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Standing Committee on Administration and Procedure
Legislative Assembly for the Australian Capital Territory
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Submission to the Review of the Australian Capital Territory (Self-Government) Act 1988 and any associated regulations

1. The central issue of any review of the ACT (Self-Government) Act 1988 and any associated regulations is – and will remain until properly addressed – the compelling necessity to increase the size of the legislature.
2. While this cannot be achieved without the agreement of the Commonwealth Parliament every effort should be made to effect such an amendment to Section 8 (3) of the self-government Act.
3. When self-government was granted in 1988 the 17 member chamber was proposed so as to present a ratio of one member to 10,000 constituents.
4. This figure, given the vagaries of demographics, was not completely accurate; nevertheless it was close enough, even when the Hare Clarke with Robson Rotation voting system took over from the discredited D'Hondt system in 1995.
5. Since that time however, the number of constituents per member have doubled to over 20,000 and in what appears to be an increasingly desperate attempt to maintain the quota of ten percent greater or lesser votes (Section 67 D) in the three electorates of seven, five and five members the ACT Electoral Commission has introduced boundary changes which often are bewildering (Molonglo runs from Narrabundah, Isaacs and Weston Creek all the way to Gungahlin), isolated (the three Woden suburbs in Brindabella) or with little in common with the electorate (the Gungahlin suburbs in Ginninderra).
6. The constant boundary changes are fiddling around the edges rather than addressing the real problem: insufficient members of the Assembly.
7. Leaving aside the matter of how busy MLA's really are in looking after their constituents (remembering how unsuccessful suburban electorate offices were and discounting groupie social functions in the electorate) the fact remains that 17 members (including five Ministers) is an inadequate number of elected representatives to provide the level of good State-type governance to 360,000 people.
8. Based upon the original 1:10,000 ratio the ACT should have 36 MLA's; an unacceptable figure by anyone's call but if reduced to 21 to 25 members (and

allowing for seven Ministers) the ACT would be comparable to the Northern Territory and to Tasmania in legislative size (and with the latter with the same electoral system).

9. Granted the Northern Territory and Tasmania occupy larger areas than the ACT however *responsibilities* not *size* should be the determinant and we have the same wide range of governance as they do.
10. The proposal to increase numbers would not be welcome financially by the electorate, however it must be recognised that no increase in numbers, like parliamentarians' pay rises, *ever will be financially popular*.
11. This is no reason not to increase the number of members because, perhaps unknown to critics, the complexities of government continue to grow until even with the very best of intentions Ministers cannot keep pace with their responsibilities and they become more and more hostage to the unelected bureaucracy.
12. It should go without saying too that the smaller the talent pool, the less chance of a successful concert.
13. Certainly increasing the number of MLA's will not guarantee a better performance from Ministers or members but it won't make the performance any worse by a wider sharing around of large portfolio responsibilities thus avoiding the current situation of Ministers handling three and sometimes four portfolios each.
14. Reducing the load also will ease the health burden which always is a threat to members with their frenetic lifestyles.
15. The fundamental questions are to what level and how should the increase be achieved?
16. Conventional wisdom suggests the number of members should not be increased in the existing three electorates (to nine, seven and seven respectively) although this would be the most satisfactory solution, even if it does increase the chances of smaller parties even independents gaining representation.
17. Further, single member electorates are not supported by anyone except possibly the Australian Labor Party given the peculiar voting habits of most of the ACT's guilt-ridden well-heeled community which could result in a clean sweep for Labor.
18. As the preceding two paragraphs show vested interests would advantage their own party or group before the race even starts and as this attitude will not change such detail should be left to the ACT Electoral Commission to work out electoral boundaries and number of members while the Standing Committee simply recommends an increase in members to 23 or 25.

19. This is not to say we must stay with the three electorates or the Hare Clarke Robson Rotation voting system: just as D'Hondt was changed so too can our existing voting method although the current system gives wide choice.
20. Electorates could be reduced in size and the number of electorates accordingly increased to reach the additional number of members, requiring only an uneven total number of MLA's.
21. Despite claims to the contrary smaller electorates electing a smaller number of members will not disadvantage smaller parties or independents: it has happened before and currently the Greens hold a seat in each of the ACT's five member electorates.
22. The problem however with increasing the number of electorates and decreasing the number of MLA's in each is that the boundaries might end up of more complexity than now is the case.
23. Increasing the number of MLA's in the existing three seats might allow the suburb anomalies which have been forced upon the ACT Electoral Commission to be corrected by readjustment.
24. This suggestion to move to nine, seven and seven member electorates is made in the knowledge the Assembly thus will continue to risk the 'progressive' factor driving its legislative agenda whereby influential minority parties or independents introduce proposed laws out-of-step with current thinking or beliefs.
25. Fortunately the Commonwealth's veto still applies, albeit with the support of a majority of Federal Parliament and the opportunity of a full debate rather than the whim or prejudice of a single Minister.
26. No doubt the "progressives" in our community will be outraged by this continuing veto however there is a Commonwealth responsibility for the National Capital aspects of Canberra and the city's role as Australia's capital.
27. The existing 17 member legislature has not always acted responsibly in its attempts to change the law, occasionally resulting in public derision, and it could be argued more members might curb the more extreme attempts to override public opinion.
28. Whatever decision is reached upon how the numbers are increased it is essential the Assembly membership *is* increased so the elected representatives can carry out their State and local council duties to the best of their abilities unhampered by unreasonable workloads.
29. An alternative desired by many older Canberrans is to return control of the ACT – or all but its council-type functions – to the Commonwealth.
30. This is not worthy of consideration because no Federal Government wants to take over our State responsibilities.

31. Further, even those who look back on what they see as the “golden days” conveniently forget the difficulties the ACT faced getting anything into, far less approved, by Federal Parliament.
32. Far from being under the control of a benevolent Federal Minister we were mendicants, last in any legislative line and, if thought of at all, regarded by most MP’s and Senators as a spoilt pampered constituency.
33. Another alternative would be to abolish party affiliations among members: an idealistic solution which could lead to the chaos of the 1989-1992 Assembly when voting blocks often were unpredictable as individual members faced unexpected issues requiring a vote.
34. In any event abolishing party affiliations would result in pseudo-alliances similar to those officially existing now and, of more importance, would not overcome the essential problem of the existing Assembly: its size.
35. Some critics advocate a name change to render the Assembly similar to the Brisbane City Council to which they claim our body should more properly be likened, however this fails to recognise the ACT legislature’s role in national and international forums and thus the position occupied in representing the people of the Territory’s interests in the wider democratic framework.
36. On a more positive note additional members could see the broadening of the committee system with more time devoted to the detailed examination of legislation and of issues away from the confrontational approach of the public chamber.
37. Committee work would be improved because with each member upon less committees failure to meet because of quorum difficulties, say due to a member also on another committee travelling, could be lessened.
38. The anomalous position of the Presiding Officer also could be resolved with more members as it is less likely an Assembly of 23 or 25 MLA’s would fail to provide a party or coalition majority.
39. Scrutiny of budgets, of revenue and expenditure, would be improved with more members participating and the opportunity to specialise much enhanced: too many portfolio responsibilities does not lead to good opposition performance.
40. It also is important to ensure that as the ACT population grows; even if to the undesirable metropolis sought by cash-strapped governments and rapacious developers, we do not find the legislature again restricted by the Self-Government Act to a specific number of members.
41. Ideally the Legislative Assembly for the Australian Capital Territory should be able to decide its own size, however if Commonwealth approval still is

required flexibility as to the number of extra members should be built into the legislation.

42. Under Section 41(2A) Ministers are not to exceed five *until provision is made*: a phrase which does not extend to any increase in members but hopefully links the two positions, otherwise a government under the present 17 members could conceivably have no backbench.
43. Finally, the extension of Executive Powers – Section 37 (Schedule 4) – does not appear necessary or desirable because the Assembly has those powers already vested in State governments now and can extend its responsibilities within the existing framework and, as explained earlier, would suffer Commonwealth veto if it presumed to move outside these boundaries.

RECOMMENDATIONS

- (1) The Assembly should overcome its timidity toward the electorate and the self-interest of its Party machines and seek an increase in size to 23 or 25 members with the individual electorate numbers to be decided by the ACT Electoral Commission.
- (2) This increase to take effect no later than the 2016 Assembly election.
- (3) Provision to be made for future enlargement of the Assembly as and when required without the current cumbersome method of so doing.

Ends

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February 13, 2012

