

Expert Reference Group on the Size of the Assembly
C/- Elections ACT
PO Box 272
Civic Square ACT 2608

Dear Members,

I wish to make a submission to the Group in relation to arrangements for the ACT Assembly.

Within political circles there is a political imperative to increase the Assembly size, however in the community outside there is virtually no support for such an increase (both from discussion with members of the public and in my humble opinion). Given the Australian history in referenda a vote of the people on the subject is almost certain to fail. If the government wishes to secure (the two-thirds) support within the Assembly it could much more easily secure the support of the main opposition party (currently the Canberra Liberals) than embark on this long process that is not assured of success either.

The primary motivator of a political party is the impact the changes will have on its relative power. The Greens would prefer seven member electorates, as this would maximise their prospects of election in sufficient numbers to gain the balance of power. For the Labor Party five member electorates would maximise its position, and the Canberra Liberals either option might be viable given it is generally the lesser of the major parties.

The reference material was helpful except that it was very clear its only purpose was to promote an increase in the size of the Legislative Assembly. Other options did not seem to have entered into consideration.

The proposition that an increase in the size of the Assembly should reflect population growth, or that it should be related to ratio of state members or state and local government members, or all three tiers of government is somewhat disingenuous. In local government the proportionality is far from uniform. Many regional councils have much lower ratios of electors or population to members, than the figures suggest. Abolishing some of the councils would be a better approach. The smaller jurisdictions have proportionately more members to population, which reflects geographical dispersal. With both these aspects the ACT resembles an urban council, not a rural one, and a compact urban like a council in a major city.

The reference material failed to acknowledge that the trend in representation is not always upward, the UK House of Commons was recently reduced in size, and the US House of Representatives has had 435 members for about a century. The NSW Legislative Assembly and Legislative Council are the smallest they have been for decades. The Tasmanian Houses are both smaller than they have been for at least a

century. At a local government level council amalgamations and changes such as abolishing alderman has sometimes reduced representative numbers.

From reading the reference material it could be argued that a proportionate increase in Assembly size might be justified say to reflect NSW, but a threefold or fourfold increase in the Assembly to 49 members (7 x 7) or 63 (9 x 7) or 81 (9 x 9) in the last case to factor in future growth. The public reaction would not be polite!

An Assembly size of 25 (5 x 5) or 27 or similar numbers appears to be a disingenuous proposal. This neither reflects the proportionality argument with federal, state and local government numbers, and is designed to avoid the opposition that would come with a much larger proposal, the extreme proportionate figures described above of 63 or 81 would mean a member per suburb more or less.

I have worked in the Assembly, if the concern of the government or the committee is workload, then supply more resources. We have the internet and the ACT is densely settled with less than half of one percent of the population outside suburbs. Meeting an MP is hardly difficult, in fact people might say it is hard to avoid them!

It would be fair to say that I think the case for an increase is weak, and frankly the real motivations (unsaid) are self serving. Given an Assembly of even 25 members there is no guarantee the problem would go away. Whilst I do not propose a change from proportional representation the reality of the levels of party support are that minority government is a virtual given, and a larger ministry and committee work will fully commit all the backbenchers of a government. Similarly an opposition will have similar numbers to the government, and opposition is poorly resourced, that should be remedied!

I have wondered why we do not have an executive type arrangement in the ACT. It is not possible to have a government and opposition arrangement in place and even with 25 members (as has Tasmania ignoring its Legislative Council) it would only be marginally more functional than now. Such an idea was recently encapsulated by the former Clerk of the Senate Harry Evans. As I have also been involved in local government an elected body does not also need to provide the 'ministers' or 'secretaries' as the Americans refer to them to run the administration. In fact it may be highly desirable they don't.

The gene pool of the Assembly is not that substantial, and if there were 25 it would not appreciably change. The quality of the potential ministers and backbench is a product of preselections, the vagaries of the wishes of electors and the exclusion of near half of the Assembly membership due to opposition duty and laid on top of this are party considerations (factions etc).

I am sure that Harry Evans will make a submission to this Committee but when he recently wrote in the Canberra Times (15 January 2013) he summarised in about 400 words the folly of the Assembly increase as a remedy; the further departure from the Westminster model of actually having hand picked competent ministers without the day to day drudgery of the Assembly proceedings. He basically skewered the conventional and entirely unimaginative reasoning that is driving your committee and its proceedings.

The Senate that Evans worked in has given the ACT Assembly much of its process and structure. A legislating and inquiring Assembly, without the machinations of jockeying over votes to change governments might improve accountability. The Chief Minister (Chief Executive Officer or whatever name they have), could be appointed, or directly elected, they could be an Assembly member (or not), they could have cabinet members of several parties, this could remove most of the partisan objections to legislative programs.

The one redeeming thing of this refreshing approach is that it could not possibly be worse than the current system which we are being told does not work, and the solution is to make it bigger, that simply does not make sense. If the structure is wrong a bigger structure is not going to be any better, it is highly likely to be the same or worse.

One other matter that concerned me was the approach to the formation of the committee itself. Sometime ago the Commonwealth Government appointed its Treasury head Dr Ken Henry to head its taxation review, this struck me then as a fundamental conflict of interest as Dr Henry in day job was responsible for the taxation policy of the Commonwealth but not its administration. He should have been a witness and contributor, but certainly not its chairman, similarly it is inappropriate for the Electoral Commissioner to be the committee chair of this committee. I am not questioning Mr Green's professionalism but he personally, and his organisations view is abundantly clear. Whilst governments reportedly do not appoint committees that produce anything unexpected, something outside of the square may well be what is needed, not just another step in a script that will probably lead to an unimaginative dead-end.

I look forward to your report.

Martin Gordon
5 February 2013

