

Chapter Five

Inglis Clark's Other Contribution A critical analysis of the Hare-Clark Voting System

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I have been asked to give a brief history and analysis of the Hare-Clark voting system that is used in Tasmanian House of Assembly and local government elections, as well as for the Legislative Assembly in the Australian Capital Territory. This paper will focus on its use in Tasmanian parliamentary elections.

Origins

Thomas Hare

Thomas Hare was a British theorist of the mid-19th century. He was concerned with the narrow social base of the members of the House of Commons, who were elected by the simple majority system, which we also know as first-past-the-post. Hare noted the dominance of the House of Commons by well-to-do Conservatives and Liberals, and pointed to the existence of many more views in society than were represented by the MPs from those parties. How to give such excluded views a voice in the Parliament was his concern – there was a need for a voting method to bring out “every form and shadow of political opinion”.¹ Hare spoke of the need for an electoral system that would produce a House of Commons that represented a larger proportion of the nation.²

Hare was opposed to the existence of individual electorates, because of what he believed to be their deleterious impact upon the representation of community opinion. His revolutionary proposal was that the nation as a whole should be used as a single, huge electorate. With such an arrangement, a “quota” of votes would be needed for a candidate to be elected. To establish such a quota, he proposed dividing the total number of registered national electors by the number of seats in the House of Commons. If a candidate gained more than the quota, he would be elected. In addition, he believed that a successful candidate’s “surplus” votes – gained in excess of the quota – need not be lost. Hare envisaged such votes being “transferred” to remaining candidates, until the election of the required number of MPs had been achieved. From this emerged the term, the “single transferable vote” (STV), which has become the commonly-accepted title to distinguish this model of proportional representation from other models.³

Hare noted that with House of Commons single-member electorates, the location of a candidate’s home district was often the key to the election of a particular MP. If his model were to be introduced, the voter’s place of residence would be irrelevant, for all votes would weigh the same, and would not be dependent upon the location of the voters.⁴ With significant minorities able to achieve some type of parliamentary representation, there would be an improvement of the political education of the public, the electors would become aroused and keen to vote, better quality candidates would come to the fore, bribery would be reduced, MPs would be less subservient to constituents, and the two large English parties would start thinking of the common good.⁵

A number of contemporary writers, including John Stuart Mill, applauded the Hare scheme. Mill spoke of two dangers of “representative democracy”: the low grade of intelligence in the representative

body, and the danger of class legislation by the majority in the legislature. He claimed that both would be lessened if Hare's system were incorporated into the British electoral arrangements.⁶ The idea also influenced debate in Europe.

Australian interest

Australians were soon discussing Hare's proposal. The *Sydney Morning Herald* reviewed it in November 1860, and the Melbourne *Argus* and *Sydney Empire* gave it publicity in the following year. Hobart's *Mercury* ran an explanatory article by Mill in September 1862.⁷ In 1862 the Legislative Council of New South Wales passed a bill to make the Legislative Council an elected body, with the Hare model as the voting system, though the Legislative Assembly failed to pass the bill.⁸

Despite this New South Wales activity, greatest interest seemed to exist in South Australia. The political activist, Catherine Helen Spence, wrote letters to newspapers, published a pro-Hare pamphlet, and worked with the local Effective Voting League to push for its adoption. Two local MPs each introduced legislation to introduce the system, though with no success.⁹ Spence did suggest one important refinement to Hare's model that had later relevance to the Tasmanian experience. She believed that it would be better to have manageable electorates, rather than the whole polity as a single electorate.¹⁰ So much did Spence praise Hare's system, that for a time some Australians referred to the "Hare-Spence" system.¹¹ However, despite spending many years pushing for its implementation, she found it impossible to persuade many politicians to accept the merits of the Hare voting system. A common view was expressed by one South Australian Labor MP, who claimed that, "The method was too philosophic for the everyday requirements of ordinary people".¹² Eventually, though, a breakthrough came in Tasmania.

Andrew Inglis Clark

Inglis Clark was a Tasmanian lawyer, democrat, liberal and politician who had a strong interest in the electoral arrangements of his colony. He was critical of the inequality of voting power that placed government "virtually in the hands of an Oligarchy".¹³ This, he believed, was due to the impact of first-past-the-post, the voting method used since the introduction of parliamentary elections in Tasmania in 1851. Clark spoke of his admiration for the Hare proposal, which "offers to those whose aim it is to have the representation of a reflex of the nation, a sure means of compassing their ends."¹⁴ Clark had read Mill on Hare, and he knew of the views of Spence.

Enjoying the support of Premier Edward Braddon, and the practical assistance of the Tasmanian Statistician, R. M. Johnston, Clark pushed through the Parliament a revolutionary alteration to the colony's voting arrangements. The *Electoral Act* 1896 retained a 37-member House of Assembly, but with only 27 MPs still to be elected from single-member electorates by use of first-past-the-post. The breakthrough was the creation of one four-member electorate for Launceston, and one six-member electorate for Hobart, with proportional representation as the voting system for both. The quota for election replicated Hare's proposal for dividing the aggregate number of first preferences by the number of seats to be filled. According to Clark, the Braddon Government "wanted to . . . have the benefit in the Assembly of the intelligence, energy, zeal, and patriotism of the people who, at the present time voted for defeated candidates."¹⁵

Clark thus introduced Hare's system, while also accepting Spence's call for the provision of electorates rather than a colony-wide electorate. His biographers speak of proportional representation as Clark's great legacy to Tasmania,¹⁶ though Johnston believed that it actually was due to "Miss Spence's unwearied advocacy [that] . . . the success of the introduction of the Hare System in Tasmania by Mr Clark is largely due".¹⁷

Cautiously, Clark had not attempted to introduce proportional representation throughout the colony. He apparently believed that were he to do so, rural MP opposition would probably bring about the defeat of the legislation. He did state, though, his hope that if the Hare model was seen as

a successful innovation, he later would push for its use throughout Tasmania for the election of all members of the House of Assembly.¹⁸

First Tasmanian use of the Hare system

The system introduced in 1896, for one year only, actually was used in the next two Tasmanian elections in 1897 and 1900.¹⁹ Overall, the use of the new arrangements was successful despite the opposition of many. Generally, Hobart and Launceston voters coped well, though informal votes were significantly higher in 1897 than in the previous election. There seems to have been some organisation of joint tickets, as seen in the high number of preferences flowing between particular candidates. Both elections appeared to confirm Hare's belief that different interests in a community, if enjoying sufficient popularity, could gain parliamentary representation. Most notably was this seen in 1897 in Launceston when labour supporter, Ronald Smith, gained an unexpected victory. Three years later the election of Teddy Mulcahy in Hobart was said to be due largely to the Irish and Catholic vote.

In Hobart, where the Braddon Government's income tax proposals had caused much opposition, some marveled that the successful Hobart candidates in 1897 included the Treasurer, Philip Fysh, as well as noted anti-income tax campaigner, Alfred Crisp. Perhaps the most controversial victory was that of Edward Miles in 1900. Found guilty of improper conduct while a minister, Miles had left his West Coast electorate and nominated for Hobart where he spent most of his campaign criticising his opponents. Loud was the public condemnation of his success, but some saw it as an indication of how differing interests could gain election from the one electorate.²⁰ It can be argued that the results in these two elections were closer to what Hare had been seeking, than in any Tasmania-wide Hare-Clark election since.

The 1896 legislation needed renewal if what had become known as the "Hare-Clark" system was to be retained. The Government had promised, in fact, to introduce a thoroughly-revised *Electoral Act* that would incorporate proportional representation on a permanent basis. Despite this, Clark's departure from the Government in October 1897, and the House of Assembly seven months later, seemed to lessen Braddon's eagerness to proceed. Each year thereafter, the Legislative Council would reluctantly agree to a renewal of the legislation for one year – and nothing more. The need to provide for the election of the members of the first Commonwealth Parliament also intruded. As a consequence of this inaction, the 1900 election saw the retention of the Hare system because no other arrangements had been made. Soon after the election, however, it was removed by a 21-8 vote in the House of Assembly, and first-past-the-post, with single-member electorates, was re-introduced for Hobart and Launceston voters.

Proportional representation is resurrected

It took activity by the Commonwealth Parliament to give Hare-Clark supporters the chance to place the voting system back in Tasmania's electoral legislation. Owing to governmental and parliamentary inaction, in the first Commonwealth election the five Tasmanian MPs had been elected from a State-wide electorate. After five electorates eventually were created for the 1903 election, it came to be realised that an opportunity now existed to make significant changes to Tasmania's electoral legislation, while also giving the small State an opportunity to save money. Accordingly, in 1906-07, the Tasmanian Parliament made three legislative changes of particular significance.

A major alteration was reduction in the number of House of Assembly electorates from 35 to five. Six MPs were to be elected from each electorate. There was therefore a reduction in the number of MHAs, with the associated savings. The second change also promised governmental savings. The five House of Assembly electorates were to have the same name and boundaries as those for the House of Representatives. Whenever Tasmania's House of Representatives boundaries were changed, so also

would the House of Assembly boundaries be changed. In effect, therefore, the State had handed over to the Commonwealth the cost of altering the local lower house's boundaries whenever that became necessary.

The third alteration flowed from the introduction of these changes. Proportional representation was reinstated, but a significant change was made to the quota arrangements with the introduction of what was known as the Droop Quota.²¹ This required that an electorate's votes be divided by the number of members to be elected, plus one, to which the figure of one was added: $(\text{votes}/\text{seats}+1) + 1$. This would ensure that it would be impossible for more candidates to gain a quota than the number to be elected.

Hare-Clark over the years

Hare-Clark has remained in use since 1909, though with various changes to the way it has operated. It would be misleading to suppose, however, that the system's continuing use has been universally applauded. Before we look at what critics have said over the years, however, it is important to describe various aspects of the system.

Electorates

Since Federation, Tasmania has never qualified for a sixth House of Representatives seat. This has meant that the State has been able to maintain the five House of Assembly electorates, based on the boundaries of the five House of Representatives electorates. From 1909 to 1959 six members were elected from each electorate. Uneven numbers per electorate has been the norm since seven-member electorates were created for the 1959 election. This was changed to five per electorate in 1998.

Ballot paper — appearance

Grouped party candidates on a Tasmanian ballot paper are listed in columns as in Senate elections. Ungrouped candidates appear in a column to the right of the party groups. The ballot paper does not have the horizontal line seen on Senate ballot papers that was introduced to encourage voters to vote "above the line" for the party of their choice.

Ballot paper — rotation of names

Where a candidate's position in each column was originally alphabetical, since 1979 this has varied from paper to paper under what is known as "Robson Rotation".²² This provides for the names in each group to be re-ordered from ballot paper to ballot paper, so as to reduce the impact of any advantageous ballot positions.

Quota

A major difference between the Hare-Clark system and preferential voting is the size of vote needed to be elected. Whereas the latter requires 50 per cent (plus 1 vote), the Hare-Clark requirement depends upon the number of parliamentary seats to be filled. In a five-member electorate, the quota is 16.7 per cent, in a six-member electorate it is 14.3 per cent, and in a seven-member electorate it is 12.5 per cent. For Bass in 2010, 63,698 votes were divided by six (5 + 1), giving a figure of 10,616.333. The remainder was dropped and one added to the total, giving a quota of 10,617 votes to gain election.

Vacancies

When a seat becomes vacant in all Australian preferential voting elections, a by-election is conducted. The Tasmanian legislation specifies recounts, where the votes of the retiring member are used to elect that member's successor. Thus, only candidates from the previous election may nominate for a recount.

Hare-Clark strengths

Ballot paper “freedom”

Ideally, electors should be given the chance to vote for any of the candidates contesting an election. Some multi-member systems have a single “closed list”, where voters may only vote for a party. Israel is an example. In Australia, the provision for “above the line” voting in some proportional representation elections influences the voting behaviour of many people. By contrast, in Tasmanian elections, although party lists are presented on the ballot paper, the voter is unrestrained, and able to vote for any individual candidate in what is described as an “open list” system. In fact, Tasmanian Hare-Clark voters have to work out their preferences with no assistance from their party. The electoral law forbids anyone from canvassing for votes, soliciting the vote of an elector, or attempting “to induce an elector not to vote for a particular candidate or particular candidates” within 100 metres of a polling place. The consequence is that how-to-vote cards are nowhere to be seen on polling day for the Tasmanian House of Assembly.

Reflecting voters’ wishes?

In a single-member preferential voting electorate with a long history of voting Labor, a Liberal voter may feel little relationship with the local MP. In that voter’s case there may well be no acceptance that an election has reflected community views. On the other hand, Hare-Clark, in which either five or seven MPs are returned in each Tasmanian electorate, has never failed to return some Liberal²³ and Labor MPs in each. Green members have also been regularly elected since the 1980s. In years past, a number of Tasmanian independent MPs have been elected, though none since 1982.

Representing all voices?

Western legislatures tend to under-represent women, manual workers and religious and racial minorities. This is intimately connected with the pre-selection practices of the major parties. When proportional representation is used in multi-member electorates, however, parties feel they can afford to allocate more places on candidate lists to female candidates and the members of minority interests. The incentive to have a more balanced ticket thus has appeal.²⁴ This can be seen in the practices of both the Tasmanian Labor and Liberal parties with regard to the nomination of women.

Proportionality

The term, “proportional representation,” refers to representation in proportion to the vote gained by a party. This is pointed to by its supporters as far more likely to be achieved when using this voting system than when other methods are used. In the most recent Tasmanian House of Assembly election (2010), the Liberals (39.0 per cent) and Labor (36.9 per cent) each gained 40 per cent of the House of Assembly seats, while the Greens (21.6 per cent) secured 20 per cent of the seats. Preferential voting is far less likely to see such a high degree of proportionality. In the 2011 New South Wales Legislative Assembly election, Labor’s 24.0 per cent vote earned it 21.5 per cent of Legislative Assembly seats, and the Greens’ 10.3 per cent produced one seat (1.1 per cent). By contrast, the Coalition’s 51.1 per cent saw its share of Assembly seats being 74.2 per cent. Observers refer to this as the “winner’s bonus” that advantages the winning party or parties in elections that use single-member electorates. Ironically, Hare-Clark’s tendency to produce higher levels of proportionality does not appeal to the major parties. Sawyer has spoken of the “considerable” major party distrust of the voting system, due to its removal of the bias against minor parties so evident in preferential voting.²⁵

Reduction of wastage

Another Hare-Clark advantage is the avoidance of a great deal of what is called the “wastage” of votes that occurs when single-member electorates are used. When preferential voting is used, for example, a 50 per cent (+1) vote is all that is needed for a candidate to be elected. Therefore, it can be said,

every vote above that figure is “wasted”. A typical example was the electorate of Albury in the 2011 New South Wales election, where Greg Aplin’s 61.1 per cent vote meant that he gained 11,531 more votes than he needed to win the seat. It is impossible not to have some wastage when proportional representation is used, but the distribution of surplus votes means that it is nowhere nearly as marked as in examples from preferential voting or first-past-the-post elections.

No seat is safe

Potentially, all party candidates are vulnerable in a STV election. In Senate elections, however, a combination of fixed-order party lists and above-the-line voting gives protection to the first two candidates in each major party’s State list. In Tasmanian House of Assembly elections, however, parties may not rank their party lists, and many voters seem to understand that they may target a non-performing MP, while still voting for that MP’s party. The system thus provides no safe seats for “complacent or tired party members”.²⁶ In Tasmania this could be seen most spectacularly in 1979 when the Labor Government was returned with 54.3 per cent of the vote, yet a controversial, under-performing minister lost his seat, against all expectations.

The relative lack of safety for candidates is due to the fact that they are fighting not only their obvious political opponents for votes, but candidates from their own party. A typical case occurred in the 2010 election. In Braddon the campaign of a new Liberal candidate, the well-known local businessman, Adam Brooks, saw the defeat of fellow-Liberal, Brett Whiteley, a member who had been considered likely to be re-elected.²⁷

Hare-Clark weaknesses

If we look at the use of preferential voting for various Australian elections, we notice that little is said about the voting system, suggesting general community acceptance. This has not been the case for Hare-Clark in Tasmania, which, despite being generally accepted by the community, is often criticised. An *Examiner* editorial in 1934 noted that a State election “always brings more or less criticism of the Hare-Clark system”,²⁸ something that has been confirmed in the years since. There are various problems that have been pointed to over the years.

Not easily understood

It can be argued that the more citizens understand how they elect their representatives, the more accepting they will be of their representative assemblies. The general acceptance by voters of preferential voting for elections for the Australian House of Representatives since 1919 seems not to have wavered on the rare occasions when a clear result has not been achieved. By contrast, a long-expressed Tasmanian view is that the complexity of the Hare-Clark system is difficult for a great many voters to understand, or necessarily accept. Many probably share the views of a letter-writer to the *Mercury* more than a century ago, who described what he called the “Clark-Hare” system, as “abstruse” and, except for the Government Statistician, “unworkable”.²⁹ Does this matter? A supporter of Clark, Professor Jethro Brown, realizing the complexities of the system, tried to dismiss such concerns. According to him, “a knowledge of the system is of no more practical importance to the voter than is a knowledge of the steam engine to a railway traveler”.³⁰

This is not a view with which others have agreed. Some have tried to suggest ways around this problem. In 1922 John Piggott MHA (CP) called on the Minister for Education to have the workings of Hare-Clark taught in State schools.³¹ In 1953 the ALP State Conference called on the Government to have voting rules taught in 8th and 9th grades of Government-subsidised schools.³² Another idea has been voter-targeted publicity at election time. For some years, as polling day approached, it was common for newspapers to include details of the system, in order to educate voters. In 1928, for instance, the *Mercury* included a “How to Vote” segment to aid its readers, something the *Examiner* was still providing in 1950.³³

A slow result

Most preferential voting election results are known quite quickly. By contrast, the counting in proportional representation elections for multi-member electorates is much slower, due to the larger ballot papers and the more complex method of counting. This can produce counts of inordinate length – in the 2002 Tasmanian election there were 251 counts in the electorate of Braddon, but 739 counts in the electorate of Bass. It can be many days before the final membership of the House of Assembly becomes clear.

Unstable government

For many observers, a very important feature of an electoral system is whether or not it produces stable government. On this measure proportional representation in Australia does not have as good a record as does preferential voting. In the years since the latter was introduced for House of Representatives elections, only in 1940 and 2010 has one party or a coalition of parties failed to win control of the House. By comparison, in only 12 of 21 Tasmanian elections since 1940 has one party gained a majority of House of Assembly seats, and in a number of cases an early election has been forced upon a government, most notably in 1948, 1950, 1956, 1972, 1992 and 1998. Minority governments thus are much more common in Tasmania than in jurisdictions where preferential voting is used.

The “problem” of a third party

The Hare-Clark system has worked quite well over the years, but critics would say that was because the battle was generally between Labor and the major non-Labor party. Occasionally an independent would disturb the major party monopoly, but the “problem” was seen as short-term only. However, since 1972, when the environmental United Tasmania Group contested an election and nearly won a seat, the emergence of an environmental party has caused difficulties for the two major contestants. Much to the dismay of the major parties, the Greens won four of 25 seats in each of 2002 and 2006, and five seats in the most recent election of 2010.

The size of the Parliament and the impact upon government

The Tasmanian House of Assembly was reduced from 35 to 25 members prior to the 1998 election in an effort to eliminate Green MPs.³⁴ An unintended consequence, however, is the impact this has had upon government in the smallest State. With a vote of 66.7 per cent needed to win four of the five seats in any electorate, it is highly unlikely that a party or coalition could do so. This means that even were a party to win a majority of seats in every electorate, the best it can achieve is to hold 15 of the 25 seats.

This limited number creates appointment problems. As there are usually nine Cabinet positions and one government member holding the Speakership, most government MPs will hold portfolios, with reduced flexibility for portfolio changes during a Government’s term of office. In a recent Parliament, the resignation of two deputy premiers saw the Labor Government forced to take replacements from the Legislative Council, something that is not unknown, but which runs counter to the traditional non-party history of the State’s upper house. When a new government is unable to gain a majority in the House of Assembly, the choice of ministers is even more difficult than it would be in a larger parliament. Currently, seven Cabinet members, plus the Speaker, come from the ALP’s ten lower house MPs.

As noted above, the 1998 reduction in size of the House of Assembly was an effort to return elections to Labor versus Liberal contests. In 2008, the *Mercury* acknowledged that it had supported the 1998 reduction in size, but in the years since had come to regard this as a serious mistake. An editorial spoke of there being too much power in the hands of advisers and public servants, because ministers did not have the time to get across their various portfolios: “The cold, hard fact is that there

is simply too much work for too few people in the executive arm of government and too few people left over – the backbench – to deal adequately with the concerns of the electorate.”³⁵

Some now believe that if there is to be an improvement in the performance of the House of Assembly, there must be a return to the 35-member House. The only uncertainty is the number of electorates – five or seven.

Putting parties before representation

For Inglis Clark, making Parliament the forum of the colony was the key benefit he sought from the new voting system. Taking his cue from Thomas Hare, he saw what he called “the representation of all opinions” in the Parliament as the ideal that proportional representation would help achieve. In doing so, the place of the “accursed party system”³⁶ would be undermined, as Parliament’s role as the forum for Tasmanian voices was emphasized. However, these views have been of no importance in Tasmanian politics since. Although the principle behind Hare-Clark was thus more about the representation of interests than party control of the Parliament, this is not a view that the Liberal or Labor parties have ever been prepared to accept. The problem has been very much affected by Tasmanians’ views of the place of parties in the polity.

As early as 1909 the future Liberal Premier, Albert Solomon, was warning that the voting system would cause the disintegration of the newly-emerged political parties.³⁷ Solomon’s view was an early indication of the centrality of parties in many Tasmanians’ understanding of Parliament’s primary function. This attitude has strengthened in the century since. In fact, Tasmanians’ views of the centrality of parties to government has not been significantly different from that of their fellow citizens in the other Australian States. The unhappy reaction of many to the hung parliaments that were the consequence of the 2010 Commonwealth and Tasmanian elections indicated this very clearly. Rather than see Parliament and the community being strengthened by results where the major parties had to acknowledge the presence of other community views in the Parliament, there has been widespread dismay that each government would have difficulty in implementing its electoral mandate. Some critics took the electoral outcomes as an indication that the Gillard and Bartlett governments did not have a mandate to govern. The Hare and Clark aims of a broad community representation therefore is of little importance to such critics. The main indicator of this has been that the changes made over the years to the Tasmanian voting system have been driven by concern about the parties’ problems, rather than whether or not Hare-Clark was operating as Clark had expected. This can be seen in five important examples.

Numbers of members per electorate

Throughout Hare-Clark’s history, voters have often produced a House of Assembly in which the government has had a very narrow majority, or has even been forced to form a minority government. When there were six members per electorate the major parties occasionally won 15 seats each. Rather than accept what the voters have decided in different elections, however, the major parties have tended to reject what was basic to Clark’s hopes. The 1958 increase in the size of the House of Assembly to seven members per electorate, for example, was driven by party concerns over achieving control of the House of Assembly, rather than a preparedness to accept the result of the election as an indication of voters’ views about government and society.

The Speaker

Much discussion in the early 1950s addressed the “problem” of the two major parties halving the House of Assembly membership. Some seemed prepared to undermine the place of the office of the Speaker of the House in an effort to rectify the situation. Former Nationalist Premier, Sir John McPhee (1928-34), for example, wondered if there should be a permanent Speaker, possibly a public servant. Future Labor Premier, Bill Neilson (1975-77), suggested that the Speaker should be able to

vote only on matters of precedence.³⁸ A 1951 Board of Enquiry came up with the idea of a State-wide election of the Speaker, or else a permanent Speaker with a casting vote.³⁹ Eventually, changes made in 1953 and 1954 provided for the possibility of an increase in the size of the House of Assembly to 31 members for the duration of a Parliament, if the parties' numbers were equal. The Speaker would be appointed from the party with the higher popular vote, and a replacement appointed by a recount of that Member's vote. Such a revolutionary event never occurred.

Placement of names on the ballot paper

Originally, the candidates' names on the ballot paper were placed alphabetically in a single column. In 1941 this was altered so that each party's candidates were placed together in separate columns. The parties hoped that this would help keep electors' votes under a tighter control than had been possible under the previous arrangement. One can surmise that Inglis Clark would not have been impressed by the reasoning behind such an alteration of the electoral law.

Robson Rotation

From 1941 there were occasions when an advantageous ballot position was significant in the election of particular candidates. "Donkey vote" electors, voting up or down a party list, occasionally aided particular "undeserving" candidates to gain election. This was recognized on both sides of the chamber as a weakness and, as noted earlier, the electoral law was changed in 1979 to provide for the position of names within each group to be altered by provisions of the so-called "Robson Rotation". Once again, the change was made with the parties' well-being in mind, rather than the electors'. Its introduction was, in effect, a criticism of the voting behaviour of the Tasmanian community. Rather than accept the public's vote, it was another attempt to control it for the sake of the parties.

By-elections – and recounts

When Hare-Clark was established in 1907, by-elections were the method of filling a casual vacancy. As it came to be realised that governments were very likely to have narrow majorities, it was seen that members leaving the House of Assembly might, inadvertently, threaten the very existence of the government. Most by-elections produced victories by the party of the former member but, on two occasions during the First World War, a by-election was won by the Opposition party. As a consequence, a speedy change to the law in 1917 introduced recounts. This has been widely accepted by the parties, but not all observers are keen on the arrangement. In 2011, a letter-writer to the *Mercury* spoke of the need to have by-elections rather than recounts, so that voters could elect "who they want, not just the next runner-up".⁴⁰ As the parties believe that the health of governments is of more importance than the voters' views, however, recounts have remained in operation.

Abolition of Hare-Clark?

Over the years since the 1909 election, party concern over the frequent absence of a workable majority in the Parliament has been a constant theme in Tasmanian politics. Perhaps not surprisingly, it has often led to suggestions that Hare-Clark should be taken out of the electoral legislation in favour, probably, of preferential voting.⁴¹ In 1948, Frederick Marriott, MHA (Lib), predicted that were the voting system to be dispensed with in favour of preferential voting or first-past-the-post, single-member electorates "would not permit deadlocks in Parliament".⁴² Probably more non-Labor politicians have tended to push such a view than have their Labor opponents, though "Stymie" Gaha, former Labor MHR and later MHA, was one senior Labor critic who urged that single-member electorates be created for the House of Assembly. Hare-Clark might be "mathematically perfect", he stated, but had "failed for practical purposes in present-day politics".⁴³ On another occasion he described the system as "the invention of a madman".⁴⁴

As the Greens have become a force in Tasmania since the 1980s, more anti-Hare-Clark voices have come to be heard. After the 2010 election, with its 10-10-5 result, there were a number of calls for an end to “this idiotic system”.⁴⁵ One critic was veteran Tasmanian economics and business commentator, Bruce Felmingham. He reported that small businesses were effectively frozen during the long period required to count the vote. This was due to the uncertainty as to who would be forming a government. For such firms, the electoral system “has become a nightmare”, and he advocated replacing Hare-Clark with a voting system that produced a more speedy result.⁴⁶

Does the Hare-Clark system have a future in the State from which it emerged? One’s answer to that can depend upon one’s view of political parties.

If the major parties are determined to aim for majority governments, then it would seem to make little sense to retain the system. Changing to preferential voting, for example, would be just a matter of a Labor and Liberal cobbling together of a short-term majority in each house to pass legislation. Almost certainly, such a change would mean the achievement of more government majorities in the House of Assembly and the end of Green membership of the House. There are certainly some observers, such as Felmingham, who believe such outcomes would benefit the State.

On the other hand, a University of Tasmania forum, held during the 2010 election, noted that “multi-party systems are increasingly common in advanced democracies” and nothing to be too worried about. If such governmental arrangements are to succeed, however, “distinctive strategies and institutions are needed”. Speakers pointed in particular to such governments in New Zealand and Denmark, as well as the ACT.⁴⁷ Perhaps political culture is important in this? Since the establishment of the ACT Legislative Assembly, there has been only one majority government to emerge from the eight post self-government elections, yet this is not a major issue in that polity.

Nor has it been a major issue in New Zealand since the alteration to a form of proportional representation in 1996. As in the ACT, minority governments have become the norm, with little apparent difficulty. According to the Prime Minister, John Key, government proceeds smoothly, “the minority parties have got better at recognizing their influence has to be proportionate to their support [from the electorate]”.⁴⁸ Such an acceptance is not the attitude of many Tasmanians, nor of the two major parties. The snap 1992 Tasmanian election was held after the Labor Premier, Michael Field, said that he would no longer work with the Greens in the uncomfortable partnership that had existed from the 1989 election: “we are not going to enter into any accord, or coalition or any alliance of any sort with any group”.⁴⁹ This was despite the likely defeat of his party. By contrast, another former ALP Premier, David Bartlett, has recently stated that minority government “allowed for more debate and transparency”:

What it allows us to do is have mature, sensible, effectively mutually beneficial conversations, because they [minority governments] are not about opposition for opposition’s sake, they’re about what’s for the best of the constituency.⁵⁰

His view, while politically realistic, would not be accepted by many Labor or Liberal party members.

In conclusion

With so much criticism over the years, how has Hare-Clark survived for so long? Claims are sometimes made that the voting system is beloved by many Tasmanians – perhaps that plays a part? Many voices have praised it over the years. Labor MLC, Jim Connolly, stated sixty years ago that Hare-Clark had proved to be “an almost infallible way of obtaining proportional representation”. He asserted that, while it continued to be in the electoral legislation, there “need be no fear that the people will not be properly represented”.⁵¹ Many probably still share such a view – Malcolm Mackerras has spoken

of it being “widely admired by reformers and commentators and loved by Tasmanian voters”.⁵² A different view is that of Richard Herr of the University of Tasmania, who has wondered if its position in the Tasmanian governmental system is not necessarily because of what Clark hoped it would achieve, but for “its image as a uniquely Tasmanian development”⁵³ – or, as another writer has put it, Hare-Clark is “a part of our life”.⁵⁴

Many years ago, Herr pointed to the irony in the fact that Hare-Clark “is more highly supported when it does not achieve its philosophical aims than when it does”.⁵⁵ More than twenty years later, the irony has only deepened. It does, however, make for a fascinating story for those who are interested in the operation of parliament and government in Australia.

Endnotes

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 20. Scott Bennett, “Political corruption, the fall of the Braddon government and Hare-Clark voting: E. T. Miles, 1899-1900”, *Tasmanian Historical Research Association Papers and Proceedings*, vol. 39 (4), Dec 1992, 155-56.
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 22. Named after Neil Robson MHA, the originator of this system.
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