

LABOR MEMBERS' SUBMISSION

TO THE

REVIEW INTO THE SIZE OF THE ACT

LEGISLATIVE ASSEMBLY

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Introduction

Over a decade ago, this Government¹ stated its strongly held belief that:

- the number of members of the Assembly should be increased; and that
- the ACT should not be burdened by ongoing federal constraints on the size of the Assembly, and the size of the Ministry.

The ACT's experience of self-government demonstrates both a maturity and public confidence in the Assembly and its Ministry.

The Government's position has not changed and the rationale for an increase in the size of the Assembly remains the same. What the past decade has shown is a further maturing of the Assembly both in its operations and in the respect it continues to build with the community. The Assembly and its members have moved to be even more consultative, adopting new ways to engage with the community and evolved in its approach within the Assembly.

Successive ACT governments have established the Territory as a growing and prosperous city-state. It is on this foundation the Government considers it time for the Assembly to better reflect the maturity of the ACT as a self-governing jurisdiction.

Dr Allan Hawke in his review, *Governing the City State*, also set out an argument for expanding the size of the Assembly. He noted the 1984 report of the Taskforce on the Implementation of ACT Self-Government recommended that three principles should govern the size of the Assembly:

- it must be large enough to provide for adequate and fair representation of the ACT community;
- it must be able to function as a workable legislature; and
- so far as is possible it should have the capacity for adequate scrutiny of the executive government.

¹ See *Government Response to Standing Committee on Legal Affairs Report No. 4 of 2002*, tabled by Chief Minister Stanhope in September 2002

Increased size of the Assembly

The benefits of an increased Assembly can be summarised as:

- A larger pool of members from which Government and shadow ministries could be formed and the ability to increase the size of the Ministry;
- An increased number of members providing for a more appropriate and effective committee system and for better representation for constituents;
- An increase in the number and diversity of Members available to sit on Assembly committees;
- The opportunity for wider community representation and the diversity of views that brings.

Increased size of the Ministry

The benefits of a larger Ministry can be summarised as follows:

1. An increase in the size of the Assembly will enable the Government to increase the size of the Ministry. In the current ACT Government, five Ministers hold between four and six portfolios each. Shadow Ministers have a similarly large workload.
2. Many portfolio areas are becoming more demanding. There are increasingly complex problems to be dealt with (in the environment portfolio for example); many portfolios are subject to national reforms (health and education are two fundamental areas of human service delivery undergoing significant change); and the GFC showed how global pressures can bear on decisions taken by the Territory Government.
3. A larger Ministry means individual Minister's will have greater capacity to absorb more complex portfolios. It also minimises the risk of Ministers being in a position of representing conflicting advice. Difficult decisions can be more effectively played out in Cabinet debate with a larger Ministry.
4. The Council of Australian Governments (COAG) has become the vehicle for national reform. It demands a level of inter-governmental engagement that could not have been envisaged when the ACT assumed self-government. The first COAG meeting was in 1992 and it can meet up to four times a year with out-of-session business by correspondence. Since 2007, the role of COAG has

expanded and it is pursuing significant reforms in more than ten areas of government.

5. Canberra is an important regional centre and provides services, employment, business and investment opportunities to people in surrounding districts. In addition to inter-governmental relations with the Commonwealth, liaison with state and regional partners is an area of growing demand on the time of senior members of the ACT Government.
6. The community, rightly, has high expectations of the performance of the ACT Government, the standard of services as well as opportunities to participate in decision-making. A larger Ministry has the potential to unlock a more participatory democracy for citizens and a variety of ways to engage with Government (for example, through innovations such as Twitter Cabinet and Community Cabinet meetings)

Under-representation

The ACT has the lowest level of elected political representation compared with all other Australian States and Territories. The Petit Report noted that in 1997, the Australian average of elected representatives to head of population was one per 2250, with the ACT having a ratio of one per 14,500.

It is also noteworthy that the voter to elected representative ratio in 1989 for the ACT (when the ACT Legislative Assembly commenced) was approximately 10,000 : 1. The current ratio is 15,129:1, based on an electoral enrolment figure of 257,190. This is by far the highest ratio of all jurisdictions in Australia.

Five Electorates of Five Members

Recognising the principles outlined in the Entrenchment Act (i.e. odd number of members, and at least 5 Members elected in each electorate) the Government believes the desired model would be five seats, each of five members.

By having a greater number of geographically smaller electorates, it provides a closer and more immediate connection between Members and the electorates they serve.

Canberra has grown around its town centres of Civic, Belconnen, Woden, Tuggeranong and now Gungahlin, notwithstanding the North/South divide that is sometimes played out in the mainstream media and community. Over time the city has developed an increased localism, reflected in our Community Councils, our Regional Community Councils, and our businesses that provide franchises in the multiple town centres.

The current Assembly made up of two electorates of five members, and one of seven provides different electoral quotas dependent on electorate. A five by five Assembly ensures electorate fairness as electoral quotas are the same throughout the ACT.

Five electorates of five members means that elected members can better represent their community of interest, particularly in the context of our hybrid state and local government system. This redresses, in part, one of the risks of multimember electorates, which is that there is no one Assembly member that represents and identifies with the interests of a community. Five member electorates reflects the importance of providing a channel through to the Assembly of the local community's interests, but also ensures there is an identifiable group of MLAs for a community to turn to.

Our response to population growth should not be to increase the size of our electorates and the number of representatives for each electorate, but to increase the number of electorates and maintain a stronger tie with local communities with their representatives and their connection with their parliament.

Recent correspondence with the Prime Minister

Over the past decade, this Government has continued to raise with the Federal Government our desire to remove the federal constraints placed on the Assembly. In November 2012, the Prime Minister asked the Minister for Regional Australia, Regional Development and Local Government to bring forward a legislative proposal to update the *Australian Capital Territory (Self-Government) Act 1988* to address these matters.

Amendments to the Self-Government Act

In February 2013, the Minister for Regional Australia, Regional Development and Local Government introduced amendments to the Self Government into the House of Representatives. These amendments, if passed, will allow the Legislative Assembly to change the size of the Assembly, if a two-thirds majority supports the change.

In his Second Reading speech, Minister Crean emphasised that the change was appropriate that the Assembly assume responsibility for determining the number of members needed to ensure its efficient functioning. He described the Assembly as 'capable and ready' and it was "a vote of confidence in the capacity of the ACT to manage its own affairs and its governance arrangements".

An appropriate size for now, and the future

Changing the size of the Assembly should occur to meet the current and emerging needs of our city-state. But it should not just be incremental changes every few years to meet changing demographics. There should be change when there is a demonstrated need, and then the changes should be allowed to be tried, tested and embedded prior to considering further changes. Therefore, we believe a move from 17 to 25 at this stage is appropriate, it will make a material difference to both the ministry, the committees, the opposition and increase the representative ability of the Assembly. Then a period of stability should follow.

In 2002, the Standing Committee on Legal Affairs recommended an increase to 21 members. Over a decade later, taking account of the growth in population and complexity, an increase to 21 members is no longer enough. Twenty-five members would ensure the appropriate size for the Assembly today. This would increase the size to a level proportionate to the current size of electorate and population and allowing for future growth.

At 25 members, the Assembly would still be the equal smallest, along with the Northern Territory, in Australia. (It is noted that the ACT has 257,190 electors; the Northern Territory has 126,000.) An increase to 25 members addresses the current representational gap and removes the need for future incremental increases.

Conclusion

Since self-government, the Assembly has matured and grown in stature in the eyes of the community, now is the time to provide Canberra with representation that reflects its role. An Assembly of five five-member electorates will provide the increased Executive commensurate with its role, a strong Opposition and committee system to hold it to account, both now and into the future.