

Submission to Size of the Assembly Inquiry

When self-government was granted in 1988 the 17 member chamber was proposed so as to present a ratio of one member to 10,000 electors.

This figure, given the vagaries of demographics, was not completely accurate; nevertheless it was close enough even when the Hare Clarke with Robson Rotation voting system took over from the discredited D'Hondt system in 1995.

Since that time the number of electors per member has increased to over 15,000 and in what appears to be an increasingly desperate attempt to maintain the quota of ten percent greater or lesser votes (Section 67 D of the Australian Capital Territory ((Self-Government)) Act 1988 and any associated regulations) in the three electorates of seven, five and five members boundary changes have been introduced which often are bewildering (Molonglo runs from Narrabundah, Isaacs and Weston Creek all the way to Gungahlin), isolated (the three Woden suburbs in Brindabella) or with little in common with the electorate (the Gungahlin suburbs in Ginninderra).

The constant boundary changes are fiddling around the edges rather than addressing the real problem: insufficient members of the Assembly.

Leaving aside the matter of how busy MLA's really are in looking after their constituents (remembering how unsuccessful suburban electoral offices were and discounting groupie social functions in the electorate) the fact remains 17 members (including five Ministers) is an inadequate number of elected representatives to provide the level of State-type governance to over 360,000 people or 257,000 electors.

Based upon the original 1:10,000 ratio the ACT should have 25 members, ie. 1:10290 electors. Whilst this would only raise the percentage of representatives to constituents compared to elsewhere to 7.7 it should be remembered we do not have a level of local government which distorts the statistics for the rest of Australia.

Allowing for seven Ministers the ACT also would be comparable to the Northern Territory and to Tasmania in legislative size.

Granted the Northern Territory and Tasmania occupy larger areas than the ACT however *responsibilities* not *size* should be the determinant and we have the same wide range of governance as they do.

The proposal to increase numbers would not be welcome financially by the electorate, however it must be recognised that no increase in numbers, like parliamentarians' pay rises, *ever will be financially popular*. The absence of the third tier, local government, can be used, however, to offset some of the complaints of extra expense.

A most compelling argument for an increase in the number of members and perhaps unknown to critics is that the complexities of government unfortunately continue to grow and even with the best of intentions Ministers cannot keep apace with their responsibilities and thus can become more and more hostage to the unelected bureaucracy.

It should go without saying too that the smaller the talent pool the less chance of a successful concert.

Certainly increasing the number of MLA's will not guarantee a better performance from Ministers or members but it will not make the performance any worse by a wider sharing around of large portfolio responsibilities thus avoiding the current situation of Ministers each handling three to five portfolios.

Reducing the load also will ease the health burden which always is a threat to members with their frenetic lifestyles.

The fundamental question is how the increase should be achieved.

Vested interests would advantage their own party or group before the race even starts and as this attitude will not change detail should be left to the ACT Electoral Commission to work out electoral boundaries while the Expert Reference Group simply recommends an increase in members to 25.

Electorates would be reduced in size and the number of electorates accordingly increased to reach the additional number of members, requiring only an uneven total number of MLA's.

Despite claims to the contrary smaller electorates electing a smaller number of members will not disadvantage smaller parties or independents: it has happened before and recently the Greens held a seat in each of the ACT's five member electorates.

The existing 17 member legislature has not always acted responsibly in its attempts to change the law, occasionally resulting in public derision, and it could be argued more members might curb the more extreme attempts.

Whatever decision is reached upon how the numbers are increased it is essential the Assembly membership *is* increased so the elected representatives can carry out their State and local council duties to the best of their abilities unhampered by unreasonable workloads.

The previous Assembly had eight Standing Committees and ten Select Committees – a total of 18 – to be filled by four Greens, six Liberals and two Labor backbenchers resulting in the simple equation of four and a half committees for each of the Greens, three each for the Liberals and an impossible nine for each of the ALP backbenchers.

Additional members could see an improvement in individual Standing Committee work with members having more time to devote to the detailed examination of

legislation and of issues away from the confrontational approach of the public chamber.

Additional members also would reduce the number of Select Committees on which a backbench member must serve during a term of office as these can grow unpredictably depending on issues before the legislature.

Committee work further would be improved because with each member upon less committees failure to meet because of quorum difficulties, say due to a member travelling interstate with another committee, would be lessened.

The anomalous position of the Presiding Officer – as has happened in the past – could be resolved with more members as it is less likely an Assembly of 25 MLA's would fail to provide a party or coalition majority.

Scrutiny of budgets, of revenue and expenditure, would be improved with more members participating and the opportunity to specialise much enhanced: too many portfolio responsibilities does not lead to good opposition performance.

It also is important to ensure that as the ACT population grows even if to the undesirable metropolis sought by cash-strapped governments we do not find the legislature again restricted by the Self-Government Act to a specific number of members.

Ideally the Legislative Assembly for the Australian Capital Territory should be able to decide its own size and required flexibility as to the number of extra members as population increases subject to certain controls such as a two thirds majority support for an increase.

RECOMMENDATIONS

- (1) The Expert Reference Group should seek an increase in size to 25 members with the individual electorate boundaries to be decided by the ACT Electoral Commission.
- (2) This increase to take effect no later than the 2016 Assembly election.
- (3) Provision to be made for future enlargement of the Assembly as and when required subject to certain controls.

Ends

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