

## Legislative Assembly for the Australian Capital Territory

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Parliament and the numbers

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*‘One man with courage makes a majority”[[1]](#footnote-1)*

*“An inch is as good as an ell*

*(*an “ell” was a former measure of length, used mainly to measure cloth; originally calculated from the length of a man’s forearm, it was later standardized at 45 inches in England and 37 inches in Scotland)[[2]](#footnote-2)

## Introduction

The number of members in the Legislative Assembly for the Australian Capital Territory (the ACT Legislative Assembly) will increase after Saturday, 15 October 2016 from 17 Members to 25. This paper examines how long it has taken for the ACT Legislative Assembly to increase in size and compares it to other jurisdictions within the region. It also looks at some of the reasons for the increase in size and the ratio of non-executive and executive members.

## Numbers in favour or against self government

The ACT Legislative Assembly was created by an Act of the Federal Parliament in 1988 – the *Australian Capital Territory (Self-Government) Act 1988.* That Act provided for a legislature comprising 17 Members. Up until the passage of that Act, a House of Assembly that had 18 part-time members performed an advisory function and reported to the Federal Minister for the Territories, so the proposed number was one less than the previous model. The then Federal Member for Fraser, John Langmore MP, remarked on this fact speaking to the Australian Capital Territory (Self-Government) Bill 1988 on 3 November 1988:

The Assembly will have 17 members, one less than the number in the previous
House of Assembly. It has, therefore, been kept small. That reflects community preference
for a small legislature.[[3]](#footnote-3)

The “community preference” Mr Langmore referred to was presumably the 1978 plebiscite of ACT residents. The plebiscite presented the following three propositions (results in brackets):

* That self-government be granted to the Australian Capital Territory by delegating functions to a locally elected legislative body in the stages set out in the statement, published in the Commonwealth of Australia Gazette on 24 October 1978, for the purposes of sub-section 43(1) of the Referendum (Self-government) Ordinance 1978. (30.01%)
* That a locally elected legislative body be established in the Australian Capital Territory with local government-type legislative and executive functions. (5.63%)
* That the present arrangements for governing the Australian Capital Territory should continue for the time being. (62.7%)[[4]](#footnote-4)

It is interesting to note that a decade later *The* *Canberra Times* commissioned an opinion poll in November 1988 posing a series of questions, one of which was: “Given the choice, what type of self-government would you most prefer for the ACT?” Respondents indicated:

|  |  |
| --- | --- |
| No self-government (i.e. no change) | 27% |
| Limited self-government like a local council | 38.7% |
| Full self-govt like a state | 30.8% |
| Undecided | 3.5% |

In a reference to the Boston Tea Party *The Canberra Times* editorialised:

No-one is throwing tea leaves into Lake Burley Griffin, but it appears the mood towards self-government is changing in favour...69 per cent wanted some form of self-government and 27 per cent wanted none at all. This is a big change from the 1978 referendum.[[5]](#footnote-5)

## The numbers as determined by the federal Parliament

During debate on the self-government bills in the Senate, the Minister representing the Minister for the Territories, Senator the Honourable Graham Richardson, made reference to the numbers in the Assembly that would be an appropriate size for the new legislature, stating:

If one looks at the public concern expressed in the course of debate over the last year or so,
one sees that clearly one of the concerns most often expressed is the need to make sure that
the new government is not too big, that it does not cost too much money. Government is an

expensive business these days... I think what is contained in the Bill [17 Members] now in fact directly meets that community concern.[[6]](#footnote-6)

The then Federal Liberal Opposition also supported 17 Members, and, in discussing whether the new legislature should have the power to change its own numbers, it suggested that the clause requiring both the Commonwealth and the ACT Legislative Assembly to agree on any increase was appropriate. The shadow minister in the Senate, Senator Hill, observed that:

We are anxious to restrain any rapid enlargement of this body.[[7]](#footnote-7)

On 4 March 1989 following the passage of the Self Government Act (passed with support from all major parties), the first election of the ACT Legislative Assembly was held, and on 9 May, 17 Members took their places in the new Assembly. It should be noted that four of the elected Members – three from the No Self-Government Party and one from the Abolish Self Government Coalition – were elected on a platform to abolish the legislature.

## The numbers as determined by the ACT Legislative Assembly

Between 1974 and 2012 there were 11 inquiries which examined the size of the Legislative Assembly, with nine recommending that the Assembly be larger and two recommending that it remain at its present size.[[8]](#footnote-8)

Some 25 years later on Thursday 5 June 2014, the Attorney-General introduced the Australian Capital Territory (Legislative Assembly) Bill 2014. The purpose of the Bill was to increase the size of the Legislative Assembly from 17 members to 25 members, with an accompanying Bill providing for five electorates of five members each. On 5 August 2014 the Assembly passed the two Bills, with the increase taking effect from the October 2016 election. In accordance with the *Proportional Representation (Hare Clark) Entrenchment Act 1994* the Bills were passed by the required two-thirds majority of the Assembly.

## At what stage do you decide to adjust the size of the legislature?

By the time of the increase to 25 Members in 2016 it will be 27 years since the Assembly was established. I thought it would be interesting to see if that was too early or too late in comparison to other legislatures who have also chosen to adjust their size.

Table 1 details Australian and selected Pacific legislatures and shows the year they were established, the year when they first increased in size, what percentage increase there was and what the population was at the time the increase was made.

As can be seen from the table, there is significant variation in the amount of time that legislatures have taken to increase their size. This reflects the fact that each jurisdiction will make choices based on a range of factors – population, economic circumstances and political considerations are no doubt high amongst those factors. For the ACT, 27 years is somewhat longer than other States and Territories in Australia.

## Table 1: Increase in size of Australian and Pacific Legislatures from when they were first established

| **Jurisdiction** | **Year Established** | **No of MPs when established** | **Year of increase in size** | **No. of MPs when increased** | **Percentage increase (%)** | **No. of years between establishment and increase** | **Population at time of increase** | **Ratio of members to population** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Northern Territory** | 1978 | LA 19 | 1982 | LA 25 | 31 | 4 | 132,784 | 1: 5,311 |
| **Kiribati** | 1977 | 36 | 1987 | 39 | 8.3 | 10 | 63,883 | 1: 1,638 |
| **Western Australia** | 18901890 | LA 30LC 15 | 1900 | LA 50LC 30 | 66100 | 10 | 179,967 | 1: 2,249 |
| **South Australia** | 1857 | HA 36LC 24 | 1875 | HA 46LC 24 | 33- | 18 | 210,076 | 1: 3,001 |
| **Solomon Islands** | 1974 | 38 | 19941997 | 4750 | 23.731.7 | 2023  | 349,250379,871 | 1: 7,4311: 7,597 |
| **Victoria** | 1856 | LA 60LC 30 | 18761881 | LA 86LC 42 | 4336 | 2024 | 805,424873,965 | 1: 6,827 |
| **Tuvalu** | 1978[[9]](#footnote-9)  | 12 | 1999 | 15 | 25 | 21 | 9,374 | 1: 625 |
| **New South Wales** | 1856 | LA 54LC 32 | 1880 | LA 108LC 32 | 100- | 24 | 741,142 | 1: 5,293 |
| **Australian Capital Territory** | 1989 | LA 17 | 2016 | LA 25 | 47 | 27 | 405,477[[10]](#footnote-10)  | 1: 16,219 |
| **Queensland** | 1861 | LA 26LC 21 | 18881877 | LA 72LC 30 | 17742 | 2716 | 367,166195,794 | 1: 3,599 |
| **Tasmania** | 1856 | HA 30LC 16 | 1885- | HA 36LC 16 | 16.60 | 29- | 128,860 | 1: 691 |
| **Nauru** | 1968 | 18 | 2013 | 19 | 5.6 | 45 | 10,310 | 1: 543 |
| **FEDERAL** | 1901 | HR 75SEN 36 | 1949 | HR 123SEN 60 | 6466 | 48 | 8,045570 | 1: 65,4101:13,4091 |
| **Niue** | 1974 | 20 | - | 20 | - | - | 4000  | 1:200[[11]](#footnote-11) |

## Is there an ideal number of members?

The Expert Reference Group (comprising the Electoral Commissioner, the Chair of the Remuneration Tribunal, a Professor from the University of Canberra, an Executive Chairman of a local Construction Company and a Barrister who is Deputy Chief Executive Officer of Legal Aid ACT) convened in 2013 for the purpose of examining the size of the ACT Legislative Assembly and noted that:

Calculating the appropriate number needed for a legislature to adequately fulfil its functions is as much an art as a science.[[12]](#footnote-12)

A parliament must have a sufficient numbers of members to perform a range of tasks and functions and these are outlined in various parliamentary texts. In my view, at the very least, a parliament must have enough members to:

* form a government
* provide a first minister and a deputy
* provide a leader of the opposition and a deputy
* provide a Speaker
* provide a Deputy and Assistant Speakers
* form sufficient committees to scrutinise the government
* form a ministry sufficient to govern the jurisdiction
* provide shadow ministers to scrutinise
* provide whips
* provide inter-parliamentary activities

In its report on the size of the Legislative Assembly, the Expert Reference Group highlighted that:

Compelling evidence was provided that demonstrated the small size of the Assembly, and particularly the ministry, poses a significant risk to good government in the ACT.[[13]](#footnote-13)

Whilst population is often seen as the compelling reason why an increase in the size of a legislature is warranted, another factor that may need to be considered is the ratio of Ministers to non-executive members. Over the past 20 to 30 years there has been a steady increase in the number of Executive members, especially with the creation of Parliamentary Secretary and Assistant Minister roles, but with no increase in the size of the legislature. When the Assembly increased its Executive from five Ministers to six in 2014 (with the possibility that they could appoint up to nine Ministers) I compiled a table outlining the relative ratios. Table 2 sets out the ratio of Executive to Non-Executive Members in Australia and selected Commonwealth Legislatures.

## Table 2: Ratio of non-executive to executive members for Australian and selected Commonwealth Legislatures

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Legislature** | **No. of Members** | **No. of Ministers** | **No. of Parliamentary Secretaries/ Assistant Ministers** | **No. of non-Executive/ Backbencher Members** | **Percentage of non-Executive/ Backbenchers Members (%)** |
| Tuvalu | 15 | 8 | 0 | 7 | 46.7 |
| Solomon Islands | 50 | 24 | 0 | 26 | 52.0 |
| Tasmania- House of Assembly | 25 | 8 | 2 | 15 | 60.0 |
| Tonga | 26 | 10\* | 0 | 16\* | 62.0 |
| Australian Capital Territory | 17 | 6 | 0 | 11 | 64.7 |
| Queensland | 89 | 19 | 12 | 58 | 65.2 |
| Vanuatu | 52 | 13 | 1 | 34 | 65.4 |
| Parliament of the Republic of Fiji  | 50 | 13 | 4 | 33 | 66.0 |
| Kiribati | 46 | 15 | 0 | 31 | 67.0 |
| Nauru | 19 | 6 | 0 | 13 | 68.0 |
| Northern Territory | 25 | 8 | 0 | 17 | 68.0 |
| Papua New Guinea | 111 | 33 | 0 | 78 | 70.0 |
| **Legislature** | **No. of Members** | **No. of Ministers** | **No. of Parliamentary Secretaries/ Assistant Ministers** | **No. of non-Executive/ Backbencher Members** | **Percentage of non-Executive/ Backbenchers Members (%)** |
| Western Australia- Legislative Assembly | 59 | 12 | 5 | 42 | 71.2 |
| Samoa | 49 | 13 | 0 | 36 | 73.4 |
| South Australia- House of Assembly | 46 | 12 | 0 | 34 | 73.9 |
| Scotland | 128 | 15 | 18 | 95 | 74.2 |
| The Parliament of the Cook Islands | 24  | 6 | 0 | 18 | 75.0 |
| Western Australia- legislative Council | 36 | 5 | 3 | 28 | 77.8 |
| New Zealand | 121 | 25 | 0 | 96 | 79.3 |
| Niue | 20 | 4 | 0 | 16 | 80.0 |
| Commonwealth- House of Representatives | 150 | 16 | 13 | 121 | 80.7 |
| Commonwealth- Senate | 76 | 6 | 7 | 63 | 82.9 |
| Victoria- Legislative Assembly | 88 | 17 | 0 | 71 | 87.5 |
| **Legislature** | **No. of Members** | **No. of Ministers** | **No. of Parliamentary Secretaries/ Assistant Ministers** | **No. of non-Executive/ Backbencher Members** | **Percentage of non-Executive/ Backbenchers Members (%)** |
| Victoria- Legislative Council | 40 | 5 | 0 | 35 | 87.5 |
| Canada- House of Commons | 308 | 24 | 14 | 270 | 87.7 |
| United Kingdom- House of Commons | 650 | 50 | 24 | 576 | 89 |
| South Australia- Legislative Council | 22 | 2 | 0 | 20 | 90.9 |
| Tasmania-Legislative Council | 15 | 1 | 0 | 14 | 93.9 |

## Conclusion

In the field of mathematics there is a special ratio used to describe the proportions of everything from nature’s smallest building blocks, such as atoms, to the most advanced patterns in the universe. Derived from the Fibonacci sequence, this ratio is known, among other titles, as the golden ratio. It is 1.618 or its inverse is 0.618. It has been proven that almost everything that has dimensional properties adheres to the golden ratio. For example:

* honeybees – if you divide the number of female bees by the number of male bees in any given hive, you will get 1.618
* sunflowers, whose seeds are arranged in a spiral, have a ratio of 1.618 between the diameters of each rotation; and
* dividing the length of your arm measured from shoulder to fingertips by the length from your forearm measured from elbow to fingertips usually results in a ratio in the region of 1.618.[[14]](#footnote-14)

Is there a golden ratio for the ideal number of Members of Parliament relative to population, or of executive to non-Executive members? Maybe not. But it is clear that in the ACT Legislative Assembly, there has not been an increase in the size of the Legislature commensurate with the 50 per cent increase in the size of the Executive over the past four Assemblies.

Is it the right time for the ACT Legislative Assembly to increase its size? Is the quantum of the increase, taking into account the ratio of Ministers to members, appropriate? Only time will tell, but judging by the experience of other legislatures, it seems about right.

1. Andrew Jackson, 1743-1826, 3rd President of the United States, quoted in J Hamilton *Book of Quotations,* David Dale House, 2004, p 236. [↑](#footnote-ref-1)
2. Saying quoted in R Fergusson, *The Penguin Dictionary of Proverbs,* 2nd Edition, p 245. [↑](#footnote-ref-2)
3. House of Representatives Debates, *Hansard,* 3 November 1988, p 2428. [↑](#footnote-ref-3)
4. ACT Electoral Commission Website. [↑](#footnote-ref-4)
5. *The Canberra Times*, Sunday 20 November 1988, Editorial. [↑](#footnote-ref-5)
6. Senate debates, *Hansard,* 24 November 1988, p 2737. [↑](#footnote-ref-6)
7. Senate debates, *Hansard, 24 November 1988, ibid.*  [↑](#footnote-ref-7)
8. Expert Reference Group 2013, *Review into the size of the ACT Legislative Assembly,* ACT Government, 28 March 2013, p 1. [↑](#footnote-ref-8)
9. 1978 was the year of independence [↑](#footnote-ref-9)
10. 2017 projection [↑](#footnote-ref-10)
11. Ratio at time established (1974) was 1:200. Population by 2011 had fallen to 1611, making the ratio 1:81. [↑](#footnote-ref-11)
12. Expert Reference Group, *op cit*, p 2. [↑](#footnote-ref-12)
13. Expert Reference Group, *op cit*, p 1. [↑](#footnote-ref-13)
14. Investopia, Fibonacci and the Golden Ratio, Justin Kuepper [↑](#footnote-ref-14)