

25 February 2013

Expert Reference Group on the size of the Assembly  
C/- Elections ACT  
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CIVIC SQUARE ACT 2608

## **SUBMISSION TO INQUIRY**

### **Introduction – Inappropriate Terms of Reference**

1. I believe that this submission is outside the Terms of Reference. However, I ask you to consider it carefully as the Terms of Reference are inappropriate.
2. It is impossible to answer a question sensibly if the question itself is not sensible. The number of members in the Legislative Assembly can only be sensibly determined if the underlying structure of the Assembly is sensible, but it is not. Attempting to determine the number of politicians required under the current structure is therefore akin to shifting the deck chairs on the Titanic.
3. All but one of the submissions I have read have ignored this point entirely. Lateral thinking is required, but the Terms of Reference effectively prohibit such thinking.
4. Recommendation on Terms of Reference. I recommend that after reading this letter you refer the matter back to the Chief Minister with a recommendation for a change to the Terms of Reference to cover the structure of ACT government as well as the number of politicians required.

### **Tasks of Legislative Assembly, and number of politicians required for those tasks**

5. The tasks of the Assembly can be divided into two: municipal tasks, and state tasks.
6. In the states, these tasks are sensibly divided into two legislatures. States' politicians are therefore able to concentrate on fewer issues, and can therefore perform better. For comparison, consider a talented athlete who could be a champion at any of many sports. If he tries to compete in many, he will be a champion in none; that is similar to the current problem with the ACT Legislative Assembly.
7. In the ACT, if all members of the Assembly are to vote on all issues, then their breadth of required reading, discussion, and investigation is greater than that of state members or municipal councillors. They are therefore overworked, and cannot perform at their potential. This is particularly so for ministers, who in several cases hold multiple portfolios.
8. The number of politicians required is not proportional to the number of citizens. Economy of scale is particularly relevant for policy making (i.e. law making) as distinct from policy implementation. For proper government in the ACT, about ten members (5 government, 4 opposition, 1 independent) are required to perform municipal tasks (mostly policy implementation), but about forty members are required to perform state tasks (about 20

government members (including ten ministers); 15 opposition members, and 5 Independents). Even worse, their product merely duplicates that of NSW ministers, and sometimes they come to different conclusions leading to different laws in adjoining jurisdictions.

9. Having 50 members to represent only 400,000 citizens is monstrously inefficient. Further, this number is so high that it is unlikely to be approved by the ACT population.
10. The solution is not to increase the number of politicians, but to change the structure of government.

#### **Rationale for the ACT to be, or not be, a state**

11. Why should the ACT have state responsibilities? The short answer is that it should not.
12. Most Australians would consider as ridiculous a suggestion that cities such as Gold Coast, Newcastle, Wollongong and Sunshine Coast (all similar in size to Canberra) be converted to states. Retaining Canberra as a state is even more ridiculous as the other cities all have their own coastlines (much used for recreation) and their own ports, and therefore their citizens would cross state borders less frequently than Canberra citizens do.
13. For almost all practical purposes, ACT is a region within NSW. Each day thousands of workers and hundreds of students cross the border. A high proportion of patients in ACT hospitals are NSW citizens. Every weekend thousands of ACT citizens travel to NSW coastal resorts. Each winter weekend hundreds of ACT citizens travel to NSW snowfields. Tens of thousands of NSW citizens regularly visit Canberra for major shopping, or to attend major sporting or cultural events. Differing traffic regulations can be confusing and even dangerous.
14. That citizens in the Canberra region are continually moving from one jurisdiction to another causes confusion and has legal ramifications (e.g. in the case of car accidents).
15. Further, much of ACT's water supply comes from NSW, and almost all goods used in the ACT are brought here on NSW roads. The ACT has no parliamentary representation on these matters in the NSW Parliament; it lacks both rights and influence.
16. That many Commonwealth Public Servants and ADF personnel work in Canberra is no reason for a separate jurisdiction. Similar numbers work in the states. Further, many who work in the ACT live in NSW. The location of Commonwealth property is similarly irrelevant.
17. If the Commonwealth and NSW were to be in dispute, the Commonwealth would have a veto, so locating Canberra legally in NSW poses no risk to the Commonwealth.
18. In short, there is no rationale for the ACT to exist as a separate jurisdiction, but much rationale for it not to be a separate jurisdiction.

#### **Reason the ACT is a separate jurisdiction**

19. The ACT was sensibly created solely as a project office to facilitate the creation of a national capital. That task is completed. The need for the ACT jurisdiction has disappeared. The project office should be disbanded.

### **Advantages of the ACT being returned to NSW**

20. If the ACT were returned to NSW, cross border issues with transport, justice, health, commercial law and education would immediately disappear.
21. Further, the number of Canberra's politicians, their staff, and public servants working on 'state' responsibilities could be drastically reduced, thus saving costs or increasing staff working on municipal matters.
22. Also, Canberra would have representatives in the NSW parliament. This would assist lobbying for such things as major roads to and through the city.
23. As the 'City councillors' (replacing Assembly members) could concentrate on municipal issues only, they would perform that task better than it is currently being performed.
24. Thus, the return of the ACT to NSW is justified on grounds of both effectiveness and efficiency.

### **Recommendations**

25. I recommend that:
  - a. the ACT be dissolved (the 100<sup>th</sup> anniversary of Canberra would be an excellent time to announce the dissolution) with Canberra becoming a city within NSW;
  - b. an appropriate number of Canberra politicians (probably about four) be elected to the NSW Parliament; and
  - c. about ten members, from a single electorate, be elected to a Canberra City Council (thus there would be a slight reduction in the number of Canberra's politicians).

Yours faithfully

**R. J. SALMOND**