

1 March 2013

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## **Review of Size of the ACT Legislative Assembly**

Dear Members of the Expert Reference Group on the Size of the Assembly

As Leader of the Democratic Audit of Australia 2002–2008 I have a long-standing interest in the capacity of legislative bodies to undertake their functions of community representation, legislative review and executive scrutiny. As previous inquiries into the size of the ACT Legislative Assembly have shown, the current size is quite inadequate to these purposes. Not only are there too few members to serve as a pool for ministerial recruitment, there are also too few to serve on committees. A well functioning committee system is essential if there is to be adequate deliberation, legislative review and executive scrutiny. It is also important in promoting community engagement with the legislative process through public hearings and other events.

There are simply not enough members at present to ensure these functions are adequately carried out across all portfolio areas. This was brought home to me in relation to executive scrutiny when I helped oversight an audit of the ACT's gender assessment processes in 2012. The overall findings of the Audit were that the commitments set out in the 2008 Parliamentary Agreement to phase in the publication of gender impact assessments and gender disaggregated data had not been met.<sup>i</sup> While there were some examples of improvements in gender impact assessment and data collection this was not the case across all areas of ACT administration. In some areas, such as gender assessment of Budget measures, the ACT had gone backwards. In looking at the reasons for this patchy performance, the Audit found that there had been very

limited parliamentary oversight of this aspect of ACT administration. The Audit recommended the inclusion of gender measures in the terms of reference of one of the Legislative Assembly Standing Committees – but for this to be effective there need to be more backbench members of the Legislative Assembly available for such committee work.

Turning to the question of how this increase in membership is to be achieved, the review is considering the question of district magnitude. In terms of fair representation of the community and gender balance there are clear arguments in favour of higher district magnitude (i.e. seven or nine-member rather than five-member seats). Higher district magnitude has generally been found to facilitate the representation of women.<sup>ii</sup> Given the representation of women across Australian parliaments has been slipping since 2009 this is an important consideration.<sup>iii</sup> Higher district magnitude also enables fairer representation of the spread of opinion in the community, the emergence of new bodies of opinion and the representation of political minorities.

Another consideration, however, consists in the limits placed on Assembly size by community distrust of politicians. This may preclude the size optimal for its range of democratic functions. The Expert Reference Group will need to give due weight to all considerations in making its recommendations – the crucial need to increase the size of the Assembly, the desirability of higher district magnitude and the limits imposed by community distrust of politicians. Taking these factors into account, I would probably recommend the option of three seven-member seats. While the idea of five seven-member seats is attractive in terms of reflecting different geographic communities, I do not believe that the Canberra community is ready for a doubling of the size of the Assembly.

Yours sincerely

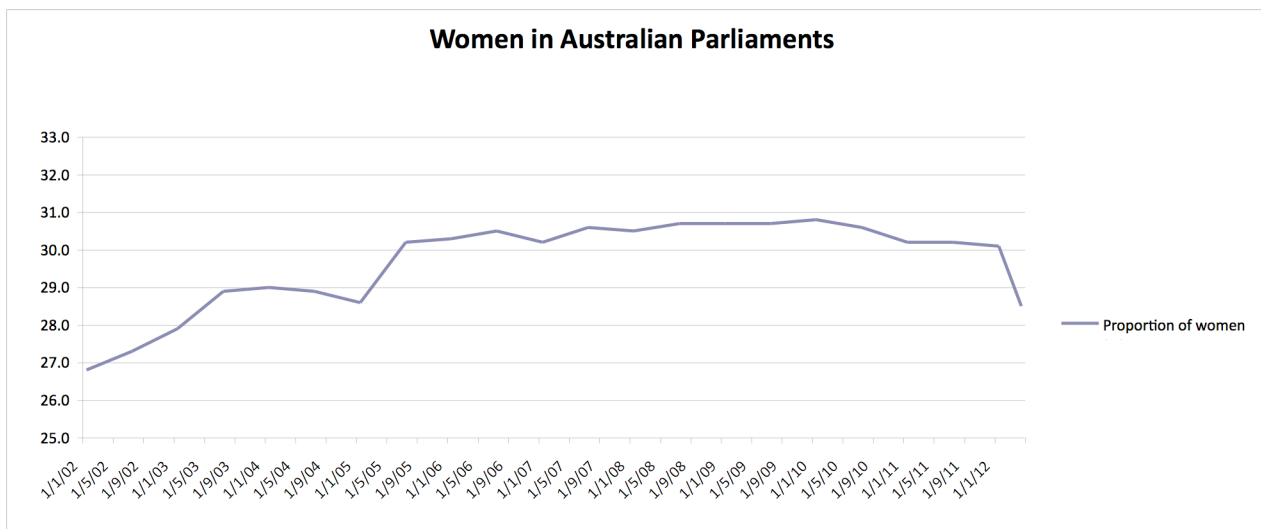


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<sup>i</sup> Women’s Electoral Lobby ACT, *The Full Picture: An Audit of the ACT’s Gender Assessment Processes*, August 2012, available at: <http://wel.org.au/wp-content/uploads/2010/08/WEL-ACT-The-Full-Picture.pdf>

<sup>ii</sup> Richard Matland, ‘Enhancing women’s political participation: Legislative recruitment and Electoral systems’, in Julie Ballington and Azza Karam (eds) *Women in Parliament: Beyond Numbers*, rev. edn, Stockholm: International Institute of Democracy and Electoral Assistance (IDEA), 2005, pp. 93–111.

<sup>iii</sup>



Source: Parliamentary Library, Australian Parliament, 1 March 2013.