

**Submission to the ACT Electoral Commission's  
Expert Reference Group**

**Andrew Leigh MP  
Federal Member for Fraser**

**Web:** [www.andrewleigh.com](http://www.andrewleigh.com)

**Email:** [Andrew.Leigh.MP@aph.gov.au](mailto:Andrew.Leigh.MP@aph.gov.au)

**Twitter:** @ALeighMP

**Address:** 8/1 Torrens Street, Braddon ACT 2612

**Phone:** 6247 4396

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## **Introduction**

As a federal representative for the ACT, my view is that the optimal size for the ACT Legislative Assembly should be chosen by the Assembly itself. The Gillard Government has put the *Australian Capital Territory (Self-Government) Amendment Bill* before the House of Representatives to transfer this decision-making power from the federal parliament to the ACT parliament. Naturally, I support this bill. The ACT Legislative Assembly is a mature parliament, and should be able to set its own size, as state parliaments currently do.

In addition, I thought that it might also be useful for me to provide a federal perspective on the question being considered by the ACT Electoral Commission's Expert Reference Group. My focus in this submission is primarily on questions of representation, as it affects the work of all the ACT's parliamentary representatives. My view is that the Legislative Assembly should be significantly increased. At a minimum, it should include 25 members, with five electorates each returning five representatives.

## **A Comparative Perspective**

The ACT has fewer political representatives per capita than any other state or territory in Australia. Our Assembly holds the dual responsibility for both territory and local functions, making the workload of our current MLAs uniquely high. Unlike most other states, we have no upper house. All other jurisdictions in Australia – including the Northern Territory – have a local government body at a city council level.

By any objective standard, the ACT Legislative Assembly has too few representatives. In most jurisdictions, assembly size is roughly the cube root of the population it represents (see the research of Rein Taagepera and others). For example, the Australian Parliament has 226 members, which is relatively close to the cube root of the nation's population of 23 million (284). The New South Wales Parliament has 135 representatives, not far off the cube root of the state's seven million residents (191).

If we apply this rule to the ACT's population of 375, 000, our assembly size should be 72, four times larger than the current assembly. Or we can put the question of size the other way, and ask 'for what population would an assembly of 17 representatives be appropriate?'. The answer is a population of about 5000 people (about the number of people who live in Palmerston). This isn't as flippant as it sounds. If we look at communities covered by the

federal seats of Canberra and Fraser, we see that Norfolk Island, with a population of 2000 people, has an assembly of 9 representatives; while Wreck Bay, with a population of 200, has a community council of 9.

### **The Workload**

Last year I hosted half a dozen community forums on federal issues such as aged care reform, and around a dozen mobile offices across north Canberra. These community events always attract a great deal of attention. The ACT population has never been hesitant about contacting their MPs, perhaps because many of them are current or former public servants and feel comfortable navigating the system. This is an indicator of a politically engaged city and it is a terrific thing for democracy, but it does increase the demand upon local politicians. Consequently, I manage a large number of inquiries from the people of the ACT. Approximately one-third of the constituent casework my office manages directly relates to ACT Government issues.

Our current 17 MLAs are exceptionally hard-working. I know my ALP colleagues best, and I can attest to their commitment: from Chris Bourke, Mary Porter, Mick Gentleman and Joy Burch's numerous mobile offices; to Yvette Berry's doorknocking; to Katy Gallagher, Simon Corbell and Andrew Barr's hectic public speaking schedules, there is no doubting the level of time and effort associated with being an MLA. Hare-Clark is tough on candidates, and it is similarly tough to be one of 17 MLAs in a parliament that has responsibility for everything from schools to garbage collection.

When you also take into account the fact that the current Ministry is fixed at five MLAs, this means that that many government members hold between four and six ministries. For example, Joy Burch is presently the Minister for Education and Training; Minister for Women; Minister for Multicultural Affairs; Minister for Disability, Children and Young People; Minister for Art; and Minister for Racing and Gaming. Shadow ministers have similarly high workloads, holding between two and seven portfolios.

In addition, there are significant responsibilities associated with committee work, and parliamentary business (which requires a speaker, party whips and so on). Our present MLAs do terrific work, but they are too thinly spread. I worry that the harder we make them work,

the more difficult it may be in the future to continue to attract talented people to run for the Legislative Assembly.

### **A Growing Constituency**

Although the focus of the Expert Reference Group is on the ACT Legislative Assembly, it should not ignore the fact that the ACT is home to the two largest federal electorates in Australia. In my own electorate of Fraser, there are 131,698 people on the electoral roll (compared to an average of 94,000 per federal electorate in the most recent election).

Since 1989, the ACT has had two Federal Members of Parliament (briefly three), two Senators and 17 MLAs, giving the Canberra population a total of 21 parliamentarians. Between 1989 and 2012 our population has increased from 275, 000 to 375,000, or by 36 per cent. Back in 1989, we had 1 parliamentarian per 13,000 people. Now, we have about 1 parliamentarian per 18,000 people.

As a territory, we currently fall just below quota for a third seat in the House of Representatives, and population growth projections suggest that this quota is unlikely to be achieved. ACT population growth needs to outpace the Australian average for us to get a third seat in the House of Representatives. On current projections, this will not occur, which means that the ACT is likely to have the most populous electorates in Australia for many years to come.

The Gillard Government's reforms to facilitate automatic enrolment will see traditionally underrepresented groups such as young people have more of a voice at the ballot box. However, the introduction of this practice will not impact upon the quota, which is determined by population (not enrolment). Although it is trending a little below the national average, Canberra's population continues to rise: by 2031 we are expected to have a population of 438, 000 people. The problem of underrepresentation through the current Legislative Assembly numbers will only become more pronounced as Canberra's population increases.

### **Proposed Increase**

As the population of Canberra continues to increase, the interests of the community could be disadvantaged by ongoing underrepresentation. Increasing the Assembly to 25 MLAs

(consisting of five electorates, each returning five members) would provide the people of Canberra with a total of 29 elected representatives, or 1 per 12, 931 people. This would still be well below other states and territories (and less than half of what the cube root rule would suggest), but it would be a significant improvement on the current situation. A 25-member Assembly would provide Canberra with a level of representation per-person comparable to that in 1989, when the territory attained self-government.

In my view, a 25-member Assembly is the smallest that ought to be considered. If the Assembly is increased to 25 members, I believe that it should only be done with an indexation formula built in, which would (for example) allow an increase from 25 members to 35 members (seven electorates, each with five members) once the ACT population has increased by a certain amount (eg. 10 per cent) from today's level. Legislating such an increase would provide a defensible and predictable default for future generations, who could always choose to vary it if they wished.

### **Conclusion**

Expanding the Legislative Assembly to at least 25 members would bring the ACT a little closer to the national average level of representation, and help provide the local community with more avenues to raise issues of importance to themselves and their families. A growing Canberra population requires parliamentary representation equal to its needs. A greater number of local representatives would improve the currently over-concentrated distribution of ministerial responsibilities and allow MLAs to continue their excellent community advocacy work more efficiently.