

To the expert panel.

Is an increase in Assembly numbers justified? No I am not convinced the Legislative Assembly needs to increase its size from the current 17 members.

Keeping in mind the proportionality requirements of the Electoral Act 1992 and the Proportional representation, (the entrenchment act)1994 and the unique nature of the ACT, the current voting system and Assembly numbers best satisfies many concerns.

The expert panel is aware of the landmark 2002 submission of the ACT Electoral Commission regarding the size of the Assembly keeping in mind the entrenchment principles and that of proportional representation. I support fully their report apart from that suggesting an increased assembly membership.

In opposing an increase in members from the current 17 members elected from the current three electorates, it is important to reemphasise that as the numbers of members to be elected from an electorate increases, the quota (expressed as a percentage) needed for a member to be elected decreases. It is easier for minor parties and independent candidates to be elected.

While this may satisfy the proportionality principle, (in that the party or independent affiliation is better represented as a proportion of the votes gained) it does provide for potentially greater instability in the political process. The ACT electoral commission pointed out in their 2002 submission that

“this could tend to make the Assembly more unstable, as coalitions may need to be constructed of several different political groupings and/or independents in order to elect a Chief Minister and to enable the Chief Minister to govern.” Submission to the Standing Committee on Legal Affairs. ACT Legislative Assembly *Inquiry into the appropriateness of the size of the Legislative Assembly for the ACT and options for changing the number of members, electorates and any other related matter* ACT Electoral Commission. 30 April 2002 page 8

This may be an issue, however there are many other systems, as exhibited by single member electorates in other parts of Australia, where a government has had to negotiate with fringe elements outside their Party.

It has been assumed, based on other submissions, that an increase in political representation must, by the very nature of having more elected representatives, be good.

I can find no evidence that in a parliamentary democracy this has shown to be the case. I can find no evidence that an increase in representation has generated a better (however one might define that) more hard working and effective representative than the past.

In fact by increasing the number of elected representatives from an electorate, if the quota needed to be elected is smaller, then the **value** of an electors vote in its fullest sense has been reduced, not enhanced. While the lowered quota might empower some voters to be able to get ‘their’ candidate elected, for others increasing the numbers of candidates increases the competition and thus the chances of their chosen candidate not being elected. I am not

suggesting a dictatorship benign or otherwise is a possible contender here, but the calls to increase the size of the current Assembly based on a notion of greater democracy is a sham.

It is the paradoxical nature of the political process, that any effort to increase the democratic power of the electorate will be diminished in proportion to the numbers of elected representatives.

Keeping the current numbers of the size of the Assembly is a sensible proposition given the changing nature of the nature of political representation.

What is the nature of Assembly representation? Firstly it is for good government of the people. It doesn't necessarily follow that more members will equate to better government. It will be the decision making process, professionals in the public service, reference to the people and use of experts in their field that, other things being equal, will lead to better outcomes. Increasing the size of the assembly is not one of those factors. In fact there is no evidence that anywhere in the world that a bigger representative body on its own leads to 'better' government.

There is an argument that as the population of the Territory increases then the Assembly must increase too. I do not, at this stage, subscribe to that belief. The reason is the changing nature of political representation.

It is the nature of political representation now that is now so different than before that is the key. Previously, personal appearance and mail was the only way to see representative or get a matter addressed. Today, communication between an elected representative and the electorate is easier, faster and more inclusive than ever before. Electors and elected have a variety of communication forms, and given the small size of the Territory seeing or contacting one's own representative and or contacting the electorate office has never been easier, more instant or the feedback more speedy. And where this is not the case, it is inability to communicate clear messages that is the problem, not the numbers of elected representatives.

In fact the size of the urban area of the ACT is one good reason not to increase the size of the Assembly.

This is an important point that has often been overlooked. It is the geographic size of an area of representation as well as the number of constituents that is important. In the past all evidence for an increase in representation was focussed solely on the number of constituents, and thus as the numbers of constituents in the community grew so there 'should' be more representation. My contention is the compact nature of the urban areas of the ACT means closeness of electors to the elected. This precludes the need for greater numbers of elected officials.

In the following analysis brief though it is, there is really no need for an increase in Assembly members. As local government functions are carried out by the Assembly, it is noteworthy that in the States these functions are carried out by *fewer* elected officers as council amalgamations over the last ten years have shown.

My contention is that increasing use of appropriate technology, the closeness of Assembly members to their electorates and the relative homogeneity of the ACT electorates means that it is easier than ever before for elected office holders to carry out their electorate and other responsibilities. These factors combined with a higher than average income and thus rating income ability means that many areas of public administration and provision of services in the Territory are more fully funded and better provided for than is found in many other parts of Australia. As well, the ACT is a Federal capital Territory with its attendant increase in resources and services befitting a capital city in the twenty first century. This too adds to the range of services and the provision of quality resources unavailable to residents in any other jurisdiction.

So, the insistence that only electors or population should determine the numbers in the Assembly is based in my opinion on an out of date philosophy and ignores the changes in the contemporary nature of political representation and ignores the reality of the ACT being like no other part of Australia. In the following examples I have taken the area that each elected State member or local government member is responsible for. I have ignored Federal government representatives as it is only State and municipal functions of government that are relevant.

In the following analysis I have not used population as the basis for representation but geographic area. I have deliberately left out National Parks or Nature conservation areas. Not that there is no political responsibility for them but there are few if any constituents that need representation there. Similarly in the States, forestry reserves, vacant crown land, defence ranges and mining reserves have equally been taken out of their respective areas. The figures provided by Geoscience Australia contributes the following.

For the ACT the 2358sq km total area is reduced by the 46% of the Territory being National Park. The resultant 1273 sq km is largely then urban area, and while it does include city parks, lakes, open space and green belt, this is the area that constituents resides.

This area is represented by 17 members of the Assembly. This is one elected officer for 75 sq. km. of what I will call **representative area**. This makes the ACT, the part of Australia to have each elected representative responsible for the smallest electorate area.

In New South Wales, each of their 1,653 elected representatives providing State or Local government function is responsible for 430 sq km. of representative area.

In Victoria their 759 elected representatives providing State and local government functions is responsible for 197 sq. km. of representative area

In Tasmania, where nearly 60% of the state is national or other parks, each of the 321 elected representatives responsible for State and local government functions is responsible for 86 sq. km. of representative area.

The States and Territories can be summarised as follows

State or Territory	representative area	State/local govt. Members	Area per representative
Northern Territory	1274042 sq. km.	173	7364 sq.km
Queensland	1603936	642	2498
Western Australia	1496486	1327	1128
South Australia	752310	783	960
New South Wales	710342	1653	430
Victoria	149616	759	197
Tasmania	27601	321	86
ACT	1273	17	75

Source for area and calculation of representative area Geosciences Australia

<http://www.ga.gov.au/education/geoscience-basics/dimensions/area-of-australia-states-and-territories.html>

Source for State/local government representatives, the discussion paper appendix

Given the above figures, the compact nature of the representative area in the ACT and recognising the unique nature of the Territory's Assembly being responsible for municipal functions as well, then by comparison to the rest of Australia the necessity for more politicians for the Assembly is found wanting. Given the compact nature of the Territory we do not have the need for services and political representation stretching over thousands of kilometres.

If there are perceived problems in the nature of political representation in the ACT then this can be addressed in a number of other ways rather than increase the number of members of the Assembly. At present the 17 members are responsible for the smallest area in any State or Territory.

Will the electorate have their issues and concern more speedily addressed if there were more members? There is no evidence for this happening. It is the quality of the office staff dealing with issues from the electorate and their ability in problem solving that is the key factor. The numbers of Assembly representatives have little to do with this part of the process.

Today electors and elected can and are in instant communication. Pod casts SMS, email, voicemail, MMS, videoconferencing etc. are all part of the armoury of elector / elected interface. Also, given the small size of the ACT compared to other jurisdictions electors and elected have more regular opportunities of seeing one another. There is no pressing need in this regard to increase the size of the Assembly.

The second element of political representation is the quality of the decision making process. Again whether there are 17 member of the Assembly or 117, the final decision and opinion of an Assembly vote is going to be no more 'correct', nor the decisions of the elected body no more 'responsible'.

In the modern political process as in the past, it is the quality of the people involved in the process that is important. Other things being equal, the 'gene pool' should be *potentially* strengthened by more representatives . However given the contemporary nature of selection of the candidates, increasing the size of the Assembly will do little in this regard.

So, unfortunately other things aren't equal. The reason being is that by and large the party process of pre-selection continues to select candidates based on pre selection numbers of party 'popularity' and factional allegiances rather than any suggestion of strength in public administration. I don't see this changing in the short or medium term given the largely party nature of political representation in the Assembly.

I don't mean to denigrate the current or previous Assembly members. In the main they are well meaning and hard working and there is nothing more important and meaningful as public service. However as party representatives their allegiance is to their respective Party. Their success in the pre-selection process, and potential Assembly election success, is a reflection of their ability to garner support within their faction and within the eligible pre-selection panel.

The third element put forward to increase the size of the Assembly is the workload of Ministers. Hard working are they all. However any suggested increase in Assembly size seems more to do with a potential ministerial pool by having an increased backbench. Given the nature of Assembly elections in the 20 years since self government, and the vagaries of the Hare Clarke system combined with Robson rotation as well as the proportional representation requirements, overwhelming backbenches with potential talent to replace failing Ministers hasn't eventuated.

Given the nature of selection of Party candidates as previously outlined there is no evidence that greater overall Assembly numbers will *ipso facto* lead to a larger talent pool of prospective Ministers.

There is nothing inherently wrong with ACT Ministers in a relatively small jurisdiction of urban electorates having more than one portfolio. It could be argued, (although I won't here) that being Minister for Health or Education or any other portfolio responsibility in a Territory of 360,000 residents, would not be as daunting as being the Health or Education Minister in a State of five million residents. Is the respective NSW State Minister working 13 times more than the ACT Minister?

What of the workload where one Minister may have many portfolio responsibilities? This could be an issue if it were not for the fact of having staff to handle the matters in hand. Even decisions on public policy issues are as much a matter of Party allegiance, and party policy than a single Minister handling daily events. Day to day running of the department or a Ministerial office is handled by an ever resourced office and public service, at whose disposal are resources, research tools, information sources and communications previously only ever dreamed of. An increase in the size of the Assembly of or by itself will do nothing to change this. It seems that a proposed increase in Assembly size is code for an increase in the size of a cabinet in order to share Ministerial workload. If this is the case, then given the unique nature of both State type and municipal functions covered by the Assembly, it could be overcome by greater engagement of the current one third of Assembly members who have no Ministerial or shadow responsibilities.

This of course depends on the numbers that would make up a cabinet. Depending on the fall of number and allegiances as the result of an assembly election it is not unusual for those on the cross benches to be given ministerial portfolios. This has resulted in a spread of talent and numbers to handle the portfolio duties. This needs to be followed up as real alternative rather than increasing the size of the assembly in the hope that there will be an increasing number in the ‘government’ and an increasing potential number to select in the ministry , and more importantly more in the pool of backbenchers should a Minister fall.

At present there are one third of members of the assembly unutilised to their fullest capacity. Not diminishing their important role as elected officers, but their talent, apart from committee membership is not reflected in portfolio responsibilities. The excuse for not using these members can’t be lack of experience, as there are many examples in the Legislative Assembly of newly elected members assuming ministerial responsibilities.

The incessant call for more members in the Assembly in order to potentially fix a perceived problem of Ministerial talent pool can be overcome by other solutions.

Another reason against an increase in Assembly members is the lack of call from the community for such an increase. Having practical experience both as a member of the Assembly (prior to self government), in my main occupation, and having been employed in a part time capacity in public opinion polling, I know that knowledge of, necessity for, relevance of and importance of members of the Assembly is quite low in the minds of the electorate. While my own polling shows dismal knowledge and recall of even the five members of the Brindabella electorate, how much more invisible would an increase of members be?

The politerati such as Party members, elected officials, some academics and a relatively small number of the public interested in such arcane workings of electoral representation will undoubtedly be most in favour of an increase. The obvious call will be under the guise of ‘democracy’. It is a matter that will probably never be put to the people in whose interests they profess to represent.

The electorate process of multimember electorates versus single member electorates cannot be overlooked here. There is, at the moment, room for one or two of the five or seven members to be relatively ‘invisible’. Despite public service being the most important role a person can play in their community, apart from the first flush of enthusiasm of a successful candidate following an election, any reading of public opinion would confirm that knowledge of the names of political representatives in the electorate is low. Many ACT residents with community group connections could indicate which politicians are noticed more by their absence at public events. Why under those circumstances would an increase in Assembly numbers be of any benefit?

Of course cost is one factor often mentioned as a reason not to increase the number of politicians. Given the substantial remuneration and other on costs of each ACT Assembly member plus, in an increasing Assembly, the need for increasing office staff and increasing Assembly secretariat staff, any increase in the Assembly comes at a substantial price tag. The

discussion paper has outlined these. One can well imagine there would then be a call for a new building to house the Assembly. This would be a multi - million dollar expense. Even extra printing costs under Robson rotation were identified in the Electoral Commission's 2002 paper. The extra cost identified in increasing the five member electorates to seven members in printing alone as between \$90,000 and \$120,000 (page 20)

Keeping in mind the principles outlined in the Electoral Act and the Entrenchment Act and bearing in mind the point outlined above, I do not see any need for an increase. However should the expert panel do so I propose a number of options.

The first is to have three electorates each returning five members. This would reduce the size of the Assembly to 15 members decreasing proportionality but increasing stability. It would provide each Assembly member the same level of responsibility in their electoral area as members in Tasmania.

The second option is to keep the current numbers in three electorates 17 members total continuing the acceptable level of proportionality and stability.

The third option would be to have a single electorate (all of the ACT) returning 17 members with the reduced quota (5.5%) fostering greater proportionality.

Thank you for the opportunity of this input.

Ken Doyle

Feb 28 2013