

The Electoral Bill. Hare's System of Voting.

The amendments made in committee in the Electoral Bill were considered [in the House of Assembly].

The Attorney-General (Hon. A.I. Clark) moved that the amendments be agreed to.

Mr Hartnoll said that he desired to move that the bill be recommitted for the purpose of reconsidering clause 122, and others, which related to the Hare system of voting. It was proposed to entirely alter the system of voting which had been vogue up to the present time in two divisions of the island, while the rest of the colony was left under the present system. The question had been passed through the House on a previous occasion with very little discussion, but it was one of such magnitude that he thought it deserved the fullest consideration. Many said that the Hare system, which was in vogue in Denmark, was good for the Danes, and should, therefore, be good enough for Tasmanians. It was over 30 years since Mr. Hare had written on the subject of conducting elections, and during the whole of that time the system he had proposed had made no progress whatever in the feelings of the British people. They knew very little in this community with regard to the opinions and methods of conducting the business of the Danes, but rather than take Danish methods as their guide, they should look to the methods adopted in England.

Mr. Mulcahy: What about the ballot; why did not we have the old style there?

Mr. Hartnoll said that Australia had taught England the method of the ballot, but the question he was now discussing was entirely distinct. The ballot, as copied by England from Australia, had stood the test of criticism, but, Hare's system had not, so far as he was aware. It had only been put into operation in regard to the metropolitan and some other school boards in England, and even then it was a question whether it had been the pronounced success its adherents claimed it to be. He was confident that any member of the House who was fully conversant with Hare's work would become appalled at the intricacies and difficulties in the application of his system.

Mr. MacDonald: No one has ever asked for it except the Attorney-General.

Mr. Hartnoll said that the great fault of the present Administration was that they were always striving after some kind of surprise for the public. It had been conceded that the country required financial rest, and no sooner was that achieved than they were asked for political unrest. If the system was to be applied at all, it should be applied to the country as a whole. Let every country constituency take in two of the present electorates and make the system apply to every part of the island, and not single out Hobart and Launceston for an experiment, which might be disastrous for the community. He did not remember that there were many Australian politicians who had been spoken of in such high terms as the late Chief Justice Higinbotham of Victoria. When Hare's system was brought before the Victorian Assembly, Mr. Higinbotham was a member of it, and expressed himself hostile to the proposed measure. He said that if it were proposed in its entirety he would gladly have assented to the proposition, though for other and far more important reasons than the representation of minorities; but he was opposed to its adoption in a mangled form applied to four particular constituencies, and he had heard nothing urged which had weighed upon his mind to induce him to qualify his opposition. Four constituencies in Victoria would be about equivalent to two in Tasmania, so that the

position was just the same as in Victoria, when Mr. Higinbotham spoke. So it would be seen that the large-hearted and highly intelligent politician, one of the greatest minds which the Australian colonies had seen, condemned the system as applied to a certain section in the community, because he saw its imperfections. He hoped hon. members would give a conscientious vote, though it did not concern themselves and he ventured to affirm that the great majority of city constituencies in the colony would be opposed to it. Under the system the election of some men would be assured, but the effect of the wider range of principle would be shut out. Mr. Wilson, who is a leading member of the New South Wales Legislature, speaking upon the system, said it was too complicated for any person to understand, that he believed not more than ten men in both Houses of Parliament comprehended it, and that having heard it explained he was mystified, and knew less about it than he did before. There were certain features in the system which commended themselves to one's judgment, but there were others which counter-balanced them, and he hoped the day was far distant when the system would be introduced into this colony. The reason why it was proposed here was because it suited Denmark admirably, but the surrounding circumstances in Denmark might be entirely different from ours. It was applied only to the Upper House in Denmark, which was composed of 54 members, each of whom must pay £22 direct taxation to the State or enjoy an income of £163 per annum. Thus the principle was on a conservative basis in Denmark: the Upper House there was taken from the exclusive class. We had a more democratic basis in this colony. Furthermore, there was no Executive in Denmark, the King was supreme. He had perused an essay of the wife of the late Professor Fawcett (included in that gentleman's works), in which she spoke very generally in favour of Mr. Hare's system, but stated that no completely satisfactory solution of one difficulty had appeared. The difficulty was that the second vote might not be counted directly in favour for whom it was given.

The Attorney-General: I will obviate that. I challenge anyone to pick a hole in the system as I present it. Mrs. Fawcett's essay was written in 1872. There has been nearly 30 years' discussion and writing upon the subject since then.

Mr. Hartnoll: The system was the same to-day as then, and the most enlightened minds in the world had been trying to explain away its difficulties without success. The difficulty to which he had alluded was a very glaring one indeed, which the so-called improvement of the Attorney-General would not remedy. Why should the second vote be left to chance and not expressed? The effect of the system would be to do away with the wide range of voting and cut the people up into little organisations which would be played off against the representation of large questions, that would be put out of sight. What was good enough for England was good enough for him and for Tasmania. It was extremely unfair if the system were introduced at all, not to make it universal. The Attorney-General had no right to make it an experiment with Hobart and Launceston. It was desirable that the bill should be recommitted for it was unwise to introduce a system of which the people had not a grip. He moved that the bill be recommitted.

Mr. Nicholas Brown welcomed the opportunity for more fully discussing the Government proposal in regard to the Hare system, though he regarded the objections to confining the system in the first instance to Hobart and Launceston quite untenable, as well as those referring to the manner of its adoption to other countries. As to the ready acceptance of the ballot system after its trial in Australia, that was owing to the remedy it gave for evils that had existed for years, remedies which appeared on the face of the

system, whereas Hare's system did not affect the electors so much as it did the candidates, and the returning officers, and formidable as the task might appear at first, all difficulty would very soon disappear altogether. It only wanted actual practice to show how true the theories were, involved as they might seem, but experience would soon make it as simple as possible. As to the remarks of Mr. Higinbotham, they probably referred to a much more objectionable set of proposals than those Mr. Clark had brought in here. The feeling of the day was in favour of the representation of minorities in some form or other, the equality which all true democracy was so strongly the advocate for, and he looked upon the Hare system as likely to deliver them from much that is parochial, mean, miserable, and to a certain extent degrading in the public life of the day.

Mr. MacDonald endorsed the major portion of Mr. Hartnoll's argument. The citizens of Launceston had not thoroughly grasped the meaning of the Hare system, and he questioned if members of the House had done so, and certainly country members who were opposed to a personal application of the system should not vote for its introduction in the cities. The city electors did not want their privileges reduced. They thought they were going to be increased. They certainly did not understand the question, and a referendum should show at the next general election how the city electors as a whole regarded it. The Hare-Spence-Clark method was what they were offered, not the Hare system at all, and that, in his idea, was neither fair nor just. 1,200 people should not outvote 900 people, as was now proposed. The rule of majorities had not yet been abrogated in other matters; certainly not in the election of Ministries, as it would be under the Hare system, and until the principle had been formerly set aside it should continue to rule in all things. Members elected to the House under the Hare system would represent fewer people than ever, and he hoped it would not be accepted until the people, and especially the people of North Launceston, had been afforded an opportunity of expressing their opinion about it.

Mr. Mulcahy said that the only objection to the system that Mr. Hartnoll had made, that seemed to have any substance, was that it would provide for the representation of cliques. He would ask why cliques should not be represented providing they were sufficiently numerous. This system would do away with the anomalies existing under the present one, and would provide that the various shades of political opinion in the country should be represented in the House. It seemed to be questioned whether the Attorney-General was doing right in his partial adoption of the system. Although the adoption of the system was only partial, it was not a partial adoption of the principle. This was in no way altered. He thought the Attorney-General should have combined the two cities together.

Mr. Hartnoll: Why not put the whole colony into one constituency?

Mr. Mulcahy said he would be in favour of that course if there was any chance of getting the whole colony to adopt it. He did not think the adoption of the system in the cities would do more than educate certain election officers in the method of registering votes, and educate the public generally as to the system. It was said that the general public opinion was opposed to the system, but his opinion was that those who had thought of it were not opposed to it. He hoped the result of the debate would be that the country members would see that the system was a fair one, and that it provided for a better system of representation, and did away with the tyranny of majorities.

The Attorney-General said that he was both pleased and disappointed with the remarks made by Mr. Hartnoll, pleased to find that the objections he had to urge were of such small moment, and disappointed to find that there was running through his observations the consideration of the matter wholly and solely from the standpoint of a city member. The question should be considered from a general standpoint, as to what were the rights of the electors as a whole. No argument that he had heard brought forward in this debate or any other had demonstrated that the electors would not get their full choice under this system. If anyone could show him that the electors as a body would be deprived by this system of their right to put in the particular four or six men they desired to put in, he would admit that the system was a failure and abandon it.

Mr. MacDonald: I will give you an illustration.

The Attorney-General: I will be glad for the hon. member to do so.

Mr. Hartnoll: Sorry you mean.

The Attorney-General: I will not be sorry to be enlightened. (Hear, hear.) It had been said that they should follow the methods of the old country, but he would point out that England had followed the example of the colonies, not only in regard to the ballot, but in regard to compulsory education, and the general care and supply of education by the State. He would be only too happy to apply the Hare system to the whole island, but he recognised the practical difficulties of introducing a totally new system on a very large scale. It was better to introduce it on a small scale and test its practicability, and ask the rest of the constituencies to adopt it when it was proved a success on the strength of its demonstrated merits. In a debate upon the system in Victoria, Mr. Wood had advocated it on the same grounds as he had been an advocate of it—that it would raise the whole tone and character of public opinion. Mr. Woolnough said that instead of having interests represented, they would have opinions. This system had been advocated by some of the most thoughtful and powerful men that England had produced, and he did not know any eminent political thinker in England who had been an opponent of it. With regard to the element of chance, he proposed in this bill that the second votes should be selected in the exact proportion in which they stood in the pile. In that case each candidate would get his exact and proper quota of second votes. He had submitted this proposal of his to two of the most competent authorities on the question of mathematical calculation that he could find, and they were of the opinion that it absolutely eliminated the element of chance, and carried on the actual wishes and choice of the electors as regards the second vote. He had not yet met anyone who proved the system to be a failure. Mr. MacDonald opposed it because he thought the rule of the majority was the true system of representative Government. In the Federation Conference at Sydney he had made a few remarks upon the system which he now repeated and still adhered to. He said on that occasion that neither representative Government nor the British constitution was built upon the rule of the majority. There was an attempt to get the intelligence and judgment of the whole community as to what should be law, but it was not always the case that the majority had the preponderance of judgment and intelligence, and the minority should have the right to challenge the majority, and compel it to prove that it had a preponderance of judgment on its side. We could not allow two or three people who had peculiar views to send a representative to that House, but if one fourth or one sixth of the whole electors entertained certain views, they had a right to send a man there to represent their opinions. The system was a more perfect application of the system of representative

Government than the present system, and he now asked the House to allow it to be applied to the two constituencies best adapted to it. If it proved to be a failure it would not ruin the social and political fabric of the colony. Probably five of the ten members now representing Hobart and Launceston would be again returned, and the net result would be that five new men would be returned for three years under the new system. He had adopted what he considered was a wise plan of beginning on a small and limited scale, and he asked hon. members to support the bill in its present form till the duration of the next Parliament. But he had such confidence in the system that he believed if it were once put into force it would ultimately be adopted throughout the length and breadth of the colony.

The House agreed to the motion for agreement to the amendments on the following division:-

Ayes (18) - Sir Edward Braddon, Sir Philip Fysh; Messrs. Pillinger, Clark, Dobson, Reibey, W.T.H. Brown, Nicholas Brown, McWilliams, Davies, Gill, Von Stieglitz, Mulcahy, Barrett, Leatham, Hamilton, Dr. Crowther and Captain Miles.

Nos (13) - Messrs. Hartnoll, Lewis, Hiddlestone, Murray, Burke, Mckenzie, Crisp, Best, Sutton, Urquhart, MacDonald, Bradley and Archer.

The bill was passed through all its stages.

Source: The Mercury, 23 September 1896.