

WHAT'S IN IT FOR VOTERS?

Submission of the Proportional Representation Society of Australia (Australian Capital Territory Branch) to the Expert Reference Group Review of the Size of the ACT Legislative Assembly March 2013

The Proportional Representation Society of Australia (Australian Capital Territory Branch) believes it is important to acknowledge significant historical events surrounding current Legislative Assembly arrangements that do not fit a paradigm of overwhelming support for increased MLA numbers.

In this submission, the ACT Branch demonstrates how significantly better representation has been achieved in the seven-member electorate than in those returning five members, both in terms of more closely reflecting voters' expressed wishes and generally in electing female MLAs. It would therefore be a backward step to adopt arrangements not having any seven-member electorates.

Arguments based upon comparisons of the totality of elected representatives in different jurisdictions are particularly tenuous as unsophisticated ratios derived that way are dominated by local government experience that is quite different from that of state/territory and federal representatives. If they are advanced seriously, the possibility of greater direct local input on municipal matters in the ACT, advisory or otherwise, should be explored thoroughly.

Any proposal to increase the size of the Assembly must include a package to improve voter participation in legislative and accountability processes if elector resentment is to be minimised. An increase in MLA numbers to 25 would constitute by a great margin the second-biggest enlargement of any Australian parliament since federation. An increase to 21 would still be the third-greatest such enlargement.

Any proposal to automatically increase the size of the Legislative Assembly in line with population movements would be disastrous because of its inevitable undermining of the stability of electoral boundaries. No other jurisdiction in Australia has such a feature.

Promoting voter influence

Since its formation, the Proportional Representation Society of Australia (Australian Capital Territory Branch) has been involved in promoting the Hare-Clark system and challenging any moves likely to put its voter-empowering integrity at risk or otherwise diminishing voter influence.

The ACT Branch was among the four original members of the Hare-Clark Campaign Committee formed in 1991. We campaigned actively for the current three-electorate 5-5-7 model for the Legislative Assembly once supporters of proportional representation came to an agreement that this was the most workable local-member option available in the light of the Federal Parliament's decision to legislate for a 17-member Assembly under self-government.

Members of the ACT Branch and other supporters of Hare-Clark were astounded to see a last-ditch single-member election-day poster in 1992 screaming 'Hare-Clark means more

politicians!', but not surprised that it had little apparent effect on the result of the plebiscite on the nature of the future electoral system.

As elections have all fairly translated voters' wishes into levels of Assembly representation, the Hare-Clark system has become an accepted part of the political landscape after weathering organised antipathy sufficiently grave for a successful attempt to be made in 1995 to entrench the key underlying principles.

The predictions by Hare-Clark supporters of greater campaign and ongoing contact by candidates, electorate-boundary stability and manageable ballot-papers have been borne out. Minority governments that have formed without surprise in the wake of voting and seat patterns have been able to implement programs announced prior to elections. There has been a majority government on the single occasion one party came reasonably close to achieving majority voter support, and there have been five occasions on which one party secured a majority of seats in a particular electorate.

A pattern of around one-third of an outgoing Assembly not coming back, some by choice and others according to the collective verdict of voters, has been maintained.

Having experienced crude scare campaigns, the ACT Branch has been wary of proposals for change with obvious flaws or which carried a risk of antagonising large numbers of voters.

We are proud to have been involved in:

- promoting the need to entrench the key principles of the Hare-Clark system (including the desirability of ensuring that each electorate return an odd number of members no fewer than five) following the attempted white-anting of Robson Rotation in late 1993;
- generally encouraging the maintenance of unchanged electoral boundaries, urging minimal change when action has been necessary to meet statutory tolerance criteria for anticipated enrolments, and lauding Redistribution Committees when they have enunciated a principle of not disturbing voters any more than strictly necessary when boundary changes have to be made;
- challenging fictions in proposed constitutions when party registration was being sought, and thereby contributing to new arrangements enabling MLAs for some years to obtain a named column at election time without engaging in an elaborate charade with Elections ACT and the general public.

Having an odd number of vacancies in each electorate is important because majorities of votes are translated into majorities of seats in those circumstances. Seeking a majority of votes becomes the ultimate pursuit for parties with relatively strong support, whereas with even numbers of vacancies, getting half the seats can be guaranteed with somewhat less than half the votes, but a majority is usually well beyond practical reach. To date, we have not witnessed any attempt to secure partisan advantage by seeking a particular rearrangement of boundaries.

The ACT Branch believes that stability of electoral boundaries has been and continues to be important in maintaining public support for the Hare-Clark system. It would be virtually impossible to achieve if the numbers in the Assembly were likely to be changing at every election, necessitating changes to electorates, or if attempts were made to distort electoral arrangements to the clear anticipated advantage of one or more political parties or candidates.

Changing the size of the Assembly

Power over the size of the ACT Legislative Assembly still continues to rest with the Federal Parliament though amendments have been introduced. Section 8(3) of the Australian Capital Territory (Self-Government) Act 1988 says that regulations to alter the numbers of MLAs can only be made in the wake of a resolution of the Assembly.

If the Assembly were to simply receive power to determine its own size, any change thereafter would require either a two-thirds majority of the Assembly in favour, or alternatively need to be approved at referendum by a majority of all enrolled electors (somewhere near 60% of those voting formally in practice). This follows amendments to the Proportional Representation (Hare-Clark) Entrenchment Bill 1994 moved by former Chief Minister Rosemary Follett who was a fierce opponent of increasing the size of the Assembly and indicated that it should not happen without the direct approval of electors.

Among her comments when debating the entrenchment legislation introduced by Mr Gary Humphries in principle were:

It is the Government's strongly held view that the current size of the Assembly, at 17 members, has clearly proved to be adequate for the Territory's needs. While the ACT does have fewer elected representatives than any other State or Territory, I believe that six years of self-government has shown that this relatively modest number of members can be made to work effectively. Rather than our Assembly growing, I believe that probably every other parliament in the country should shrink considerably...

The Government considers that any proposal to change the size of the Assembly not only should be justified on its own merits but also should be approved at referendum by a majority of voters...

I do not support any move to increase the size of the Assembly without a specific referendum and a specific decision by the electors of the ACT.

And when moving her specific amendment in relation to future changes in size of the Assembly should the power to do so be handed over by the federal parliament, Ms Follett remarked:

It is my view that 17 is an ample number for the good government of the Territory. It has worked very well within this Assembly. I know that having 17 members has placed strains upon the Assembly from time to time, because we have all of the powers of, and more powers than, any other parliament in Australia. I believe that, stretched as we are, we have done a good job. The committees have worked well; the Assembly has worked well; we have not had a problem in getting quorums; and we have conducted government business, private members business and so on very capably. For that reason, I believe that we should stick to the number. I would heartily commend to every other parliament in Australia that they consider halving their numbers, because it is quite clear to me that a small parliament is a good parliament.

Such attitudes remained influential in the Assembly though not expressed as forcefully after Ms Follett departed. As late as 1999, then Opposition Leader Jon Stanhope could not bring himself to support an increase in the size of the Assembly, joining Paul Osborne in making the following majority observation while on the Select Committee on the Report of the Review of Governance:

“3.27 The Committee accepts that strong arguments can be made for an increase in the number of members. Mr. Cornwell considers that these arguments are compelling and supports an increase in the number of Members to twenty-one. On balance however, Mr Osborne and Mr. Stanhope believe that the arguments against an increase in members outweigh the arguments in support. While self-government is now more generally accepted by the people of Canberra, it is still unpopular with some. To increase the number of local politicians at this stage of self-government will only increase the cynicism and opposition.”

On becoming Chief Minister in December 2001, Mr Stanhope remarked:

Labor understands the arguments for and against any increase. But the fundamental fact remains that we have a population of 312,000 governed by a parliament of 17 members. The size of the Assembly puts strains on the operations of the Assembly and on government. Labor wants the debate to continue. There will come a time-perhaps it has already come-when the size of Canberra warrants an increase in the number of electorates and members.

Those comments were made at the current half-way mark for our period of self-government. If no increases were justifiable then in the eyes of a significant portion of the Assembly, that puts a fairly stringent cap on any increases justifiable now.

A need to obtain elector support

In the light of the historical events outlined above, the ACT Branch has been cautious about suggestions in the past that the size of the Legislative Assembly be increased, and is unable to accept any proposal to regularly expand its membership or to greatly increase it now. Voter support must be obtained rather than some unacceptable package implemented that will cause significant annoyance and long-lasting resentment.

Because of the decisive way in which voters have already agreed to the circumscription of the process for altering Assembly numbers, the ACT Branch stresses that great care must be exercised in treating this matter. For instance, any proposed process to automatically increase the Assembly's size at regular intervals would immediately draw public hostility. Many voters would point out the inconsistency with previous positions taken across the political spectrum, and loudly lament how the people's firmly-expressed referendum views were being treated with contempt.

Apart from introducing near-certain chronic boundary instability and making it impossible to regularly achieve same-sized electorates in terms of representation, such ongoing growth in Assembly numbers would most probably unleash in the minds of various political contestants the thought of attempting to place the smallest and largest electorates strategically to maximise potential benefits to themselves. Such preoccupations of other jurisdictions have been absent so far in the ACT and will not arise unless the principles espoused by past

Redistribution Committees are rendered incapable of easy application. Anything that would potentially cloud the current clear focus on the need for parties to develop attractive policies and endorse credible candidates to promote them is to be regretted.

The ACT Branch has repeatedly argued that the Assembly needs to forge its own practices and traditions appropriate to a small legislature rather than mindlessly hanker for the emulation of actual or supposed Westminster traditions. In particular, in a small chamber, it is important that the Speaker be actively involved in all aspects of committee work, and the presence of even very busy ministers on select committees should not automatically be ruled out.

We have also suggested that the Assembly involve the community more in its diverse work by:

- giving greater resources to committees and providing additional common support staff for MLAs;
- tapping into available community expertise through the formation of working parties to advance fact-finding and public debate (for instance, as Mr Humphries did in 1993 when the drafting of the extensive original electoral legislation began); and
- encouraging the placement of imminent proposed amendments to legislation on the Internet.

The ACT Branch is not aware of any formal thorough examination of where Assembly practices could be improved or the good practices of other small legislatures adopted. We think it prudent that any attempt to increase the number of MLAs include a public demonstration that available resources in the Assembly and community are being deployed or tapped into as efficiently as possible. Otherwise knee-jerk dismay at any proposed increase in MLAs will have a fertile field in which to make wild allegations and foment disaffection.

The key questions that need investigation

In our mind, the key questions that arise are:

- Is there a representation problem at the moment?
- If so, what are the voter-affirming options for addressing any demonstrated problem?
- If changes to Assembly numbers or related arrangements are to be made, what is the best way of proceeding so as energise rather than alienate electors?

The ACT Branch has been heartened by the stability of electoral boundaries since 1995 and the evolution and enunciation of Redistribution Committee principles that boundaries should remain intact except when adjustments are unavoidable on account of statutory criteria about acceptable tolerances regarding the ratio of electors to members in any electorate. This feature of electoral arrangements has been widely welcomed by voters.

The ACT's experience to date has been of 17 MLAs elected from two five-member electorates and one seven-member electorate. The respective quotas are the first integers greater than one-sixth and one-eighth of the formal votes. *Ceteris paribus*, this will mean a higher quota can be expected in the seven-member electorate as has always been borne out in practice.

While not ideal, that has been quite workable and it would be unfortunate to now impose a priori a criterion that all electorates in future return the same number of voters, if that approach promptly ruled out a viable increase in numbers or resulted in an overall lessening of effective voting.

It is worth considering the theoretical differences that can be expected when 12.5% or 16.7% respectively guarantees election to the Assembly, before examining past ACT outcomes through the eyes of voters seeking to have real influence. To start positively, in both cases a majority of the votes translates into a majority of the seats.

Seven-member electorates should give better representation because the finer granularity leaves greater uncertainty about outcomes and thereby minimises the chances of parties or candidates just treading water because they think there is nothing to lose or gain. Swings as low as 2-3% can often produce changes in outcomes so all participants are kept much more on their toes.

Independents and parties realistically expecting at most one candidate to be elected know the importance of getting as many first preferences as possible to stave off exclusion in the middle of the scrutiny. The higher percentage to achieve the quota in five-member electorates makes election significantly harder for independents and smaller parties or groupings.

Because 25% of the vote constitutes two quotas in a seven-member electorate and 37.5% three, larger parties cannot take their level of representation for granted, and will put in significant effort to ensure that they achieve a third seat at least. They will know that their prospects in that regard are slight if they do not start with at least 31-32% of first preferences. In fact both Liberal and Labor have on one occasion been reduced to just two seats in Molonglo, when their first-preference support was not much above 30%.

In a five-member electorate, 33.3% will guarantee two places and 28-30% or thereabouts will often be enough. Larger parties will certainly aim for two seats but may adopt a lower profile and concentrate on other electorates if that is expected comfortably and a third looks well out of reach.

Although Robson Rotation prevents larger parties from minimising their numbers elected from a given level of support, it will generally be harder to achieve a majority when seven vacancies exist. A party with strong support in a five-member electorate knows that at worst every vote above 33.3% contributes towards getting a third candidate elected, whereas in a seven-member electorate 37.5% may be used in electing three candidates before the contest for a fourth place is entered in earnest.

However, once first-preference support gets into the mid-forties or beyond, majorities are quite plausible in both cases. Majorities have even been achieved in five-member electorates by parties starting with 40% or 44% of first preferences. On the other hand because no party has exceeded 46% of the vote in Molonglo since its inception in 1995, and seldom gone much beyond 40%, the prospect of a majority has not been seriously possible. The view of the ACT Branch has always been that parties aspiring to achieve majority representation should be presenting candidates and policies that attract greater voter support rather than hoping to slide through on the least-possible level of voter support.

ACT electoral experience of five-member and seven-member electorates

In practice, close matches between votes obtained and seats won has been the ACT's Hare-Clark experience over six elections, as set out separately for five-member and seven-member electorates in Table 1. Figures in bold pick out discrepancies of at least five percentage points between votes and seats where at least one person was elected. Seven-member electorates have provided a closer reflection of the people's will in a number of ways, starting with fewer divergences to that degree.

Where a party or group has stood and been successful in five-member electorates, its proportion of Assembly seats has always been higher than its proportion of first preferences. However when Labor and Liberal have been at their lowest ebb in Molonglo, their proportion of seats was slightly less than their level of strong voter support.

Table 1: Comparison of ACT votes and seats in electorates of different size

	Votes in 5-member electorates	Seats in 5-member electorates	Votes in 7-member electorate	Seats in 7-member electorate
2012 election				
ALP	37.8	50	40.4	42.9
Liberal	39.9	50	37.4	42.9
ACT Greens	9.0	-	13.2	14.3
Australian Motorist	5.6	-	2.1	-
Other	7.6	-	6.9	-
2008 election				
ALP	38.3	40	36.1	42.9
Liberal	31.6	40	31.5	28.6
ACT Greens	13.7	20	18.2	28.6
Australian Motorist	6.6	-	2.8	-
Community Alliance	5.5	-	1.1	-
Other	4.3	-	10.2	-
2004 election				
ALP	47.9	60	45.3	42.9
Liberal	36.4	40	32.6	42.9
Australian Democrats	2.8	-	1.4	-
ACT Greens	7.7	-	11.5	14.3
Other	5.1	-	9.3	-
2001 election				
ALP	43.4	50	39.3	42.9
Liberal	29.9	40	34.1	42.9
Australian Democrats	8.3	10	7.6	-
ACT Greens	6.7	-	12.6	14.3
Paul Osborne	3.5	-	-	-
Other	8.2	-	3.4	-

	Votes in 5-member electorates	Seats in 5-member electorates	Votes in 7-member electorate	Seats in 7-member electorate
1998 election				
ALP	29.0	40	25.6	28.6
Liberal	35.2	40	41.5	42.9
Australian Democrats	6.6	-	5.1	-
ACT Greens	8.4	-	10.1	14.3
Osborne Independent Group	13.0	20	3.7	-
Moore Independents	-	-	7.0	14.3
Other	7.7	-	7.1	-
1995 election				
ALP	32.1	40	30.9	28.6
Liberal	38.8	40	42.8	42.9
Australian Democrats	4.4	-	3.2	-
ACT Greens	8.3	10	10.1	14.3
Moore Independents	3.9	-	8.8	14.3
Other	12.4	10	4.2	-

In five-member electorates, the ACT Greens failed to win a seat in 1998 despite getting just over half a quota on average, while the Australian Democrats started with 0.6 of a quota in Molonglo in 2001 but could not extend this to near a quota and were not even the last to be excluded, and the Greens were unsuccessful in Ginninderra in 2012 despite starting with slightly more than 0.6 of a quota.

ACT experience has shown that a candidate or party achieving half a quota has some prospect of being elected but cannot automatically expect assistance in the form of preferences from excluded candidates of the largest parties.

It is important to note that at each election except 2012 there has been significant territory-wide difference in support for the two largest parties. Had single-member electorates applied, on five occasions there would have been at best just a token Opposition presence in the Assembly, and concentrated geographical lopsidedness the other time.

On three occasions, the difference in first-preference support for larger parties was reflected in different numbers of MLAs being returned in the seven-member electorate, but not on three others when gaps of 3, 5 and 13% straddled the key 37.5% point for three quotas. Following significant exhaustion as preferences were distributed, two Greens and Liberal MLAs were elected in Molonglo in 2008 despite a 13% difference in first-preference support for those parties.

Gaps of over 6% in support did not translate into any more five-member seats for the Liberals in 1995 and 1998, nor one of nearly 7% for Labor in 2008, and a gap of over 13% across the two five-member electorates resulted in a single-seat advantage for Labor in 2001.

The most noticeable persistent feature has been the large seat bonus achieved by the second party in five-member electorates. This is because support remained just strong enough to

achieve a second quota through the flow of preferences and thereby translate even slightly under 30% of first preferences into 40% of seats.

The vote-spreading properties of Robson Rotation have meant that one or more Liberal and Labor candidates generally remained in scrutines towards the end, maximising the prospects of one of those parties picking up an additional seat, rather than a smaller party striving to build a quota. This was especially highlighted in the loss in 2012 by Greens incumbents in both Brindabella and Ginninderra.

Table 2 below illustrates the tendency for the largest parties to do particularly well from their actual level of support, obtaining all seats in five-member electorates in both 2004 and 2012, and always achieving a seat bonus of 9% or more. In contrast the major parties have never won all the seats in Molonglo, the seat bonus reached double figures at 13% on one occasion, but in 1995 the proportion of seats fell below combined first-preference support.

Table 2: Combined votes and seats for largest parties

election	% ALP/Liberal 5-member vote	% ALP/Liberal 5-member seats	%ALP/Liberal 7-member vote	% ALP/Liberal 7-member seats
2012	78	100	78	86
2008	70	80	68	71
2004	84	100	78	86
2001	73	90	73	86
1998	64	80	67	71
1995	71	80	74	71

Proponents of ‘strong government’ with little or no time for smaller parties or independents cannot reasonably claim that such candidates were let into the Assembly too easily. They may at times need reminding that only the development of more attractive policies and the endorsement of active candidates can with confidence result in the increased support that might lead to an even greater proportion of representation.

After the 1998 elections, there was considerable discussion of the fact that only two women were elected, both in Molonglo, some critics claiming that this showed an inherent flaw in Hare-Clark in that it was difficult to break the benefit of incumbency. Actually, two women, both incumbents who came into the Assembly when a casual vacancy was filled, were each defeated by little more than a handful of votes, two other incumbents were also defeated on that occasion and another did not stand for re-election.

Table 3: Comparison of votes and seats for women

election	% female 5- member vote	% female 5- member seats	% female 7- member vote	% female 7- member seats
2012	35	40	51	29
2008	35	50	34	29
2004	28	30	38	43
2001	24	30	41	43
1998	25	-	57	29
1995	33	20	68	43

An examination of the fate of female candidates as summarised in Table 3 also shows no grounds for anxiety, apart from in relation to the near-misses of 1998.

Two or three women have been elected in Molonglo on each occasion, including party leaders with significant surpluses then available for other candidates in accordance with individual voters' wishes, while the numbers successful in both five-member electorates have varied between nil and five. The potential benefits of incumbency have been highlighted by ongoing success for two Ginninderra MLAs that led to majorities of females returned in that electorate in 2008 and 2012 and higher percentages overall elected than in Molonglo on both those occasions.

Over the six Hare-Clark elections to date, women have taken 36% of the Molonglo vacancies and 28% of those in five-member electorates. They have nominated in large numbers at all elections, comprising between 30% and 43% of candidates, and were in a majority in Molonglo in 2001.

The greater difficulty women have had in five-member electorates, particularly in Brindabella, shows how much of a significant additional hurdle a quota of 16.7% rather than 12.5% constitutes. Had seven-member electorates applied universally throughout, at each election several more women would have been elected to the Assembly

Overall, seven-member electorates have provided noticeably better matches of votes and representation than have the five-member ones, and have facilitated the entry of a higher proportion of women into the Assembly. The ACT Branch could therefore not oppose the introduction of more of them as long as that was done in a way that did not undermine current broad respect for our Hare-Clark electoral system. Conversely, we would regard any arrangement consisting only of five-member electorates as inferior to the current set-up because of the likely lessening in numbers of candidates nominating in each electorate and additional potential for votes being ineffective.

Any fair-minded analyst would also conclude that the way in which voting intentions have translated into Assembly representation has basically been very satisfactory. There is no calamitous outcome-related representation problem that requires immediate attention to invigorate or revive democracy.

Too small a talent pool?

As has been regularly raised particularly since the Labor Party moved away from earlier views that had Jon Stanhope hesitating even in late 2001, there is the issue of a small Assembly talent pool from which to select the ministry and a small backbench from which to obtain government contributions to committee work.

While this impediment will be seen as almost self-evident to those close to the Assembly, difficulties may be acknowledged by others in the community without them necessarily concluding that the only practical remedy is an increase in the size of the Assembly. Some would say that they want more of a council-style modus operandi or that many of the trappings of Westminster, and particularly a standard adversarial approach, are completely inappropriate in the ACT setting.

Others have pointed out that in many overseas countries, ministers can come from outside the legislature but are open to a good deal of parliamentary scrutiny about their decision-making and portfolio management. There could for instance be a newly-legislated option for the Chief Minister to appoint a limited number of ministers from outside the Assembly. Alternatively, in the most radical formulations, the rest of the ministry could be exclusively from outside the Assembly and MLAs simply required to focus more intensively on their role as legislators.

The ACT Branch suggests that there is still quite a deal of work to be done in convincing a sceptical public of the need for additional MLAs and in giving as little scope as possible for the misinformed, mischievous or malevolent to exploit residual public resentment of self-government itself or of particular excesses that are perceived. The question that proponents of an increase in Assembly size must address carefully is ‘What’s in it for voters?’.

It is certainly unsound and courting ridicule to be trying to make anything substantial of tables of elected representatives in different jurisdictions that do not consider the time required by local government representatives in the discharge of their duties as councillors or the level of budgets over which they make decisions, or the complexity of their respective administrative challenges as perhaps outlined in Commonwealth Grants Commission analyses pertinent to the allocation of GST funding. Logically, such matters cannot be elevated in apparent public importance without seriously contemplating the possibility of some separate or additional local government or municipal services voice, elected or advisory, in the ACT.

The ACT stands out from other jurisdictions in the discussion paper issued predominantly because of the inappropriate way in which local government representation is treated on a par with that at national and state/territory levels. Were a weighting of 0.25% applied to local government representation to reflect the part-time nature of nearly all involvement and the non-compulsory nature of voting in some jurisdictions, the ratios for Victoria and Queensland would approach that for the ACT, as set out in Table 4.

Table 4: Comparisons of weighted numbers of representatives: local government 1/4

	Commonwealth		State/Territory		Local Govt	Total Reps	Enrolment @ 30/9/2012	Ratio of reps to enrolment
	House of Reps	Senate	Lower House	Upper House	Weight 1/4			
NSW	48	12	93	42	380	575	4,648,429	1:8091
VIC	37	12	88	40	158	335	3,619,729	1:10813
QLD	30	12	89	0	138	269	2,779,556	1:10323
WA	15	12	59	36	308	430	1,387,350	1:3226
SA	11	12	47	22	179	271	1,103,973	1:4081
TAS	5	12	25	15	70	127	359,145	1:2822
ACT	2	2	17	0	0	21	257,190	1:12247
NT	2	2	25	0	37	66	126,762	1:1921
TOTAL	150	76	443	155	1,269	2,093	14,282,134	1:6823

If on the other hand a weight of one-sixth were used for local government representatives, as set out in Table 5, the ratios for Victoria and Queensland would now exceed that for the ACT, and that for New South Wales would not appear too far out of place. Both Victoria and

Queensland have experienced extensive local government amalgamations in recent decades while New South Wales implemented such a widespread process somewhat earlier. Because of such developments, were a time series prepared, other jurisdictions' ratios would generally be edging closer to that of the ACT and on occasion increasing noticeably.

Table 5: Comparisons of weighted numbers of representatives: local government 1/6

	Commonwealth		State/Territory		Local Govt	Total Reps	Enrolment @ 30/9/2012	Ratio of reps to enrolment
	House of Reps	Senate	Lower House	Upper House	Weight 1/6			
NSW	48	12	93	42	253	448	4,648,429	1:10376
VIC	37	12	88	40	105	282	3,619,729	1:12828
QLD	30	12	89	0	92	223	2,779,556	1:12455
WA	15	12	59	36	205	327	1,387,350	1:4239
SA	11	12	47	22	119	211	1,103,973	1:5232
TAS	5	12	25	15	47	104	359,145	1:3459
ACT	2	2	17	0	0	21	257,190	1:12247
NT	2	2	25	0	25	54	126,762	1:2362
TOTAL	150	76	443	155	846	1,670	14,282,134	1:8551

The crudeness of any representatives-to-enrolment indicator should therefore be acknowledged up front. Without a detailed justification of the weights used and an openness to change in the ACT regarding some municipal functions, its deployment, even without the error in Table 1 of the discussion paper, has the unfortunate appearance of clutching at empirical straws in the absence of more compelling arguments or a full proposal for change that could capture the public imagination.

Just the promise of a greater talent pool from which to pick the ministry and conduct more vigilant committee scrutiny of government operations or pressing issues is not going to shift too many electors' reservations or disinclinations.

As mentioned earlier, a greater Assembly talent pool could also be arranged by giving the Chief Minister either limited or unlimited scope to appoint ministers from outside the Assembly. A more impressive talent pool could also be tapped into by getting more electors to think it worthwhile to make submissions or to be part of working groups reporting to Assembly committees or ministers or the Assembly itself. That would necessarily require a greater openness in government, one in which there isn't a tight rein on possible outcomes.

It is particularly apposite to ask when so much knowledge and expertise is available among electors and other residents in the seat of national government, why far more isn't being done to try to tap into that remarkable pool of talent, either in relation to particular issues or more systematically overall.

Similarly, with the establishment of the Parliamentary Budget Office federally has come a significant improvement in the prospects of those outside the Executive being able to develop policy ideas to a detailed stage and have the cost implications estimated as well as is possible. If there is a genuine desire to stimulate policy discussion in the ACT, close consideration would have to be given to establishing a similar capacity in territory affairs.

Whether voters actually get a better choice of candidates and other touted improvements if the Assembly increases in size will depend on the overall public perception of the Assembly's conduct and worth, the resulting behaviour of political parties and the nature of the new electorates. Seven members being elected in Molonglo has usually meant more candidates to choose from for electors and more female candidates being elected over time. That is not surprising because of the lower threshold for election, and should not be disregarded in the development of any detailed proposal.

If it embarks on an expansionary course, the Assembly would be well-advised to thoroughly examine and overhaul its own procedures to ensure that full use is being made of available resources and talent, and that assertions to this effect do not ring hollow with the public. As it is unlikely that a referendum will be put to the people for fear of emphatic rejection of any increase, MLAs must be aware of the possibility of elector anger being expressed at the first election of an expanded Assembly if changes are widely viewed as unjustified.

A comprehensive package that included more avenues for effective public involvement in legislative and accountability processes might assuage mild initial suspicions that politicians were just bolstering their numbers as an attempted easy way out rather than tackling their own contribution to the perceived problem by closely examining the fundamentals.

Possible satisfactory arrangements

From the assessment above, provided that the case for a second or third seven-member electorate is properly made out to a much wider audience than at present, a 19-member Assembly (including two seven-member electorates) or 21-member Assembly (three seven-member electorates) would enhance the quality of fair representation achieved at general elections and could therefore readily be supported.

Are there numbers other than five or seven for the size of an electorate that would also be satisfactory?

If nine vacancies are to be filled, at most 10% of votes would be ineffective. A quota of just over 10% would enable differences in voter support to be more closely mirrored by representation achieved. Because small changes in voter support could easily result in a different outcome, candidates and parties would be extremely foolhardy to take their current position for granted.

Having been used with some success for local ACT elections before the granting of self-government, electorates of this size should not automatically be ruled out forever. However, combinations of nine-member and five-member electorates would be extremely awkward because of the discrepancy in quotas, respectively 10% and 16.7%. At the same time, most of the potential advantages of nine-member electorates would be present if in such circumstances two seven-member electorates were used instead.

The ACT Branch does not believe that a major increase in numbers for the Legislative Assembly is warranted or wanted by electors. There may well be significant ongoing opposition to having even 21 MLAs, especially if the increase is rushed through and not presented as part of a clear package of reform that gives electors more avenues for effective participation in our governance.

Since federation, the Australian experience has generally been of fewer representatives at the state level, where the size of legislatures was immediately cut back once there were also Members of the House of Representatives and Senators. In most cases, there have been subsequent small periodic increases to take account of expanding populations in particular, but New South Wales provides a salutary example of where the most recent changes have involved reductions in the size of the Legislative Assembly.

Even the greatest exception to general trends elsewhere, the House of Representatives, did not get its first increase, by two-thirds in 1949, before nearly fifty years of its existence had elapsed. The second increase, by one-fifth in 1984, had to wait another thirty-five years.

Only one other percentage increase around the nation has been greater, Northern Territory's expansion from 19 to 25 members in its Legislative Assembly, after six years of self-government. No further changes have been made in the subsequent thirty years, nor are any in prospect.

Any proposal to elect an ACT Legislative Assembly of 25 members next time would therefore constitute, by a very large margin, the second-biggest enlargement nationally since federation, and undoubtedly spark widespread public anger, particularly once that point was widely understood. Doing it by taking away the current seven-member electorate would constitute a backward step for voters. Not giving electors a say or reason to believe that serious parliamentary reform was being instituted simultaneously would invite organised protests against such a backward and apparently self-indulgent step.

Even an increase to 21 MLAs would constitute the third-greatest percentage enlargement since federation but not egregiously so.

Judging by some submissions already received by the Expert Reference Group, periodic printed expressions of opinion and what can regularly be heard in the media or in public, unless a significant package of credible Assembly reforms accompanies any attempt to increase numbers, there will be a strong negative public reaction that might continue for a lengthy period.