

ACT Greens

Submission to the Review into the Size of the ACT Legislative Assembly



The ACT Greens welcome the opportunity to make a submission on this important issue, and thank the Expert Reference Group for their discussion paper *Review into the size of the ACT Legislative Assembly*. The ACT Greens are in broad agreement with that paper and so have not repeated all the points made there. Our submission seeks to make specific points in response to issues raised.

Reasons for Increasing the Size of the Assembly

The ACT Legislative Assembly performs the functions of both local and state level government. As such, it needs sufficient locally based representation to enable proper consideration of local issues (roads, footpaths, many planning issues etc.). The Assembly also has the functions of a state legislature, managing portfolios such as health, education, justice, climate change and environment as well as participating in national councils and in the development of national laws.

The primary job of the Assembly is to legislate for the good government of the Territory. Increasing the membership of the legislature will add to the breadth of knowledge and experience available to consider legislative reforms and from which to draw new ideas for reform.

The experience of the Assembly is that perhaps more than other Parliaments individual Members and parties not in government have been able to make very significant contributions to both the laws that govern the Territory and particular policy initiatives that the executive is responsible for implementing.

Of course, the executive is drawn from the Assembly and having such a small number of members necessarily limits the capacity of the executive. It is well recognised that government ministers in the ACT carry a high number of portfolios that ensure a heavy workload. The workload on a five member executive is commensurate with, and when the local level responsibilities are included, larger than in other jurisdictions that have executives of 8 and 9 members. Expanding the size of the executive can only improve governance, allowing ministers to better focus on a smaller field of responsibility.

While it is perhaps difficult to quantify exactly how this would improve outcomes for the people of the ACT, it follows that spreading the load of the executive would allow ministers to engage more on issues, and potentially allow time to be proactive about developing new policy. It would also allow them to engage more fully with local issues brought to them by constituents.

Other non-executive functions of the Legislative Assembly are also important, especially to represent the needs of particular constituents and to ensure that the executive is held to account. Non-executive members of all political persuasions contribute to parliamentary processes, including sitting on committees that undertake a large amount of work for the Parliament. The workload of the non-executive is also considerable, and it is difficult for all Members to stay across the full spectrum of issues in the depth that is sometimes required. Committees are responsible for scrutinising the executive through the annual reports and estimates processes as well as conducting inquiries into all manner of issues as well as particular Bills presented to the Assembly. Expanding the range of experience and ideas that can be part of these processes will also improve the governance of the Territory.

As we only have one house in our Assembly, the committee system is vital for effective longer-term cooperative work on the issues of the ACT. For this to work, the government must have enough backbenchers to be part of the committees. If there is a minority government in particular, then it is very difficult to find enough members of the government or cross-bench to serve on committees.

For the purpose of accountability there also needs to be an effective opposition and cross-bench to allow parliamentary scrutiny. To this end, it is important that electorates are large enough to be reasonably proportional (seven or more) so that there is an effective opposition and cross bench.

The size of the cross-bench has varied over the years in the ACT, and the Greens believe that it is important to retain the diversity of membership of the Legislative Assembly to represent the diversity of views in the community and the size of electorates is vital for ensuring a diversity of views.

The anecdotal evidence that workloads at the Assembly are high is supported by the proportionally low level of representation that the voters of the ACT have compared to other states and Territories, and comparable locations internationally. Our 17 MLAs represent both local and state issues, and when compared to levels of representation other state and local government, the ratio of representation is extremely low. (The ACT has one member for every 15,129 voters. The next lowest is Victoria with one member for every 4769 voters, the

highest is WA with one member for 1045 voters.) Even if only local councilors are excluded, the ACT has fewer representatives per head than the Northern Territory or Tasmania, a status which would not change even with 27 MLAs.

It is important to note that should the Assembly proceed with a significant increase in the numbers of Members, the ACT would continue to have the lowest representation in Australia, taking into account federal, state and local representation. Our current ratio of representatives per head of population is 5.6 per 100,000 people – an increase to 27 MLAs would lift this ratio to 8.3 per 100,000. Compared to other jurisdictions, this still places us well behind the next lowest of 14.4 (Victoria). The gap is even bigger when compared to Tasmania, a smaller state with a population closer to the ACT's, who have 66.0 representatives per 100,000 people.

The ACT Greens support increasing the size of the Assembly to:

- **Improve representation for the people of the ACT.**
- **Ensure that representation increases to keep abreast of population increases in the ACT**
- **Better spread executive and non-executive workloads and thereby improve the effectiveness of governance and accountability.**

What Size Should the Assembly Be?

General Principles

In its discussion paper, the Expert Reference Group included this summary of the principles relevant to sizes and number of electorates.

Given the above considerations, the ACT Electoral Commission identified a number of factors to consider in determining the appropriate configuration of the number of electorates and Members per electorate in its submission to the 2002 inquiry of the Assembly Standing Committee on Legal Affairs, and included the following guiding principles:

- *each electorate should have at least five Members;*
- *each electorate should have an odd number of Members;*
- *electorates should each return the same number of Members; and*
- *the total number of Members should be an odd number – accordingly there should be an odd number of electorates.*

The ACT Greens believe these are desirable principles – but we do not believe they are all essential or the best option. We believe that each electorate should have at least 7 Members and that in fact 9 Members would be more desirable.

In terms of the distribution between electorates whilst it is desirable to have an equal distribution and this necessitates an odd number in order to return an odd number of members overall it is not essential and may be that in order for the Assembly to grow incrementally with the Canberra population there will be times when it cannot be satisfied. While this is not ideal, this is the current situation.

The Greens think that it is possible to meet all these principles for the distribution that will result from this current exercise. However we think that they may not allow enough flexibility to allow incremental adjustment of number of MLAs to meet future possible population growth. Incremental growth can most easily be accommodated if more members are added to each electorate. This means that if there are three electorates then we can grow in increments of 6 MLA's (so as to maintain the odd number of members in each electorate). It would be more difficult to add more electorates as if the principle that an odd number of electorates is kept, then there would need to be an increase of two electorates or a minimum of 10 MLAs if there were 5 member electorates.

If, for example, we have three electorates of seven members, i.e., 21 MLAs, the possible increases following these principles are to five electorates of seven members, i.e., 35 members (an increase of 14 or more than half) or three electorates of 9 members to 27 members (an increase of 6 members). Starting from five electorates of five members or 25 MLAs would lead to an increase to 35 members (either seven electorates of five members or five electorates of seven members), an increase of 10 members or nearly half.

The Greens think that it is desirable to have the option for more flexibility to allow incremental adjustments.

Size of Electorates

The Greens support the current electoral distribution requirements that districts are kept together in electorates as far as possible. We note that districts are currently broken into multiple electorates, in particular parts of Woden are in Molonglo and in Brindabella while Gungahlin has been growing out of Molonglo into Ginninderra. However, it does not appear to be possible to configure electorates in the ACT so as to give even sizes and keep all districts intact in one electorate.

Population of ACT Districts

	Expected population in 2019	%
North Canberra	53,000	14
Belconnen	94,850	24
Woden Valley	35,300	9
Weston Creek	23,750	6
Tuggeranong	88,250	23
South Canberra	28,950	7
Gungahlin Hall	55,450	14
Molonglo	10,300	3
Remainder of ACT	300	0
Total ACT	392,169	100

Source: http://www.cmd.act.gov.au/_data/assets/pdf_file/0007/119734/suburb-population-projection.pdf

With three equal sized electorates, each electorate would ideally be 33% of the voters. Under this scenario, it is likely that Tuggeranong and Belconnen would form the bulk of the northern and southern electorates of Brindabella and Ginninderra. The central electorate of Molonglo would then include a mixture of districts. One possible scenario would be to combine Belconnen with Molonglo and Weston Creek giving a population of roughly 129,000, Tuggeranong with Woden giving about 123,000 people and the rest of Gungahlin/Hall and North and South Canberra giving about 137,000 people.

With five electorates, each electorate must have as close as possible to 20% of the electors. The population figures for 2019 indicate that the two large districts of Belconnen and Tuggeranong would be too big for a single electorate, and therefore would have to have a small part of the district removed and added to another electorate. The other three electorates would be a mixture of districts and parts of districts.

Seven equal sized electorates would require around 14.3% of voters in each electorate. Seven electorates offers the possibility of the smaller districts, such as North Canberra and Gungahlin each being entirely in a specific electorate. However it would lead to splitting Belconnen and Tuggeranong almost in half.

In short, none of the possible options perfectly allow a design of electorates that respects the current district boundaries in Canberra. However the model of three equal electorates seems to most respect the districts of the ACT.

The ACT Greens support three electorates given the current population size and distribution.

Number of Members per Electorate

The Greens believe that it is important to retain the diversity of membership of the Legislative Assembly to represent the diversity of views in the community. The more members in each electorate, the lower the quota required to get elected and as such, the more likelihood that candidates who represent the full spectrum of views will be elected.

A five member electorate has a quota of 16.7%, a seven member electorate has a quota of 12.5% and nine member 10%. Minor party and independent Members have been elected in both five and seven member electorates in the ACT. Particularly as there is no upper house for review or alternative expression of voters' intentions, it is important that our electoral system

- gives a result that is proportional to voters' intentions. The more members per electorate, the better the proportionality of the result.
- allows a diversity of views to be expressed. This allows all members of the community to be appropriately represented and fosters innovation. Again this favours more members per electorate.

The ACT Electoral commission in its 2002 submission to the Submission to the Standing Committee on Legal Affairs ACT Legislative Assembly considered this issue and stated

"Further, as the size of the quota (in percentage terms) decreases, the chances of the election of minor party and independent candidates increase. Electorates returning 9, 11 or more members would have a higher proportionality than for five or seven member electorates."

http://www.elections.act.gov.au/_data/assets/pdf_file/0015/2076/sizeofassemblysubmission.pdf

The senate is typically elected in half senate elections and thus six members at each time, but occasionally there is a full senate election with 12 members elected. In the NSW upper house has 42 members and half are elected in a single multi-member electorate. 21 members are elected each time with a quota of 4.76%.

While proportionality would be best served in the ACT by having one electorate, the Greens do not support a single electorate. We believe that Canberra residents appreciate having a 'local member' and that the Assembly's role as the local government means it is important to have local representation to maintain accountability on these issues.

Electorates of five members would diminish this, and the opportunity to increase the size of the Assembly is a good opportunity to remove five member electorates in the ACT. The ACT Greens believe that seven or nine members is the appropriate range of members per electorate. It gives a good balance between proportionality of views and diversity of views and the need to have enough electorates to enable geographically distinct representation.

The ACT Greens support that electorates should, in principle, have seven or nine Members each, acknowledging that other considerations such as the total size of the Assembly, might require flexibility.

Summary of ACT Greens Recommendation to the Review Panel

The ACT Greens contend that the best configuration for increasing the size of the Assembly would be three electorates with between 7 or 9 members.

This would enable an increase in the size of the Assembly that improves representation and compensates for significant population increases over the last 20 years while planning for the next 20 years and delivers on the principle of seven or more members so as to enhance proportionality and diversity.

The Greens do not support five member electorates because they reduce proportionality and diversity of representation in the Assembly.