

Submission re Size of the Legislative Assembly

This submission builds on Expert Reference Group discussion paper 'Review into the size of the ACT Legislative Assembly'. I am in broad agreement with that paper and so have not repeated all the points made there. Instead I have concentrated on a few additional points or arguments.

I think there are four considerations in determining the size of the ACT Legislative Assembly.

- **the need for local representation.** The ACT Legislative Assembly is a local government. Therefore like Councils elsewhere it needs sufficient locally based representation to enable proper consideration of local issues. This means that the electorates should be small enough that elected members can adequately understand and support the needs of their constituents. Arguably the electorate of Molonglo is currently too big for this.

The electorates should also be made up of districts in a way that makes sense to the people of Canberra. I think that the north south divide is the primary geographical division in Canberra and a electoral distribution that respects that (as the Federal one does) would be logical and well accepted.

This is a reason to have multiple electorates.

- **Canberra residents have the lowest representations of any Australians**, in terms of elected representative per person

This is due to our federal under representation and the fact we do not have a separate local government. However arguably more MLA's does not decrease issue with our inequitable Federal representation. Also most local government elected representatives are part time while MLAs are full time and thus can do more representation of constituents. Nonetheless, Canberra residents are under-represented compared to the rest of Australia.

This is an argument for more MLAs.

- **The need for sufficient MLAs from the government to form an effective executive.** While it is possible that the ACT assembly would function well as a non political party Assembly, that is not the case. Therefore the executive will be chosen from the government party(s) and any parties that may support it. The work load of the government ministers is currently high and we are may be able to get better government with more ministers. A government also needs some backbenchers as committee members.

As there is only one house in our local parliament the committee system is an important method of longer-term cooperative work on issues. Thus the government needs enough members to adequately engage in committee work. So the government needs to have sufficient member for executive and non-executive roles.

If there are sufficient government members to form an effective government then, as long as the Assembly is proportionally representative, it can be expected that there will be enough non-government members to hold the government to account.

This is an argument for more MLAs.

- **The need for representative representation.** It is highly desirable that the make up of the Assembly should reflect the will of the electors of the ACT, As the number of members per electorate go up, then the more closely the result will reflect the will of the people in terms of numbers of members of the different political parties and independents.

This is an argument for a single large electorate.

- **The need for a fair electoral system.** This is one that treats all Canberra citizens equally and produces a result that reflects their will.

The electoral commission has considered this at great length in its paper. I am in broad agreement with the summary of the principles in the draft paper. “Given the above considerations, the ACT Electoral Commission identified a number of factors to consider in determining the appropriate configuration of the number of electorates and Members per electorate in its submission to the 2002 inquiry of the Assembly Standing Committee on Legal Affairs, and included the following guiding principles:

- each electorate should have at least 5 Members;
- each electorate should have an odd number of Members;
- electorates should each return the same number of Members; and
- the total number of members should be an odd number – accordingly there should be an odd number of electorates. “

I think that all of these are desirable principles but that only the mandatory principle of these should be 'the total number of members should be an odd number'. Currently our electoral distribution does not meet these rules. I believe that our next distribution should meet these rules but they should not be enshrined in legislation.

My issue with these principles is that they may need flexibility to allow for electorate boundaries that meet communities of interest and to allow incremental adjustment of number of MLA's to meet future possible population growth.

As the ACT Electoral commission in its 2002 submission to the Submission to the Standing Committee on Legal Affairs ACT Legislative Assembly said “As the history of elections in the ACT has shown, both 5 and 7 Member electorates give a reasonable level of proportionality. However, a 7 Member electorate can be expected to give higher proportionality than a 5 Member electorate.

This is an argument for that

- ***each electorate should have at least 5 Members and preferably 7 members;***
- ***the total number of members should be an odd number . “***

should be enshrined but that the other two should be regarded as desirable not essential so as to allow for the possibility of smaller, incremental increases in numbers or electorates that better meet the community of interests test.

Desirable short term and long term outcomes

The ACT Electoral Commission in its 2002 submission to the Standing Committee on Legal Affairs of the ACT Legislative Assembly considered this issue and recommended '3 electorates each returning 7 Members, giving a total of 21 Members. This option satisfies all of the principles listed below, while also providing for appropriate levels of proportionality and stability.'

I think that would be a very desirable initial short term move. It would not be expensive as MLAs would be able to be accommodated in the existing Assembly building. There would only be four additional MLAs and staff to fund. As at least 2 of the additional MLAs would be members of the government, or supporting the government, the number of ministers could be increased by 1 or 2 members.

Given the fact the ACT government is currently in deficit it would seem reasonable to make a minimal move to increase the Assembly at this stage.

However in the longer term I think that more members of the Assembly are needed. I would like to see consideration of a 4 electorate (2 south side and 2 north side) solution. If 3 of the electorates were of the same size and an odd number – presumably 7 – then the fourth electorate could be either 6 (1 less) or 8 (1 more) members. This would give an assembly of 27 or 29 members depending on the option chosen. This would give an odd number of MLAs in total, enough flexibility to make quotas of votes very similar, and allow the current districts and geographic boundaries in the ACT to be better respected.

Alternatively there could be an extra 2 electorates of 7 members giving 5 electorates by 7 members or 35 members or keep 3 electorates and increase the membership to 9 each giving 27 Members.

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