



CANBERRA  
BUSINESS COUNCIL

## CANBERRA BUSINESS COUNCIL

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RESPONSE TO THE REVIEW OF THE SIZE  
OF THE ACT LEGISLATIVE ASSEMBLY  
DISCUSSION PAPER BY THE EXPERT  
REFERENCE GROUP

1 March 2013



Canberra Business Council  
PO Box 132  
Campbell ACT 2612  
(02) 6247 4199  
[www.canberrabusinesscouncil.com.au](http://www.canberrabusinesscouncil.com.au)  
ABN 14 126 100 169

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## 1. RECOMMENDATIONS

### **Canberra Business Council recommends that:**

1. the size of the ACT Legislative Assembly be increased to a minimum of 25 Members. While this will require a substantial increase in the size of the Assembly (a 47% increase), with inevitable cost and political implications, it will only return to the level of representation which applied in 1989 when the Assembly was first constituted, (a ratio of approximately 1 Member per 10,000 electors).
2. the size of the Executive be increased to a minimum of seven.
3. a formula or mechanism be incorporated into the enabling legislation to automatically adjust the size of the Assembly as the population and number of enrolments increases in the ACT. This will prevent the delay and politicization of future increases in the size of the Assembly and provide for the ongoing appropriate representation.

Canberra Business Council believes that this increased Assembly size will enhance the Assembly's capacity to properly perform its role in providing good government; investigating and debating matters of public importance; reviewing the actions of government; and overseeing the financial matters of government.<sup>1</sup>

A larger number of members in the ACT will enable elected representatives in the ACT to more appropriately engage with, represent and serve their constituents. An expanded Executive of seven will mean that Ministers will have a more reasonable workload and spread of responsibilities. A proportionally larger backbench will enhance the capacity of the Legislature to scrutinise the activities of the Executive through a more active committee process.

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<sup>1</sup> Review Into The Size Of The Act Legislative Assembly A Discussion Paper By the Expert Reference Group. January 2013. p.5

## 2. INTRODUCTION

Canberra Business Council (CBC) welcomes the opportunity to participate in a discussion about the appropriate size of the Legislative Assembly of the ACT. This written submission to the review of the size of the ACT Legislative Assembly has been prepared by Canberra Business Council with input from the Council's Kindred Organisations, in response to the *Review of the Size of the ACT Legislative Assembly* Discussion Paper released by the Expert Reference Group on 17 January 2013.

This submission adopts the assumptions set out in the Discussion Paper, that:

- there will be no change to the role or establishment of the ACT Legislative Assembly or to the nature of the ACT's self-government model, and
- the Hare-Clark proportional representation electoral system will be retained.

## 3. BACKGROUND

The Legislative Assembly commenced with 17 Members when the ACT was granted self-government in 1989 and has remained that size ever since. Over the same period the ACT's population has increased from around 275,000 in 1989 to 375,000<sup>2</sup> in 2012 and the number of electors has increased from 169,500 enrolled electors in 1989 to 256,702 in October 2012 (a 51% increase). Looking ahead the ACT's population is expected to increase to 438,000 by 2031.

Debate about the need to increase the size of the ACT Legislative Assembly has been occurring since before the ACT was granted self-government in 1989. A summary of the findings of the main Inquiries is attached at Appendix 1. While almost all Inquiries into the size of the ACT Legislative Assembly have agreed on the need for an increase, there has been no consensus on the size of that increase. In more recent years Canberra Business Council has actively supported an increase in the size of the ACT Legislative Assembly to a minimum of 25.

## 4. THE CASE FOR INCREASING THE SIZE OF THE ACT LEGISLATIVE ASSEMBLY

The case for increasing the size of the Assembly is encapsulated in the ACT Public Service Review Final Report, 1 February 2011 which states:

*In light of the importance of robust and accountable democratic processes in the ACT – characterised by high standards of parliamentary debate, a legislative program covering a range of complex issues, and an active Assembly Committee process – and the significant under-representation of the citizens of the ACT, there is an overwhelmingly sound case for increasing the size of the Assembly. This would enable Members to serve their constituents better, allow the Ministry to be expanded to seven thereby establishing a more reasonable*

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<sup>2</sup> Australian Bureau of Statistics (2012), Australian Demographic Statistics, June 2012, 3101.0

*spread of responsibilities, and enhance the capacity of the Legislature to scrutinise the activities of the Executive through a more active committee process.*<sup>3</sup>

While Canberra Business Council is mindful of the resource and financial implications of increasing the number of elected representatives in the ACT, it agrees that there is an overwhelmingly sound case for increasing the size of the Assembly.

#### 4.1 The ACT community is now significantly more under-represented than it was when Self Government was introduced in 1989.

One of the fundamental principles underpinning the size of legislatures is the need for them to be large enough to provide adequate and fair representation of the community. In this regard it has been suggested that one member for every 10,000 electors is the minimum number required for a Westminster system with a Government, an Opposition and parliamentary committees.<sup>4</sup>

At the time of the first Assembly election in 1989 there were approximately 169,500 enrolled electors voting for 17 members resulting in a ratio of Members of the Assembly to electors of roughly 1 per 10,000 electors. At the October 2012 ACT Election there were 256,702 electors enrolled in the ACT voting for 17 members making the ratio of Members of the Assembly to electors now approximately 1 per 15,130 electors.

#### 4.2 The ACT community is the most under-represented in Australia

Successive Inquiries, Task Forces and Parliamentary Committees have all found that the ACT community is the most under-represented in Australia, as can be seen in Table 1 below.

Table 1 also shows the comparison of the number of elected representatives in each State and Territory at the Commonwealth, State/Territory and local levels of government against the number of enrolled electors. Even setting aside the significantly lower representation at the Commonwealth level, Table 1 shows that the ACT has a significantly higher ratio of electors to elected representatives than any other jurisdiction. As stated above the current combined state and local government representation in the ACT is 1 elected representative to 15,130 electors compared to Tasmania at 1 to 1,119 electors, the Northern Territory (NT) at 1 to 733 electors and an average across all other states and territories (excluding the ACT) of 1 to 2,316 electors.

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<sup>3</sup> *Governing the City State- One ACT Government, One ACT Public Service*. Dr Allan Hawke. ACT Public Service Review Final Report, February 2011. p.34.

<sup>4</sup> See <http://www.parliament.act.gov.au/committees/index1.asp?committee=137&inquiry=846&category=19>

Table 1 - Elected Members at Each Level of Government<sup>5</sup>

	Commonwealth		State/Territory		Local Gov't	Total Reps	Enrolment at 30/09/2012	Ratio all levels of Government to enrolment	Ratio local and state Government to enrolment
	House of Reps*	Senate	Lower House	Upper House					
NSW	48	12	93	42	1,518	1,714	4,648,429	1:2,712	1:2,812
VIC	37	12	88	40	631	808	3,619,729	1:4,480	1:4,769
QLD	30	12	89	0	553	683	2,779,556	1:4,070	1:4,330
WA	15	12	59	36	1,232	1,354	1,387,350	1:1,025	1:1,045
SA	11	12	47	22	714	806	1,103,973	1:1,370	1:1,410
TAS	5	12	25	15	281	338	359,145	1:1,063	1:1,119
ACT	2	2	17	0	0	21	257,190	1:12,247	1:15,129
NT	2	2	25	0	148	177	126,762	1:716	1:733
<b>TOTAL</b>	<b>150</b>	<b>76</b>	<b>443</b>	<b>155</b>	<b>5,675</b>	<b>5,901</b>	<b>13,901,840</b>		

Table 2 shows the ratio of elected representatives per 100,000 population and demonstrates again that the ACT is significantly under-represented.

**Table 2: Ratio of Commonwealth/State/Territory/Local Government representatives per 100,000 population**

	Commonwealth		State/Territory		Local Gov't	Total Reps	Population at 30/6/2012	Ratio of Representatives per 100,000 population	ACT Legislative Assembly of 21	ACT Legislative Assembly of 25	ACT Legislative Assembly of 27
	House of Reps	Senate	Lower House	Upper House							
NSW	48	12	93	42	1,518	1,714	7,290,300	23.5			
VIC	37	12	88	40	631	808	5,623,500	14.4			
QLD	30	12	89	0	553	683	4,560,100	15.0			
WA	15	12	59	36	1,232	1,354	2,430,300	55.7			
SA	11	12	47	22	714	806	1,654,800	48.7			
TAS	5	12	25	15	281	338	512,000	66.0			
ACT	2	2	17	0	0	21	374,700	5.6	6.7	7.7	8.3
NT	2	2	25	0	148	177	234,800	75.4			
<b>TOTAL</b>	<b>150</b>	<b>76</b>	<b>443</b>	<b>155</b>	<b>5,077</b>	<b>5,901</b>	<b>22,680,500</b>	<b>26.0</b>			

To increase the ratio of representatives per 100,000 population in the ACT (currently 5.6 representatives per 100,000 population) to the national average (currently 26.0 representatives per 100,000 population) the size of the ACT Legislative Assembly would need to increase by 570% to 97. Clearly this would be an absurd proposition.

<sup>5</sup> Numbers of State and local government representatives were compiled in January 2013 from data supplied by the relevant Electoral Commission. Enrolment shown is Commonwealth enrolment. State/Territory enrolment may differ. Population data was obtained from the ABS website: [www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0) and excludes Jervis Bay Territory, Christmas Island and the Cocos (Keeling) Islands.

Even to increase the ratio of representatives per 100,000 population in the ACT (currently 5.6 representatives per 100,000 population) to match the next highest state or territory (Victoria at 14.4 representatives per 100,000 population) would mean trebling the size of the current ACT Legislative Assembly to 53. This would also be an unacceptable suggestion – untenable both politically and economically.

#### 4.3 Ability to function as a working legislature and executive

Determining an appropriate increase in the size of the ACT Legislative Assembly is not only about providing for adequate and fair representation of the ACT's citizens. Of equal importance, is the ability of the ACT Legislative Assembly to function as a workable legislature efficiently and effectively performing the functions of a legislature including facilitating appropriate parliamentary contribution on committees and sound Executive governance.

##### Breadth & scope of the ACT Legislative Assembly's responsibilities

As pointed out in the Discussion Paper, the ACT Legislative Assembly has two distinct and unique roles, unlike other Australian parliaments, it is responsible for the usual State-Territory activities such as health, education, law and order, and industrial relations and it also has responsibility for local government activities such as rates, roads and collection of rubbish.<sup>6</sup> Individual Assembly Members have to be across both state and local government issues.

Unlike the Northern Territory or any other jurisdiction in Australia, the ACT does not have a local government body at the city council level. It also (unlike New South Wales, Victoria, Western Australia, South Australia, Tasmania and the Commonwealth) has no upper house.<sup>7</sup>

The need to cover such a broad spectrum of state and local government issues and, at the same time, represent individual matters raised by constituents, restricts the capacity of Members to adequately represent the community and scrutinise the executive government.

#### 4.4 The size of the Executive

The Executive has a unique breadth and volume of ministerial responsibilities in the ACT Legislative Assembly where a single unicameral government is responsible for both "state" (e.g. health, education, justice) and municipal matters (rates and rubbish) that are typically dealt with by local government in other jurisdictions.<sup>8</sup>

Canberra Business Council is concerned about the scope and scale of the workload of the five current members of the Executive. The size of the ACT Executive is currently<sup>9</sup> limited to the Chief Minister and up to four Ministers by section 41 of the *Australian Capital Territory (Self-Government) Act 1988*.

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<sup>6</sup> Review Into The Size Of The ACT Legislative Assembly A Discussion Paper By the Expert Reference Group. January 2013. p.5

<sup>7</sup> Review Into The Size Of The ACT Legislative Assembly A Discussion Paper By the Expert Reference Group. January 2013. p.1

<sup>8</sup> CBC Submission to the Review of the ACT Public Service. November 2010

<sup>9</sup> Note: The Australian Government



As Dr Allan Hawke pointed out in the *ACT Public Service Review Final Report, February 2011*, a key challenge facing the ACT, which is ultimately hindering performance and capacity, is the breadth and volume of ministerial responsibilities in a Cabinet of four or five spanning the uniquely broad range of functions with which the Government is charged. As stated above, the ACT is unique in that the Government is responsible for matters dealt with by state governments as well as municipal functions that fall to local councils elsewhere.<sup>10</sup>

Canberra Business Council believes that it does not make for good government when Ministers are responsible for five or more portfolios each. The risk is that when Ministers and their staff are responsible for multiple portfolios they are unable to adequately develop and drive the government's policy agenda or adequately oversee the bureaucracy in its implementation of policy priorities.

**Table 3: Ministerial responsibilities**

This table shows the ministerial responsibilities currently held by each Minister in the ACT Government.

<b>Chief Minister Katy Gallagher</b>	<b>Deputy Chief Minister Andrew Barr</b>	<b>Minister Simon Corbell</b>	<b>Minister Joy Burch</b>	<b>Minister Shane Rattenbury</b>
<ul style="list-style-type: none"> <li>• Chief Minister</li> <li>• Health</li> <li>• Regional Development</li> <li>• Higher education</li> </ul>	<ul style="list-style-type: none"> <li>• Deputy Chief Minister</li> <li>• Treasurer</li> <li>• Economic Development</li> <li>• Community Services</li> <li>• Sport and Recreation</li> <li>• Tourism and Events</li> </ul>	<ul style="list-style-type: none"> <li>• Attorney General</li> <li>• Environment and Sustainable Development</li> <li>• Police and Emergency Services</li> <li>• Workplace Safety and Industrial Relations</li> </ul>	<ul style="list-style-type: none"> <li>• Minister for Education and Training</li> <li>• Disability, Children and Young People</li> <li>• Arts</li> <li>• Women</li> <li>• Multicultural Affairs</li> <li>• Racing and Gaming</li> </ul>	<ul style="list-style-type: none"> <li>• Minister for Territory and Municipal Services</li> <li>• Corrections</li> <li>• Housing</li> <li>• Aboriginal and Torres Strait Islander Affairs</li> <li>• Ageing</li> </ul>

In addition to specific roles in Canberra, ACT Ministers also have responsibilities through the Chief Minister's membership of the Council of Australian Governments (COAG). All Ministers attend ministerial council meetings to represent the ACT's position on issues of national concern. Canberra Business Council considers it to be absolutely vital that the ACT is adequately represented and an active participant within these Federal and intergovernmental structures. These include effective participation in the Council of Australian Governments (COAG), at other Ministerial Councils and in the Australian Council on Local Government. However these forums place a heavy workload on a small ACT Ministry – a workload that is exacerbated by the plethora of associated forums such as COAG's 12 Standing Councils; seven Select Councils and five Legislative and Governance Forums. There are also a number of separately operating Ministerial Councils.

<sup>10</sup> *Governing the City State- One ACT Government, One ACT Public Service*. Dr Allan Hawke. ACT Public Service Review Final Report, February 2011. P.33



While the number of Ministers could be increased by enactment of the Assembly, in a Chamber of only seventeen members where minority government is the norm, increasing the size of the ministry without increasing the size of the Assembly itself is not practical. This is particularly the case given the need for government Members to fulfill other parliamentary roles, including backbenchers participating fully and properly in the ongoing work of the Assembly and its Committees.<sup>11</sup>

It is interesting to note that the *Northern Territory (Self-Government) Act 1978 (Cwlth)*<sup>12</sup> provides for the Executive's size to be set by the NT Administrator. When the NT Legislative Assembly was faced with the same challenges of size and capacity, it considered moving to a committee system of government but ultimately enlarged its Legislature from 19 to 25 in 1983.<sup>13</sup> The NT Government currently has eight Ministers including the Chief Minister.<sup>14</sup>

For all of these reasons Canberra Business Council supports an increase in the size of the Executive to at least seven ministers.

#### 4.5. Capacity to adequately scrutinise the executive government - Backbench committees

Membership and participation in Committees is an important aspect of Parliamentary business. In addition to their scrutiny functions, Committees provide Members and the community with an opportunity to contribute to the processes of policy formulation and review. Appropriately resourced, Committees have a unique capacity to engage with the community through the processes of inquiry, presentation of evidence, public hearings and presentation of reports.

Canberra Business Council is concerned about the scope and scale of the workload of the backbench members of the ACT Legislative Assembly which curtails their ability to exercise an appropriate level of scrutiny through Parliamentary avenues such as Question Time, ministerial representations and participation in Committees. The current Assembly has six standing committees at this early stage after the election on 20 October 2012; the previous Assembly had eight standing committees and ten select committees.

In relative terms, the ACT Legislative Assembly has one of the lowest proportions of Backbench Members to total Members in the country. Compared to NSW and Victoria, where over 80 per cent of Members are on the Backbench, the proportion of backbench members in the ACT is 65 per cent.

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<sup>11</sup> *Governing the City State- One ACT Government, One ACT Public Service*. Dr Allan Hawke. ACT Public Service Review Final Report, February 2011. P.34

<sup>12</sup> See <http://www.comlaw.gov.au>

<sup>13</sup> See *Electoral Amendment Act (1982) (NT)*.

<sup>14</sup> *Governing the City State- One ACT Government, One ACT Public Service*. Dr Allan Hawke. ACT Public Service Review Final Report, February 2011. p.34

**Table 4. Size of Executive and Proportion of Backbench members – State/Territory Parliaments**

	Members	Executive	Speaker / President	Backbench members	Proportion of backbench members to all members (%)
<b>NSW</b>	135	22	2	111	82.2
<b>Victoria</b>	128	23	2	103	80.5
<b>Queensland</b>	89	30	1	58	65.2
<b>WA</b>	95	17	2	76	80.0
<b>SA</b>	69	15	1	53	76.8
<b>Tasmania</b>	40	9	2	29	72.5
<b>ACT</b>	17	5	1	11	64.7
<b>NT</b>	25	8	1	16	64.0
<b>TOTAL</b>	<b>598</b>	<b>129</b>	<b>12</b>	<b>457</b>	<b>76.4</b>
<b>Proportion for ACT if 7 Ministers &amp; Assembly size of:</b>					
<b>17 Members</b>	17	7	1	9	52.9
<b>21 Members</b>	21	7	1	13	61.9
<b>25 Members</b>	25	7	1	17	68.0

On the basis of the figures in Table 4 above, Canberra Business Council believes that there is a strong case for increasing the size of the Assembly at least to 25 and the size of the Executive from the current five to seven. This would result in a 47 per cent increase in the size of the Assembly; a 40 per cent increase in the size of the Executive and a small increase the proportion of backbench members to all members.

#### 4.6 [The time is right to review and modernise the ACT Self Government Act](#)

Currently the *Australian Capital Territory (Self-Government) Act 1988* requires the Assembly to pass a resolution and then have the Commonwealth make regulations to change the size of the Assembly from the specified number of members (17) under subsection 8(2) of the Act.

In this regard the ACT is treated differently from all other jurisdictions in Australia. Every Australian State parliament and the Northern Territory has the power to change the number of its Members by enactment (with New South Wales and Victoria also requiring approval of electors at a referendum in respect of the NSW Legislative Council and both houses of the Victorian parliament). The ACT is the only Australian parliament that cannot set the number of its own Members and is the only Australian parliament that requires the approval of the Federal Government and the Federal Parliament to alter its number of Members.

There is a clear principle at stake – the people living in the ACT should have the same democratic right as people living in NSW, Victoria, Queensland, Western Australia, South

Australia or Tasmania to determine, through their respective elected representatives, the size of their legislature.

Indicative of the patronising approach towards the ACT that has prevailed over many years is the 1993 attempt by the Commonwealth Government to allow the Assembly to determine its own size. This was a genuine bid to bring the ACT into line with every other state and territory government all of which had the absolute power to decide their own numbers. However, the Opposition at the time blocked the bill in the Senate arguing that “*the Liberal and National parties do not think that the current ACT assembly should be left in a position where it can determine what numbers of the assembly it will be....and that the determination of how many members there should be in the ACT assembly is one which...remains with this parliament*”.<sup>15</sup>

Fortunately, after years of debate about whether the ACT is “responsible” enough to determine its own future, momentum has built over recent years to allow the ACT Legislative Assembly to determine its size as both a real and symbolic vote of confidence in the maturity of the self governance arrangements for the ACT.

In 2010 Senator Bob Brown introduced the [\*Territories Self-Government Legislation Amendment \(Disallowance and Amendment of Laws\) Bill 2011\*](#) which amended the *Australian Capital Territory (Self-Government) Act 1988* to remove the Governor-General's power to disallow or recommend amendments of any enactments made by the Australian Capital Territory Legislative Assembly. That Bill passed both Houses of the Australian Parliament on 1 Nov 2011 and became law on 4 December 2011.

The Centenary of Canberra (2013) has also provided impetus for the Australian Government to review and update the *ACT Self Government Act* to remove its inappropriate and out of date powers.

On 13 February 2013 the Minister for Regional Australia, Local Government, Arts and Sport, Simon Crean, introduced the *Australian Capital Territory (Self-Government) Amendment Bill 2013* which amends the *Australian Capital Territory (Self-Government) Act 1988* (Cth) (the Act) to grant the Australian Capital Territory Legislative Assembly (the Assembly) the power to determine its own numbers without requiring the Commonwealth to amend its legislation to enact any changes to the size of the Assembly.

Minister Crean's Second Reading speech on 13 February 2013 signifies the changing attitude towards ACT self-government:

*“The Centenary of Canberra this year presents us with timely opportunity to reflect on our national capital and all it has achieved over the past 100 years.*

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<sup>15</sup> Senate Debates (27.05.93), p 1420.

*“Since 1913, this city has not only grown as the nation's capital, but as a city state and a home to over 300,000 people. Following the granting of self-government 25 years ago, the ACT has grown into a fully functional, self-governing territory. It has a vibrant and engaged community and a legislative assembly that is strong, mature and representative of that community.*

*“So, this bill acknowledges the capacity of the ACT to run its own affairs, and provides it the power to determine the number of members it requires to do so in the legislative assembly.”<sup>16</sup>*

While the Bill introduced on 13 February 2013 does not change the size of the Assembly, it amends the mechanism by which the size of the Assembly can be changed, effectively removing the Commonwealth's role in the process of amending the size of the Assembly. If passed it will finally provide the Assembly with the power to independently decide on the size of the Legislative Assembly, provided there is a two-thirds majority of Assembly Members in favour of the changes or a simple majority of Assembly Members and a majority of electors at a referendum, in accordance with the *Proportional Representation (Hare-Clark) Entrenchment Act 1994 (Entrenchment Act)*.<sup>17</sup>

What is significant is that the *Australian Capital Territory (Self-Government) Amendment Bill 2013* finally acknowledges the capacity of the Assembly to run its own affairs by granting it increased legislative autonomy, consistent with the success of its self-governance.

## 5. RECOMMENDATIONS FOR INCREASING THE SIZE OF THE ACT LEGISLATIVE ASSEMBLY

### Recommendations

CBC does not wish to make a specific recommendation for the increased size of the Legislative Assembly. It does however believe that the minimum increase needs to be sufficient to improve the level of representation and avoid pressure in immediate future for further increases. The Council believes that the minimum increase to achieve these objectives is an increase the size of the Legislative Assembly to 25.

As to the number and size of electorates, obviously as the number of elected representatives in any electorate increases, the size of quotas required to be elected decreases and the likelihood of independents and single-issue candidates being elected increases. While this may mean a broader representation, it can result in less stable minority governments.

Similarly it would be unhealthy for democracy if a single party were ensconced permanently in government.

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<sup>16</sup> Minister Simon Crean, Second Reading Speech – 13 February 2013, *The Australian Capital Territory (Self-Government) Amendment Bill 2013*

<sup>17</sup> Review Into The Size Of The Act Legislative Assembly A Discussion Paper By the Expert Reference Group. January 2013. p.1

In addition, as the Discussion Paper points out there are a number of constraints which limit the range of options for the size of the Assembly e.g. there must be an odd number of Members elected from each electorate, there must be at least 5 Members elected in each electorate and there needs to be an odd total number of members to ensure that votes are not deadlocked.

The Council believes that expert modelling needs to be undertaken to ensure that the size of the increases in the Assembly and the number and size of the electorates, protect a continuance of stable government and minimise the prospect of a single party's being inadvertently entrenched in government.

**Canberra Business Council recommends that:**

- the size of the ACT Legislative Assembly should be increased to a minimum of 25 Members. While this will require a substantial increase in the size of the Assembly (a 47% increase), which will have inevitable cost and political implications, it will only return the situation to the level of representation that applied in 1989 when the Assembly was first constituted, (a ratio of approximately 1 Member per 10,000 electors)
- the size of the Executive should be increased to a minimum of seven
- a formula or mechanism should be incorporated into the enabling legislation which will automatically adjust the size of the Assembly as the population and number of enrolments increases in the ACT. This will prevent the delay and politicization of future increases in the size of the Assembly and provide better representation for the people; and avoid pressure in the future for a further increase in the size of the Assembly.

## 6. CONCLUSION

There is strong evidence available and included in this submission, which suggests that the ACT community is currently grossly under-represented.

In addition, there is concern that the size of the Legislative Assembly and the Executive within the Assembly is impacting negatively on the ability of successive governments to efficiently and effectively legislate their policy priorities and for the opposition to review policies and the implications of policy outcomes on the community.

Canberra Business Council believes that increasing the size of the ACT Legislative Assembly to a minimum of 25 will enhance the Assembly's capacity to properly perform its role in providing good government; investigating and debating matters of public importance; reviewing the actions of government; and overseeing the financial matters of government.<sup>18</sup>

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<sup>18</sup> Review Into The Size Of The Act Legislative Assembly A Discussion Paper By the Expert Reference Group. January 2013. p.5

A larger number of members of the Legislative Assembly will also enable elected representatives more effectively to engage with, represent and serve their constituents.

An expanded Executive of seven will mean that Ministers will have a more reasonable workload and spread of responsibilities. A proportionally larger backbench will enhance the capacity of the Legislature to scrutinise the activities of the Executive through a more active committee process.

A handwritten signature in dark ink, reading "C. Faulks". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

**Chris Faulks**  
**Chief Executive Officer**  
**Canberra Business Council**

## CANBERRA BUSINESS COUNCIL

Canberra Business Council is the leading business body in the Australian Capital Territory and Capital Region, representing individual members and the interests of more than 30 industry organisations known as Kindred Organisations.

Directly and through its Kindred Organisations Canberra Business Council represents more than 5,000 businesses across the Capital Region. In 2007 the Council entered into an affiliation arrangement with the NSW Business Chamber which represents over 30,000 businesses in NSW and connects over 100,000 businesses across Australia through the State and Territory Chamber Network.

Canberra Business Council provides business leadership in the promotion of economic and business development of the Capital Region by:

- + providing a forum for business, industrial, commercial and professional organisations in the Capital Region;
- + liaising with and representing the interests of business to all governments, departments, agencies, organisations and persons whose functions and responsibilities affect businesses in the Capital Region;
- + leading, or participating in, key initiatives that further the interests of economic and business development in the Capital Region;
- + providing the services and facilitating relationships to meet the needs of its members.



### **Canberra Business Council**

ACN 14 126 100 169  
National Associations Centre  
216 Northbourne Ave  
Braddon ACT 2612  
t: 02 6247 4199  
f: 02 6257 4421  
e: [ceo@canberrabusinesscouncil.com.au](mailto:ceo@canberrabusinesscouncil.com.au)  
[www.canberrabusinesscouncil.com.au](http://www.canberrabusinesscouncil.com.au)



## APPENDIX 1 SUMMARY OF THE FINDINGS OF THE MAIN INQUIRIES INTO THE SIZE OF THE ACT LEGISLATIVE ASSEMBLY

- 1975 Thirty eight years ago in 1975, the Joint Parliamentary Committee on the ACT in its Report *Self-Government and Public Finance in the ACT*<sup>19</sup>, recommended that the size of the Assembly should be increased to 19 members.
- 1984 In its 1984 report to the then Minister for Territories and Local Government, the Task Force on the Implementation of ACT Self Government supported 19 or 21 Members. The Task Force found that the ACT community was the most under-represented in Australia and that the ACT was almost completely unrepresented at the state and local level. Its 'advisory representation' at the state and local level was 1:13,150 people compared to the national average of 1:1,720.<sup>20</sup>
- 1990 In its 1990 report, the Assembly Select Committee on Self Government considered 17 members for 170,000 electors to be the minimum number required for a Westminster system with a Government, Opposition and parliamentary committees.<sup>21</sup> The Population of the ACT is now in excess of 374,700, (ABS preliminary figures for June 2012) with 256,702 electors enrolled at the election held on 20 October 2012.
- 2002 In 2002, the Assembly Standing Committee on Legal Affairs reported "a majority of the committee recommends that the Legislative Assembly for the ACT be increased to twenty-one members based on three electorates of seven members each". Although 21 was the final recommendation because it was a modest increase in size and therefore cost, the Committee argued that 23 was the minimum number of members required to achieve adequate constituent representation, parliamentary contribution especially on committees, and sound Executive governance.<sup>22</sup>
- 2010 In its submission (November 2010) to the Hawke Review of the ACT Public Service, Canberra Business Council recommended an increase in the ACT Legislative Assembly to 25.

*"The ACT has a relatively small Legislative Assembly with a limited strength of skills yet has 23 ministries. CBC supports:*

- *an increase in the size of the Legislative Assembly to 25 elected members*

<sup>19</sup> See Parliament of Australia (1975) *Report on Self-Government and Public Finance in the ACT*. Canberra.

<sup>20</sup> *Governing the City State-One ACT Government, One ACT Public Service*. Dr Allan Hawke. ACT Public Service Review Final Report, February 2011. P.32

<sup>21</sup> See <http://www.parliament.act.gov.au/committees/index1.asp?committee=137&inquiry=846&category=19>

<sup>22</sup> Legislative Assembly for the ACT (2002) *Report No. 4 of the Standing Committee on Legal affairs - The Appropriateness of the Size of the Legislative Assembly for the ACT and Options for Changing the Number of Members, Electorates and Any Related Matter*. Canberra, p. 32.

- *a substantially reduced number of Ministries*

*There is a need to use more effectively the knowledge and talents of all members in Governance roles. The Westminster system of “Government” and “Opposition” does not necessarily serve the ACT Government well. Elements of a Municipal model, with a strong committee structure should be explored.”<sup>23</sup>*

The Council regarded the increase to 25 as the minimum necessary to achieve adequate constituent representation given the ACT’s current population of over 360,000 and projected growth to 400,000 by 2022.

- 2011 *Governing the City State - One ACT Government – One ACT Public Service – The Report of the Review of ACT Public Sector Structures and Capacity undertaken by Allan Hawke (2 February 2011) recommended...*

*In light of the importance of robust and accountable democratic processes in the ACT – characterised by high standards of parliamentary debate, a legislative program covering a range of complex issues, and an active Assembly Committee process – and the significant under-representation of the citizens of the ACT, there is an overwhelmingly sound case for increasing the size of the Assembly. This would enable Members to serve their constituents better, allow the Ministry to be expanded to seven thereby establishing a more reasonable spread of responsibilities, and enhance the capacity of the Legislature to scrutinise the activities of the Executive through a more active committee process.*

- 2011 In its March 2011 submission to the inquiry undertaken by the Senate Legal and Constitutional Affairs Legislation Committee (the Committee) into the *Territories Bill*, Canberra Business Council again argued that there is an overwhelmingly sound case for increasing the size of the ACT Legislative Assembly and the size of the ACT Executive.
- 2012 In March 2012 Canberra Business Council made a submission to the ACT Legislative Assembly Standing Committee on Administration and Procedure review of the *Australian Capital Territory (Self-Government) Act*. The Council reiterated its support for an increase in the size of the Legislative Assembly.
- 2012 The ACT Legislative Assembly Standing Committee on Administration and Procedure’s final report *Review of the Australian Capital Territory (Self-Government) Act* (released in August 2012) recommended that “section 8 of the Self-Government Act be amended to give the Legislative Assembly the power to determine the number of its Members, so as to have similar powers as the Federal Parliament and the State and Territory Parliaments”.

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<sup>23</sup> CBC Submission to the ACT Government Review of the ACT Public Sector. November 2010

## APPENDIX 2

### Current Responsibilities of Backbenchers in the ACT Legislative Assembly:

Yvette Berry	Member - Standing Committee on Education, Training & Youth Affairs Member - Standing Committee on Health, Ageing, Community and Social Services Member - Standing Committee on Justice & Community Safety Member - Standing Committee Justice & Community Safety (Legislative Scrutiny Role)
Chris Bourke	Chair - Standing Committee on Health, Ageing, Community and Social Services Member - Standing Committee on Planning, Environment and Territory & Municipal Services Member - Standing Committee on Public Accounts
Alistair Coe	Deputy Leader Shadow Minister for Territory & Municipal Services Shadow Minister for Planning & Infrastructure Shadow Minister for Transport Shadow Minister for Heritage Standing Committee on Planning, Environment and Territory & Municipal Services
Steve Dozpot	Shadow Minister for Education and Training Shadow Minister for Information & Communication Technology Shadow Minister for Sport & Recreation Shadow Minister for Ageing Member - Standing Committee on Education, Training & Youth Affairs
Jeremy Hanson	Leader of the Opposition Shadow Minister for Health Shadow Minister for Veterans Affairs Shadow Minister for Family & Community Services Shadow Minister for Housing Shadow Minister for Disability Services Chair - Standing Committee on Justice & Community Safety Chair - Standing Committee Justice & Community Safety (Legislative Scrutiny Role) Member - Standing Committee on Health, Ageing, Community and Social Services
Mick Gentleman	Member - Standing Committee on Justice & Community Safety Member - Standing Committee Justice & Community Safety (Legislative Scrutiny Role) Chair - Standing Committee on Planning, Environment and Territory & Municipal Services
Giulia Jones	Shadow Minister for Women Shadow Minister for Multicultural Affairs Member - Standing Committee on Education, Training & Youth Affairs Member - Standing Committee on Justice & Community Safety Member - Standing Committee Justice & Community Safety (Legislative Scrutiny Role)
Mary Porter	Chair - Standing Committee on Education, Training & Youth Affairs Member - Standing Committee on Public Accounts
Zed Seselja	Shadow Minister for the Cost of Living Shadow Minister for Utilities Shadow Attorney General Shadow Minister for Police, Corrections, Emergency Services Shadow Minister for Industrial Relations Chair - Standing Committee on Public Accounts
Brendan Smyth	Shadow Treasurer Shadow Minister for Business, Tourism & the Arts Shadow Minister for Economic Diversification Shadow Minister for the Environment Shadow Minister for Gambling & Racing Member - Standing Committee on Public Accounts
Andrew Wall	Shadow Minister for Youth

Shadow Minister for Indigenous Affairs  
Member - Standing Committee on Health, Ageing, Community and Social Services  
Member - Standing Committee on Planning, Environment and Territory & Municipal Services