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Committee Secretary
Select Committee on Amendments to the *Electoral Act 1992*
Legislative Assembly for the ACT

Dear Secretary

Inquiry into Amendments to the *Electoral Act 1992*

I make this submission in regard to the term of reference dealing with ‘the public position of the Labor Government and the Liberal Opposition that the membership of the Legislative Assembly be expanded to 25 members at the 2016 election’.

The Assembly has 17 members, which is consistent with the size of some local government bodies. It is true that the ACT parliament has the responsibilities of a local government, such as roads, rubbish and recycling. However, the Assembly is unique in also having the functions of a State government, such as running the education system and being responsible for the health care of its citizens.

The problem is that the Assembly is the size of a local government body but must also fulfil the duties of a State parliament. The members of the ACT Assembly have one of the hardest jobs of government in the country in having to straddle two tiers of our federal system. Their task is made even more difficult by the fact that there are so few of them in the chamber.

It has been argued that 17 members is the right size for the ACT given its population of 382,900 people. However, the Northern Territory has a population of only 241,800 people and a parliament of 25 members, while Tasmania has a population of 513,400 people and a parliament of 40 members. The ACT population is also growing at a faster rate than either of these jurisdictions (<http://www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0>). Both the Northern Territory and Tasmania also have a separate tier of local government. The ACT is clearly out of step. Its Assembly has greater responsibilities than either of these bodies, but relatively fewer people to do the job.

The size of the Assembly means that minority governments may be formed out of only seven representatives. Five of these may be ministers. They must cover the full range of State and local functions, including representing the ACT in the negotiations over funding and other matters that take place in the myriad of ministerial councils. This leads to some ACT ministers having a smorgasbord of portfolios that no one person could do justice to. One or more areas can lose out.

This practice is not conducive to good government and is dependent upon having the highest possible quality of ministers. This in return requires a governing party to have a pool of potential ministers on its back bench. Unfortunately, the current size of the assembly is not large enough to facilitate this.

The problem of numbers, and its impact on the depth of talent, also strikes oppositions. They must cover the same areas with fewer people and without the resources and staffers available to ministers.

Having more politicians tends to be innately unpopular, in part because of the extra cost. However, the costs of inefficient, or even bad, government are far higher. Not having the strongest possible team to run areas like health and education can, over the longer term, have an enormous multiplier effect across the whole community through less effective hospitals and schools.

I favour an Assembly of 25 members, the same size as the Northern Territory. This would significantly increase the size of the Assembly, while not taking it beyond that of any comparable parliament. It would still be the equal smallest in the nation.

It is not surprising that a similar increase has already been recommended by a range of reviews and inquiries, most recently by the Report by the Expert Reference Group in *Review into the Size of the ACT Legislative Assembly* in 2013.

In 1998, Professor Philip Pettit found in his independent Review of the Governance of the ACT that the ratio of members to electors in the ACT should be maintained at around one member for every 10,000 enrolled voters. Since 1989, when the Assembly was first elected with its 17 members, the number of ACT voters has increased from 169,000 to 257,000, a rise of over 50%. Taking into account Canberra's increase in voters, 17 members in 1989 translates into 25.7 members today. As there should be an odd number of members, an Assembly of 25 is reasonable and appropriate. While Professor Pettit supported 21 members in 1998, he indicated even then that 25 was the optimum number.

In 2002 the Standing Committee on Legal Affairs, comprising Bill Stefaniak from the Liberal Party, John Hargreaves from Labor and Kerrie Tucker from the Greens handed down a report on the size of the Assembly. They also recommended that the number of members be increased. A majority found that the Assembly should have 21 members, while Hargreaves recommended a size of 23. Twelve years on, an increase of only four members to 21 is not enough. If the issue is to be taken on, it should be addressed so that there is no immediate need for further increases. Consequently, the most sensible option would be an Assembly of 25.

It is long past time that the ACT had a parliament of an appropriate size. As former Liberal Speaker of the Legislative Assembly Greg Cornwell wrote in 2001, the combination of State and local government activities in the ACT 'is proving too much for a partisan chamber of just seventeen members ... it is the size of the assembly that is the fault'. From the perspective of good governance, the current size of the Assembly is insufficient.

Yours sincerely

George Williams