposals of this report seek to have Governments established with the clearest and most direct mandate possible, namely, a mandate based, preferably, upon the wishes of the electors expressed at a State-wide poll rather than upon negotiations or deals between Parliamentarians after the election. Proposal 5 of this report shows how the electoral record can be examined to disclose which party the electors wish as the Government, when both parties have 17 seats each or when the largest party has only 17 seats.

The same process can as readily disclose which party the electors want as the Government when both parties have 16 seats or the largest only 16. To adjust Parliamentary practices in order to fix responsibility in this situation would require minor additions to the proposals of this report, which are confined to dealing primarily with the 17-member situations under consideration.

(38f) The two exceptions were West Sydney in New South Wales and Port Adelaide in South Australia.

(38g) Because elections for the Senate are not held in the Australian Capital Territory and in the Northern Territory, the figures on informal voting in this and the foregoing three paragraphs refer only to the electoral Divisions within the six States. There were 121 such Divisions in 1951, 1953, and 1954 and 122 Divisions in 1955.
Proposals for fixing responsibility in the eventuality of the 16-member situations referred to above have not been included in this report, as past experience suggested that the likelihood of the largest party gaining only 16 seats was remote. Nevertheless, as the contingency of 16-16-3 and related situations could arise, provision for dealing with these possibilities should be made, if clearly-established mandates for governing are to be established. If steps are taken to fix responsibility in 17-17-1 and related situations, the minor additional provisions required for corresponding 16-member conditions could then be enacted more readily.

In how many possible combinations in the division of Parliamentary seats between parties is the mandate for governing more democratic if it is based on the overall State-wide vote (as exemplified by Proposal 5), than if it is based on the action of the members in the House? It may be asked. A detailed answer would take too much space here, but in brief it may be noted that in cases where the largest party has only 15 or fewer seats, a mandate for governing can usually be established more satisfactorily by a vote of the members in the House. Also, of course, if any party obtains 18 or more seats it can generally be assumed, without the special examination provided by Proposal 5, that it has received a majority of the State-wide vote and has obtained, therefore, the clearest and most direct mandate.

(29) When the returns of the ten elections between 1928 and 1956, inclusive, were examined to ascertain what the result would have been if seven, instead of six, members had been chosen per electorate, it was seen that only once would the largest party have received as few as 17 seats, as revealed in Table II., page 45.
PART VI.—POST-ELECTION COMMENT.

The proposals of this report were drafted prior to the May, 1959, general election in order to make them available for consideration for possible adoption before the first contest with seven-member electorates was held. They were written to apply sound principles of political science to the solution of the problems under examination.

Had the proposals been considered by Parliamentarians before the election, a more dispassionate appraisal of them would have been possible, for then the proposals could have been viewed almost completely on the basis of principle because their political effect would not be known until the votes of the next election were counted. Nevertheless, since the proposals do not affect political party policy, but concern themselves only with methods for better implementing the wishes of the electors, an objective assessment of the recommendations is still possible, even though the first election with seven-member constituencies has been held.

In fact, because the election results turned out as they did, the importance of means for fixing responsibility is more clearly apparent. Although the need for "deadlock" proposals had been widely acknowledged prior to the election (\(\text{40}\)), this need was based, necessarily, on theoretical assumptions. Since, therefore, the assumptions for the need for these proposals are no longer based merely on theory, but on obvious reality as well, increased interest in fixing responsibility for governing may therefore result.

As the general principles and the advantages of these proposals have been outlined in Parts I. to V., they need not be reiterated here as the reader can gather from the general account what applies to the present situation.

Fixing Responsibility by Plan Instead of by Accident.

Comparison of the May, 1959, election results in Tasmania with equivalent elections in the last round of contests in the five Australian mainland State throws useful light on the relationship between the method of choosing members for Parliament and the method for determining the Government. As noted on pages 45-46.

\(\text{40}\) For instance, this need was recognised by the Select Committee on Electoral Reform (referred to on pages 85-86). Another instance: in speeches in the House of Assembly on December 4, 1958, the Opposition Leader, Mr. W. Jackson, and the then Speaker, Mr. K. O. Lyons, forcefully recommended "deadlocks" legislation, and the Premier, Mr. E. E. Reece, stated that consideration would be given to the subject.
and elsewhere in this report, the single-member system often acts to suppress the size of the Opposition party, thus giving the Government an exaggerated majority in the House whether it is supported strongly by the electors or not. This distortion under single-member electorates often conceals the fact that the victorious party may win a majority of seats with a minority of votes or with even fewer votes than those cast for the Opposition candidates. Nevertheless, the possession of this majority in the House (though perhaps quite unwarranted by Hare-Clark standards of fairness) makes Government formation automatic, thus achieving the desired fixing of responsibility.

FIGURE 2(*)
COMPARISON OF VOTES RECEIVED AND SEATS WON BY THE GOVERNMENT PARTY OR PARTIES IN THE MOST RECENT STATE ELECTIONS IN AUSTRALIA.
States Listed According to Percentage of Votes Received.

(Tasmania is SECOND HIGHEST in Votes but LOWEST in Seats.
Explanation for Fig. 2 and footnote (a) are on next page.)
Because the Hare-Clark system represents public opinion fairly, a reasonably close correspondence will always exist between votes received by political parties and seats won in the House of Assembly. Figure 2 notes how the single-member electorate system, in a characteristic fashion, has given exaggerated Parliamentary majorities to the Government parties in four other States, although these parties received a smaller percentage of votes than the Government party in Tasmania.

Since distorted representation frequently acts to fix responsibility for governing automatically, special provision for achieving this end may be unnecessary for single-member electorate conditions. Hence, such Parliamentary usages derived from Westminster which are an outgrowth of an experience confined to single-member electorates and other crude devices of representation may be unsuited for the more refined standards established by the Tasmanian Hare-Clark system.

(b) The percentages shown in Figure 2 include adjustments for uncontested seats and are taken from data contained in Part B of Table IX, page 90. Part A of Table IX, gives the returns on the basis of actual votes cast. The distortion between votes and seats, if calculated on votes cast and without allowance for uncontested seats, is definitely greater than that shown in Figure 2, except for N.S.W., where the overall discrepancies between votes and seats are of about the same degree whether calculated with or without an allowance for uncontested seats.

By disfranchising, in effect, many voters who favour Opposition candidates, the single-member system usually distorts the representation desired by the electors and tends to give one side a working majority. As a result, the limited provisions for determining the Government, as provided by the rules of the British House of Commons, may generally be adequate for Parliaments elected by the same crude and unfair system used to elect the Parliament at Westminster. But when members are chosen by the scientific and just Hare-Clark method of election, which is purposely designed to give fair representation to both Government and Opposition, the House of Commons usages for forming the Government are incomplete and inadequate.

As seen in Figure 2, page 76, the Government party in Tasmania, as compared with the Government party or parties in the five other Australian States, received the second highest percentage of votes (namely, 45.9), but the lowest percentage of seats (namely, 48.6) in the last round of general elections. Joined, moreover, with this relative curtailment of Government membership in the House of Assembly in Tasmania is the corresponding, favoured position of the Opposition in this State, as seen in Figure 3 and Table V., page 78. For the elections under consideration, only in Tasmania is an Opposition party able to win a definitely higher percentage of seats (45.7) than of votes (42.9). In Victoria, South Australia, and Western Australia the Opposition is conspicuously under-represented as compared with the Opposition in Tasmania.
FIGURE 3 and TABLE V. (*)

DISPARITY IN PERCENTAGE OF VOTES AND SEATS OBTAINED BY GOVERNMENT AND OPPOSITION PARTIES IN THE MOST RECENT ELECTIONS FOR THE LOWER HOUSES OF PARLIAMENT OF THE SIX AUSTRALIAN STATES.

Bars show degree of disparity between seats won compared with votes received. Amounts above base line show percentage of excess of seats in respect to votes and amounts below this line show deficiency of seats in respect to votes.

Part A shows that in all cases the Government party or parties are over-represented. Part B shows that, except for Tasmania, the Opposition party or parties are generally under-represented, sometimes severely so. In Tasmania, the Hare-Clark system assures that each party will receive, as closely as practical, its fair share of seats.
TABLE V.

<table>
<thead>
<tr>
<th>PART A.—Government</th>
<th>PART B.—Opposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seats</td>
<td>Votes</td>
</tr>
<tr>
<td>Tas. 48.6</td>
<td>45.9</td>
</tr>
<tr>
<td>N.S.W. 52.1</td>
<td>47.1</td>
</tr>
<tr>
<td>Q'ld (b) 56.0</td>
<td>44.4</td>
</tr>
<tr>
<td>S.A. 51.3</td>
<td>39.3</td>
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<tr>
<td>W.A. 62.0</td>
<td>45.1</td>
</tr>
<tr>
<td>Vic. (c) 57.6</td>
<td>37.2</td>
</tr>
</tbody>
</table>

(a) The percentages shown in Figure 3 and Table V. include adjustments for uncontested seats and are taken from data contained in Table IX., page 90.

(b) The under-representation of the Opposition in Queensland is recorded as only 2.9 per cent, because this is the amount by which the official Opposition party is under-represented. If the under-representation experienced by another party in opposition, namely, the Queensland Labor Party, were added to that of the official Opposition party, the under-representation of opposition parties would be 10.2 per cent.

(c) The degree of over-representation of Government parties is often greater even than the degree of under-representation of Opposition ones, because some contesting parties or Independents win no seats at all, especially under single-member electorate conditions, for example in Victoria. Here, the Democratic Labor Party, though receiving 14.4 per cent of the vote, obtained no seats.

In Victoria and Western Australia the Government parties hold 57.6 and 62.0 percent of the seats, respectively, with 37.2 and 45.1 percent of the votes. In South Australia the Government party with only 39.3 percent of the vote obtained 51.3 percent of the seats, while the considerably larger vote of 48.0 per cent for the Opposition party yielded, in contrast, only 40.6 percent of the seats.

Despite the glaring faults of the single-member system (some of which are referred to by footnote on page 55), at least this method generally acts—if only haphazardly and accidentally—to fix responsibility for governing. Yet this benefit of the single-member system can be achieved, and achieved fairly, under the Hare-Clark system. As seen in Table II., page 45, in the ten elections from 1928 to 1956 inclusive, responsibility for governing would have been fixed, automatically and without need for the proposals of this report, in nine of the ten cases if seven-member electorates had been used. In the remaining one case, responsibility would have been fixed if these proposals had been in effect. Since, therefore, these proposals would expand appreciably—in a planned, not accidental way—the range under which responsibility for governing could be fixed, their adoption would combine the one chief merit of the single-seat system with the enormous benefits special to the Hare-Clark system.
TABLE VI.

VOTES FOR MAJOR PARTIES AFTER DISTRIBUTION OF PREFERENCES OF THE LAST UNSUCCESSFUL NON-MAJOR PARTY CANDIDATE IN EACH ELECTORATE.

In Elections for House of Assembly, May 2, 1959.

**PART A.** Distribution of Preferences as Noted on Scrutinies Sheets.

<table>
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<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Braddon</td>
<td>16,659</td>
<td>14,462</td>
<td>663</td>
<td>72</td>
<td>31,887</td>
<td></td>
<td>Upon exclusion of Lane, D.L.P. candidate</td>
<td></td>
</tr>
<tr>
<td>Denison</td>
<td>18,302</td>
<td>18,105</td>
<td>2,208(a)</td>
<td>4,106</td>
<td>29</td>
<td>33,841</td>
<td>Upon distribution of surplus of Weld, Independent candidate</td>
<td></td>
</tr>
<tr>
<td>Franklin</td>
<td>15,236</td>
<td>15,388</td>
<td>1,404</td>
<td>85</td>
<td>32,110</td>
<td></td>
<td>Upon exclusion of Morgan, D.L.P. candidate</td>
<td></td>
</tr>
<tr>
<td>Wilmot</td>
<td>17,199</td>
<td>14,246</td>
<td>21</td>
<td>16</td>
<td>31,484</td>
<td></td>
<td>Upon exclusion of Hill, D.L.P. candidate</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>76,064</td>
<td>71,790</td>
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<td>963</td>
<td>2,267</td>
<td>160,743</td>
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**PART B.** Distribution of Votes of D.L.P. Candidate in Denison(a).

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<th></th>
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**PART C.** Distribution of Effective(b) Votes.

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<thead>
<tr>
<th>Area</th>
<th>Votes for Labor Party</th>
<th>Votes for Liberal Party</th>
<th>Votes for Independents</th>
<th>Total Effective Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bass</td>
<td>76,064</td>
<td>71,790</td>
<td>3,208</td>
<td>157,607</td>
</tr>
</tbody>
</table>

Notes:
- (a) Denison
- (b) Effective
Table VI shows what the support for the two major parties in Tasmania would be if calculated after the distribution of preferences upon the exclusion of the last unsuccessful non-major party candidate in each electorate.

On this basis of calculation, the Labor Party receives 48.6 per cent of the total effective (b) vote, the Liberal Party 46.2 per cent, and Independents 5.2 per cent.

(c) The division of the votes at the end of Part A is exactly as taken from the official scrutiny sheets at the stages indicated. How the 2,389 votes credited to Mr. Senior, D.L.P. candidate in Denison, would be shared between the two major parties at the time of Mr. Senior's exclusion is not known because at this stage of the count all Labor candidates had either been elected or eliminated.

For the purpose of Parts B and C of this table, Mr. Senior's preferences are distributed between the two major parties in the same proportions as D.L.P. preferences divided, on the average, between the two major parties in the other four electorates. This average is readily calculated since the distribution of D.L.P. preferences is noted on the scrutiny sheets for these four electorates.

(b) "Effective" votes in this table refer to all of the valid votes except those put aside because of exhaustion or lost by fractions.

**Answering Critics of the Hare-Clark System.**

Because of the inadequacy of House of Commons rules for determining Governments from a Parliament chosen under Hare-Clark standards, critics tend erroneously to blame the Hare-Clark system for what are faults in the method for deciding the Government. One of the many examples of such criticisms is an editorial from *The Sydney Morning Herald* of May 22, 1959, entitled "A Minority Government in Eccentric Tasmania".

This article castigates the Hare-Clark system for having "the practical effect, at election after election, of producing a virtual dead-heat of the competing parties—and thus of denying the Government a satisfactory working majority. Tasmania, therefore, seems faced with a period of negative, standstill government". Informed Tasmanians know that the "dead-heats" of recent years were the result not of any inherent feature of the Hare-Clark system but of the technical anomalies arising from six-member electorates. Moreover, with a slightly increased vote in the recent elections (indeed, with a switch of only 105 preference votes in Franklin) the Government would have obtained 18, instead of only 17, seats. Besides, had the proposals of this report been in effect prior to the recent election, the Government would have been determined automatically and on a clear-cut, unimpeachably democratic basis. Nevertheless, because of the absence of these proposals, sharp attacks were made against the Hare-Clark system when the complaints were, in fact, not with the Hare-Clark system but with the method of choosing the Government.
As most States and countries of the world are suffering badly from faulty electoral methods, a model is needed to serve as a guide for improving these systems. The Hare-Clark system could serve as this model, especially now that the defective six-member electorates have been eliminated. However, unless means are adopted to provide for fixing responsibility, at least for the case when one party or each of both parties has only 17 seats, the Hare-Clark system will be much less able to command the attention required to have it favourably considered as a pattern. Even if the proposals of this report were not needed for the electors of Tasmania, their enactment would be justified on the grounds of helping to provide the needed model for those in other lands.

Applying Proposal 5 to 1959 Elections.

Legislation which would give effect to Proposal 5 would authorise the Chief Electoral Officer to order the prescribed special examination of the ballot-papers prior to the “cut-up” if in his judgment it appeared that the election might result in one party or each of two parties gaining only 17 seats (41). The same inspection could be made after the completion of the scrutiny, but the job at this stage would necessitate extensive work.

Fortunately, the process of applying the recommendations of this report to the results of the 1959 elections would not be difficult because the margin of lead in total votes by Government party candidates over Opposition ones is sufficiently large so that the respective strengths of the two parties, as defined by Proposal 5, can be ascertained from the scrutiny sheets. Consequently, a special re-examination of ballot-papers would not be necessary in order to verify that the present Government party of 17 members has a majority of the overall vote as compared with the Opposition party. Since, therefore, the Government party is already known, the chief material effect of implementing the proposals of this report would come from the requirement that the Government relinquish the positions of Speaker and Chairman of Committees and that the Opposition then fill these two vacancies.

Table VII., page 84, shows, in summary, the procedure which would be followed if Proposal 5 were to be applied to the 1959 election results. For the reasons noted in the explanations to Table VII., the figures after Line 3 would probably vary slightly, but only slightly, from figures derived from an actual, special examination of the ballot-papers. Line 1 shows that the total support for the Government party (A.L.P.) exceeds that for the Liberal Party Opposition by 5,550 first preference votes.

(41) The operation of Proposal 5 is explained on pages 31-32.
The next step, shown in Line 2, is to distribute all the No. 2 preferences of Dr. R. J. D. Turnbull, Independent candidate. The precise allocation of these preferences can be obtained from the official scrutiny sheet, since, because this candidate had a surplus of primaries, all of his papers were sorted according to No. 2 preferences and then distributed. As the Labor Party received more of these preferences (namely, 44.2 per cent of them) than the Liberal Party (which received 31.7 per cent), the Labor Party State-wide total builds up to 75,542 votes, a lead of 6,663 over the Liberals.

Line 4 shows the distribution to the two major parties of the preferences of all non-major party candidates except (a) those of D.L.P. candidates, whose preferences are distributed as the next step, and (b) those of Independent candidate Mr. W. G. Wedd, whose ballot-papers were never examined since Mr. Wedd was elected. As the Labor Party received fewer of these preferences (namely, those indicated on Line 4) than the Liberal Party, Labor's lead over the Liberals was reduced to 6,334.

Line 6 notes the allocation of D.L.P. preferences, which strongly favoured the Liberal Party; of 6,653 D.L.P. ballot-papers which showed an extension of preferences into either major party group, 61.1 per cent favoured the Liberals. Although the Labor Party lead is therefore cut markedly, Labor is still 4,853 votes ahead. Since this margin is greater than the quota of 4,106 votes which elected Mr. Wedd, it would therefore be unnecessary to examine the papers constituting the quota of Mr. Wedd in order to show that the Labor Party has a majority of votes after the distribution of preferences of non-major party candidates.

(42) In the original count, surplus voting papers would necessarily have only fractional values. In applying Proposal 5, voting papers would be transferred, naturally enough, at full value only.
### TABLE VII.

**Application of Proposal 5 to Results of House of Assembly Elections of May 2, 1959.**

*Votes Obtained by Respective Parties and Candidates.*

<table>
<thead>
<tr>
<th>Line</th>
<th>A.L.P.</th>
<th>Liberal Party</th>
<th>Dr. Turnbull</th>
<th>D.L.P.</th>
<th>Mr. Wedd.</th>
<th>Others</th>
<th>Exhaust or Loss by Party</th>
<th>State-wide Total</th>
<th>Explanation, line by line, of steps of procedure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>71,535</td>
<td>66,005</td>
<td>9,065</td>
<td>8,510</td>
<td>3,075</td>
<td>2,553</td>
<td>160,743</td>
<td>160,743</td>
<td>Primary votes for all candidates.</td>
</tr>
<tr>
<td>2</td>
<td>4,007</td>
<td>2,874</td>
<td>-9,065</td>
<td>230</td>
<td>...</td>
<td>1,949</td>
<td>8</td>
<td></td>
<td>Distribution of Turnbull surplus(a).</td>
</tr>
<tr>
<td>3</td>
<td>75,542</td>
<td>69,879</td>
<td>8,746</td>
<td>3,075</td>
<td>4,493</td>
<td>8</td>
<td>160,743</td>
<td>160,743</td>
<td>Progressive total.</td>
</tr>
<tr>
<td>4</td>
<td>1,243</td>
<td>1,572</td>
<td>508</td>
<td>1,031</td>
<td>-4,493</td>
<td>139</td>
<td></td>
<td></td>
<td>Distribution of preferences of &quot;others&quot;(b).</td>
</tr>
<tr>
<td>5</td>
<td>70,785</td>
<td>70,451</td>
<td>4,106</td>
<td>2,748</td>
<td>2,748</td>
<td>160,743</td>
<td></td>
<td></td>
<td>Final total. See footnote(d).</td>
</tr>
</tbody>
</table>

This table, with the accompanying explanations on pages 82-83, shows that the present Government party has a majority of the State-wide vote as defined by Proposal 5.

(Footnotes for Table VII. are on next page.)
Footnotes for Table VII.

(a) Because this distribution is of surplus votes, the precise allocation of these preferences to the other candidates can be obtained from the scrutiny sheets. The votes recorded in line 3, therefore, show exactly what the voting strengths of the several parties and other candidates would be at that stage.

(b) The distribution of preferences to candidates of the two main parties from "others" (namely, from all non-major party candidates except Mr. Webb and D.L.P. candidates) is in accordance with the transfers on the scrutiny sheets. Since such transfers are allocated on the basis of the "next available choice" expressed on the ballot-papers, they are likely to approximate with extreme closeness the same result as if these preferences were actually transferred in accordance with Proposal 5; it is quite sound, therefore, to accept the transfers noted on the scrutiny sheet in lieu of the actual distribution prescribed by Proposal 5. If the margin of votes between the two major parties were slight, it would be necessary, in order to ascertain exactly how the preferences of the "others" would divide between the two parties, to examine the actual ballot-papers of the "others" and not accept the evidence of the scrutiny sheets.

(c) This distribution of D.L.P. preferences to the main parties is taken from the scrutiny sheets for all electorates except Denison. How the 2,238 votes credited to Mr. Senior, D.L.P. candidate in Denison, would be shared between the two major parties at the time of Mr. Senior's exclusion is not known because at this stage of the count all Labor candidates had been either elected or eliminated. For applying Proposal 5 without an actual re-examination of ballot-papers, Mr. Senior's preferences are distributed in the manner described in footnote (a) of Table VI.

(d) The scrutiny sheets referred to, which are published by the State Electoral Department in its reports on Parliamentary elections, are an abridgment of the full scrutiny sheets prepared by the returning officers for the individual electorates. As the margin of votes between the two main parties is sufficiently large to remove doubt as to the expected result if the principles of Proposal 5 were applied, either the abridged or full scrutiny sheets would be satisfactory for calculating the respective party strengths. Although the full scrutiny sheet would produce slightly more precise results, the extra work required for using the full sheet was not considered worthwhile since the additional information was not necessary for deciding the question at issue.

The total State-wide effective vote indicated in Table VII, page 80, varies slightly from the corresponding figure for Table VII, because neither table can record, without a further examination of some ballot-papers, certain votes which become ineffective because of exhaustion and loss due to fractions.

Work of Select Committee on Electoral Reform.

Because some misunderstandings or differences of opinion have been expressed concerning the work of the Select Committee on Electoral Reform and the first experience with seven-member electorates, some brief review on these two topics may be desirable here. This Committee was first appointed on October 31, 1956, and tabled a report on its recommendations, together
with evidence, on October 29, 1957 (\textsuperscript{19}). During the intervening year this Committee not only heard evidence offered by the witnesses noted in the report but also directed the undertaking of extensive research concerned specifically with problems being considered by the Committee.

The Select Committee heard reports on the following research:

1. A review of the work and findings of previous bodies established in past years to inquire into "deadlocks". The chief ones were:
   (a) Select Committee of 1914-1915 appointed to report on the "Electoral Bill 1914";
   (b) Joint Committee of 1948-1949 to consider the Constitution Bill 1948; and
   (c) Board of Enquiry on Parliamentary Deadlocks, 1951.

2. An analysis of thirteen separate proposals for overcoming the basic fault of electorates returning members in even numbers. The plan subsequently adopted to elect seven, instead of six, members from existing electorates was one of the thirteen proposals.

3. Calculations of election results for the ten Hare-Clark elections from 1928 to 1956, inclusive, on the basis of seven-member electorates. This involved reworking, when necessary, the six-member scrutiny sheets, using a seven-member quota.

4. Correspondence with electoral specialists from outside Tasmania on problems being considered by the Committee. These specialists included Mr. J. F. H. Wright and Mr. Harcourt Bell, President and Secretary, respectively, of the Proportional Representation Society of Victoria, Australia; Mr. John Fitzgerald, Director and Secretary of the Proportional Representation Society, London; Dr. J. F. S. Ross of England, the noted author of *Elections and Electors* and other internationally recognised books on electoral subjects; and Mr. G. L. Gardner, City Clerk of Winnipeg, Canada, and Returning Officer in that city for the election of the aldermen of Winnipeg, who are chosen by the single transferable vote system of proportional representation.

\textsuperscript{19} The report is Parliamentary Paper No. 59 of 1957 (Tasmania). This Committee was appointed on the motion of Mr. W. C. Hodgman, Q.C., and re-appointed on December 4, 1956, consisting of the following members of the House of Assembly: the then Premier, Mr. (now Sir) Robert Cosgrove; the Attorney-General, Mr. R. F. Fagan; Mr. W. A. Bethune; Dr. J. F. O'Gara, and Mr. W. C. Hodgman.
Perhaps because of this thorough investigation by the Select Committee, it expressed no doubt in condemning the then-existing fault of six-member electorates and in recommending seven-member ones instead. In its report the Committee forcefully pointed out the electoral anomalies which a six-member electorate can produce and noted that the election of an odd number of members within electorates is necessary for assuring that any party or group obtaining a majority of the votes within an electorate be able to return a majority of members of that electorate.

It will be noted that the election results of May, 1959, fully vindicated the recommendation of the Select Committee, as the return of members accurately reflected the wishes of the voters, thus averting the electoral anomaly which would have occurred if six members, instead of seven, had been chosen from each electorate on this occasion." The anomaly would have occurred whether either of two results had followed, namely:

(a) A 14-14-2 division of seats: This result would have meant equal party representation for the two major parties despite distinctly unequal support for these parties from the electors—a case of serious electoral injustice.

(b) A 13-15-2 or the extremely remote possibility of a 14-15-1 division of seats: In either instance the party with the larger vote would have received the smaller number of seats—an even more serious injustice.

Since the Select Committee wished to improve prospects for Parliamentary stability in abnormal conditions, when seven-member electorates might not produce a working majority, it recommended that the major features of the then-existing "Parliamentary deadlocks law" (45) be adapted to the proposed 35-member House. As the adoption of the Committee's recommendation of the seven-member plan has now provided the best means for electing members to Parliament, the way is cleared for implementing the Select Committee's intentions to provide for determining the Government in certain contingencies when no party possesses a working majority.

(45) A comparison of the actual election results with what the outcome would have been with six seats to fill instead of seven is contained in an article by the writer, "Seven-Seat Electorate Defended" in The Mercury, Hobart, June 4, 1959. The article also contains tables on the election returns.

(46) This law was Constitution Act (No. 2) of 1954 and is summarised on pages 37-38.
PART VII.--APPENDIX.

TABLE VIII.

COMPARISON OF NUMBER OF SEATS WON BY THE RESPECTIVE PARTIES AND INDEPENDENTS IN AUSTRALIAN PARLIAMENTS.

<table>
<thead>
<tr>
<th></th>
<th>Commonwealth</th>
<th>N.S.W.</th>
<th>Victoria</th>
<th>Qld.</th>
<th>South Australia</th>
<th>Western Australia</th>
<th>Tasmania</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Labor</td>
<td>Liberal</td>
<td>Country</td>
<td>Other</td>
<td>Independent</td>
<td>Total Seats</td>
<td>Total Years</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>587</td>
<td>512</td>
<td>374</td>
<td>506</td>
<td>171</td>
<td>31</td>
<td>210</td>
</tr>
<tr>
<td>Seats</td>
<td>565</td>
<td>528</td>
<td>385</td>
<td>227</td>
<td>511</td>
<td>78</td>
<td>188</td>
</tr>
<tr>
<td></td>
<td>225</td>
<td>172</td>
<td>521</td>
<td>368</td>
<td>224</td>
<td>46</td>
<td>253</td>
</tr>
<tr>
<td></td>
<td>198</td>
<td>152</td>
<td>172</td>
<td>103</td>
<td>112</td>
<td>15</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>18.9</td>
<td>18.7</td>
<td>15.7</td>
<td>12.6</td>
<td>11.1</td>
<td>2.2</td>
<td>10.9</td>
</tr>
<tr>
<td></td>
<td>16.2</td>
<td>15.2</td>
<td>13.7</td>
<td>12.6</td>
<td>11.1</td>
<td>2.2</td>
<td>12.0</td>
</tr>
<tr>
<td></td>
<td>2.0</td>
<td>1.7</td>
<td>1.7</td>
<td>1.7</td>
<td>1.7</td>
<td>1.7</td>
<td>1.7</td>
</tr>
<tr>
<td></td>
<td>1.6</td>
<td>2.0</td>
<td>2.0</td>
<td>2.0</td>
<td>2.0</td>
<td>2.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>

This table shows the total number of seats won by the various parties and by independent candidates in the lower houses of the Australian Commonwealth and State Parliaments for the years indicated. The two major parties have won a larger percentage of the total seats in Tasmania than in any other State or in the Commonwealth House of Representatives.

NOTES ON TABLE VIII.

Availability of figures on the distribution of seats after general elections governed the number of years chosen for consideration, but the span of years given for each State is extensive enough to furnish a broad basis for comparison.

Explanations of party designations: Labor refers to the Australian Labor Party in Federal and State spheres. Liberal, referring to the chief non-labor party, includes the predecessors of this party on the Federal level (namely, the United Australia Party and the Nationalist Party) and the counterparts of this party on the State level. The State divisions of the Liberal Party in some cases carry, and have carried, names different from the Australia-wide party; for example, in South Australia the non-Labor party is known as "The Liberal and Country League, S.A. Division of the Liberal Party of Australia". Country refers to the party of this name in Federal and State politics and to equivalent parties with corresponding names now or in the past, such as "United Country Party". Other Parties include all minor parties, and Independent embraces members not affiliated with a political party.

Source of figures: For obtaining the number of seats won by the competing parties, the results of all general elections were checked for the years noted. The authority for reports on the various election results is the Statesman's Year-Book except that:

(a) All figures for Queensland have been taken from summaries of election results supplied to the writer, chiefly in the form of typewritten lists, by the Electoral Department of that State.
(b) Some results for elections held in 1958 and 1959 have been taken from press reports.
(c) Published reports of the Tasmanian State Electoral Department were the authority for election results in Tasmania 1909-1934, inclusive.
(d) Press reports were used for Commonwealth elections in 1955 and 1928, for Victoria in 1934 and 1927, and for Western Australia in 1927 and 1906.
### TABLE IX(*)

**SUMMARY OF ELECTION RETURNS FOR THE MOST RECENT SERIES OF STATE ELECTIONS IN AUSTRALIA.**

**PART A.—On Votes as Cast.**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>N.S.W. (a)</td>
<td>836,819</td>
<td>604,777</td>
<td>147,623</td>
<td>16</td>
<td>32,285</td>
<td>24,042</td>
<td>69,418</td>
</tr>
<tr>
<td>Vic. (b)</td>
<td>535,028</td>
<td>359,078</td>
<td>127,228</td>
<td>10</td>
<td>17,280</td>
<td>1,350</td>
<td>17,770</td>
</tr>
<tr>
<td>Qld. (c)</td>
<td>201,071</td>
<td>165,835</td>
<td>139,720</td>
<td>24</td>
<td>162,680</td>
<td>11</td>
<td>29,068</td>
</tr>
<tr>
<td>S.A. (d)</td>
<td>110,066</td>
<td>143,722</td>
<td>22</td>
<td>11</td>
<td>22,388</td>
<td>4,153</td>
<td>26,760</td>
</tr>
<tr>
<td>W.A. (e)</td>
<td>115,206</td>
<td>94,333</td>
<td>23</td>
<td>8</td>
<td>13,672</td>
<td>2,156</td>
<td>18,228</td>
</tr>
<tr>
<td>Tas.</td>
<td>71,555</td>
<td>60,055</td>
<td>16</td>
<td>144</td>
<td>8,510</td>
<td>5,8</td>
<td>14,549</td>
</tr>
</tbody>
</table>

---

(a) All figures are based on official returns prepared by the Electoral Departments of the States concerned. In the case of four States the writer used the official returns directly. As published, official figures were not available for N.S.W. and S.A. when Table IX was prepared, the writer used statistics sent to him by reliable persons who copied them from official records. All figures are based on formal, first-preference votes unless otherwise noted.

(b) D.L.P. is the abbreviation for the Democratic Labor Party.

(c) N.S.W.: The Liberal Party and the Country Party in N.S.W. form a joint opposition party.

(d) Vic.: The Liberal Party of Australia is known, in Victoria, as the Liberal and Country Party. The Country Party in Victoria is not joined with the L.C.P. in Government.

(e) Qld.: The Liberal Party and the Country Party in Queensland are governing as a coalition.

The votes and seats of the Queensland Labor Party are recorded in the D.L.P. column since the Q.L.P. is the equivalent in Queensland of the D.L.P.

Included in the Independent column are 7,488 votes for an elected candidate identifying himself as representing the North Queensland Labor Party.
<table>
<thead>
<tr>
<th>Party</th>
<th>Labor Party</th>
<th>Liberal Party</th>
<th>Country Party</th>
<th>D.L.P.</th>
<th>Communist Party</th>
<th>Independent</th>
<th>Total</th>
<th>Date of Election</th>
</tr>
</thead>
<tbody>
<tr>
<td>N.S.W. (i)</td>
<td>890,586</td>
<td>677,214</td>
<td>194,732</td>
<td>34,056</td>
<td>24,242</td>
<td>70,768</td>
<td>1,891,647</td>
<td>March 21, 1959</td>
</tr>
<tr>
<td>Vlb. (j)</td>
<td>515,638</td>
<td>308,678</td>
<td>127,238</td>
<td>197,289</td>
<td>1,359</td>
<td>17,770</td>
<td>1,288,653</td>
<td>May 31, 1958</td>
</tr>
<tr>
<td>Qld. (k)</td>
<td>219,054</td>
<td>172,736</td>
<td>186,761</td>
<td>162,689</td>
<td></td>
<td>29,066</td>
<td>740,789</td>
<td>August 3, 1957</td>
</tr>
<tr>
<td>S.A. (l)</td>
<td>218,799</td>
<td>175,125</td>
<td></td>
<td></td>
<td>20,021</td>
<td>27,015</td>
<td>465,760</td>
<td>March 7, 1959</td>
</tr>
<tr>
<td>W.A. (m)</td>
<td>144,827</td>
<td>118,380</td>
<td>29,662</td>
<td>13,672</td>
<td>2,216</td>
<td>18,938</td>
<td>227,005</td>
<td>March 21, 1959</td>
</tr>
<tr>
<td>Tas. (n)</td>
<td>73,746</td>
<td>67,503</td>
<td></td>
<td>4,540</td>
<td></td>
<td>144</td>
<td>100,743</td>
<td>May 2, 1959</td>
</tr>
</tbody>
</table>

(i) S.A.: The South Australian Division of the Liberal Party of Australia is known as the Liberal and Country League.
(j) W.A.: The Liberal and Country League (as the W.A. Division of the Liberal Party of Australia is known) and the Country Party are governing as a coalition.
(k) Because the voting strength of parties and candidates cannot be fully assessed without making allowance in votes for possible seats which are filled without contests, Part B records the votes for the respective positions after an approximate adjustment has been made for uncontested seats. No method for adjusting such seats can be fully accurate, but for the purpose of this report the methods indicated in the footnotes which follow are quite satisfactory. Indeed, for the purpose of showing how the single-member system acts characteristically to exaggerate the representation of the Government and suppress that of the Opposition, Part A, which is based on actual votes cast, is instructive. Even with the refinements embodied in Part B, the effects of exaggeration and suppression are still drastic in contrast with the fair representation accorded by the Hare-Clark system in Tasmania.
1960.

Notes for Table IX, continued.

(i) N.S.W.: Adjusting for uncontested seats (eleven in number) consisted of applying the votes obtained by the various parties in the November, 1958, Federal Senate elections to the uncontested State seats. As the same sub-divisional boundaries are used for Federal and State elections, this type of adjustment seemed the most satisfactory.

Another method for adjusting the vote of uncontested seats between the Government and Opposition parties would be to assign 58 per cent of the estimated vote to the credit of the party holding the seat and 42 per cent to the other competing party. The estimated vote in this case would be 94 per cent of enrolment. If adjusted on this basis, the percentage of votes for the respective competitors would be:—A.L.P., 48.4; Liberal Party, 35.3; Country Government and Opposition parties would be to assign 58 per cent of the Federal Senate strength between the various parties, namely: Liberal, 10.2; Communist, 1.5; and Independent, 5.6.

Either method gives approximately the same distribution of voting strength between the various parties and Independent candidates.

(ii) Victoria: All of the 60 seats of the Legislative Assembly were contested. Hence, the figures on Victorian election results in Part B are the same as in Part A. Of a total of 296 candidates, 61 stood as candidates for the D.L.P., 60 for the A.L.P., 15 for the C.P., 40 for the D.L.P., 3 for the Communist Party, and 7 stood as Independents.

(ii) Queensland: Adjustment for uncontested seats made little change as only four of 52 seats were not contested. The adjustment consisted of crediting the party holding the seat with 58 per cent of the estimated vote of the electorate concerned and the opposing major party with 42 per cent. The estimated vote was taken as 94.4 per cent of enrolment, as this was the average number of enrolled electors who voted in this election.

(iii) South Australia: The adjustment for eight uncontested seats consisted in applying the votes obtained by the various parties in the November, 1958, Federal Senate elections in the uncontested State seats, in the manner noted above in reference to N.S.W. Since absentee and postal votes are recorded only on the basis of Divisions, not sub-divisions, each party or Independent candidate was assigned a share of the absentee and postal votes equal to the proportion of the ordinary votes polled by the corresponding party or candidate in the Federal contest.

It will be noted that the Labor Party, after adjustment for uncontested seats, still receives considerably more votes than the Liberal and Country League, although the latter continues in Government. This example is a case of the single-member system fixing responsibility for governing on the party with the smaller vote.

(iv) Western Australia: The adjustment for eleven uncontested seats (with total enrolment of 70,993) consisted of crediting the party holding the seat with 58 per cent of the estimated vote of the electorate concerned and the opposing major party with 42 per cent. The estimated vote was taken as 92.4 per cent of enrolment, as this was the average number of enrolled electors who voted in this election.

(v) Tasmania: As all seats are contested under the Hare-Clark system, no allowance need be made for uncontested elections as in the single-member systems cited above. However, the purpose of adjusting for uncontested seats is to determine the voting strength of competitors after the distribution of surplus votes of the Independent member with a surplus, namely, Dr. Turnbull of Bass. Under single-member conditions, because of the smallness of electoral districts, Dr. Turnbull could not have reached the size of vote necessary under multi-member, Hare-Clark conditions. By distributing the surplus votes of Dr. Turnbull before ascertaining the votes for other parties and candidates, an adjustment is thereby made which corresponds somewhat to allowing for uncontested seats under single-member conditions.

The figures for Tasmania in Part B are based on the votes after the distribution of this surplus. The total vote of 100,743 includes a loss by fractions of seven votes.

L. G. Shea, Government Printer, Tasmania
PART IV

ENSURING MAJORITY RULE

In Parliaments Elected by the Single-Transferable Vote System of Proportional Representation
ENSURING MAJORITY RULE

In Parliaments Elected by the Single, Transferable Vote System of Proportional Representation

By

George Howatt, M.A.
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SYNOPSIS

When Tasmania pioneered the Hare-Clark system in 1907, it became the first place in the world to apply the Single Transferable Vote system of proportional representation for Parliamentary elections under adult suffrage. Tasmania thus became one of the first communities to attempt to establish its electoral system on a scientific and fair basis. By 1907 Party List systems of proportional representation were used in several European countries, but these methods, though providing, like the Hare-Clark system, for a planned proportional relationship between the votes cast and the seats won by competing groups or parties, do not approach the Hare-Clark standard in providing an opportunity for electors to choose among individual candidates. In adopting the Hare-Clark system Tasmania won a special place in the history of the development of methods of representation. (1)

Nevertheless, it is still possible under the Hare-Clark system for a political party with a minority of the State-wide vote, and with fewer votes than another party, to win a majority of seats in the House of Assembly, as explained below. This possibility of the minority ruling the majority can arise only because the full capacity of the Hare-Clark system is not at present used. With minor and simple refinements to allow the system to give the accurate results it is capable of giving, a party cannot fail to win a majority in Parliament if it wins a majority at the polls.

(1) Footnotes are not used in this synopsis since it is only a summarization of the chapters which follow. Elaboration and documentation of points in this synopsis will be found in those chapters.
If the intentions of the voters at any election for Parliament are to be expressed meaningfully and to be fulfilled, at least three conditions must be met:

First, the electors must be able to choose freely from among an ample variety of candidates. If a voter is offered only one candidate by his party, which is the general practice under the single-member system used on the Mainland and overseas, this voter may not be able to express his true feelings. He may have to decide between a candidate of his own party, whom he dislikes on personal grounds, and a superior candidate of the opposing party, the policies of which he disapproves. Fortunately, the Hare-Clark system eliminates or reduces such invidious choices by giving the Tasmanian elector a wider selection of candidates than any other method of Parliamentary elections in the world.

Second, the voter should be given maximum opportunity to elect those for whom he votes. Since the single-member system permits only one member to be returned from an electorate, even with preferential voting this system may deny nearly half the voters of an electorate a chance to elect the candidate they want. In contrast, the Hare-Clark method provides for multi-member constituencies so that any group as large as a quota of votes is assured of the chance to elect a member.

Third, the elector should be assured that a party cannot fail to win a majority in Parliament if it has won a State-wide majority at the polls. Although the Hare-Clark system now meets fully the first two conditions, it may not always satisfy the third unless
certain refinements are added. Fortunately, the necessary addition can easily be made since the Hare-Clark method, unlike the single-member system, already guarantees a close correlation between a party's share of the votes and its share of the seats.

A review of the following factors involved in allocating seats under the Hare-Clark system will show why further refinements are necessary in order to guarantee that in all circumstances a party with a majority at the polls obtains a majority in Parliament:

(a) The seven seats of each electorate are at present allocated within that electorate without any reference to State-wide voting.

(b) The quota which must be reached for winning a seat is found by dividing the total formal vote of the electorate by eight (i.e., by one more than the number of seats) and adding one to the result. This calculation corresponds, in filling seven seats, to that used for determining the majority, or quota, under the single-member preferential system, when the total vote is divided by two (i.e., by one more than the number of seats to be filled), and one is added to the result.

(c) In allocating the seven seats of an electorate, seven quotas, or approximately seven-eighths of the votes, are consumed. This leaves in each of the five electorates a partial quota of almost one-eighth of the votes. These left-over votes cannot be used to elect a candidate since they can never equal a full quota. Therefore, at any election there remain, since there are five electorates, five quantities
of left-over votes which go to waste. These lost votes are called the unused remainders or the unrepresented fractions, since they do not count at present towards the credit of any candidate or any party.

(a) By way of contrast it will be noted that under the single-member system, since deriving the quota requires dividing the number of votes by two, almost half the votes in any electorate may be unrepresented; for filling 35 single-member seats there would be 35 unused remainders. Results could therefore potentially go wrong under the single-member system by almost one-half the votes, but under Hare-Clark by no more than one-eighth.

(e) In electing 35 members from five electorates, there are almost 40 quotas — namely, 35 quotas to elect 35 members, plus five partial quotas of unused votes.

(f) Since 35 of the nearly 40 quotas are allocated with maximum fairness and accuracy, the correlation between a party's share of the votes and its share of the seats must be fairly close. But as long as part of the total vote is prevented from exerting due weight in the voting in Parliament, a margin for potential error exists. For example, it would be possible at a close election for a party with more votes than another to win fewer seats if it lost more votes in unused remainders than its smaller rival. This possibility is seen in Example 1 below.
### Example 1

<table>
<thead>
<tr>
<th>Electorates</th>
<th>Party A</th>
<th></th>
<th>Party B</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quotas</td>
<td>Seats</td>
<td>Quotas</td>
<td>Seats</td>
</tr>
<tr>
<td>No. I</td>
<td>4.9</td>
<td>4</td>
<td>3.1</td>
<td>3</td>
</tr>
<tr>
<td>No. II</td>
<td>4.9</td>
<td>4</td>
<td>3.1</td>
<td>3</td>
</tr>
<tr>
<td>No. III</td>
<td>3.9</td>
<td>3</td>
<td>4.1</td>
<td>4</td>
</tr>
<tr>
<td>No. IV</td>
<td>3.9</td>
<td>3</td>
<td>4.1</td>
<td>4</td>
</tr>
<tr>
<td>No. V</td>
<td>3.8</td>
<td>3</td>
<td>4.1</td>
<td>4</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>21.5</strong></td>
<td><strong>17</strong></td>
<td><strong>18.5</strong></td>
<td><strong>18</strong></td>
</tr>
</tbody>
</table>

Votes received are expressed as quotas. One quota = 12.5% or 1/8th of the votes of an electorate.

Examples 1 and 2 are explained in the text.

---

Party A receives votes equivalent to 21.5 quotas, but it wins only 17 seats. In contrast, Party B with fewer votes and only 18.5 quotas wins 18 seats. This case of the minority ruling the majority occurs because Party A loses many more votes in unused remainders than Party B. For example, Party A reaches 4.9 quotas in one electorate and wins four seats; in contrast, although Party B in another electorate wins only 4.1 quotas, this is nevertheless enough to enable it also to win four seats. Although the difference between 4.9 and 4.1 quotas may be thousands of votes, both amounts can return four members - no more, no less.

As seen in Example 2, below, the larger of two parties may win only 16 seats, with 19 going to the smaller party. It would even be possible, theoretically, for a party with a State-wide majority (assuming a small number of exhausted votes) to win only 15 of 35 seats. Should this degree of discrepancy cause
surprise, it should be remembered that under the single-member system, even with preferential voting, it would be mathematically possible for a party with a State-wide majority to win only one of 35 seats. In practice, the range of error under the single-member system is great and does cause enormous distortions in representation. For example, in the 1963 and 1965 federal elections in Canada, all 17 seats in Saskatchewan went to the Conservative Party, thereby preventing that Province from having any representation on Government benches. In Toronto at the 1963 elections, the Liberals won all 18 seats; yet in 1958 all these 18 went to the Conservatives. In the Provincial elections in Alberta in 1959, the Social Credit Party won 52 of 65 single-member seats.

<table>
<thead>
<tr>
<th>Electorates</th>
<th>Party A</th>
<th>Party B</th>
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<tbody>
<tr>
<td>No. I</td>
<td>Quota: 4.9</td>
<td>Seats: 4</td>
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<td>No. II</td>
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<td>Seats: 3</td>
</tr>
<tr>
<td>No. V</td>
<td>Quota: 3.9</td>
<td>Seats: 3</td>
</tr>
<tr>
<td>Totals</td>
<td>Quota: 20.5</td>
<td>Seats: 16</td>
</tr>
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</table>

The Proposals for Ensuring Majority Rule

A party with a majority at the polls in a Hare-Clark election is certain to win a majority in Parliament provided the full capacity of the electoral system is used. This capacity to assure majority rule can
be reached by either of the two proposals described in this report. The first proposal, called the District Vote plan, provides for an alteration in the voting procedures in Parliament when a party with a majority at the polls fails to win a majority of the seats. The effect of this alteration would be to compensate the majority party, when necessary, for losses due to unused remainders. The second recommendation follows a different approach – it seeks to eliminate unused remainders before they occur rather than to compensate for them, if necessary, afterwards. The plan provides that the seventh and last seat of each electorate be filled separately from the first six and in such a way as to utilize what otherwise would be unused votes. To implement the first proposal requires alterations chiefly in the procedures of Parliament; to implement the second requires changes primarily to the electoral act.

FIRST PROPOSAL: DISTRICT VOTE PLAN FOR REGREPPING UNUSED REMAINDERS

The first step in assuring majority rule by this method would be to ascerta in which party has a majority of the State-wide vote when this fact cannot be determined by the distribution of seats in Parliament. The next step would be to provide, if necessary, representation in Parliament for the unused remainders.

If any party has won 20 or more seats (and therefore at least 20 quotas), it has won a majority at the polls. If a party has not won as many as 15 seats, its polling strength could not entitle it to an absolute majority in the House of Assembly. Consequently, unused remainders could jeopardize
majority rule only if one party or each of two parties has from 15 to 19 seats. Within this range, the only sure guide for ascertaining which party the electors want as the Government is to count the number of electors supporting the respective parties (including, if necessary, the preferences extended to those parties from the quotas of cross-bench members).

Suppose Party A, representing 82,000 electors, has 16 seats and 4\(\frac{1}{2}\) quotas in remainders and Party B, representing 76,000 electors, has 19 seats and no remainders;— If the representatives of the 76,000 are permitted to form the Government while the representatives of the 82,000 remain in Opposition, it is obvious that majority rule is being denied— that the Government is holding office without the consent of the governed.

Such a reversal of justice can only occur because the members of Party A are not able to exercise all the voting strength to which they are entitled. It will be seen that Party A's voting strength would be 16 members + 5 votes, if provision were made for representing the non-represented remainders. The voting position in Parliament would then be:— Party A (representing 82,000 electors) 20 or 21 votes (depending on which party supplied the Speaker) and Party B (representing 76,000 electors) 18 or 19 votes (depending on Speakership arrangements).

What specific provisions, therefore, are needed to enable the unused remainders to be given their due weight in the voting in Parliament? Justice to the majority of the electors is achieved if each unused remainder is represented by one vote to be exercised in Parliament
by a panel of members suitably chosen from the members already elected from each of the five electoral districts. A panel of three members per district is recommended in order to represent more than one party; two of them would be the two members of the party with the State-wide majority who were first elected in each district, and the third would be that member who was first elected among those not belonging to this party.

Since this vote is to help represent the electoral district from which the panel is chosen, it could be called a district vote, such as the Denison district vote, to distinguish it from the individual votes of members. It could easily be cast in various ways – for example, it could be announced orally by the panel chairman or recorded on a voting slip during or following a division in the House.

Why the foregoing features?

First, since an unused remainder can never equal a full quota, it cannot be used to elect a new member. The representation for this remainder can, however, be supplied by existing members.

Second, a multi-member panel is used because it is desirable to represent more than one party. For example, the presence of an Opposition member would enable a Government member who wants to dissent from his party on some issue to seek Opposition support on the panel and thus turn the panel’s vote against the Government.

Third, since the panel members are chosen from among members already elected, the district
votes are controlled by the same voters who elect the members. The important safeguard of local control is thus combined with a multi-member panel, the composition of which is able to reflect the overall, State-wide voting results.

Fourth, the plan is designed to be as simple and as easily workable as fairness allows. In Tasmania in 1914-15 the Government of the day and a committee of Parliament vigorously sponsored proposals for dealing with the unused remainder problem. Their plan, however, was so extremely complicated that it drew severe criticism and derision, despite the high motives which prompted it. The plan was rejected by Parliament and never revived, thus leaving the problem of the unused remainder still to be solved.

When would the District Vote plan apply?

(a) If no party wins as many as 15 seats, no party could have received a State-wide majority, and the plan is not needed and would not apply.

(b) If any party receives (as a result of its own primaries or of preferences from others) 20 or more seats, it can be assumed that it has obtained a State-wide majority, and, again, the plan would not apply.

(c) But if any party receives from 15 to 19 inclusive seats, it is then necessary to calculate the votes cast for the contending parties, (their primaries plus possible preferences from others) in order to ascertain which one has a State-wide majority.

(d) If the party with a State-wide majority has also a majority of seats (namely, 18 or 19), there is no injustice to rectify, and no further step of the plan is required.
(e) If a party with a State-wide majority has only 15 to 17 seats, the district panels described above would come into operation.

(f) The District Vote plan presupposes a Speaker supplied by the Opposition whenever the governing party has 19 or fewer seats, for reasons given in a previous report by the writer entitled Fixing Responsibility for Governing.

Reduction of Exaggerated Cross-Bench Power

The District Vote plan, besides guaranteeing majority rule, solves other problems as well. For example, it provides a democratic means of deciding which party shall govern when members are divided in combinations other than the two-party divisions noted in Examples 1 and 2. For instance, in a 17-17-1 or 16-16-3 division of seats in a 35-member House there is not now a properly democratic way of ascertaining which party the electors want as the Government.

Suppose, for example, that in a 17-17-1 division of seats, Party A (with 17 seats and nearly four quotas in unused remainders) has 84,000 votes, Party B (with 17 seats and nearly one quota in unused remainders) has 72,000 votes, and the cross-bench member has 4,000. If the latter chooses to put Party B in Government, believing that his 4,000 supporters prefer this party to Party A, the number of electors represented by this combination would still be only 72,000 + 4,000, or a total smaller than the 80,000 represented by Party A.

If the principle of "government by the consent of the governed" has meaning, it must mean that the
representatives of 76,000 electors have no right to cutvote the representatives of 84,000. For the cross-bench member to put Party \( B \) in office, when the clear evidence shows that most of the electors prefer Party \( A \), would indicate either disregard or contempt of majority rule. The District Vote plan would prevent such a reversal of justice by deciding the Government on the State-wide vote. It is plainly illogical to allow or to oblige the one cross-bench member to decide the Government when the electors on polling day have already clearly indicated which party they want in office.

As another example, suppose in a House divided 16-16-3 that Party \( A \) (with 16 seats + nearly three quotas in unused votes) represents 76,000 electors, Party \( B \) (with 16 seats + nearly two quotas in unused votes) 72,000, and three cross-bench members represent 12,000:- As neither Party \( A \) nor \( B \) has, in this case, an absolute majority of the votes concerned, an additional step is needed to ascertain the intent of the voters. The process is easy enough - it is to examine the 12,000 votes for the cross-bench members in order to see whether their extended preferences favor Party \( A \) or \( B \). With 12,000 preferences to consider and with Parties \( A \) and \( B \) separated by only 4,000 votes, the supporters of the cross-bench members will decide the Government, as is their right.

When the voters - if given the chance to express their intentions adequately, as they can under the Hare-Clark system - are able to indicate for themselves which party they want in Government, it is clearly illogical and undemocratic to deny them this right of decision and to leave it, instead, with the cross-bench members.
As the single-member system is inherently unable to measure public opinion accurately, there may be, in a Parliament chosen by this method, no better way of deciding the Government when the seats are divided 17-17-1 than to leave the decision with the one cross-bench member. Since, with the single-member system it is normal for the representation of some electors to be suppressed and that of others to be grossly exaggerated, it may also be viewed as normal in a Parliament chosen by this method to magnify the power of one balance-holding member out of all proportion to the number of electors he represents.

If the Hare-Clark system is allowed to provide the full representation which it is capable of providing, and if the Government is chosen by the State-wide vote, the possibility of one or several members having enormously exaggerated power does not arise, as can be seen from reviewing the following three categories into which 35 seats can be divided.

(a) If the electors return 20 or more members of one party, it is clear enough (without checking the State-wide vote) that a majority of them wish this party to govern.

(b) If they fail to give any party as many as 15 seats, it is equally clear that a majority of the electors do not want to give governing authority to any one party.

(c) But it is also clear that when either one or two parties are returned in numbers within the 15- to 19- seat range, the only means of ascertaining in truth which party the electors want in Government is to count, not the number of members, but the
number of electors represented by these members.

If one or only a few hold the balance of power in a Parliament, they can make demands without having to accept corresponding responsibility. When the governing responsibility cannot be fixed upon a given party, the voter finds it difficult, if not impossible, to know who deserves the credit and who the blame for governmental policy and administration when on polling day he has the power to punish or approve.

Deciding the Government on the State-wide vote is of course the democratic ideal, but this ideal cannot be achieved within the single-member system since this method is far too unplanned in its features and much too inexact in its results. In contrast, the Hare-Clark system is built to meet this ideal, because it has been designed purposely and scientifically for measuring the intention of voters. Already the best and fairest method for electing members, the Hare-Clark system (if given the opportunity by a simple act of Parliament) could also provide the best means of electing Governments - by the people themselves.

Other Advantages of District Vote Plan

Besides helping the Hare-Clark system to guarantee majority rule and to reach other goals, the District Vote plan, as well as the proposal next to be described, would bring many additional advantages. For instance:-

1. The proposal would completely eradicate gerrymandering. Gerrymandering is the drawing of electoral boundaries in such a way as to confer political advantage on one party to the detriment of another. Sometimes deliberate and sometimes accidental or unavoidable, this practice is a glaring
weakness of single-member systems, which are notorious for facilitating the boundary manipulations that enable Governments to remain in office after a majority of the electors have voted against them.

In contrast, the Hare-Clark system by using five large, multi-member electorates instead of 35 small ones, greatly reduces the political effects which could arise from boundary alterations. The only election results, however, which cannot be affected at all by present or future boundaries are those based on State-wide totals. As these totals are precise and fixed quantities at any election (regardless of differences between districts in such factors as enrolments, quotas, or political complexion), results based on these totals cannot be influenced by the location of electoral boundaries — hence, because both proposals for ensuring majority rule do give due consideration to State-wide totals, changing boundaries to reap political advantage would be futile.

2. The District Vote plan would simplify understanding of the Hare-Clark system and its election results. Although the plan would not in any way alter the present method of electing members, it nevertheless would probably shorten greatly the time required for ascertaining the winning party. In a strictly two-party contest, for example, or in one in which one party had a strong lead, a glance at party totals on polling night would normally suffice to show the winner.

Moreover, in a contest in which cross-bench members polled a controlling balance of the votes it would not be necessary to wait (as might be the case
at present) for Parliament to meet in order to learn which party the cross-bench members decide to put in office. Instead, an examination of the preferences of their supporters at the time of the scrutiny would reveal the winning party. In such cases the choice of government would be known shortly after the last member was elected.

3. The plan would adjust for unused remainders when necessary, no matter how caused. Electing candidates by the Australian-pioneered process of dropping those lowest on the poll and transferring their preferences is the fairest, most accurate method known for revealing which persons are most preferred by the voters. Nevertheless, for several reasons it is quite possible under this procedure, for example, for Party B with 3.7 quotas in a seven-member electorate to win four seats while Party A, though polling 3.9 quotas wins only three. Although Party A "loses", so to speak, one seat in this electorate, the District Vote plan would provide the means for compensating Party A in case it won a majority of the State-wide vote without gaining a majority in Parliament.

(In this example Party A wins fewer seats than Party B because its support, though greater than B's, happens to be less favorably distributed among its candidates, thereby affecting the order of elimination to Party A's disadvantage. Although the cause for this kind of under-representation is, therefore, quite different from that noted in the illustrations given in Examples 1 and 2, the result is the same — namely, the creation of an unused remainder which could endanger majority rule.)
4. Both plans for ensuring majority rule would be easy to draft and apply, and they would cost nothing to operate. Under the District Vote plan, no change whatever would be required in the present method of voting for candidates and electing them. Moreover, the required legislation would not need to define political parties. The present way by which candidates mutually agree to join themselves into distinct groups on the ballot-paper could be extended on a State-wide basis for distinguishing officially between one set of candidates (i.e., one party) and another.

Other Considerations

Precedent for using State-wide vote.

Using the State-wide vote to decide the Government is not new to Tasmania. It was recommended, by the late Professor L.F. Giblin to a Parliamentary Committee in 1918, for resolving possible 15-15 deadlocks in the then 30-member House of Assembly. The principle was embodied in the D’Alton Bill of 1933 and continued, in a modified form, in the Lyons Bill of 1934. Already having been used for averting deadlocks in a 15-15 House, the principle is even more warranted for ensuring majority rule.

Warning from N.S.W. experience.

If a system is not completely sound in theory, it should not be expected always to work satisfactorily in practice. For example, a Single Transferable Vote system of proportional representation similar to the Hare-Clark method, but not so well designed, was used to elect the Legislative Assembly in New South Wales for three elections, namely, in 1920, 1922, and 1925. In 1920 the National and Country Parties (in coalition)
received 14,245 more votes than the Labor Party yet obtained only 45 of 90 seats. They lost the Government to Labor when a Nationalist Member accepted the Speakership in order to break a distressing Parliamentary impasse.

After winning a majority both of the votes and seats in 1922, the National and Country Parties in 1925 won more votes than the Labor Party (this time 17,667 more) but obtained five seats fewer and lost the election. In 1920 and 1925 the loss by the non-Labor coalition in unused remainders was disproportionately heavy. The unjust results of these two elections were cited by opponents of proportional representation as part of their case for abolishing the system altogether. Yet if provision for representing unused remainders had been in effect, these electoral injustices could not have occurred.

Why did not the founders of the Hare-Clark system provide for the representation of unused remainders?

When the proposed adoption of the system was being debated in 1906 the subsequent development and importance of political parties could not be foreseen. In its form as adopted, the Hare-Clark system can satisfactorily elect candidates as separate individuals not connected by party ties, but further refinement is needed to enable the electoral machinery better to reflect public opinion whenever electors express themselves within a party system, as has been the case with most voters for the House of Assembly since soon after the adoption of the Hare-Clark system.

This need for further refinement was clearly and widely realized by 1911, when it became strongly apparent that most electors intended to vote along party
lines for the House of Assembly. Grave concern, if not alarm, was felt because unused remainders were not represented. For example, the Government of the day and a Select Committee of Parliament investigated the matter extensively, and the Committee in its report recommended a plan for dealing with the problem and used the following typical words:—

"This possibility of a wrong result (namely, a minority of the electors returning a majority of Members) your Committee regards as a very serious defect of the present system. It can only be remedied by the recognition of parties as recommended in para. 6, and the giving of representation to the remainders, which are now unrepresented. [From Paragraph 10, Tasmanian Parliamentary Paper No. 12 of 1915.]

Although the Committee’s analysis regarding the unused remainder met with general approval, their suggested remedy was enormously complicated and far too difficult for most people to comprehend. The proposals were criticized severely and, after much debate in Parliament, were rejected. The writer hopes that the District Vote plan and the proposal next to be described remedy the potential dangers feared by the Committee while using machinery which the public can understand.

SECOND PROPOSAL: CORRELATING DISTRICT AND STATE-WIDE VOTING IN ORDER TO MAXIMIZE USED REMAINDERS

Majority rule can be assured by means other than the panel vote system provided equivalent measures are taken to represent the unused votes. The District Vote plan was presented first because this proposal seemed to offer a clearer way of explaining how unused remainders could endanger majority rule. However another, and perhaps more satisfactory, method of
removing this danger is explained below. The method consists of averting the occurrence of unused remainders instead of compensating for them, when necessary, after they occur. This would be done by basing the allocation of seats both upon the voting within districts and upon the State-wide totals for the respective parties. If the total vote of the State is considered in determining the composition of Parliament, all votes are automatically taken into account, including of course those which otherwise might go into forming unused remainders.

The reasons for the proposal described below and the general effect of its operation would be the same as the District Vote plan; the chief point of similarity between the two plans is that both attempt to correlate better than now the voting results State-wide with those within the various districts. The chief difference is that the District Vote plan achieves this correlation by use of Parliamentary panels and the plan described below would achieve the correlation by a special method of filling the last seat in each district.

How the plan would operate may be seen from its chief features, shown by the following steps in applying the plan:-

1. Elect from each district by the present quota method all members except the last one. (This step would mean the election of six members from each of the five districts, thereby filling 30 of the 35 seats in the House.)

2. If any party has won from 13 to 17 seats (of the 30 seats filled so far), the next step would be to ascertain which party, if any, has won a majority of the State-wide vote.
3. The final seat in each electorate would then be filled by counting again all the ballot-papers of each electorate to ascertain which of the unselected candidates of the party with the State-wide majority is the majority choice of the electorate. The final seat would be filled, therefore, by a process very similar in procedure to that used for conducting by-elections under the Hare-Clark system (in aim and in the number of ballot-papers involved, the process would of course be very different). Since a majority in the State-wide polling could be gained by only one party (or coalition), only candidates of this party would become eligible to contest the election for the last seat in each district. Hence, local people would still elect the local member, but the overall vote of the State would determine the party affiliation of the member last elected. This feature provides the linkage needed to harmonize the State-wide party totals and the election of candidates locally from separate districts.

Unless this or some equivalent method is used, majority rule cannot be guaranteed. Under proportional representation every seat can be allocated fairly and proportionately except, sometimes, the last one. (This is because votes cannot normally be expected to be cast for candidates and parties in exact multiples of the quote; inevitably this results in some votes being left over in partial quotas, causing special problems to arise in filling the last seat, as explained in the text.) Hence, if the final seat is won by the party with the State-wide majority, this party must win a majority in Parliament. This proposed procedure, by electing all members by means of the usual quota except the last, would provide
for maximum proportionality in allocating representation in the House of Assembly, subject to the condition that a party with a majority of the votes must receive a majority of the seats.

4. If in the allocation of the first 30 seats on the present quota basis, no party has won as many as 13 seats or if any party has won 18 or more, the final seat in each district would be filled by recounting all the ballot-papers in the district to choose any un-elected candidate of that district, without reference to party affiliation of candidates or to State-wide party totals.

The procedure given in Point 4 could be applied in non-party elections or when, operating in a system including parties, there was no need to consider majority rule, e.g., in the House of Assembly if no party had as many as 13 seats or if any party had 18 or more seats. In these cases the last seat of an electorate could logically be filled without reference to State-wide voting and with reference only to voting within the electorate. This is because if no party has won as many as 13 of 30 seats it could not have won a State-wide majority even if it had sustained a large unused remainder in each district; next, if a party received as many as 18 of 30 seats, it must necessarily have won a majority of the State-wide vote - hence, majority rule could not be endangered by disregarding State-wide party totals in filling the last seat of the electorate. Specific regard for ensuring majority choice needs to be given therefore only when any party has won from 13 to 17 seats inclusive of the 30 seats first filled.

5. Under this proposed plan, the procedures of Parliament would be conducted in the usual way,
subject only to the requirement that in some circumstances
the Speaker would be supplied by the Opposition (as
explained in Chapter III). In applying the plan for
correlating district and State-wide voting, the
required changes would affect chiefly the Electoral Act
and not the traditional procedures of Parliament.
The District Vote plan, on the other hand, would involve
much less change in the Electoral Act but would require
a marked addition to the procedures of Parliament if
and when the district panels came into operation.

6. It should be realized that this plan for
correlating, when necessary, district and State-wide
voting would be equally applicable in a Parliament
whether its members belonged only to two parties,
many parties, or to no parties. When there is no need
to correlate the election results of the five districts,
the last seat in each district would be filled by
recounting all the votes of the district in order to
elect any candidate not among the first six already
elected. This process would guarantee majority
choice within each district and would be applied if
there were no party members in Parliament or if after
the first 30 seats had been filled no party had
received as many as 13 seats or when one party had won
18 or more seats.

When the last seat in each district is won by a
party because it has received the State-wide majority,
this party would receive four of seven seats in a
district, if, in the initial allocation in the district,
it had received three of six seats. If this party had
in first allocation won only two seats, it would obtain
three of seven seats at the end of the counting.
Depending upon the strength of opposing parties or
Independents in particular districts, a party might of course win a State-wide majority while obtaining in one or two districts only two of six seats in the first allocation.

**Summary**

When the combined action of all electors is intended for choosing a government as well as electing individual members within electorates, the voting in all the electorates must be related and coordinated, if the intentions of the voters are to be satisfactorily reflected in the results. An electoral system stands condemned as grossly inaccurate and unfair to the voters and candidates if it cannot relate the results of the voting in part of the system (viz., in a given electorate) to the results of the whole (viz., of all the electorates).

Unfortunately, under some crude electoral methods like the single-member system, the choosing of a government is based on the completely uncoordinated results of many separate elections conducted in different constituencies with no attempt at all to relate the voting within constituencies to the overall national or State vote (as the case may be).

In contrast, the Tasmanian Hare-Clark system already coordinates to a very large extent the voting in electorates with the State-wide totals. The use of multi-member districts and of election by quota can relate district voting with State-wide totals to the nearest full quota within a district. Hence, the Hare-Clark system now guarantees a close correlation between the votes received and the seats won by competing parties. But the existence of the present inevitable partial quotas of votes left over after the
full quotes have been filled prevents a complete
correlation of voting between electorates, thereby
furnishing possibilities for minority rule.

The plan described above, by relating logically
the election results in one district with those in all
other districts, would guarantee without fail that a party
with a majority of the votes at the polls must obtain
a majority of the seats in Parliament. The full capacity
of the Hare-Clark system would then be operating,
demonstrating its two chief functions—firstly,
to elect a Parliament which represents, as nearly
as possible, all the voters and secondly, and at
the same time, to elect a Government which must
represent the majority.

Most countries of the world are suffering from
the effects of grossly unfair and inefficient methods
of election and representation. For these countries,
including both emerging and established ones, Tasmania
could furnish the needed example, provided the
necessary refinements are added. Already the Hare-
Clark system gives the voters a uniquely wide choice
of candidates and an assurance of minority representation.
The system could also guarantee majority rule if given
the chance—by a simple act of Parliament providing
for the representation of the unused remainder votes
which are now unrepresented. If in this way the full
capacity of the Hare-Clark system is used, a party
with a majority of the State-wide vote must win a
majority in the House of Assembly.
CHAPTER I. THE PROBLEM: FAILURE OF VOTING SYSTEMS TO RELATE THE ELECTION RESULTS WITHIN ELECTORATES TO THE TOTAL VOTE OF ALL ELECTORATES.

(1) Under responsible government it is expected that the Government of the day should be supported by a majority of the members of the Parliament from which it is chosen. If this Government is to represent also a majority of the voters, the Government's supporters in Parliament must obtain a majority of the votes. If a governing party should gain office though supported by only a minority of those electors under its jurisdiction, or by fewer electors than those who supported Opposition candidates, its ethical or moral right to govern must be in doubt.

(2) This possibility of minority rule cannot be avoided unless the composition of Parliament is related to the overall vote of the electors concerned.

(1) By "responsible government" is meant the form of cabinet-Parliamentary government in which the executive Government is chosen from Parliament and is maintained in office by a majority vote of the Members of Parliament.

(2) If a political party won more votes than another party, even if not a majority of all the votes cast, this amount would constitute a majority of those who had expressed a choice between the two parties; hence, depending on other factors, the party with the larger vote could be considered morally entitled to govern. For a party to gain an actual majority of all votes cast, especially if more than two parties contest the election, may sometimes be too much to expect of a winning party whether under the Hare-Clark system or other methods.

Under the first-past-the-post system, votes cast for minority party candidates, because of the non-transferability of ballot-papers, would reduce the chances of a major party reaching a majority of the overall votes. Although this loss due to the non-transferability of ballot-papers would of course be enormously reduced under the Hare-Clark system, votes remaining with runner-up candidates and losses due to exhausted votes could possibly enable a party, even under the Hare-Clark system, to poll more than another party and win the election without actually obtaining a majority of all votes cast.

In this report the word majority will be used to mean more than half, unless otherwise stated.
(e.g., all the voters of a State or nation, as the case may be). Unfortunately, most electoral methods, unlike the Hare-Clark system, are so crudely designed that they are unable to provide a local base for representation and also relate the composition of Parliament to the overall vote of the State or nation.

A case in point is the single-member system, since it makes no attempt to relate the composition of Parliament to the overall total votes received by the competing parties. Under this system a party which wins more votes than another party could easily receive fewer seats, since the only consideration in deciding the allocation of representation between parties is the size of the vote within the various single-member seats counted separately within their own borders without any reference to any other constituency or to the overall vote.

When the combined action of all electorates is directed— as when voters are expressing themselves within a system of political parties— at the aim of choosing a Government as well as electing local members, the voting results in all the electorates must be related to each other, if the dual objectives of the election are to be fulfilled. The vote counting in the many local contests cannot be conducted in isolation from each other if the number of seats won by the competing parties is to be related logically to the overall vote of the parties.

In contrast, the Hare-Clark system is intentionally designed to relate— when the electors so wish— the voting results of one electorate to those of all the electorates, that is, to the overall vote. This correlation is achieved through the use of multi-member constituencies and election by a quota which
is made as small a fraction of the total vote of an electorate as the number of vacancies allows.

Since there are seven vacancies in each electorate, the quota becomes the next whole number which is one larger than one-eighth of the total vote of the electorate. Hence, any group of voters as large as a quota must win a seat. This feature of the Hare-Clark system guarantees the opportunity of minority representation; it also guarantees to all parties a number of seats in Parliament equal to the number of full quotas received within each of the several electorates considered separately. As a seven-member quota is 12.5% of the vote of an electorate, the filling of seven seats will consume 87.5% of the votes - leaving an unused remainder of votes, or partial quotas, in each of the seven electorates. Since there is at present no means under the Hare-Clark system of giving representation to partial quotas, there could be a maximum variation, in the proportion of seats received to quotas reached, of almost one seat per electorate. This amount of variation could, theoretically, reach a total of almost five seats in a House of 35 Members.

In practice, the variation may not be this much, but it could be enough, as explained in the pages which follow, to allow a party with fewer votes than another party to win more seats. How serious is the danger and extent of this possibility? - this is the subject of Chapter II.
CHAPTER II - FACTORS WHICH COULD JEOPARDIZE MAJORITY RULE UNDER THE HARE-CLARK SYSTEM

Majority rule, as mentioned in Chapter I, cannot be assured in all circumstances unless the composition of Parliament is related more fully than at present to State-wide vote totals. Already the Hare-Clark system goes farther than almost all electoral systems in the world to correlate the voting results within electorates with the overall, State-wide voting. The election results of all districts are now as accurate as possible to within one quota of votes. Within the remaining, unused partial quota in each electorate, however, is a margin which could allow a slight over- or under-representation of parties, as assessed on the basis of State-wide vote totals.

Though these margins are relatively small, namely less than one-eighth of the total vote in an electorate, they are large enough to make majority rule uncertain, unless these margins, called unused remainders, are recognised and accounted for. If the composition of Parliament is determined, as it can be under the Hare-Clark system, both by the voting within the electorates and by the overall totals for the respective parties - in other words, if the full capacity of the Hare-Clark system is used - majority rule in Parliament can be ensured under all circumstances when the voters have expressed a majority choice at the polls.

But unless these left-over votes, which now make up the unused partial quota in each electorate, are given value, majority choice may not be achieved. In order to show the importance of determining the results of the election by giving regard to State-wide totals,
as well as to the polling within electorates, this chapter shows, by specific example, how at present a party with a majority of the State-wide vote may receive only a minority of the seats.

Although the cause, in each case, arises from the fact that the party with the State-wide majority sustains a loss due to unused remainders, the loss occurs because of different factors. In the pages which follow, these factors are explained under six headings, with some reference, where appropriate, to corresponding factors under the single-member system.

A. GERRYMANDERING

Gerrymandering (that is, the practice of drawing electoral boundaries in such a way as to confer political advantage on one party to the detriment of another) is a glaring weakness of the single-member system, which is well known for facilitating these boundary manipulations which can enable Governments to remain in office after a majority of the electors have voted against them. Nevertheless, although this malpractice cannot be exercised under the Single Transferable Vote system to nearly as great an extent as with single-member electorates, (as explained later on) it still could be used to determine enough seats to decide which party wins the Government. If the balance in strength between two parties is small, even a slight amount of gerrymandering could make the balance fall in favor of the party with the smaller overall vote.

The figures in Example 1 demonstrate the possibilities of gerrymandering under the Single Transferable Vote system. In this illustration a Parliament of 35 members is chosen from five districts each returning
seven members, and a total of 50,000 electors are divided equally among the five districts. For convenience, votes are recorded in hundreds. Thus 10,000 electors per district become 100, and the total State-wide vote becomes 500; the number 60, for example, represents 6,000 votes, or 60% of the votes in a district.

**EXAMPLE 1**

<table>
<thead>
<tr>
<th>Districts</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Party A</strong></td>
<td>Votes (in hundreds)</td>
<td>60</td>
<td>60</td>
<td>49</td>
<td>49</td>
<td>49 = 267 (53.4%)</td>
</tr>
<tr>
<td></td>
<td>Seats</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>3 = 17</td>
</tr>
<tr>
<td><strong>Party B</strong></td>
<td>Votes (in hundreds)</td>
<td>40</td>
<td>40</td>
<td>51</td>
<td>51</td>
<td>51 = 233 (46.6%)</td>
</tr>
<tr>
<td></td>
<td>Seats</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4 = 16</td>
</tr>
</tbody>
</table>

Because Party A is very strong in two districts, but not strong enough there to win five of seven seats, it gains a total of only 17 seats though polling 267 votes (or 53.4%) to its opponent's 233 (or 46.6%). If Party B were in Government and could influence the determination of the boundaries of the electoral districts, it might be able to cause Party A to continue to waste large numbers of votes in Districts I and II.

Since Party A (in this example the Opposition) would win four of seven seats in Districts I and II if it obtained 50% of the vote in these districts, it would benefit the Government if boundaries were drawn so that the Opposition would poll close to 60% in both districts, thereby wasting approximately 10% of the Opposition's total vote in each district without enabling them to capture an additional seat. By forcing a high concentration of Opposition votes in Districts I and II, the Government could weaken Opposition strength in Districts III,
IV, and V, enabling the Opposition to obtain only three seats in each district. Although attracting fewer total votes than the Opposition, the Government therefore could continue in office if electoral boundaries were so drawn as to enable it to win narrowly in three of the five districts.

In the remaining two districts, even if its polling strength dropped to nearly 37.5%, the Government party could still win three of seven seats in each district, thereby capturing 18 of 35 seats in Parliament with fewer votes than its opponents.\(^{(1)}\)

**EXAMPLE 2**

<table>
<thead>
<tr>
<th>Districts</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Votes</td>
<td>60</td>
<td>49</td>
<td>49</td>
<td>49</td>
<td>49</td>
<td>255 (51.2%)</td>
</tr>
<tr>
<td>Seats</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td>Party B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Votes</td>
<td>40</td>
<td>51</td>
<td>51</td>
<td>51</td>
<td>51</td>
<td>244 (48.8%)</td>
</tr>
<tr>
<td>Seats</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>12</td>
</tr>
</tbody>
</table>

\(^{(1)}\) The remarks on these pages on gerrymandering presuppose that electoral boundaries will generally favor the Government, even though the boundaries may be recommended, as in Australia, by commissioners who are appointed by the Government from outside Parliament or party politics. If, as in the case with electoral divisions for the House of Representatives, the resulting boundary recommendations require Parliamentary approval before they can take effect, proposals unfavorable to the Government of the day would probably be rejected and the commissioners asked to supply new ones.

Redistribution commissioners, generally speaking, do not therefore decide on boundaries blindly. As they well realize that alterations in boundaries may help one party and hurt another, they cannot please both sides at the same time. It would not be surprising, therefore, if they resolved their unenviable dilemmas by deciding in favor of the party which is in Government at the time.
In Example 2, Party A, though polling more votes than Party B, obtains only 15 seats to its opponent's 19. Many other illustrations could be set out, using various plausible or feasible distributions of voting strengths in the several districts, in which either two parties or several parties compete, with or without independent candidates; in each case the illustrations would show how a party with fewer votes than all its rivals could gain more seats.

If the five multi-member districts in the foregoing examples were to be replaced by 35 single-member ones, gerrymandering could be more dangerous because there would need to be seven times as many districts, namely 35 instead of five. Nevertheless, if five seven-member districts are retained, there still would be five districts with boundaries subject to potential manipulation. While it is true that the existence of seven vacancies per district is likely to prevent boundary alterations from affecting more than one of the seven, it is quite possible for one seat to be affected, potentially, in each district.

There are, of course, other reasons why gerrymandering is more difficult to arrange under the S.T.V. (Single Transferable Vote) system, for example: It would generally be easier to arrange for a party to have either a very large majority or none in a given district under the single-member system than it would be under the S.T.V. system. Under the former, with, say, seven-member electorates, any wastage of votes forced upon a party to an extent in a given district as high as 10% (the largest amount beyond 50% in Example 2) would create the risk that the intended victim might gain an unexpected additional 2 2/3% of the votes, thereby winning an additional seat and defeating the attempt to gerrymander that district. In practice, an addition of as much as 2 2/3% to the 10% given in the illustration might not be required for winning an additional seat, since a seat might be won on less than a quota. However, in order to make gerrymandering effective a wastage of opponent votes much smaller than 10%, for example a wastage of 5% or less, could be enough to determine the outcome of elections.
From the standpoint of the danger of gerrymandering affecting the political future of individual members of Parliament, it is worth noting that the multi-member electorates essential to the Single Transferable Vote system would normally prevent any member from being "gerrymandered" out of a seat through its abolition in the course of a redistribution. **First**, it would be much less necessary in the course of a redistribution to drop large multi-member electorates than small, single-member ones. **Second**, under the S.T.V. system (barring a sizeable reduction in Parliamentary membership) it is more likely that a large electorate would be altered only somewhat in boundaries rather than completely or substantially abolished during redistribution. But even if abolished, its former members would be more likely to be able to obtain nomination for the new multi-member district embracing some of the previous district than would be the case under single-member conditions.

Under the latter, in sharp contrast, redistribution often may result in a member losing a place in Parliament because his seat has been abolished in the course of reshaping the boundaries, leaving no vacancy at all or no winnable vacancy, for which to seek party endorsement. Complaints about Members being ousted from seats as a result of redistribution are common enough when redistributions are made under the single-member system. (2)

Although the scope for gerrymandering would be reduced automatically by the use of the Single Transferable Vote system, it could still occur, though to a much lesser degree than under a single-member system. In a closely divided Parliament the swing of even a few seats could determine the choice of a Government. Even though gerrymandering has not been alleged in Tasmania
(in contrast to the frequent allegations of gerrymandering in Mainland States, with single-member seats), if the Tasmanian Hare-Clark system is to serve as a model for other States and countries, it should be proved to be incapable of being gerrymandered.

Fortunately, gerrymandering can be eliminated completely under the Single Transferable Vote system— and by simple means, two of which are described in the next chapter. Both methods are founded on the premise that a party's voting strength in Parliament should be determined by its polling strength in the country. Results based on the overall nation- or State-wide vote are the only ones which cannot be affected by gerrymandering. The proposed plans would guarantee the election of the same party regardless of where the electoral boundaries were drawn. Thus the choosing of the Government would be determined solely by the votes cast, and the election results determining this choice would be identical, whether the electoral boundaries were decided by the Government, or by the Opposition, or by some random choice method.

(2) For example, when the federal redistribution proposals in 1962 called for the abolition of three seats in New South Wales, strong criticisms were voiced by persons affected. "Bitter contest between sitting Labour M.P.s for pre-selection in Federal electorates in Sydney are expected to follow this week's announcement of electoral re-distribution proposals", wrote "The Sydney Morning Herald", in the opening line of its report on the proposed redistribution in its issue of July 20, 1962.

Suppose the S.T.V. system had then been in effect and a State's representation was to be reduced from 45 to 45 seats (as was proposed for New South Wales): instead of necessitating drastic alterations, the changes probably could have been brought about with very little effect on any member individually.

(3) One acknowledgment of the absence of gerrymandering in Tasmania is in James Jupp, Australian Party Politics (Melbourne University Press, 1934) p. 61 with the following statement: "The cry of 'gerrymandering' has been a basic slogan for the opposition parties in South Australia, Queensland, and New South Wales. Only Tasmania, with proportional representation since the early days of party struggle, has not been riven with inter-party suspicion of biased electorates. Australian politicians simply do not trust their opponents to preserve neutral rules. Redistributions under the Commonwealth Electoral Act, an international model of probity, aroused nearly as much suspicion as far more dubious State practices."
B. LOSS BY UNUSED REMAINDERS BECAUSE VOTES ARE NOT CAST FOR CANDIDATES OF PARTIES IN EXACT MULTIPLES OF THE QUOTA

As noted, gerrymandering under the Single Transferable Vote system could result from the possibility that boundaries could be so arranged that (although the victimized party received a given number of seats for a given number of quotas) a large number of its votes would be left unused — a number large enough to form sizeable parts of quotas but not large enough to win seats. The effectiveness of the gerrymander would be determined therefore by the number of votes which could be prevented from helping to elect candidates of the victimized party. Since the Droop formula provides that the total vote of a district be divided by one more than the number of seats to be filled, there are virtually eight quotas in each seven-member district; seven quotas are consumed in electing Members and a partial quota inevitably remains in each district; it is referred to by various terms, such as the unrepresented fraction, remaining or unused votes, or the unused remainder. The more frequently, therefore, that unused remainders can be made to rest with candidates of the victimized party, the more effective the gerrymandering efforts would be. But since unused remainders are inevitable, they will occur whether gerrymandering is contemplated or not.

Purely natural causes or chance factors could result in a given party bearing a preponderant share of unused remainders, thus penalizing its electoral hopes even though no intention of gerrymandering existed. For instance, as a result of shifts in population or of the development of certain industries attracting voters chiefly from one party, a certain district or two might acquire a predominance of electors from one party (but not a sufficient predominance to win additional seat(s)), while
the other three or four districts (in a total of five, in this example) might contain a closer balance between the parties. Furthermore, if redistribution commissioners are to observe the various physical and geographical considerations which should guide the determination of boundaries, they may not be able to avoid extremely concentrated or extremely scattered distributions of political party opinions in the various electorates. In any case, if electoral machinery is to be neutral between all parties and candidates, redistribution commissioners should not need to take political factors into considera-
tion when recommending new boundaries.

Two examples, in figures, may help better to show the possible effect of electoral boundaries on the political consequences of unused remainders. As in the two previous illustrations (in Section 4 of this chapter), a total of 50,000 electors distributed equally among five districts is assumed, and for convenience of explanation, votes are recorded in hundreds.

**EXAMPLE 1**

<table>
<thead>
<tr>
<th>Districts</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party A</td>
<td>Votes</td>
<td>51</td>
<td>51</td>
<td>51</td>
<td>51</td>
<td>255</td>
</tr>
<tr>
<td></td>
<td>Seats</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>Party B</td>
<td>Votes</td>
<td>49</td>
<td>49</td>
<td>49</td>
<td>49</td>
<td>245</td>
</tr>
<tr>
<td></td>
<td>Seats</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>15</td>
</tr>
</tbody>
</table>

(4) For example, according to the Commonwealth Electoral Act 1918-1966 in Section 19 (2), "the Distribution Commissioners shall give due consideration, in relation to each proposed Division to - (a) community of interests within the Division, including economic, social, and regional interests; (b) means of communication and travel within the Division, with special reference to disabilities arising out of remoteness or distance; (c) the trend of population changes within the State; (d) the density or sparsity of population of the Division; (e) the area of the Division; (f) the physical features of the Division; and (g) existing boundaries of Divisions and Subdivisions."
Since in Example 1 Party A can win three seats with 37.5% of the vote in each electorate, one of its candidates must be the runner-up in each district, retaining to his credit about 11.5% of the votes (there being no exhausted votes in this example). These five partial quotas from five districts would therefore be the unused remainders. In this example Party A wins a strong majority of seats with a bare majority of votes because the bulk of the unused remainders are borne at the expense of Party B. In contrast, in Example 2 the total vote for Party A increases markedly, yet its representation in seats falls from 20 to 18, which is the bare minimum for electing the Government. Correspondingly, Party B wins a smaller total of votes in Example 2 than in Example 1, yet obtains an increase in seats in Example 2, as seen from the illustration.

**Example 2**

<table>
<thead>
<tr>
<th>Districts</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Party A</strong></td>
<td>Votes</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>49</td>
<td>49 = 278</td>
</tr>
<tr>
<td></td>
<td>Seats</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>3 =   16</td>
</tr>
<tr>
<td><strong>Party B</strong></td>
<td>Votes</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>51</td>
<td>51 = 222</td>
</tr>
<tr>
<td></td>
<td>Seats</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4 =   17</td>
</tr>
</tbody>
</table>

In Example 2, Party A, despite its large increase in votes, wins fewer seats than before, because in each district the bulk of the unused votes is sustained by it, not by Party B as in Example 1. These two illustrations show, therefore, that appreciable fluctuation in the ratio between votes and seats can occur because of the incidence of the unused remainder. Examples, similar to those in the preceding section on gerrymandering, could also be drawn to show how the incidence of the unused remainder could accidentally affect one party more than another, resulting in a party with a majority of the votes not obtaining a majority of the seats.

In plans for applying the Single Transferable Vote system to Parliamentary elections in given countries,
it has sometimes been suggested that Parliamentary electoral boundaries be adapted to coincide wherever possible, with the boundaries of existing cities and counties or other local units; the number of representatives for each of these constituencies would then be varied according to differences in population between constituencies. One advantage of such a plan is, of course, that constituencies formed by fixed boundaries could not be gerrymandered; but even so, one unavoidable objection would be that the unused remainders might favor one party more than another, thereby endangering majority rule - unless measures were adopted to prevent this, such as provided in the plans described in this report.

Unless the necessary refinements are adopted to prevent it, the possibility of minority rule (i.e., the winning of a majority of the seats with only a minority of the votes) is ever present even under the Hare-Clark system - especially so since the number of electorates is small, namely five. If changes in the political complexion of the electorates should take place in the future, resulting, for example, from shifts in population or the effects of a redistribution of boundaries, fluctuations in party representation due to unused remainders could occur in a manner illustrated by Examples 1 and 2, above.

If, moreover, one party frequently polled well over four quotas in one or more districts, but not well enough to reach five quotas, dissatisfaction would probably

---

(5) Another objection to such a plan is noted in the next section of this chapter, where a third cause of danger to majority rule is discussed.
arise because of this wastage and the effect it might have in preventing a party with a majority at the polls from gaining a majority in Parliament. In fact, dissen-
satisfaction over prospects of this occurrence gravely threat-
ened the continuance of the Hare-Clark system in 1914-15. At this time the electorate of Wilmot (which also had the smallest enrolment) appeared to be a Liberal Party strong-
hold, i.e., it was expected that the Liberals would, in the then foreseeable future, always be able to poll enough votes to win four of six seats (barring of course some changes due to redistribution). As it was expected that the seats of the other four districts were likely to divide 3–3 in each, many observers were convinced that victory in Parliament would necessarily lie with the party which could win four of six seats in Wilmot, even though this party might poll many fewer votes than its opponents in other districts.

At this time the Labor Party (which had lost the general election in 1913 but became the Government in 1914 as a result of a by-election victory) thoroughly realized that although it might gain a majority of votes in three or four of the five electorates it could not

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(6) Some reasons (a) for the strong likelihood of seats dividing 3–3 between the two major parties and (b) for the undesirability of electorates returning members in even numbers are given on pages 16–20 in Parliamentary Paper No. 22 of 1956 (Tasmania), prepared by the writer and entitled Democratic Representation under the Hare-Clark system.

(7) Although the Liberal Party won the general election in January, 1913, by 16 seats to 14, one of its Members for Denison, Sir John Dowie, died in December, 1913, and was replaced at a by-election in January, 1914, by a Labor candidate, Mr. William Sheridan. By-elections at this time were conducted by re-polling the voters of the district (not by re-counting the votes of the vacating member, the method adopted as a result of this by-election incident). After this by-election, Mr. J.T.H. Whitall, an independently-inclined Member who was elected as a Liberal in 1913, left the party and, as an Independent, supported the Labor Party in Government until it was defeated at the general elections in 1916.
expect to win more than two seats in Wilmot. Hence, even though the Labor Party might also obtain a State-wide majority, its members envisaged the prospect of losing 14 to 16 in the then 30-member House (by dividing 3–3 in four districts and losing 2–4 in Wilmot).

The adoption of seven-member electorates at this time would have reduced greatly the seriousness of the problems both of deadlocks and of a party gaining a Parliamentary majority with fewer overall votes than its opponents. A reluctance to increase the size of the House to 35 seems to have been a major reason for retaining six-member districts. The fact, however, that seven-member districts in themselves would not completely solve the problem of unused remainders probably was a strong contributing reason why a change to seven apparently was not forcefully recommended at the time. Although contemporary leaders are on record as stating that the election of seven was preferred to six, many of these statements also noted that the difficulty of unused remainders would not be removed, even though greatly reduced, by use of seven-member districts. (8)

Interest in electoral matters and the dangers of unused remainders did not, however, originate with Labor's taking office in 1914; already these subjects had received, and were receiving, very considerable attention. (9) The new Labor Government entered office at a moment when people were widely conscious that unused remainders could produce unfair results and when

(8) An example of this view is given by Mr. (later Professor) E.F. Giblin, W.H.A., on p. 32 of E.H. Pascoe, The Theory of the Quota in Proportional Representation—II. (Hobart: Government Printer, 1913).
the Labor Party as a party was likely to suffer from this possibility.

One of the Government's first actions was to sponsor the drafting of an elaborate "Electoral Amendment Bill, 1914", which provided for a rather thoroughgoing list system of proportional representation, including the requirement of party lists; the use of multiple, non-transferable votes (instead of the single, transferable vote); and a uniform quota for all districts, based on State-wide totals. After the bill had been referred to a Select Committee, which held a long and exhaustive inquiry,

(9) Some evidence of the attention given to the subjects, besides press and public discussion, include the following:

(a) Two booklets, issued by the Tasmanian Electoral Department, one in 1912 and the other in 1913, written by Mr. E.L. Pleas, B. Sc., LL.B., who as a private citizen and as Assistant Returning Officer for Denison and Franklin had thoroughly acquainted himself with the Hare-Clark and other electoral systems. The booklets were reprints of scholarly papers given by Mr. Pleas to the Royal Society of Tasmania in 1912 and in 1913.

Both publications give their chief attention to party list systems of proportional representation, though dealing with the Hare-Clark method and referring to the problem of unused remainders, Mr. Pleas would have eliminated the occurrence of unused remainders by replacing the Hare-Clark system with a party list system of proportional representation employing a uniform quota. The booklets are entitled The Theory of the Quota in Proportional Representation, in two parts, I and II.

(b) The Tasmanian Electoral Department in its report on the general election of 1913 recommended adoption of a uniform quota for all electorates, combined with a list system of proportional representation, and repeated this recommendation in its report on the 1916 general elections. The report of 1913 is Parliamentary Paper No. 11 of 1913 (Tas.), and that of 1916 is No. 33 of 1916.
the original proposal was altered in order to drop the multiple vote provisions and to combine the existing single, transferable vote feature of the Hare-Clark system with party lists and the use of a uniform quota. (10)

Even though the Committee's final proposals departed markedly from the Hare-Clark system, the bill easily passed the second reading, supported by the Government Members and many of the Opposition. But after most of the clauses of the bill had passed the committee stage, the Opposition changed its attitude towards the proposals and, with support from Mr. Whitaitt, the Independent holding the balance of power, had all the significant clauses recommitted and defeated. This took place shortly before Parliament rose for the year in 1915. The Opposition won the general elections of March, 1916, and the plan was never again revived in Parliament. However, the basic problem of the unused remainder, which was first

(10) The amended bill retained the following features of the original bill, namely: that the membership of the House of Assembly be increased to 31; that candidates be placed within party lists on the ballot-papers; and that all candidates, though standing for election within the several existing districts, be elected by a uniform quota (found by dividing the State-wide vote by 31). The Tasmanian Electoral Department in its report on the General Election of 1913 summarized the plan in these words, "The principle of the uniform quota is, in effect, to add together the remainders of the parties in the various districts, and to use the totals for the whole country in ascertaining the shares of representation of the parties throughout the country." (quoted from p. 8, Report on General Election, 23rd January, 1913, which is Parliamentary Paper No. 11 of 1913 (Tas.).

The extensive evidence taken at numerous hearings on the original bill is recorded in the progress report of the Select Committee; this report was published as Parliamentary Paper, No. 31 of 1914 and was presented to the House of Assembly on January 19, 1915. The conclusions of the Select Committee and the evidence taken at further hearings, and a copy of the revised bill are contained in the Committee's final report, which was presented to the House of Assembly on September 15, 1915, as Parliamentary Paper No. 12 of 1915.
highlighted by the events of 1914-15, has continued to this
day, though lessened in seriousness by the adoption of
seven-member electorates in 1958.

Even a short summary of the problems considered
by the Select Committee and of the events preceding and
following its activity in 1914-15 would be too lengthy
to review here, but one fact still relevant is that the
problem of how to prevent unused remainders from causing
unfair election results was considered vitally important
by this Committee and others. The fact that the
provisions of the bill recommended by the Committee seemed
enormously complicated to most people resulted in severe
criticisms among the public and in Parliament and contributed
to the rejection of the bill by Parliament.

Those who favor the wide and effective opportunity
for individual choice made possible by the single,
transferable vote and other features of the Hare-Clark
system will be thankful for the defeat of the proposals
of 1914-15, which would have changed fundamental features
of the Hare-Clark system, but one lesson can be learned
from the years of controversy centred around the problem
of unused remainders: namely, the problem is real, and
it is serious — and, though much mitigated by the adoption
of seven-member districts, the problem could give rise to
dissatisfaction again.

Although unused remainders are of course immensely
less serious under the Hare-Clark system than with single-
member electorates (where unused remainders could be nearly
one-half instead of only one-eighth of the votes and
therefore correspondingly more likely to produce electoral
injustice), the problem nevertheless still needs to be
solved if the certainty of majority rule is to be guaranteed.
Fortunately, unlike the single-member system, the Hare-Clark method provides within its present framework the basis for answering the problem, as explained in the plans given in this report.

C. DISPARITY IN THE NUMBER OF seats per ELECTORATE

Since the distortions and injustices in representation under the single-member system would be enormously reduced by using the Single Transferable Vote system as it is now applied, the fact may be overlooked that certain improvements and refinements are still possible or needed even in this method. For example, unless preventive measures are taken, a party with a majority of the State-wide vote could fail to obtain a majority in Parliament solely because the number of seats to be filled was not the same in all electorates.

As noted previously, if provision for enabling the S.T.V. system to assure majority rule is incorporated in the legislation establishing the system, any possible discrepancy (arising, for example, from unused remainders or, as to be explained in this section, from disparity in the number of vacancies per district) would be adjusted automatically. If provision for adjustment were made, then it would not be necessary for electorates to return the same number of members. Without this provision, however, it would be important for all districts to return the same number of members, even though strict uniformity in this regard might be extremely inconvenient or undesirable in many circumstances. (11)

In Tables I and II, below, specific figures are given to show how the lack of this uniformity could cause
a reversal of majority rule. The reasons for this occurrence may, however, be seen by summarizing, by means of the following illustration, the conclusions to be drawn from Tables I and II:

In this illustration the hypothetical Parliament consists of 35 members, 20 chosen from five-member districts in the metropolitan areas and the remaining 15 members chosen from three-member districts in the rural areas of the State. Next, there are two main parties, Party A and Party B. Party A, which receives strong support from labor unions, is very popular in sections of the metropolitan area and relatively weak in the country. Party B, however, which appeals more to conservative electors, is very strong in the country and less strong in the city. Party A is able to win 68% of the vote in two industrial areas of the city thereby obtaining four of five seats in both districts. (As the quota in a five-member district would be 16.7%, even less than 68% of the vote would be enough to win four seats in a district.)

Though Party A polls only 32% of the vote in the country, this amount is more than enough to reach one three-member quota of 25% used in country districts. In this case, Party B, by winning one of three seats in every

(11) Two illustrations why uniformity in the number of vacancies might sometimes be undesirable are:

(a) If the rural portions of a State or nation are sparsely settled, resulting in electorates of large area, it might be important, for example, to use three- or four-member districts in the country while applying seven-member divisions in the city.

(b) If electoral districts were made to conform to local government boundaries or to other local units, with the allocation of Parliamentary seats determined by the population size of these units, the number of representatives per electoral district would need to vary in accordance with variations in populations. If an even number of members, such as four, were to be returned from a district, the need for a plan to compensate for unused remainders would be greater than if members were returned in odd numbers.
country district and four of five seats in two city
districts, obtains 18 of the 35 seats with fewer votes
than Party Q. In fact, Party Q could still have won
18 seats if its vote in the country had fallen from
32% to 23%.

Why does Party Q, with more votes than its rival,
win fewer seats? - Because in the country areas, where its
strength is greatest, three-member electoral districts
are used. Although Party Q does win two of three seats
in every country district and is strong enough there to win
four seats in a five-member contest, this party is prevented
from gaining much possible 4-to-1 victories because
five-member districts are not provided for in the country
areas. If five-member districts were used, as
illustrated in Part B of Table I, Party Q would win four
of five seats in the country districts, and would be elected
as the Government, by 19 seats to 16, instead of losing
by 17 seats to 18.

In summary: Party Q, though receiving a majority
of the State-wide vote and though polling percentage-wise
as strongly in the industrial districts as Party L did
in the country, cannot offset its 1-to-4 losses in
industrial areas since the electorate arrangements prevent
it from gaining 4-to-1 wins in the rural areas. Party Q
loses the election not because it obtains fewer votes but
because two of three seats is a smaller proportion than
four is of five. These summarizations are explained in
specific figures in hypothetical examples which follow:-

| TABLE I |
| EXAMPLES OF THE POSSIBLE EFFECT OF DISPARITY |
| IN THE NUMBER OF SEATS PER DISTRICT ON |
| MAJORITY RULE IN PARLIAMENT |

(Some readers may prefer first to read the text following
Tables I and II before studying the precise figures of the
two Tables.)
In Table I, Districts I and II are industrial in character and strongholds for Party L. In District III the supporters of both parties are rather closely divided; and in District IV, a well-to-do residential area of the city, Party G is strongly predominant.

There are 70,000 electors in this State, with 40,000 living in the city and 30,000 in the country. Each city district therefore has 10,000 electors and returns five Members, and each rural district contains 6,000 electors and returns three Members. For convenience of reference, the votes are expressed in hundreds; thus the four city districts are recorded as containing 100 votes each instead of 10,000 and the five rural districts, identified as (a), (b), (c), (d), and (e) in Part B, are recorded as having 60 votes each instead of 6,000.

In both instances of Part B the vote for Party L is 32% and for Party G 68%. In the first instance, where three-member districts are used, the 6,000 electors therefore vote as follows: approximately 1,500 for Party L (recorded as 19+) and approximately 4,100 for Party G (recorded as 41-). In the second instance, where five-member districts are used, there are 10,000 electors per district, identified as (a), (b) and (c), who vote as follows: 3,200 for Party L (written 32) and 6,800 for Party G (written 68).

---

**PART A**

20 Members from Metropolitan Area, total of 400 votes, Elected from four 5-Member Districts

<table>
<thead>
<tr>
<th>Districts</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party L</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>222</td>
</tr>
<tr>
<td>Votes</td>
<td>66</td>
<td>68</td>
<td>51</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Seats</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Party G</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>178</td>
</tr>
<tr>
<td>Votes</td>
<td>32</td>
<td>32</td>
<td>49</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>Seats</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>7</td>
</tr>
</tbody>
</table>

**PART B**

15 Members from Rural Area, total of 300 votes Results with Five 5-Member Districts

Part B (1)

<table>
<thead>
<tr>
<th>Districts</th>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>(d)</th>
<th>(e)</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party L</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>95</td>
</tr>
<tr>
<td>Votes</td>
<td>19+</td>
<td>19+</td>
<td>19+</td>
<td>19+</td>
<td>19+</td>
<td>49</td>
</tr>
<tr>
<td>Seats</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Party G</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Votes</td>
<td>41-</td>
<td>41-</td>
<td>41-</td>
<td>41-</td>
<td>41-</td>
<td>20</td>
</tr>
<tr>
<td>Seats</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>10</td>
</tr>
</tbody>
</table>
### Part B (2)

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes</th>
<th>Seats</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party L</td>
<td>32</td>
<td>1</td>
<td>32 = 96 (or 32% of 300)</td>
</tr>
<tr>
<td>Party C</td>
<td>68</td>
<td>4</td>
<td>68 = 204 (or 68% of 300)</td>
</tr>
</tbody>
</table>

### Part C - Summary of Parts A and B

#### Overall Results if 5-Member Districts Apply in Rural Area

<table>
<thead>
<tr>
<th>Party</th>
<th>Metropolitan</th>
<th>Rural</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party L</td>
<td>222</td>
<td>96</td>
<td>318 (45.4%)</td>
</tr>
<tr>
<td>Party C</td>
<td>178</td>
<td>204</td>
<td>382 (54.6%)</td>
</tr>
</tbody>
</table>

#### Overall Results if 5-Member Districts Apply in Rural Area

Changes in seats won or lost are noted in parentheses

<table>
<thead>
<tr>
<th>Party</th>
<th>Metropolitan</th>
<th>Rural</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party L</td>
<td>222</td>
<td>96</td>
<td>318</td>
</tr>
<tr>
<td>Party C</td>
<td>178</td>
<td>204</td>
<td>382</td>
</tr>
</tbody>
</table>

The votes given to the respective parties are identical in both examples (which are shown as Parts A and B, and summarized in Part C), yet in one case Party C, which obtained a majority of the State-wide vote, loses the election (17 to 18), and in the other it wins (19 to 16). The difference in outcome arises because in one instance (in Part A) the rural members are chosen from 3-member districts and in the other instance (in Part B) from 5-member districts.

If suitable measures are provided (as explained in the text) for adjusting representation automatically in accordance with overall party totals, majority rule can be assured even if the number of seats per district is not uniform.
TABLE II
EXAMPLES TO ILLUSTRATE THAT UNIFORMITY IN THE NUMBER OF SEATS PER DISTRICT MAY NOT BE ENOUGH TO ASSURE MAJORITY RULE IN PARLIAMENT

In order to show that uniformity in the number of seats per district is not in itself sufficient to assure majority rule, the figures of Table II are supplied.

In this example all particulars are the same as in Table I except that in the rural areas Party \( C \) obtains only 66% of the vote instead of 68 and Party \( L \) obtains 34% instead of 32%.

With this slight change in the polling, Party \( C \), though still winning a majority of the State-wide vote cannot win a majority of Parliamentary seats whether either 3-member or 5-member districts are used in the country.

<table>
<thead>
<tr>
<th>PART A</th>
<th>20 Members from Metropolitan Area, total of 400 votes, Elected from four 5-Member Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Votes and Seats are the same as in Table I, Part A, namely:</td>
<td></td>
</tr>
<tr>
<td>Seats</td>
<td>Votes</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Party ( L )</td>
<td>13</td>
</tr>
<tr>
<td>Party ( C )</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART B</th>
<th>15 Members from Rural Area, total of 300 votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>The difference from Table I, Part B is this: Party ( L ) in Table II now obtains 34% of the rural vote (not 32% as in Table I) and Party ( C ) obtains 66% (not 68%).</td>
<td></td>
</tr>
<tr>
<td>Part B (1) Results with Five 3-Member Districts:</td>
<td></td>
</tr>
<tr>
<td>A slight change in votes in Table II notwithstanding, the division of seats between the two parties would be the same as in Table I, Part B (where 3-member districts were used), namely:</td>
<td></td>
</tr>
<tr>
<td>Seats</td>
<td>Votes</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Party ( L )</td>
<td>5</td>
</tr>
<tr>
<td>Party ( C )</td>
<td>10</td>
</tr>
</tbody>
</table>
Part B (2)  Results with Three 5-Member Districts:

<table>
<thead>
<tr>
<th>Districts</th>
<th>(x)</th>
<th>(y)</th>
<th>(z)</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Votes</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>102 (or 34% of 300)</td>
</tr>
<tr>
<td>Seats</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Party B</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Votes</td>
<td>66</td>
<td>66</td>
<td>66</td>
<td>198 (or 66% of 300)</td>
</tr>
<tr>
<td>Seats</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>9</td>
</tr>
</tbody>
</table>

\[ \frac{15}{15} \times 300 \]

PART C - SUMMARY OF PARTS A AND B

Part C (1)  Overall Results if 3-Member Districts apply in Rural Area

<table>
<thead>
<tr>
<th></th>
<th>Metropolitan</th>
<th>Rural</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party A</td>
<td>222</td>
<td>102</td>
<td>324 (or 47.3% of 700)</td>
</tr>
<tr>
<td>Seats</td>
<td>13</td>
<td>5</td>
<td>18</td>
</tr>
<tr>
<td>Party B</td>
<td>178</td>
<td>198</td>
<td>376 (or 53.7% of 700)</td>
</tr>
<tr>
<td>Seats</td>
<td>7</td>
<td>10</td>
<td>17</td>
</tr>
</tbody>
</table>

|            | 35           | 700   |

Part C (2)  Overall Results if 5-Member Districts apply in Rural Area

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Party A</td>
<td>222</td>
<td>102</td>
<td>324</td>
</tr>
<tr>
<td>Seats</td>
<td>13</td>
<td>6</td>
<td>19 (+1 seat)</td>
</tr>
<tr>
<td>Party B</td>
<td>178</td>
<td>198</td>
<td>376</td>
</tr>
<tr>
<td>Seats</td>
<td>7</td>
<td>9</td>
<td>16 (-1 seat)</td>
</tr>
</tbody>
</table>

The two illustrations of Table II summarized above) show that Party C, which has a majority of the State-wide vote in both cases, each time obtains only a minority of the seats in Parliament. If in the rural area 3-member districts are used, Party C loses 17 to 18; if 5-member districts are used, it loses 16 to 19.

In both Table I and Table II, Party C has a State-wide majority, yet fails to win a majority in Parliament if three-member districts are used in rural areas. If,
instead, five-member districts are used uniformly throughout the State, Party C does win in Table I, when it polls 60% of the rural vote, but it loses even with five-member districts in Table II, when its rural vote drops from 68 to 62%.

Examination of the figures of Tables I and II will show that Party C loses whenever all the unused remainders are borne at its expense. Since the incidence of unused remainders may result from the chance factor of how the strength of political opinion happens to be distributed in a State as well as upon the number of seats per electoral district, a plan for assuring majority rule either must provide a means for giving value, when necessary, to unused remainders or must relate the total number of seats won by parties to the votes they poll on a State-wide basis. The plans given in this report combine both approaches.

The circumstances summarized in Tables I and II are by no means farfetched and in fact approximate, in illustrative form, what occurred in New South Wales, where the Single Transferrable Vote system was used to choose the Legislative Assembly at the elections of 1920, 1922 and 1925. In the plan adopted by the New South Wales Parliament, five-member electorates were provided for Sydney and its metropolitan area and for Newcastle. The rest of the State was divided into three-member electorates. In the elections of 1920 the Government parties (the then equivalent of the Liberal Party and the Country Party) polled 14,265 more votes than the Labor Party but won only 45 of the 90 seats — a case of equal Parliamentary representation despite unequal voting strength. (12)

After heated allegations of intrigue in Parliament, the ensuing deadlock was broken when the previous Speaker
(a non-Labor Member) agreed to continue in office. The Labor Party then formed the Government until it was defeated at the general elections of 1922. In 1925, however, although the Government parties polled 17,667 votes more than the Labor Opposition, they won five seats fewer and lost the election—a case of the minority party obtaining a majority of the seats.

Since various technical faults were incorporated in the Single Transferable Vote system when it was adopted in New South Wales, objections against the system for producing unfair representation and "negating majority rule" were not the only complaints, although they were among the chief ones. (13) If the plans recommended in the chapter which follows had been in effect, majority rule would have been assured, not reversed, in cases like the elections of 1920 and 1925.

Mr. (later Sir) Archdale Parkhill (see footnote No. 12) in his booklet criticizing the use of the Single Transferable Vote system in New South Wales attempted to show that the system had failed. In the present writer's opinion the principles of proportional representation did

(12) The voting figures for 1920 and 1925 are taken from p. 5 of Mr. (later Sir) Archdale Parkhill, Proportional Representation: Its Failure in New South Wales (Sydney: 1925). This booklet appears to have been published privately by the author, who was then the Secretary of National Federation of Australia and General Secretary of the National Association of New South Wales.

The two Government parties were the National Party and the Progressive Party; the latter became the Country Party after the 1925 elections.

(13) For example, the first two topics presented in the Parkhill booklet, op. cit., are "Representation Not True" and "Negation of Majority Rule", in which the author criticizes the F.P. system for allowing the Labor Party twice to obtain the Government on a minority vote.
not fail; what failed were defective provisions of the electoral act which presumed to apply the principles of proportional representation but, in regard to some vital particulars, did so in such a way as to jeopardize seriously the prospects of achieving majority rule.

Disparity in Seats per District in Reference to Tasmania's Hare-Clark System

Although disparity in the number of seats per electorate is not a problem in Tasmania (where every electorate returns seven members), the discussion of this problem in connection with the Hare-Clark system is germane and important for at least two reasons. One is that the same measures which would prevent gerrymandering and would avert the possibility of minority rule as a result of unused remainders would also rectify what otherwise could possibly be the unfair consequences resulting from disparity in the number of seats per district. A second reason is that if the Hare-Clark system provided machinery for assuring majority rule under all circumstances including when the number of vacancies varied per electorate, Tasmania could provide a better model for other States and countries desirous of considering or adopting the Single Transferable Vote system. (14)

(14) For reasons given in footnote 11, it might be extremely inconvenient or undesirable in some States or countries for the number of seats per electorate to be uniform, despite various benefits offered by the symmetry of all districts returning the same number of members. The latter arrangement is particularly appropriate for Tasmania since it is relatively compact geographically and since uniformity in the electorates in respect of the number of vacancies furnishes advantages such as simplicity for the voters and convenience in administration, since the electorate boundaries for the State House of Assembly are identical with those of the Commonwealth House of Representatives.
D. INEQUALITIES IN ENROLMENT NUMBERS PER ELECTORATE

Inequality in enrolments between electorates is a serious and almost inevitable problem in the single-member system. This inequality can easily contribute to the reasons why, under single-member electorates, a party which wins more votes than its rival may receive fewer seats. Moreover, due to the comparative smallness of single-member seats, their electoral enrolments may soon become out of balance. Next, because boundary changes could drastically affect political fortunes under the single-member system, efforts to equalize enrolments often are either long postponed or else, when taken, are likely to contain alterations which allegedly or actually favor one party to the detriment of another. Understandably, therefore, the Single Transferable Vote method could be recommended for minimizing the problems connected with equalizing enrolments.

The inherent features of the Single Transferable Vote system show why this recommendation is sound. First, since all districts would be multi-membered, the advantages or disadvantages of larger and smaller electorates would be shared by all the political parties concerned. If, for example, some electorates had small enrolments, all competing parties would be contesting seats on equal terms. On the other hand, if some electorates had large enrolments, all the parties concerned would have to reach the same larger quotas in order to win seats. In contrast, the effect of unequal enrolments under the single-member system is to confer enormous advantage on any party which holds many of the smaller seats and to penalize any party which sustains a disproportionate share of the larger ones. (15)
Second, multi-member electorates, being so much larger than single-member ones, are much less likely to become out of balance in their enrolments. Their larger areas could accommodate — speaking generally — many shifts in population without necessarily much affecting the total enrolment of an electorate, even though enrolments in parts of the electorate might fluctuate drastically — as small single-member seats now frequently do.

Third, if and when large, multi-member electorates rise or fall enough in enrolment to require redistribution, the process of adjusting boundaries becomes very much easier as the size of the electorate unit increases.

Nevertheless, even though the Single Transferable Vote system provides built-in protections against inequities arising from inequalities in electoral enrolments, a margin of potential discrepancy could still arise under the S.T.V. system if enrolment differences become large enough. Although the effects of such possible discrepancies can readily be corrected by the plans proposed

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An example of unequal enrolments contributing to unfair results in single-member electorates is seen in South Australia, where, for instance, at the time of the 1965 elections the average electorate enrolment for the House of Assembly was 26,526 in the metropolitan area and 8,384 in the country (according to figures from p. 71, Commonwealth Bureau of Census and Statistics South Australian Office, South Australian Year Book, 1967, Government Printer, Adelaide, 1967).

This enormous disparity in enrolments has been a long-standing feature of South Australian electorates and the cause of widespread sustained criticism, especially because most of the districts with large enrolments are held by one party and most of those with small enrolments by another. A majority of the seats has frequently been won by the smaller of the two major parties (the Liberal-Country League) with a popular vote very much less than its opponents. In the 1959 elections, for example, the Labor Party polled 48% of the primary vote and the L.C.L. only 39.3% according to figures adjusted to allow for uncontested seats (from pp. 89-91, in Tasmanian Parliamentary Paper No. 17 of 1960, prepared by the writer and entitled Ficing Responsibility for Governing).
in this report, these discrepancies could now arise, endangering majority rule in the usual or normal course of time and events, as illustrated in Example 1 of Table III.

Although this example is hypothetical, the circumstances and the range of the figures cited have been taken from recent Tasmanian experience.\(^{16}\) In this example, enrolment differences are confined to only two districts, where the discrepancy in votes is only 12\% above and below the vote of the other three districts. According to the Commonwealth Electoral Act 1918-1966, enrolments are permitted to vary by as much as 20\% above or below the enrolment quota for the electorates of a given State.

Even so, in Example 1, Party A, though polling 3,120 more votes than Party B, receives one seat less and

\(^{16}\) The total vote in this example, which contains, like Tasmania, five seven-member districts, is 160,000, as compared with 160,743 formal votes cast at the Hare-Clark elections in 1955. In Example 1 of Table III the two hypothetical electorates included for contrast contain a smaller difference in total votes than two Tasmanian districts did in 1955, when 37,022 formal votes were cast in Franklin and 23,434 in Denison; in Example 1 the range is less, viz., from a high of 36,000 votes in District I to a low of 28,000 in District II. This range is within a tolerance of 12\% above and below the standard of 32,000 votes in the other three districts.

In Example 1, Party A's total vote leads that of Party B by 3,120; this amount of hypothetical votes is greater than the margin of 1,917 actual votes which separated the State-wide totals of the two main parties in the House of Assembly elections of 1950 (when the Labor Party obtained 70,976 votes to the Liberal Party's 69,429).

The degree of support for the larger party in Example 1, viz., 56\% in District I for Party A, is not uncommon. For example, the majority party in the 1955 elections in Wilmot obtained 55.7\% of the formal vote; in the 1948 elections in Bass, 55.5\%; and in 1946, in Bass, 57.9\%. The majority party obtained, as a State-wide average for all electorates, 62.7\% of the vote in 1941 and 58.7\% in 1937.
loses the election by 17 seats to 18. This occurs because Party A draws its greatest support in District I, which has the largest number of votes, but still returns the same number of Members as District II, which polls only 78% as many votes as District I.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Party A</th>
<th>Party B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of Votes</td>
<td>Votes %</td>
</tr>
<tr>
<td>I</td>
<td>36,000</td>
<td>26</td>
</tr>
<tr>
<td>II</td>
<td>28,000</td>
<td>49</td>
</tr>
<tr>
<td>III</td>
<td>32,000</td>
<td>51</td>
</tr>
<tr>
<td>IV</td>
<td>32,000</td>
<td>49</td>
</tr>
<tr>
<td>V</td>
<td>32,000</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>160,000</td>
<td>81,560</td>
</tr>
</tbody>
</table>

Example 1 shows how Party A, with a majority of the State-wide vote, obtains only 17 seats while Party B, with fewer votes, obtains 18 seats.

One cause for this result is the particularly large enrolment of District I, where Party A polls strongly. The plans given in this report would adjust for such discrepancies and guarantee that the party with a majority of the votes would obtain a majority in Parliament.

Example 2 of Table III shows how a redistribution, which equalized the number of voters in Districts I and II, resulted in the party with a majority of the State-wide vote (namely, Party A) being able to win a majority of the seats. Party A is able to win in Example 2 because the redistribution removed from District I the excess represented by 4,000 votes and transferred it to District II. Of these 4,000 votes, Party A received enough to gain an additional seat in District II and thus win the election.
In Example 2, equalizing the number of voters per district had the effect of producing fairer representation. It should be noted, however, that improved representation did not come solely from equalizing the number of voters. Fairer representation occurred in this case because the alteration in district boundaries happened to result in more supporters of Party A being transferred to District II than supporters of Party B. Specifically, of the 4,000 voters transferred from District I, Party A gained 2,600 supporters and Party B 1,400.

### Table III: Example 2

<table>
<thead>
<tr>
<th>Districts</th>
<th>No. of Votes</th>
<th>Party A Votes</th>
<th>Party A Seats</th>
<th>Party B Votes</th>
<th>Party B Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>32,000</td>
<td>55</td>
<td>17,960</td>
<td>4</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12,440</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>32,000</td>
<td>51</td>
<td>16,320</td>
<td>4</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>15,680</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>32,000</td>
<td>51</td>
<td>16,320</td>
<td>4</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>15,680</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>32,000</td>
<td>42</td>
<td>15,680</td>
<td>3</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>16,320</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>32,000</td>
<td>42</td>
<td>15,680</td>
<td>3</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>160,000</td>
<td></td>
<td>81,560</td>
<td>18</td>
<td>78,440</td>
</tr>
</tbody>
</table>

Example 2 shows how a redistribution of electorates to equalize enrolments could result in a fairer allocation of seats than in Example 1. The fairer result in Example 2 requires, however, that the 4,000 electors transferred from District I to District II happen to include enough supporters of Party A to enable it to win four seats in District II.

In this redistribution, the addition of 4,000 voters to District II consisted of 2,600 supporters of Party A and 1,400 of Party B.

But suppose the redistribution authorities had, instead, altered boundaries in some other manner, as
illustrated by the voting in Example 3 of Table III.

In this case, if the new boundaries had the effect of leaving more Party A voters in District I and transferring more Party B voters to District II, Party B could gain four seats in District II and thus win the election though receiving a minority of the State-wide vote.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Party A</th>
<th>Party B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of</td>
<td>Votes</td>
</tr>
<tr>
<td>I</td>
<td>32,000</td>
<td>57%</td>
</tr>
<tr>
<td>II</td>
<td>32,000</td>
<td>42%</td>
</tr>
<tr>
<td>III</td>
<td>32,000</td>
<td>51%</td>
</tr>
<tr>
<td>IV</td>
<td>32,000</td>
<td>42%</td>
</tr>
<tr>
<td>V</td>
<td>32,000</td>
<td>46%</td>
</tr>
<tr>
<td></td>
<td>160,000</td>
<td>81%</td>
</tr>
</tbody>
</table>

Example 3 shows that equalizing electorate enrolments does not necessarily eliminate the possibility of minority rule. Party A, although again winning a State-wide majority of the votes, does not win a majority of the seats. In this case the transfer of the 4,000 electors from District I to District II (from the total of 36,000 in District I in Example 1) consists of nearly equal numbers of supporters of the two parties (namely 1,560 for Party A and 2,040 for Party B). As the transfer causes Party A to lose fewer supporters in District I than Party B, the already strong proportion of the vote for Party A in District I becomes even stronger, though not however strong enough for it to capture an additional seat there; nor, on the other hand, is Party A's strength increased sufficiently by the transfer from District I for it to win a fourth seat in District II.

In this example, as in Example 1, if the refinements to the Single Transferable Vote system recommended in this report had been in operation, Party A would have been assured a majority in Parliament because it had won a majority in the State-wide voting.
If electorate enrolments do not vary from one to another by more than the size of one quota of votes, e.g., 12.5% in a seven-member district, there could never be a discrepancy of more than one seat per district in the proportion of seats to votes won by the competing parties. The plans which would adjust for unused remainders from other causes would at the same time also correct any potential discrepancies in party representation arising from unequal enrolments between electorates, provided the potential discrepancies in party representation do not exceed an average of one seat per electorate.

The large electorates inherent to the Single Transferable Vote system offer far better opportunity than the single-member system for keeping electorate enrolments in balance; moreover, discrepancies in party representation caused by unequal enrolments are much less likely to occur because the seats in these multi-member electorates are allocated according to quotas won. But if, nevertheless, discrepancies should occur, the Single Transferable Vote system provides an easy correction, in the form of the plans given in this report.

II. POSSIBILITY OF UNDER-REPRESENTATION OF PARTY STRENGTH BECAUSE OF CONCENTRATED SUPPORT FOR STATE CANDIDATES

Introduction

The causes of minority rule arising from unused remainders discussed in Sections A to D derived from the fact of the State being divided into a number of electorates, since there necessarily must be an unused remainder in each electorate as long as the S.T.V. system is applied in its present manner. Some reasons for dividing the State into local constituencies are that they maintain a local base for representation and also better facilitate the conduct of
elections than if one State-wide constituency were used, returning, in the case of Tasmania, 35 members on one ballot-paper.

Since there is one unused remainder for each constituency, the loss due to this cause naturally increases as the number of constituencies increases. But even if there were only one multi-member constituency, (e.g., one State-wide election to choose 35 members on one ballot-paper) majority rule could be jeopardized by the causes discussed in Sections 3 and 7. As these two possibilities are not remote, it is useful to discuss them in connection with Sections A to D, especially as the same measures which could overcome the potential cause of minority rule in one case could do so in all six cases covered in Sections A to F.

Order of election and elimination of candidates as a factor affecting party representation.

One of the outstanding merits of the Single Transferable Vote system, in contrast to other electoral devices, is the unrestricted privilege it gives to voters to record the order in which they prefer the various candidates and then to guarantee that the voters' intentions are carefully followed during the ballot counting process. The preferentially-marked ballot-paper, which is capable of numerous transfers if necessary during the steps of electing a candidate, enables the voter to direct the implementation of his electoral wishes with an effectiveness and an accuracy unknown to voters under non-S.T.V. systems.

This special capacity of the S.T.V. method guarantees that in respect of the election of candidates as individuals this system, especially as applied in the Hare-Clark method, sets a standard unique in its excellence. In respect of maximum accuracy in
representing political party opinion, however, there is still room for certain improvements in the way in which the S.T.V. principles are applied.

Despite the special accuracies made possible by the preferential, transferable ballot-paper of the S.T.V. system, it is still possible under certain conditions for a party with more votes than another within a given electorate to obtain fewer seats within that electorate. This possibility could sometimes occur if electors happened to concentrate support on certain candidates.

Since electors when recording their preferences under the Hare-Clark system pick and choose as they please among the candidates, their votes are likely to be distributed widely over a variety of names. In exercising this freedom of selection, electors might however so concentrate their votes on some candidates as to cause the party with

(17) The Hare-Clark method is a superior example of the S.T.V. system because it gives the voter a wider choice of candidates than other usages of the S.T.V. system for Parliamentary elections. One reason for the wider choice is the greater number of vacancies, viz., seven per constituency. In federal Senate elections the normal number is only five. In the Republic of Ireland, where the S.T.V. system is used to elect its lower house of Parliament, most constituencies return three members, with the others returning only four or five.

Another reason for the wider choice under the Hare-Clark system is that the political parties normally endorse approximately twice as many candidates as they can expect to elect. This practice is prompted by the method of filling casual vacancies, candidates for which are confined to those who stood at the last general election. The ballot-papers which elected the vacating member are recounted in order to ascertain which candidate is the majority choice next in preference on these papers.
more votes in a given district to receive one seat less, in that district, than a rival party with fewer votes.

This possibility can be seen by examining the returns in the summarized scrutiny sheet given in Table IV. In this case, Party A, though winning 47.0% of the primary votes and reaching 48.5% of the votes at the end of the last transfer, gains only three seats, while Party B, with 44.0% of the primaries and 47.5% after the last transfer, wins four seats. While such a rough correspondence between votes and seats might be quite acceptable, if not commendable, according to the distorting, uncertain performance of the single-member system, a higher standard is expected, and is possible, under the Hare-Clark method.

In the example in Table IV, Party A wins only three seats because voters for Party A happen to concentrate more support on three candidates (in the form either of primary votes or of preferences received from surplus or from excluded candidates). Hence, in earlier stages of the count these three candidates are elected with full quotas, thereby leaving fewer votes for Party A's remaining, fourth candidate. Since the voters for Party B distribute their support in general more evenly among their candidates, each one of Party B's three continuing candidates has more votes individually than Party A's fourth candidate, who therefore becomes lowest on the poll and is eliminated. The fact that candidates of Party A receive a larger total vote than those of Party B does not determine the allocation of the closely contested seventh seat because the deciding consideration is the order of elimination of candidates.
TABLE IV

SUMMARY OF SCRUTINY SHEET TO ILLUSTRATE
UNDER-REPRESENTATION OF PARTY A CAUSED BY VOTES BEING CONCENTRATED
ON CERTAIN OF ITS CANDIDATES

(Votes are Expressed in Percentages)

7 Vacancies to be filled - Quota for election = 12.5%

| PARTY A | PARTY B | PARTY C | Other
|---------|---------|---------|-------
| Votes for Candidates | Total | Votes for Candidates | Total | Total | Total | Votes Exhusted | Total |
| A1 | A2 | A3 | A4 | Party Vote | 44.0 | 7.0 | 2.0 | -- | 100.0 |
| B1 | B2 | B3 | B4 | Party Vote | 47.5 | 7.5 | -- | -- | 100.0 |
| C1 | C2 | C3 | C4 | Party Vote | 7.2 | 43.5 | 5 | 4.0 | 100.0 |

E = Elected

Party A wins 3 seats
Party B wins 4 seats

Explanations for Table:
This abridged scrutiny sheet is based on the form used by the Tasmanian Electoral Department for presenting Hare-Clark returns.
In the distribution of votes between parties and in other features, this sample is typical of a Tasmanian election.
Line 1 - Shows the total primary votes for the several groups of candidates, expressed in percentages of the total formal vote.
Line 2 - The steps of the scrutiny procedure are omitted (not being required for the illustrations of this table) from
the first count until the final stages, when
five unelected candidates are left and three
seats remain to be filled.

Line 3 – Summarizes the progress totals when five
unelected candidates are left and three seats
remain to be filled.

Line 4 – Shows the distribution of the votes of the last
candidate of Party 2.

Line 5 – Shows the progress totals when only one
candidate remains to be eliminated.

Line 6 – Shows which seven candidates are elected
(indicated by "m"). Since the fourth
candidate of Party 4 has the least votes, he
is excluded, and becomes the runner-up; Party
2 wins the last three seats, giving it a total
of four.

This table shows how Party 4, with more votes than Party
2, nevertheless obtains fewer seats than Party 2.

This result occurs, as explained on adjoining pages,
because the supporters of Party 4 concentrate
enough votes on their first three candidates to
elect them early in the counting. This
concentration therefore leaves fewer votes for the
last candidate of Party 4, putting him lowest on
the roll and forcing him into elimination, even
though the total vote for candidates of Party 4 is
greater than for Party 2. With a smaller total
vote, Party 2 wins four seats because its vote
happens to be more evenly distributed among its
candidates, thereby keeping them in the count
longer and escaping elimination.

The plans described in this report for ensuring majority
rule could be applied to an elected body chosen,
as in this example, from only one constituency
(e.g., a municipal council elected on a city-wide
basis) or from a number of constituencies (e.g.,
the Tasmanian House of Assembly).

If a party receives a clear majority of the total
primary vote, or if it builds up to a clear majority of
the total formal vote by receiving preferences during the
scrutiny process, it cannot fail to obtain a majority
of the seats of the electorate. But, suppose no party
obtains (either from primaries or preferences) an absolute
majority of the total formal vote, as in the quite
normal possibility shown in Table IV – then which party is
entitled to the final seat, the party with the larger or
the smaller vote? According to the principles of the
S.T.V. system, the deciding factor is not necessarily the aggregate party totals in the ballot, but the order of elimination of candidates—a more desirable principle. (19) Although the allocation of seats by quota and the order of elimination would normally result in the larger party winning the most seats, this result cannot be guaranteed in all circumstances unless the necessary measures are adopted, such as those recommended in this report.

The crude single-member system typically functions so erratically and is so likely to distort or reverse the wishes of the electors that no thoughtful person could seriously expect it to produce logical results, especially where the equitable representation of parties is concerned. But if, under an improved electoral system,

(18) Owing to the occurrence of exhausted votes, a party might have an absolute majority of the final effective vote but not an absolute majority based on the total, initial formal vote. As the quota for election is based on the latter (i.e., on the total primary vote), the quota is larger than it would be if based on the final effective vote. For reasons of practicality, as explained in Section F of this chapter, it is necessary to base the quota on the total number of primary votes.

(19) By determining party representation through the process of excluding candidates, commencing with those lowest on the poll, voters under the Hare-Clark system decide not only how many seats will be allocated to the respective parties but also which particular candidates will be elected to these seats. In contrast, non-proportional systems of voting do not attempt to give representation to parties in proportion to votes received; and most systems which try to provide for representation in proportion to votes do not give electors an opportunity, either at all or to a degree comparable to that under the Hare-Clark system, for selecting individual candidates.

For a brief description of various methods for choosing individual candidates under the list systems of proportional representation used in Western Europe, see Wolfgangink, European Elections by Dilect Surmace (Leyden: A.W. Sythoff, 1961), pp. 73-78 and massim.
a party were to lose a close election because of the chance factor concerning how its voters divided their support among its candidates, respect for the reliability of this electoral system would suffer, since people would expect a superior system to produce commensurate results.

The adoption of the proposals recommended in this report, by eliminating this chance factor as a potential cause of minority rule, would improve the voters' confidence in the reliability of the electoral system by assuring them that the order in which they expressed preferences for their party's candidates could in no way adversely affect their party's chances of winning an election.

F. POSSIBILITY OF UNDER- OR OVER-REPRESENTATION OF PARTY STRENGTH BECAUSE OF REMAINDER VOTES

Introduction.

Section F, like Section E, deals with a possible cause of minority rule which could occur within a given multi-member district; like the problem discussed in Section E, the cause is not connected with unused remainders resulting from the division of a State into smaller electorates and the creation thereby of remainder votes in each electorate.

A review of the following facts about the S.T.V. system might help better to put in perspective the problem considered in Section F and to make it easier to understand:-

1. If under the S.T.V. system a party in a given electorate obtains an absolute majority either of the primary votes or of the total formal vote later in the count, including preferences from others, it must (barring undue loss resulting from cross-party or exhausted votes) obtain a majority of the seats in the electorate.
2. If, moreover, a party within an electorate receives a majority of the final, effective vote (which might, however, be only a minority of the formal vote before the occurrence of exhausted votes), this party must win a majority of the seats, provided appropriate allowance is made in the quota to compensate for exhausted votes. The need for such an allowance, unless some other means is used to adjust for the possible effects arising from exhausted votes, can be seen from the following review of some features of the counting process:

(a) The quota at present is struck at the end of the first count, based on the number of votes effective at that stage, e.g., in a seven-member district the quota would be a number equal to 12.5% of the total primary vote. All candidates at this stage or at any time prior to the last elimination must reach this number in order to be elected.

(b) As the count proceeds, some votes may, and normally do, become exhausted. The number of votes available for filling complete quotas of the remaining candidates therefore declines.

One result is that, although the quota throughout the count remains at the same number of actual votes, it may represent a larger proportion of the effective votes as the scrutiny proceeds; for example, the quota of 1,251 votes in Table V represents 12.5% of the effective votes at the beginning of the count and 13% at the end. Candidates may, therefore, be elected on quotas representing varying proportions of the total effective vote, depending at what stage of the count they are elected and upon the number of exhausted votes at that stage.

Another result is that some candidates may be, and often are, elected without reaching full quotas. With
seven candidates to elect, the last votes to be distributed are normally those of the candidate ninth in rank, whose preferences are likely to determine (i) which continuing candidate(s) will be among the elected and (ii) which candidate will become the runner-up, or eighth, candidate. If some votes have become exhausted, it is inevitable that one or more candidates may be elected without reaching full quotas.

(c) The situation could arise, therefore, that some candidates of one party (say, Party A, which has a larger total vote) might be elected with full quotas earlier in the count and those of Party B (which has a smaller total vote) elected on partial quotas at the end of the count. Whether this situation arose or not would depend (i) on the occurrence of exhausted votes and also (ii) on the order in which electors voted for the various candidates.

It will be observed that the possibility of a party with fewer votes obtaining more seats within a given electorate occurs primarily as the result of exhausted votes when no appropriate allowance for them is made in determining the size of the quota. This possibility is increased if, as noted in the discussion of Section B, the vote for the larger party is concentrated on relatively fewer of their candidates while the vote for the smaller party is more evenly distributed over relatively more of their candidates.

3. If, therefore, a suitable adjustment for exhausted votes were made, so that all candidates were elected on the same quota, the party with a majority of the final, effective vote would have to win a majority of the seats, even though this total effective vote at
the end of the count may be considerably less than the initial total of primary votes. Adjusting for exhausted votes could be done easily enough in small elections, but doing so for large, public elections would almost double the time now required for the scrutiny of such elections and would also introduce other disadvantages, as discussed in the Appendix. For the present be it noted that in order to calculate a quota based on the final effective vote, a full preliminary scrutiny would first be required to ascertain the number of exhausted votes. Then, after the new, adjusted quota is ascertained, all the papers would have to be counted again in order to determine the final results based on the adjusted quota.

4. Exhausted votes could also be avoided by obliging electors to express a preference number for every candidate, as required in Senate elections, but this practice can produce evils much worse than the problems created at present by exhausted votes, as explained in the Appendix. It should be remembered that forcing voters to express preferences for candidates they do not favor can falsify the expression of an elector's intention and thereby can falsify election results, thus possibly electing candidates who may not be desired by enough voters to warrant their selection if voters were free to extend or not to extend preferences.

The Problem.

A hypothetical example showing how a party with fewer votes may win more seats than a party with a greater vote is seen in Table V. In Examples 1 and 2 of this table, Party A has more votes than Party B both before and after the exclusion of Candidate C1 of Party C (who is the ninth candidate). Also in both examples, Party A
receives more of CI's preferences than Party B. Yet in Example 1, Party A with a primary vote of 8,700 and a final total of 4,880 wins only three of seven seats, while Party B wins four, though polling 4,550 primaries and a final vote of 4,715.

In Example 2 of Table V, all features of the voting for Party A are the same as in Example 1; moreover, in the voting for Party B the party total is the same in both examples, and the only difference is a variation in the number of preferences received by two candidates, namely, A1 and A4, when the votes of candidate CI are distributed. In Example 1, A1 and A4 receive 15 and 50 preferences, respectively, from the transfer of CI's votes; in Example 2, A1 receives 50 preferences instead of 15 and A4 receives 15, not 50. In both examples candidate A4 of Party A receives more preference votes transferred from CI than all candidates of Party B combined. Yet in Example 1, because A4 receives 50 preferences and thereby stays ahead of A4 in the count, Party B wins a fourth seat. In Example 2, however, Party A wins the fourth seat without receiving more votes, because in this example A4 receives only 15 votes (instead of 50), thereby falling lowest on the poll and facing elimination.
### Table V

**Illustration of Under-representation of Larger Party Because of Exhausted Votes**

Summary of the Last Stages of a Scrutiny for Electing Seven Members under the S.T.V. System

*Quote for Election = 1,251*

<table>
<thead>
<tr>
<th>PARTY</th>
<th>EXAMPLE 1</th>
<th>EXAMPLE 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a)</td>
<td>(b)</td>
</tr>
<tr>
<td>A</td>
<td>1,251</td>
<td>= 1,251</td>
</tr>
<tr>
<td></td>
<td>1,251</td>
<td>= 1,251</td>
</tr>
<tr>
<td></td>
<td>1,251</td>
<td>= 1,251</td>
</tr>
<tr>
<td></td>
<td>947 + 180</td>
<td>= 1,127 - 1,127</td>
</tr>
<tr>
<td></td>
<td>(4,700)</td>
<td>(4,880)</td>
</tr>
<tr>
<td>B</td>
<td>1,200 + 15</td>
<td>= 1,215</td>
</tr>
<tr>
<td></td>
<td>1,150 + 35</td>
<td>= 1,185</td>
</tr>
<tr>
<td></td>
<td>1,100 + 65</td>
<td>= 1,165</td>
</tr>
<tr>
<td></td>
<td>1,100 + 50</td>
<td>= 1,150</td>
</tr>
<tr>
<td></td>
<td>(4,550)</td>
<td>(4,715)</td>
</tr>
<tr>
<td>C</td>
<td>750 - 750</td>
<td>---</td>
</tr>
<tr>
<td>Exhausted Votes</td>
<td>--- + 405 = 405</td>
<td>--- + 405 = 405</td>
</tr>
<tr>
<td>TOTAL</td>
<td>10,000</td>
<td>10,000</td>
</tr>
</tbody>
</table>

(Explanations for Table V on next page)
Explanations for Table V:

(a) This column lists the nine candidates who either are elected or are still in the count at the stage of the count when only two remain to be eliminated.

(b) Lists the votes standing to the credit of the candidates.

(c) Shows the distribution of candidate C1's preferences, of which each party receives the same number in Example 2 as it did in Example 1, although in Example 2, C1 and B1 receive different amounts than in Example 1.

(d) Lists the votes for candidates after the last elimination. In Example 1, Party A wins four seats (all on partial quotas); in Example 2, Party A wins four seats (one elected on a partial quota).

In both examples of Table V, Party A has more votes than Party B both before and after the exclusion of Candidate C1, of whose preferences Party A receives a larger number than Party B.

Yet in Example 1, Party A loses by one seat to Party B, even though the total number of preferences distributed to Parties A and B from C1 is the same in both examples. The larger party receives a minority of the seats in Example 1, not because it receives fewer of C1's preferences than in Example 2, but because the distribution of C1's preferences to individual candidates of Party B is different in Example 1 than in Example 2. Because of this difference in distribution to individual candidates of the smaller party in Example 2, the larger party (Party A) does win a majority of the seats, even though the primaries and preferences it receives are exactly the same as in Example 1.

Variations in the order of eliminating candidates, when combined with the occurrence of exhausted votes, may be enough to cause a party with more votes than another to win fewer seats, as explained in Section F. If the plans described in this report were in effect a party with a majority at the polls must obtain a majority in Parliament regardless of the effect of exhausted votes or of the other factors discussed in Sections A to E.

The possibility of exhausted votes and of variations in the order of elimination causing under-representation of one party and over-representation of another (thereby creating possibilities of minority rule) is not extremely remote. Indeed, in the first
election with seven-member districts in 1959 an
instance of this kind was envisaged at one stage of
the count in the Division of Franklin. In this case,
although the total Labor Party vote exceeded the total
Liberal Party by 450 at the time the ninth
candidate (Mr. V.D. Morgan of the Democratic Labor
Party) was excluded, the Labor candidate lowest on the
poll (Mr. C.G. Brooker) was only 23 votes ahead of the
Liberal candidate lowest on the poll.

If the count had ended at this stage, with no
preferences to be distributed from Mr. Morgan, or if the
distribution of his preferences had maintained the
relative position of the candidates prior to Mr. Morgan's
exclusion, the Labor candidate lowest in the count
would have been saved from exclusion by a margin of
only 23 votes, even though the total Labor Party vote
at that stage exceeded the total Liberal vote by 450.
Assuming these conditions, a switch of 12 votes
between the lowest candidates of these two parties
would have given the smaller party four of the seven
seats in Franklin, thereby approximating the circum-
stances illustrated in Example 1 of Table V. *(20)*

The possibility of faulty representation
revealed by this example could readily take place in
the future if the two major parties received nearly
equal electoral support (always a possibility) and if
one party happened to enjoy a more advantageous
distribution of votes for its candidates (also a

*(20)* As Mr. Morgan's preferences in fact heavily
favored the Liberal candidates (with 70% going to the
Liberals and 30% to Labor), these preferences put
the Liberal Party 105 votes ahead of Labor and gave the
Liberals a slim majority of the final effective vote
and four of seven seats, thereby evoking narrowly
the danger illustrated by Example 1 of Table V.
possibility). Prior to 1959, distortions in representation as a result of this factor were remote because of the inexactness of representation made possible by the then-prevaling six-member districts. With six-member districts it often would have been possible for the voting strength of a party to have varied by many hundreds of votes without influencing the number of seats won by either major party. The greater precision of seven-member electorates in reflecting majority opinion may, however, sometimes allow unjust representation (to the extent of one seat per district) to take place, unless preventive measures are adopted in advance.

A Solution.

If practicality were no consideration, one solution would be to adjust the quota to allow for exhausted votes. If this allowance were made, no difference in party representation could arise from variations in the order in which party supporters gave primaries or preferences to candidates of their respective parties. If exhausted votes were adjusted for, there could be no such condition as either an advantageous or disadvantageous distribution of votes for a party's candidates. For instance, the unfavorable concentration of Party A's support in Table V causes it to lose a seat in Example 1 of that Table. Yet this same concentration does not prevent Party A from gaining this seat in Table VI, when an adjustment is made for exhausted votes.

(21) With the six-member quota of 14.25%, a party could win three seats with 42.75% of the vote. Yet another party with somewhat less than 37.4% (the amount required for four full quotas) would also win only three seats. Hence two parties with considerable variation in votes between them could win three seats each.
### TABLE VI  
**Underr-representation of Larger Party Averted by Adjusting Electoral Quota to Compensate for Reduced Votes**  

Summary of the Last Stages of a Scrutiny for Electing Seven Members under the S.T.V. System

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>(d)</th>
<th>(e)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>1,200</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>PARTY</strong></td>
<td><strong>A</strong></td>
<td><strong>A</strong></td>
<td><strong>A</strong></td>
<td><strong>A</strong></td>
</tr>
<tr>
<td><strong>A1</strong></td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>A2</strong></td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>A3</strong></td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
<td>1,200</td>
</tr>
<tr>
<td><strong>A4</strong></td>
<td>1,200 + 150 = 1,350</td>
<td>1,350 + 150 = 1,500</td>
<td>1,500 + 150 = 1,650</td>
<td>1,650 + 150 = 1,800</td>
</tr>
</tbody>
</table>

|      |      |      |      |          |
|      |      |      |      |          |
| **PARTY** | **B** | **B** | **B** | **B** |
| **B1** | 1,200| 1,200| 1,200| 1,200     |
| **B2** | 1,150| 1,150| 1,150| 1,150     |
| **B3** | 1,100| 1,100| 1,100| 1,100     |
| **B4** | 1,100| 1,100| 1,100| 1,100     |

|      |      |      |      |          |
|      |      |      |      |          |
| **PARTY** | **C** | **C** | **C** | **C** |
| **C1** | 750| 750| 750| 750     |

|      |      |      |      |          |
|      |      |      |      |          |

| **Exhausted Votes** |      |      |      |          |
|                    |      |      |      |          |
|                    |      |      |      |          |

**Total** 10,000

|      |      |      |      |          |
|      |      |      |      |          |

(3) = Elected

**Explanations for Table VI:**

(a) This column lists the nine candidates at the stage of the count when only two candidates remain to be eliminated.

(b) Shows the votes standing to the credit of the candidates.

(c) Shows the distribution of preferences of Candidate C1.

(d) At this stage of the count, five candidates (marked B) have been elected; Candidates A1 and B1 have surplus for distribution.

The 80 surplus votes of A1 and the 15 of B1 would be distributed next to determine which two of the three continuing candidates (viz., B2, B3, and B4) would be elected and which one would become the runner-up.

(Table VI is continued on next page)
The allocation of votes between parties in Table VI is identical to Example 1 of Table V, but in Table VI the quota is adjusted to compensate for the votes which became exhausted when candidate C1 was excluded.

Party A, though leading Party B in votes before and after the exclusion of C1, wins only three seats to Party B's four in Example 1 of Table V. When the quota of 1,251 in Table V is adjusted to 1,200 in Table VI, Party A wins four of the seven seats. Further examination of Table VI is given in the text.

Examination of Table VI will show how adjusting the quota produces this change in results. In this table the data are arranged similarly to that in Table V, where the quota was \( \frac{405}{7+1} = 1,251 \). To adjust for exhausted votes would first require a full preliminary scrutiny, using a quota of 1,251 to ascertain what the number of exhausted votes would be, namely, 405, as shown in Table V. The adjusted quota therefore would be \( \frac{10,000 - 405}{7+1} + 1 = 1,200 \). Next, a second, final scrutiny would be conducted using a quota of 1,200. The smaller quota would mean that candidates A1, A2, and A3 would reach their quotas earlier and have more surplus available for candidate A4, thus keeping him ahead of the lowest candidate of Party B and winning the fourth seat for Party A, which is the larger party. Since considerations of feasibility make it unwise to use an adjusted quota for larger public elections for reasons noted already, some other remedy for the possible effect of exhausted votes is necessary.

Fortunately, there is an easy way for assuring majority rule in spite of exhausted votes if (a) it is realized that faulty representation as a result of exhausted votes could affect only one seat per electorate under foreseeable conditions \(^{22}\) and if (b) it is realized that a plan which can compensate,
to the extent of one seat per electorate for possible under-representation due to other causes, could also compensate for under-representation arising from the effect of exhausted votes.

Plans for assuring majority rule are described in the next chapter. Since one feature of the operation of these plans would depend upon the State-wide vote totals of the respective political parties, the number of seats won by the majority party (provided there was a majority party) would not be affected by such uncertain factors as the occurrence of exhausted votes or the degree to which the electoral support for a party may be either spread or concentrated among a party's candidates.

All proposals offered in this report for ensuring majority rule would derive the certainty of their operation from this same, certain feature, namely that the State-wide vote for parties at any given election is a fixed quantity, unaffected by electoral boundaries. The suggested proposals, by harmonizing more fully than is done now, the election results within the districts with the overall totals, would both ensure majority rule and retain the local basis of representation.

(22) As long as the number of exhausted votes is less than a quota, their occurrence could not cause a gain or loss for any party of more than one seat per electorate. Since 1909 the highest percentage of exhaustion was 5.2% in 1934, the lowest was 1.0% in 1950, and the median to date is 3.8%. As there has been little change in the average percentage of exhausted votes from the first election in 1909 until the most recent election in 1954, there would appear to be no reason to expect any large increase in exhausted votes in the foreseeable future.
CHAPTER III - PROPOSALS WHICH COULD ENSURE MAJORITY RULE

Two proposals for ensuring majority rule are explained in this chapter, each proposal furnishing a different approach for dealing with the same problem. Proposal A would ensure majority rule primarily through amendments to the Electoral Act, while Proposal B would achieve this result chiefly by additions, when required, to some procedures in Parliament. In the synopsis of this report, Proposal B (which provided for Parliamentary panels) was presented before Proposal A, because this approach seemed to provide a clearer way, in the limited space of the Synopsis, to initiate the explanation as to how unused remainders could endanger majority rule. Now that the problem of the unused remainder has been discussed in Chapter II, it may be preferable to start consideration of possible solutions by beginning with Proposal A. In the opinion of the writer this proposal is preferable to Proposal B, although some qualified persons who have examined both proposals prefer the latter.

PROPOSAL A: CORRELATING BETTER THE RESULTS OF THE VOTING BETWEEN THE ELECTORATES

Proposal A would ensure majority rule by arranging for partial quotas of votes to be considered when filling the last seat in each electorate.

A party which wins a State-wide majority at the polls can fail to win a majority in Parliament only because the results of the voting locally (i.e., within the electorates) are not at present fully correlated with State-wide totals. Because members under the Hare-Clark system are elected by quota, representation can be allocated proportionally to parties or groups to within an accuracy of one
full quota per electorate; hence any party or group
must win one seat for each full quota of votes
(either in primaries or preferences) which it receives.
Small parties or groups can therefore fail to receive
any representation only if they cannot reach the
minimum of one quota in some electorate; and a
party with a majority of the State-wide vote can fail
to win a majority of the seats only if it happens to
hold a large and disproportionate share of partial
quotas in the electorates. But since there is now
no provision for partial quotas to help determine the
composition of Parliament, minority rule, as explained
in Chapter II, can occur. Proposal A would remove
this possibility by arranging for partial quotas to
be considered in filling the seventh (and last) seat
in every electorate.

By giving representation to partial quotas
of votes while keeping the existing features of the
Hare-Clark system, Proposal A would both ensure
majority rule and retain proportional representation.
This goal would be achieved by the following two key
features:

(1) Continue to fill six seats in every
electorate by the present quota method. This would
preserve the opportunity of minority representation
by guaranteeing a seat in Parliament to any candidate
or party polling one-seventh of the votes in an
electorate; at the same time this provision would
also assure representation to all parties or groups
in numbers of seats proportional to the closest
multiple of one-seventh of the votes of an electorate.

(2) Provide that the seventh (and last) seat
in every electorate would be filled by a special recount
of all the ballot-papers cast in the electorate.
This would enable all voters, including those who
may have failed to elect anyone in the counting to choose the first six candidates to participate in electing the seventh. If a party had received a majority of the State-wide vote, the recount would enable this party to win the seventh seat in some or all of the electorates. The special recount to fill the last seat correlates or harmonizes, when required, the local voting results with State-wide party totals.

How Proposal A would operate.

The procedures in applying Proposal A, given below, show the chief operating features of the plan.

1. The first step would be to choose from each electorate by the present quota method all members except the last one. (This step would result in electing six members from each of the five districts, thereby filling 30 of the 35 seats in the Assembly.)

2. If, of the 30 seats filled in this way, any party has won from 13 to 17 seats, inclusive, the next step would be to ascertain which party, if any, has won a majority of the State-wide vote.

3. The final seat in each electorate would then be filled by counting again all the ballot-papers of each electorate to ascertain which of the unelected candidates of the party with the State-wide majority is the majority choice of the electorate.

(The process of filling the last seat would be very similar therefore to that used for conducting by-elections under the Hare-Clark system (in aim and in the number of ballot-papers involved, the process would of course be very different). Since the majority in the State-wide polling could be gained by only one party (or coalition), only candidates of this
party would become eligible to contest the election for the last seat in each electorate. Hence, local people will still elect the local member, but the State-wide vote would determine the party affiliation of the member last elected. This feature is what correlates the overall party totals with the election results of the individual districts.

(When the last seat in each district is won by a party because it has gained the State-wide majority, this party would receive four of seven seats in a district if, in the initial allocation in the district, it had received three of six seats. If this party had in the first allocation won only two seats, it would obtain three of seven seats at the end of the counting. Depending upon the strength of opposing parties or Independents in particular districts, a party might of course win a State-wide majority while obtaining in one or two districts only two of six seats in the first allocation.)

4. If no party has won as many as 13 seats or if any party has won 18 or more in the allocation of the first 30 seats, the final seat in each district would be filled by recounting all ballot-papers in the district to choose any unelected candidate therein, without reference to State-wide party totals.

(The procedure given in Point 4 could be applied in non-party elections or when, operating in a system including parties, there was no need to consider majority rule, e.g., in the House of Assembly when no party has won as many as 13 seats or when any party has won 18 or more seats. In these cases the last seat of an electorate can logically be filled without reference to State-wide voting and with reference only to voting within the electorate. This is because if no party has won as many as 13 of 30 seats...
it could not have polled a State-wide majority even if it had sustained a large unused remainder in each district; next, if a party has won as many as 18 of 30 seats, it must have received a majority of the State-wide vote - hence, majority rule could not be endangered by disregarding State-wide party totals in filling the last seat of the district.

(It should be realized therefore that Proposal A would be equally applicable in a Parliament whether its members belonged only to two parties, to many parties, or to no parties. When there is no need to ensure majority rule by correlating the election results of the five districts, the last seat in each district would, therefore, be filled without further attempt to correlate the voting within the district with State-wide party totals; this process would guarantee majority choice in each district - and this is all that justice requires when Point 4 applies. Special procedure for ensuring majority rule needs to be followed, therefore, only when any party has won from 13 to 17 seats, inclusive.)

5. With Proposal A, as with Proposal B, it is recommended that the Speaker and Chairman of Committees be supplied by the Opposition whenever the Government has fewer than 20 Members in the Assembly, as explained in connection with Proposal B. Except for these provisions in reference to presiding officers and to Point 6, below, the usual and traditional procedures for the conduct of Parliament would not be affected by Proposal A.

6. It is recommended that provisions be made for the mandatory dissolution of the Assembly under certain conditions, as explained in the Appendix in Part VI of Proposal B. A case for mandatory dissolution is given on pages 34-38 of Fixing
Responsibility for Governing\(^{(1)}\). Although it is probable that there would be much less need for mandatory dissolutions if Proposals A or B were in operation than there is now, it would be appropriate for this question to be examined if the subject of providing for majority rule were being considered.

**PROPOSAL B: DISTRICT VOTE PLAN FOR REPRESENTING UNUSED REMAINDERS**

Proposal B would ensure majority rule in the Assembly by providing, whenever a party with a State-wide majority lacks a majority in the Assembly, for the casting of an additional vote for each electoral district by a panel of Members from the district.

The first step in assuring majority rule by this method would be to ascertain which party, if any, has a majority of the State-wide vote when this fact cannot be determined by the distribution of seats in Parliament. The next step would be to provide, if necessary, representation in Parliament for the unused remainder.

If any party has won 20 or more seats (and therefore at least 20 quotas), it has won a majority at the polls. If a party has not won as many as 15 seats, its polling strength could not entitle it to an absolute majority in the House of Assembly. Consequently, unused remainders could jeopardize majority rule only if one party or each of two parties has from 15 to 19 seats. Within this range, the only sure guide for ascertaining which party the electors want as the Government is to count the number of electors supporting the respective

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\(^{(1)}\) Parliamentary Paper No. 17 of 1960, Tasmania.
parties (including, if necessary, the preferences extended to these parties from the quotas of cross-bench members).

What specific provisions, therefore, are needed to enable the unused remainders to be given their due weight in the voting in Parliament? Justice to the electors is achieved if each unused remainder is represented by one vote to be exercised in Parliament by a panel of members suitably chosen from the Members already elected from each of the five electoral districts. A panel of three members per district is recommended in order to represent more than one party; two of them would be the two Members of the party with the State-wide majority who were first elected in each district, and the third would be that Member who was first elected among those not belonging to this party.

Since this vote is to help represent the electoral district from which the panel is chosen, it could be called a district vote, such as the Denison district vote, to distinguish it from the individual votes of members. It could easily be cast in various ways — for example, it could be announced orally by the panel chairman or recorded on a voting slip during or following a division in the House.

Why the foregoing features?

First, since an unused remainder can never equal a full quota, it cannot be used to elect a new member. The representation for this remainder, can however, be supplied by existing members.

Second, a multi-member panel is used because it is desirable to represent more than one party. For example, the presence of an Opposition member would
enable a Government member who wants to dissent from his party on some issue to seek Opposition support on the panel and thus turn the panel's vote against the Government.

Third, since the panel members are chosen from among Members already elected, the district votes are controlled by the same voters who elect the Members. The important safeguard of local control is thus combined with a multi-member panel, the composition of which is able to reflect the overall, State-wide voting results.

When would the District Vote plan apply?

(a) If no party wins as many as 15 seats, no party could have received a State-wide majority, and the plan is not needed and would not apply.

(b) If any party receives (as a result of its own primaries or of preferences from others) 20 or more seats, it can be assumed that it has obtained a State-wide majority, and, again, the plan would not apply.

(c) But if any party receives from 15 to 19 seats, it is then necessary to calculate the votes cast for the contending parties, (their primaries plus possible preferences from others) in order to ascertain which one has a State-wide majority.

(d) If the party with a State-wide majority has also a majority of seats (namely, 18 or 19), there is no discrepancy to rectify, and no further step of the plan is required.

(e) If a party with a State-wide majority has only 15 to 17 seats, the district panels described above would come into operation.

(f) The District Vote plan presupposes a Speaker supplied by the Opposition whenever the
governing party has 19 or fewer seats, for reasons given on pages 26-29, 33-34, et passim of Fixing Responsibility for Governing, which is referred to, above, in connection with Proposal B.

Reduction of Exaggerated Cross-Bench Power

The District Vote plan, besides guaranteeing majority rule, solves other problems as well. For instance, it provides a democratic means of deciding which party shall govern when Members of the Assembly are not confined only to two parties. For example, in a 17-17-1 or 16-16-3 division of seats in a 35-member House there is not now a properly democratic way of ascertaining which party the electors want as the Government.

Suppose, for example, that in a 17-17-1 division of seats, Party A (with 17 seats + nearly four quotas in unused remainders) has 84,000 votes, Party B (with 17 seats and nearly one quota in unused remainders) has 72,000 votes, and the cross-bench Member has 4,000:— if the latter chooses to put Party B in Government, believing that his 4,000 supporters prefer this party to Party A, the number of electors represented by this combination would still be only 72,000 + 4,000, or a total smaller than the 84,000 represented by Party A.

If the principle of "government by the consent of the governed" has meaning, it must mean that the representatives of 76,000 electors have no right to outvote the representatives of 84,000. For the cross-bench Member to put Party B in office, when the clear evidence shows that most of the electors prefer Party A, would indicate either disregard or contempt of majority rule. The District Vote plan would prevent such a reversal of justice by deciding the Government on the State-wide vote. It is plainly
illogical to allow or to oblige the one cross-bench Member to decide the Government when the electors on polling day have already clearly indicated which party they want in office.

As another example, suppose in a House divided 16-16-3 that Party A (with 16 seats + nearly three quotas in unused votes) represents 76,000 electors, Party B (with 16 seats + nearly two quotas in unused votes) 72,000, and three cross-bench Members represent 12,000:— As neither Party A nor B has, in this case, an absolute majority of the votes concerned, an additional step is needed to ascertain the intent of the voters. The process is easy enough — it is to examine the 12,000 votes for the cross-bench Members in order to see whether their extended preferences favor Party A or B. With 12,000 preferences to consider and with Parties A and B separated by only 4,000 votes, the supporters of the cross-bench Members will decide the Government, as is their right.

When the voters — if given the chance to express their intentions adequately, as they can under the Hare-Clark system — are able to indicate for themselves which party they want in Government, it is clearly illogical and undemocratic to deny them this right of decision and to leave it, instead, with the cross-bench Members.

As the single-member system is inherently unable to measure public opinion accurately, there may be, in a Parliament chosen by this method, no better way of deciding the Government when the seats are divided 17-17-1 than to leave the decision with the one cross-bench Member. Since, with the single-member system it is normal for the representation of
some electors to be suppressed and that of others to be grossly exaggerated, it may also be viewed as normal in a Parliament chosen by this method to magnify the power of one balance-holding Member out of all proportion to the number of electors he represents.

If the Hare-Clark system is allowed to provide the full representation which it is capable of providing, and if the Government is chosen by the State-wide vote, the possibility of one or several Members having enormously exaggerated power does not arise, as can be seen from reviewing the following three categories into which 35 seats can be divided:

(a) If the electors return 20 or more Members of one party, it is clear enough (without checking the State-wide vote) that a majority of them wish this party to govern.

(b) If they fail to give any party as many as 15 seats, it is equally clear that a majority of the electors do not want to give governing authority to any one party.

(c) But it is also clear that when either one or two parties are returned in numbers within the 15- to 19-seat range, the only means of ascertaining in truth which party the electors want in Government is to count, not the number of Members, but the number of electors represented by these Members.

If one or only a few hold the balance of power in a Parliament, they can make demands without having to accept corresponding responsibility. When the governing responsibility cannot be fixed upon a given party, the voter finds it difficult, if not impossible, to know who deserves the credit and who
the blame for governmental policy and administration when on polling day he has the power to punish or approve.

Deciding the Government on the State-wide vote is of course the democratic ideal, but this ideal cannot be achieved within the single-member system since this method is far too unplanned in its features and much too inexact in its results. In contrast, the Hare-Clark system is built to meet this ideal, because it has been designed purposely and scientifically for measuring the intention of voters.

SIMILARITIES BETWEEN PROPOSALS A AND B

Both proposals are founded on the principle that State-wide vote totals should be given due consideration in determining the composition of the Assembly, without interfering with the local basis of representation or affecting the justice of the election results. Proposal B would, in effect, compensate the majority party, when necessary, for losses due to unused remainders; in contrast, Proposal A would seek to eliminate unused remainders before they occur rather than to compensate for them, if necessary, afterwards.

The detailed features of the two plans are given in the Appendix.
CHAPTER IV - EVALUATION OF ALTERNATIVE PROPOSALS

Proposals A and B would, in most respects, achieve the same aims, as the following comparison will show:

(1) Since both would provide for maximum proportionality as far as full quotas are concerned, both would guarantee an opportunity for minority representation. Under Proposal B the quota would be 12.5 per cent, and under Proposal A it would be only slightly larger, namely, 14.3 per cent. This method of allocating representation according to quotas of votes would also assure, in a basically two-party political system, a very strong opposition at all times. Hence, either proposal would avoid the drastic fluctuations in representation which often occur under the single-member system.

(2) Both proposals would assure that a party with a majority at the polls would obtain a majority in Parliament.

(3) Both proposals would aim to encourage prospects of majorities of workable size when the governing party is entitled to a majority in Parliament by virtue of having won a State-wide majority at the polls.

In practice, since Proposal A would be a permanent feature of the electoral system, it would be more likely to result in workable majorities for more of the time than Proposal B, the District Vote plan of which would come into operation only if the party with a State-wide majority had fewer than a majority of the seats.

The basis for preferring Proposal A or B would turn therefore not so much on the aims of the two plans...
as on the merits of the respective machinery for achieving these aims. Part IV of this thesis (viz., "Ensuring Majority Rule") is intended (a) to show that majority rule can be assured only if the overall vote of a State or nation is taken into consideration in determining the composition of Parliament and (b) to set out specific proposals to show how the results of voting within electorates can be related to the overall vote. It is not the purpose of Part IV to give detailed reasons why one proposal is preferred or not to the other, as this subject will need to be considered at length when Part IV is printed as a companion study to Democratic Representation under the Hare-Clark System and Fixing Responsibility for Governing.

As an assessment of the many detailed considerations regarding the machinery of the two proposals would not affect the principles expressed in Part IV, and as this assessment is too lengthy for presentation here, it is not included. Although the writer considers that he has substantial reasons for favoring Proposal A (thus to avoid the need for the Parliamentary panels of Proposal B), some persons in governing authority in Tasmania and some specialists on electoral methods prefer Proposal B.

Although the chief criteria for choosing one proposal or the other rest, therefore, on matters of machinery rather than on principles of electoral justice, two criticisms raised against Proposal A concern what are claimed to be considerations of principle and electoral justice. The two criticisms are set out and answered below, in an
endeavour to show that the criticisms do not affect the justice of election results under Proposal A.

**Criticism 1**: Could not Proposal A enable a party with fewer votes than another party in a given electorate to win more seats in that electorate? If so, is not this undesirable?

(Note: This question refers to the possibility that under one of the two ways of applying Proposal A, a party (called X) by virtue of having polled a State-wide majority could obtain, say, four seats in a given electorate while another party (called Y), with more votes in this electorate than Party X, would win only three seats. This possibility could occur if Party X, though polling a State-wide majority, happened to receive in some electorate(s) fewer votes than Party Y which, though polling fewer votes State-wide, gained more votes in the given electorate(s).)

**Answer**: Yes, in some circumstances this could occur, but if it did, since it would not affect the justice of the election results, the occurrence would be of little or no consequence, as a review of some relevant considerations will show.

1. The test for majority rule needs to be made where the power of decision lies, namely, among the Members of a governing Assembly as a whole, not among Members from electorates considered separately.

In reference to those chosen under the Hare-Clark system, the body in which majority rule needs to apply is the House of Assembly, since it is here where decisions are taken, where measures are voted upon, and where Governments are made or unmade. As these actions are not taken within the electoral districts as independent units or by the seven Members
of a district acting separately from the Members of other districts, the test of majority rule for the State must be applied to the membership of the Assembly as a whole. Consequently, in order to ensure majority rule the machinery of representation needs to provide that, when voters express themselves within the framework of a political party system, a majority of all the electors of the State must have the opportunity to elect a majority of the Members. Proposal A guarantees this opportunity and, subject to fulfilling the guarantee, also provides for maximum proportionality between votes and seats received by the competing parties. Meeting these two conditions may sometimes lead to the possibility noted in Criticism 1, but this possibility does not weaken the importance or desirability of Proposal A since the occurrence of this possibility in no way endangers majority rule.

2. The possibility expressed in this criticism already exists, without Proposal A.

It is possible now for a party with fewer votes than another party in a given electorate to obtain more seats in the electorate as explained in Sections B and E of Chapter II. If, however, this possibility occurred under existing electoral provisions it might act to prevent majority rule, but if it occurred under Proposal A it would be solely in order to ensure majority rule.

3. As administrative units and as a means of guaranteeing local representation, the five existing electorates serve an important purpose, but this purpose would not be impaired even if the possibility mentioned in Criticism 1 did occur.
Dividing the State into five electorates facilitates the conduct of elections and guarantees local representation. If the State were not divided into electoral districts, all 35 Members of the Assembly would have to be elected in one State-wide contest, giving rise to various objections. First, the ballot-paper would need to contain an unduly large number of names (probably more than a hundred under present circumstances). The presence of so many candidates would make it more difficult for the elector to vote intelligently, and it would also result in an increased number of informal and exhausted votes; any marked rise in the latter would, in itself, increase the possibilities of minority rule (for reasons given in Section 2 of Chapter II).

Second, owing to the greatly augmented number of candidates it would be more difficult for the public to become acquainted with the merits or demerits of so many persons. Third, the use of one State-wide electorate would probably weaken contact between Members and electors. In short, these and other advantages of dividing the State into five electorates are not affected by the possibility expressed in the criticism, and the resulting local representation is therefore desirable, provided that the establishment of electoral districts does not jeopardize - as it does at present - the prospects of majority rule because of the creation of an unused remainder of votes in each district. Proposal 4 (as well as Proposal 2) permits retention of local representation while guaranteeing majority rule over the State.

4. Since majority voice within administrative units (i.e., within the five electorates) in respect
of party representation is not needed for ensuring majority rule in the Assembly, if the possibility being criticized did occur, it would not affect the justice of the election results and consequently the possibility would probably be regarded by the public as unimportant.

Under Proposal Δ majority rule in the Assembly is achieved whether the possibility noted in the first criticism occurs or not. Since this possibility, if it did occur, would not affect the justice of the State-wide election result, most electors presumably would not be much concerned whether or not it did occur. They would probably see little or no objection if four of the seven seats in a particular district were won by Party X (because it had a State-wide majority) rather than by Party Y (because it, with a minority of the State-wide vote, happened to gain more votes than Party X in the particular electorate).

A comparison with a related situation may illustrate why electors would probably not disapprove if the possibility under criticism did occur. Since the number of votes for the competing parties varies considerably between the subdivisions which make up the five Divisions, no one, for this or other reasons, would necessarily expect the political representation for the Division to be allocated, if such were possible, in proportion to the voting within separate subdivisions. For example, Party X may have a strong majority of the total vote of a Division yet be in a minority in some subdivisions.(2) Consequently, the overall vote of a Division must be the basis for apportioning the seven seats of the Division. Similarly under Proposal Δ (when that
part of the proposal, which recognizes State-wide party totals in filling the seventh seat, it would be the overall vote of the larger unit - the State itself, not the totals of the five Divisions separately - which would determine the final party composition of the Assembly.

In summary, the possibility being criticized would probably have little more significance than the fact that at present the political complexion of a subdivision may not correspond with the

(1) Majority choice refers to the condition when a majority of the voters concerned have elected to a given body a majority of the Members. If the given body of Members has governing authority, majority choice would also mean majority rule. In this instance, since the Members from an administrative unit are not a governing body, the presence or absence of majority rule is not at issue; hence the term majority choice is preferable in this case to majority rule.

(2) Two examples, taken from the 1964 elections for the Tasmanian House of Assembly, to show that the political complexion within subdivisions may be much different from that of the Division as a whole are as follows:

In the Division of Denison the Labor Party won only three of the seven seats because it received less than half of the total vote of all the Denison subdivisions. Yet in some subdivisions the A.L.P. polled well over half the votes, e.g., 56.3% in the subdivision of Hobart, 52.3% in Hobart North, and 62.3% in Hoornah. Though the Labor Party polled many more votes than the Liberals in these areas, presumably no one expected that Labor should win a majority of the seats in Denison, for it is acknowledged that the subdivisions are merely administrative units within the Division and that the allocation of seats is determined by the overall vote in the Division.

A corresponding situation, in this case illustrated by the non-Labor vote, can be seen in the elections in the Division of Wilmet, where the Liberal Party won only three of seven seats, though obtaining a majority of the vote in some subdivisions, e.g., in Beaconsfield where the combined Liberal and Country Party vote totalled 57.7% (51.5 Liberal and 6.2 C.P.) and in Westbury where the Liberal and Country Party totalled 62.7% (53.5 Liberal and 9.2 C.P.). Though the Liberals led in Beaconsfield and Westbury, it was not unjust to the Liberals in those two subdivisions for Labor to have won four of seven seats in Wilmet, since Labor candidates polled more than half of the total vote of all the Wilmet subdivisions.
political representation for the Division of which the subdivision is a part. If the State-wide vote feature of Proposal A was in effect, the public presumably would quickly understand and therefore accept the justice of having the overall vote of the State, and not merely the vote within an electorate, help to decide the last seat in each Division. Because the five existing Divisions are primarily only administrative units, the determination of majority rule finally depends upon the composition of the membership, not of these units taken separately, but of the House of Assembly as a whole.

5. The possibility expressed in Criticism 1 must, of necessity, be confined to narrow limits if and when it should occur.

Since the first six seats of an electorate would be allocated between parties proportionately on the basis of one seat for each quota of votes received (viz., 14.3%), the seats would be distributed to all parties or groups with fullest possible proportionality as far as complete quotas are concerned. If any party polled in any electorate as much as a full quota of votes more than another party, it would have to receive one seat more than this party.

Hence, the possibility which is being criticized not only could not endanger majority rule or lessen the justice of State-wide election results, it also could never affect the proportionality between votes and seats by more than a partial quota in an electorate. Moreover, Party X (if it received fewer votes locally than Party Y) could not gain the seventh seat of an electorate — it is worth emphasizing and re-emphasizing this — unless it had won a State-wide majority of the votes. Furthermore, for Party Z to poll a State-wide majority, it would need to poll
better than Party B in more than half the electorates (provided the political complexion of the electorates was roughly balanced, as it is now, between two major political parties).

6. When so desired by the voters, e.g., as under the conditions noted below, the operation of Proposal A would infallibly assure majority choice within electorates.

Majority choice within electorates would be assured whenever the seventh seat of an electorate was filled by any un-elected candidate, whether affiliated with a party or not, (as provided when Clause 3 of Part II of Proposal A applies). By electing the last Member in this fashion (i.e., without reference to State-wide voting) the choice of the majority within each district would be assured whenever -

(a) Any party had won 19 or more seats in the filling of the first 30 seats, or whenever

(b) No party had received as many as 13 of the 30 seats first filled, and or if ever

(c) The House of Assembly functioned along non-party lines.

When there is no need to ensure majority rule on a State-wide basis, the provisions of Proposal A for referring to State-wide voting would lapse and the alternative provisions of Proposal A would come into effect; the latter would infallibly ensure majority choice within electorates. Thus Proposal A, by assuring majority choice either in respect of the 35 Members of the Assembly as a whole or in respect of the seven Members within each electorate, would invariably fulfill the voters' intentions over a wide range of varying circumstances.
Criticism 2. Would not the method for electing the seventh candidate under Proposal A (by recounting the ballot-papers which elected the first six members) permit either of the following two possibilities? -
(a) it might allow an unsuccessful candidate to remain defeated who nevertheless was runner-up or who had polled very strongly in the contest for the first six seats, or (b) it might allow an unsuccessful candidate to win the last seat who in fact had polled very poorly in the election for the first six seats.

Answer. Yes, both of these possibilities could occur, but since either of them would necessarily have to reflect the verdict of the electors as shown by their ballot-papers and interpreted by the method of counting, the result would be the election of the candidate desired by most of the voters.

Since all the formal ballot-papers of the district would be re-examined in order to fill the last seat, the successful candidate would be the one who was shown to be preferred on at least a majority of these ballot-papers over any other contestant for the last seat. As this re-examining of the formal ballot-papers of the district would of course be conducted independently of the steps taken to elect the first six Members, a candidate's standing in the contest to elect these six would not necessarily affect his prospects of winning the seventh seat.

Consequently, a candidate who polled poorly in the first election could win in the second if in this count he obtained more preferences than any other candidate. Similarly, the strong candidate who was runner-up in the first election could win in the second if he gained enough preferences. The fact of having polled well in the first election would give a candidate a good start in the second contest, but
success would depend on gaining enough preferences on the other ballot-papers to reach a majority of the votes.

In short, the successful candidate for the seventh seat would have to be that person who was shown to be preferred over any other candidate on at least a majority of the effective, formal ballot-papers(3). This method therefore provides that a majority of the electors makes the choice, whereas various other forms of selection might not, being based on less sound principles, such as would be the case if the seventh seat were assigned, without a further scrutiny of the ballot-papers, to the unelected candidate with the highest primary vote or to the one last excluded in the election for the first six candidates.

Comparison with existing procedures under the Hare-Clark system.

Where procedures under Proposal A would not be identical to those followed at present under the Hare-Clark system, they would be very similar, including similarity even in implementing the one feature distinctive to Proposal A, namely - using a different quote to fill the last seat. At present, of course, the same quote is used to fill all seven seats, even though this procedure inevitably causes an unused

(3) If Clause 3 of Part II of Proposal A applied, the candidates for the seventh seat would be any candidate on the ballot-paper whether affiliated with a party or not, except the six already elected. If Clause 4 applied, the candidates for the seventh seat would be any unelected candidates of the party with the State-wide majority. The particulars of Proposal A, including these clauses, are given in the Appendix.

The method of counting to determine which candidate was the most preferred would be the method used to fill casual vacancies for the House of Assembly or to elect Members of the Legislative Council.
remainder of votes in each electorate.

Whether electing all seven candidates at present by the same quota or by using two quotas as under Proposal A, the procedure of conducting the scrutiny would basically be the same, namely - the successive elimination of candidates and the transfer of their preferences until the required number is elected. Under Proposal A the required number for the seventh seat would of course be only one, but, except for there being no surplus votes to deal with, the counting procedure for filling this one seat would be basically the same as that used for filling the first six.

If under Proposal A a candidate who was runner-up in the election for the first six Members was unable, in the election for the seventh seat, to gain enough preferences to attain the quota for this seat he would not be elected. This corresponds to what happens now under the Hare-Clark system when a candidate polls strongly in primary votes or early in the count, but is unable to win a seat because of failure to gain the additional preference votes needed for reaching a quota. Although candidates who poll strongly in primaries or early in the count usually do win seats, this is not always the case, as examples from past elections demonstrate. (4)

If a candidate did not win one of the first six seats under Proposal A because he polled relatively few votes, he could win the seventh seat provided he polled strongly enough in preferences when the ballot-papers which elected the first six candidates were recounted. Correspondingly at present, a candidate may rank relatively low in primary votes, yet finally win a seat because he gains a sufficient proportion of the preferences as other candidates are eliminated. An example of this was seen in the
elections in Denison in 1964: one candidate won a seat who on the first count had only 578 primary votes, thus placing him 16th out of 22 candidates at the beginning of the scrutiny. By gaining preference votes from the distribution of surplus and from excluded candidates, he overtook eight other candidates all of whom failed to be elected though polling more primary votes than this winning candidate.

In summary, the possibility exists now that a candidate who did not poll well enough to win any of the first six seats might win the seventh. Correspondingly under Proposal A, a candidate may not gain enough votes to win any of the first six seats yet be able to win the seventh.

(4) The examples which follow have been taken only from elections since World War II and include only one illustration from each election, although from some elections more than one example could be found:-

1946, Wilmot: Lee (Ind.) ranked fifth in primaries among 13 candidates and finished as runner-up. Two winning candidates had fewer primaries.

1948, Braddon: Acheson (Lib.) ranked fifth in primaries among 17 candidates, yet finished as runner-up. Two winning candidates had fewer primaries.

1950, Franklin: Gray (Ind.) ranked fourth in primaries among 13 candidates, yet ended in eighth position. Three winning candidates had fewer primaries.

1955, Denison: Weid (Ind.) ranked fifth in primaries among 13 candidates yet ended in eighth position. Three winning candidates had fewer primaries.

1956, Denison: B.K. Miller (A.L.P.) ranked fourth in primaries among 19 candidates yet finished as runner-up. Three winning candidates had fewer primaries.

1964, Franklin: Mrs. E. Miller (Lib.) ranked sixth in primaries among 23 candidates, yet finished as runner-up. Two winning candidates had fewer primaries.
APPENDIX

SUGGESTED LEGISLATIVE PROVISIONS FOR
IMPLEMENTING PLANS FOR ENSURING MAJORITY RULE

The major features of the legislation which would be needed to give effect to the proposals for ensuring majority rule are set out in this Appendix. Although no attempt has been made to express the suggested provisions fully in legal language or to cover every detail, enough of their features are given to show, for comparison and assessment, the general content of the required legislation.

The provisions are set out in several Parts and pertain chiefly to alterations to the present Electoral Act and to its Fourth Schedule, although the implementation of some features of Proposal B would require amending the Constitution Act. Some of the recommendations, especially those associated with Proposal B in reference to mandatory dissolutions of the Assembly and to the selection of the Speaker and the Chairman of Committees, are taken from Part III of this thesis, entitled "Fixing Responsibility for Governing".

Of the possible ways of ascertaining which party has won a majority of the State-wide vote, the writer recommends the method described on pages 31–33 (and further elaborated upon on pages 39–41 and 61–73) of Part III of this thesis. This method bases the decision on the primary votes cast for the two major parties, plus the extended preferences of the primary votes of all other candidates. Since
the calculations necessary for this would be done early in the scrutiny process and since this method is reasonably obvious and clear-cut, it would facilitate explaining the provisions of Proposals A and B and the drafting of them.

Another procedure, though less preferred by the writer, for ascertaining which party has won a State-wide majority would be based on the primary votes of the major parties plus the extended preferences of the votes received, not by all other candidates, but only by candidates, if any, who are elected to the cross-bench. Less likely to reflect majority opinion than the method recommended in Part III of this thesis, this procedure is also more difficult to apply and to describe. Nevertheless, to facilitate comparing it with the method recommended in Part III, in order better to assess it, Proposals A and B, as described in this Appendix, set out the detailed provisions of this procedure. Though less desirable in the writer’s opinion, this method is preferred by some persons, including some members of the Tasmanian Parliament. But no matter which of these two methods is used for deciding which party, if any, has won the State-wide majority, the various other features of Proposals A and B would be the same.

ANNEX ONE

PROVISIONS FOR IMPLEMENTING PROPOSAL A

(Proposal A would ensure majority rule by better correlating, through the means of the “dual quota plan”, the results of voting within electorates with the State-wide totals for political parties. The dual quota method would relate the allocation of seats to the vote totals both within individual electorates and on a State-wide basis.)

PART I - DEFINITION AND AUTHORIZATION OF POLITICAL PARTIES

Candidates for election to the House of Assembly may, by mutual consent, file with the Chief
Electoral Officer a declaration that they wish to be considered as a political party for the purposes of this Bill.

(Comment: If candidates so file, a political party comes into existence; if they do not so file, a political party is not created and, accordingly, clauses of the Bill which would apply if parties did exist, would not apply.)

PART II - ELECTION OF THE FIRST 30 MEMBERS OF THE ASSEMBLY AND THE DECLARATION, WHEN APPLICABLE, OF THE STRENGTH OF EACH PARTY REPRESENTED

1. Six candidates shall be chosen from each of the five electoral Divisions as prescribed in the Fourth Schedule of the Electoral Act 1907 (as modified by amendments as here proposed).

2. As soon as these 30 candidates have been elected, the Chief Electoral Officer shall declare the number of elected candidates, if any, representing each political party and the number, if any, not affiliated with a party.

3. If of the 30 seats filled so far no party has won as many as 13 of them or if any party has won 18 or more, the seventh and last seat of each electoral Division shall be filled by the method set out in Clause 1 of the proposed Article III of the Fourth Schedule.

(1) The implementation of the intention of Part I could be done in various ways. As here presented, Part I states only the general principles to be followed. This is all that is needed for understanding Parts II and III, which follow. Some elaborations on the way in which the principles of Part I could be implemented are given below, in Annex Two.
(Comment: In this case in order to fill the last seat there is no need to consider whether any party has won a majority of the State-wide vote because (a) if no party has won at least 13 seats (i.e., 13 quotas) it could not have obtained a majority of the State-wide vote and would not be entitled to a majority in the House and because (b) if a party has won at least 18 seats (which is a majority of 35) it must necessarily have obtained a majority of State-wide vote.)

4. If any party wins, of the 30 seats filled so far, between 13 and 17 seats inclusive, the seventh and last seat of each electoral Division shall be filled by the method set out in Clause 2 of the proposed Article III of the Fourth Schedule.

(Comment: In these circumstances, namely, when any party has between 13 and 17 seats inclusive, the only way to ensure that a party with a State-wide majority wins a majority of the seats is to fill the last seat in the manner described in Clause 2 of the proposed Article III of the Fourth Schedule.)

PART III - ASCERTAINING WHETHER A POLITICAL PARTY HAS WON A MAJORITY OF THE STATE-WIDE VOTE

1. If the total first choice vote for all candidates of any one political party constitutes an absolute majority of all the valid votes cast in all Divisions, the Chief Electoral Officer shall declare this party to be the majority party.

2. If all candidates elected to the 30 Assembly seats filled so far are members of either of two
political parties, the party whose candidates have
polled the greater number of first choice votes shall
be the majority party and the party whose candidates
have polled the smaller number of first choice votes
shall be the minority party.

3. (a) If the 30 elected candidates include person(s)
not belonging to either of the two political parties
referred to in Clause 2, above, the majority party
shall be that party which has obtained an absolute
majority of all the relevant votes, namely --

(i) All first choice votes cast for candidates
of the party with the largest number of the 30 seats
and of the party with the next largest number of seats,
plus

(ii) All preference votes which may have been
extended to the preceding candidates from the votes
which elected candidates who are not Members of the
two largest parties represented among the 30 elected
candidates.

(b) The procedure for ascertaining the majority
party shall be as follows:-

(i) The Chief Electoral Officer shall record
the total number of valid first choice votes cast
for the candidates of each of the two largest parties
and shall direct the returning officers of Divisions
in which elected candidates not belonging to the two
largest parties have been elected, to examine the votes
which elected these candidates in order to ascertain
to which, if any, of these two parties the preferences
on these votes have been extended.

(ii) The returning officers shall report the
number of votes extended to each of the two parties
and the number of votes, if any, which have not shown
a preference for any candidate of either of the two parties and are therefore ineffective for the purpose of deciding the majority party. A vote shall be deemed to have been extended to a party if a candidate of this party has been marked as preferred before every candidate of the other of the two largest parties.

(iii) The Chief Electoral Officer shall then ascertain which of the two largest parties has an absolute majority of the total number of first choice votes cast for the two largest parties plus preference votes extended to candidates of these parties from the votes responsible for electing candidates not belonging to either of these two parties. The party obtaining this absolute majority shall be declared the majority party and the other party shall be declared the minority party. In case of an equality of votes in ascertaining which party polled the State-wide majority of votes, the Chief Electoral Officer shall exercise a casting vote.

(iv) All ballot-papers transferred in Clause 3 shall be transferred at the same value they held while forming part of the quota of the elected candidate whose papers are being transferred.

(v) In the process of ascertaining whether a party may have a State-wide majority, if any votes credited to elected candidates not affiliated with the two largest parties have been marked first choice for any candidates of these two parties, these votes shall not be credited to these parties but shall be set aside and not counted.

(Comment: These votes are set aside and not counted at this stage because if they were marked first choice for candidates of the two largest parties, they would already have been
counted once, namely, when the primary votes for the two largest parties were counted.)

(vi) If any candidate not affiliated with either of the two largest parties is elected with more than a quota of first choice votes, the returning officer for the Division may, at his discretion, examine them prior to transferring them as surplus (rather than after the scrutiny for electing members) and may record how their next choices were distributed among candidates of the two largest parties, disregarding, in this case, preferences for candidates not affiliated with the two largest parties.

(Comment: This procedure described in sub-clause vi, above, is included to allow returning officers to take this step after first choices have been counted and before further scrutiny is commenced. The purpose in taking the step at this stage would merely be to save time since it would be more convenient at this stage (when all first choices are in one group) to ascertain how the preferences were allocated than it would be after the end of the count, when these ballot-papers would have been separated into many parcels during the course of the scrutiny.)

(c) Whenever the majority party is determined by means of Clause 3, the process as prescribed in the Fourth Schedule of the Electoral Act 1907, of excluding the candidate lowest on the poll and transferring to other candidates his votes, shall be continued, if not previously completed, until the prescribed number of elected candidates have full quotas or until all transferable papers have been transferred.
SUGGESTED AMENDMENTS TO THE FOURTH SCHEDULE OF THE
ELECTORAL ACT, 1907

This Schedule now consists of two parts, each part specifying a method of counting votes. One part describes the method to be used when there is only one member to be elected and the other part when there is more than one.

Three changes are recommended, but only one would be extensive. This would be the addition of a new part to the Schedule, this part specifying how the last of the seven seats of an electorate would be filled. The first change, merely mechanical, would be to identify each part of the Schedule by a number in order to facilitate reference to it. (At present, the two parts of the Schedule are not numbered.) For the purpose of referring to them in this Appendix, the existing two parts of the Schedule will be designated as Articles I and II, and the proposed addition as Article III.

The proposed two amendments are:

First: (1) The following words in italics would be deleted from the existing Section 2 of Article II, namely: one more than in the phrase "one more than the number of candidates required to be elected."

(Comment: One of the changes recommended by Proposal 4 would be to determine the quota by dividing the number of votes by the number of seats to be filled (i.e., by 7), not by one more than the number of seats as at present, (i.e., by 7 + 1, or 8).

(2) The following words in italics would need to be added to the existing Section 2 of Article II (assuming, as recommended, that the divisor for determining the quota is 7):-
Six candidates shall be required to be elected by this quota for each electoral Division.

The seventh and last candidate to be chosen for each Division shall be elected by the method described in Article III of this Schedule.

(Comment: Under Proposal A the quota, determined by dividing the number of votes by the number of vacancies, would be used to choose the first six candidates. The seventh seat would be filled by recounting all the votes of the electorate.)

Second: Proposal A would require the adoption of the provisions set out in the proposed Article III, below, in order to prescribe how the last member in each electoral Division would be elected.

ARTICLE III - METHOD OF COUNTING VOTES TO ELECT THE FINAL MEMBER WHERE SEVERAL MEMBERS HAVE TO BE RETURNED FOR A DIVISION

1. When Clause 3 of Part II of the proposed amendments to the Electoral Act is applicable (i.e., when no party has between 13 and 17 seats, inclusive) the following method shall be used to elect the last member for a Division: All the ballot-papers used in the election of the six candidates already elected shall be examined again to ascertain which of the remaining unelected candidates, irrespective of party affiliation...

(2) If for semantic reasons, it were desired to retain the phrase one more than the number of vacancies, Section 2 of Article II would need to specify that if the divisor were one more than the number of vacancies, the number of vacancies would have to be considered as six, not seven (viz., the number of vacancies to be filled at the first of the two scrutinees. There would be only one vacancy to fill at the second scrutiny).

In any case, no matter how described, the divisor for ascertaining the quota under Proposal A would be the number 7, not 8. Many persons might regard it simpler to consider the divisor as being the number of vacancies to be filled, rather than as being one more than the number of vacancies.
or the lack of it, is the majority choice on these papers.

These ballot-papers shall include (a) those which were effective in choosing the six members already elected, (b) those credited to the runner-up candidate, and (c) those set aside as exhausted.

(Comment: In brief, all the formal ballot-papers of the Division would be examined after six candidates had been elected in order to ascertain which of the unelected candidates is the majority choice on these papers. The method of counting the ballot-papers is partly described in Section 132A of the Electoral Act (which deals with by-elections) and partly in that portion of Fourth Schedule of the Electoral Act which describes the method of counting where one member only has to be returned for a Division).

(It will be noted that the ballot-papers which constitute the unused remainder are those referred to above as standing to the credit of the runner-up candidate or set aside as exhausted. Though not effective in the election of the first six candidates, these papers making up the unused remainder would be examined again and counted in the course of filling the last seat.)

2. When Clause 4 of Part II of the proposed amendments to Electoral Act applies (i.e., when one or more parties each have between 13 and 17 seats inclusive), the method of election for choosing the last member for a Division shall be the same as in Clause 1, above, except that only unelected candidates of the party with the State-wide majority would be eligible for consideration in filling the last seat.
(Comment: As explained in Chapter III of the text, the method of filling the last seat is determined by whether there is a need to ensure majority rule in the Assembly or not. When Clause 1, above, is applied there would be no need to ensure majority rule, since (a) if no party had as many as 13 of 30 seats, it could not have polled a State-wide majority and could not be entitled to a majority in the Assembly and (b) if a party already had 18 of 30 seats, it would possess a majority in the Assembly, and it would necessarily have polled a State-wide majority. 

(In the circumstances provided for in Clause 2, above, namely, when either one or two parties each have from 13 to 17 seats inclusive, the last seat is required to be won by the party which polled a State-wide majority if majority rule in the Assembly is to be assured. The method specified in Clause 2 ensures this result by requiring that candidates for the last seat must come from the party with a State-wide majority.)

ANNEX TWO

SUGGESTIONS FOR IMPLEMENTING PART I

The two chief features to be covered in PART I, above, entitled "Definition and Authorization of Political Parties" are the following:-

(1) Candidates may form political parties by mutually consenting to be considered as a party. This feature is common in many countries using proportional representation.

(2) Candidates who wish to be considered members of a political party would be required to appear as a party group on the ballot-papers. This is what in
practice occurs in Tasmania now. The only change would be that if candidates sought to be considered as a party they would be required to be grouped together on the respective ballot-papers for the electoral Divisions contested by their party. Note that if non-party candidates also wish to be grouped on the ballot-paper they could still do so, as at present, without having to become a political party.

Grouping candidates according to party affiliation would be no more necessary for implementing these proposals for ensuring majority rule than for conducting Hare-Clark elections as at present. However, since the grouped ballot-paper (used since 1940) seems to be more satisfactory than the previous style of paper which listed the names of all candidates in a single alphabetical column, it is recommended that the present form of ballot-paper be continued, in accordance with the clauses suggested below.

Possibly the necessary clauses could be inserted in Sec. 67A of the Electoral Act 1907. If so, the following is offered for consideration and possible adoption.

First, leave the existing subsections (1), (2), and (3) as they are.

Second, insert between existing subsections (3) and (4) the following subclauses:-

(3a) Candidates nominated for election to the Assembly may claim to be considered as constituting a political party in the manner prescribed in this Act.

(3b) A political party is formed if each candidate of the proposed party notifies the Chief Electoral Officer (in the prescribed manner not later than twelve o'clock noon on the day of nomination) that he desires to be associated with the names of the
other candidates of the proposed party, and with these names only.

(3c) The names of the candidates of a political party nominated for election from a division shall be grouped on the ballot-paper with the names of the other candidates of the same political party nominated from that division, and with those names only, as prescribed in this Act.

Third, insert, after the words returning officer of the existing subsection (4), the words "or Chief Electoral Officer".

**ANNEX THREE**

**PROVISIONS FOR IMPLEMENTING PROPOSAL B**

(Proposal B would ensure majority rule in the House of Assembly by bringing into operation the Parliamentary panels of the "District Vote plan" whenever a party which won a State-wide majority at the polls failed to win a majority in Parliament.)

**PART I - DEFINITION AND AUTHORIZATION OF POLITICAL PARTIES**

(Game as for Proposal A)

**PART II - DECLARATION OF THE COMPOSITION OF THE ASSEMBLY IN RESPECT OF POLITICAL PARTY MEMBERSHIP**

1. As soon as 35 candidates for the Assembly have been elected, the Chief Electoral Officer shall declare the number of elected candidates, if any, representing each political party, plus the number of elected candidates, if any, not affiliated with a party.

2. If a party has 20 or more elected candidates, it shall be declared the majority party and the provisions of Part III below do not apply.
3. If one or more parties obtain 15 or more seats, but fewer than 20, the majority party, if any, as defined in this Bill, shall be determined by applying, according to the respective circumstances, Clauses 1, 2, or 3 of Part III below.

**PART III - DETERMINING WHETHER A PARTY HAS WON A STATE-WIDE MAJORITY**

1. If the total first choice vote for all candidates of any political party constitutes an absolute majority of all the valid votes cast in all Divisions, the Chief Electoral Officer shall declare this party to be the majority party.

2. If all candidates elected to the Assembly are members of either of two political parties, the party whose candidates have polled the greater number of first choice votes shall be the majority party and the party whose candidates have polled the smaller number of first choice votes shall be the minority party.

3. (a) If the 35 elected candidates include person(s) not belonging to either of the two political parties referred to in Clause 2, above, the majority party shall be that party which has obtained an absolute majority of all the relevant votes, namely:

   (i) All first choice votes cast for candidates of the party with the largest number of seats in the Assembly and of the party with the next largest number of seats, plus

   (ii) All preference votes which may have been extended to the preceding candidates from the votes which elected candidates to the Assembly who are not Members of the two largest parties represented in the Assembly.
(b) The procedure for ascertaining the majority party under Proposal B would be the same as under Proposal A and is set out in Part III, Clause 3, Sub-clauses (b) and (c) of Proposal A.

PART IV - ESTABLISHMENT OF THE PARLIAMENTARY PANELS FOR THE DISTRICT VOTE PLAN

1. If the majority party as determined by Clauses 1, 2, or 3 of Part III consists of 15, 16, or 17 Members of the Assembly but not fewer than 15 nor more than 17, the provisions of Clause 2 below shall apply.

2. (a) A panel of three Assembly Members shall be established for each of the electoral Divisions; each panel shall be empowered to cast one vote in the Assembly whenever a division is called.

   (b) Two of the three members of each panel shall be the two Members of the majority party who were first elected in their Division, as indicated by the priority of their election on the scrutiny sheet. (3) The Chief Electoral Officer shall declare, in accordance with the foregoing provisions, which persons shall constitute the membership of the panels.

   (c) The vote of each panel shall be decided by a majority of the members of the panel and shall be announced by the panel chairman, as prescribed by Standing Orders.

   (d) If the Speaker or Chairman of Committees of the Assembly is chosen from among members of a

(3) The third member of the panel could therefore be either a member of the Opposition Party, of a minor party, or be a member of no party - provided only that he was the first non-Government candidate to be elected.
district panel, his place on the panel shall be filled by the available Member not of the majority party next elected after him, as indicated by the order on the scrutiny sheet. If a member of a panel who belongs to a party ceases to be a member of the panel, his place on the panel shall be taken by the available Member of the same party next elected after the vacating Member, as indicated by the order on the scrutiny sheet. If eligible successors to vacating panel members cannot be found among Members who were returned at the general election, Members, if any, who were chosen at by-elections shall be considered for panel membership.

(e) The members of the district panels shall serve for the life of the Assembly to which they were elected.

(f) If the majority party has fewer than two Members elected in any Division and therefore is unable to fill the two places to which it is entitled on the panels for that Division, Members who are to serve in lieu of the one or two Members from the majority party, shall be chosen, according to the order of election as indicated on the scrutiny sheet, from among Members not of the majority party until a panel of three members has been filled.

(g) A panel member may depute another Member to act as his proxy on the panel in the event of absence, as provided by Standing Orders.

(h) Further provisions for the administration of this Clause shall be prescribed by Standing Orders.

(4) When the panels are in use, the presiding officers of the Assembly are to be supplied by the Opposition. Hence, if a presiding officer was chosen from among members of a panel, his place on the panel would need to be taken by a non-Government member in order to maintain the mixed-party composition of the panel.
PART V - RELATED PROVISIONS: (a) RE PRESIDING OFFICERS: (b) RE EQUAL VOTING IN THE ASSEMBLY

1. If at any time the majority party has fewer than 20 Members in the Assembly, the Speaker and Chairman of Committees shall be supplied by Members not of the majority party.

2. If Members not of the majority party fail to supply the Speaker and Chairman of Committees when they are obliged by Clause 1, above, to do so, the majority party shall furnish the Speaker and be granted an additional Member as replacement for the Speaker on the floor of the House. This replacement shall be chosen in accordance with Section 132A of the Electoral Act 1907, by recounting the ballot-papers which elected the Speaker to the Assembly.

3. In the event of votes being equal on the floor of the House, Government measures shall be deemed to have passed and non-Government measures shall be deemed to have failed.

(Note: Presumably this clause would need to specify the means of distinguishing a Government measure from a non-Government one - perhaps by certification by the Leader of the Government, or by the fact of a measure being introduced by a Minister, et al.)

PART VI - PROVISION FOR MANDATORY DISSOLUTION OF THE ASSEMBLY

(Prefatory Note: The following provisions of Part VI

(5) Since Clause 2 would come into effect only if the Opposition refused to supply the Speaker when it had the opportunity and obligation to do so, it is most unlikely that Clause 2 would ever be applied - as its application would give the Government an additional seat. However, unless some such means of enforcement, as that furnished in Clause 2, is provided, the Opposition party might refuse to comply with Clause 1 if compliance meant political or other disadvantage for them.
are not essential for the operation of Proposals A or B. If, however, measures to ensure majority rule are under consideration, it would seem appropriate at the same time to consider providing for mandatory dissolutions of the Assembly under certain conditions. Part VI is intended only to convey the aim of the provision, not to set out details.)

If any Member(s) of the majority party, by voting or abstaining from voting in the Assembly, should cause the Government to fall, a dissolution of the Assembly and a general election shall follow.

(Comment: This proposal is not concerned with the defeat of Government measures, but only with the fall of Government, through defection in its own ranks; when such occurs, this proposal would make a dissolution mandatory, so that the resulting fresh election might be able to resolve the unstable conditions in the Assembly.

The proposal would not, however, affect the right or opportunity of non-party Members or Members of non-Government parties to make or unmake Governments. Part VI would not, for example, prevent cross-bench Members, if they held the balance of power in the Assembly, from transferring support from one party to another in order to help instal an alternative Government.)

SUGGESTIONS FOR IMPLEMENTING PART I

(The suggestions for implementing Part I, which relates to the definition and authorization of political parties, would be the same for Proposal B as those already set out for Proposal A.)
SELECTED BIBLIOGRAPHY

A. References Cited in Thesis

1. Public Documents


(1) As the thesis is concerned with modifications to the electoral machinery of the S.T.V. system of proportional representation, both general and specialised reading were required. The general reading was needed to propose the criteria (noted in the Introduction to the thesis) for determining the aims of desirable electoral systems, since the nature of the recommended modifications depended on the criteria used. As these criteria cover a broad scope in political science and as the views of writers on these subjects are very diverse, an extensive range of literature had to be consulted - an amount too extensive for more than a partial listing in this bibliography. Reading could not be confined only to electoral systems, the operation of Parliament, or to the structure of government of many countries, but had to


2. Books Cited in Thesis


include some consideration of their political experience and its ramifications.

As regards the operation of the electoral machinery of the S.T.V. system, little appears to have been written on the subject of how to avoid Parliamentary deadlocks and minority rule and how to obtain workable majorities. Most of the data needed about the operation of the Hare-Clark system in Tasmania, such as analyses of past election returns, were not available in print and had to be worked out especially for the thesis.

Figures on all election returns used in the thesis have been taken from official government reports for the years concerned, unless otherwise noted. As this thesis required extensive consultations with many political leaders, government officials, and others, the number of such interviews has been too great to list separately in the bibliography, as is sometimes done in theses; however, some of these interviews and some of the persons consulted are mentioned in the body of the thesis. Reference in the text to year books are not repeated in this bibliography.


Pamphlets and Articles Cited in Thesis


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The Theory of the Quota in Proportional Representation - II. Hobart: Government Printer, 1913. (This is the second of a two-part study under the same title.)

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