

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON LEGAL AFFAIRS

(Reference: appropriate size of the Assembly)

Members:

**MR B STEFANIAK (The Chair)
MR J HARGREAVES
MS K TUCKER**

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 31 MAY 2002

**Secretary to the committee:
Mr R Power (Ph: 62050435)**

By authority of the Legislative Assembly for the Australian Capital Territory

The committee met at 9.05 am.

(Due to a technical fault, evidence given by Mr Harold Hird was not recorded.)

KEVIN CONNOR was called.

THE CHAIR: You were here, I think, when I read the blurb about what witnesses need to do here?

Mr Connor: I may not have been. I will answer questions anyway. I think we always need to cover ourselves, particularly in this litigious age, don't we?

THE CHAIR: Yes. Basically, you have certain protections and responsibilities. You are protected from certain legal actions like defamation. You also have the responsibility to tell the truth, because giving false or misleading evidence will be treated by the Assembly as a serious matter. Would you, for the record, state your name and then address your submission.

Mr Connor: My name is Kevin Connor and I am a resident of Kaleen in the eastern part of Belconnen, closer to Dickson. I also am a private citizen, although I have been fairly active in civic affairs over a period of a couple of decades or so since I have lived in the territory.

My basic reason for putting this submission in is that, until recent years, the Labor Party policy was for single member electorates. I believe in that. I fully believe that it is time now to revisit. I know that this is basically a committee inquiring into, under the current system, an increase in the numbers of MLAs. I have set out my arguments and I will start to briefly go through my submission. I have thrown in a little furphy—not so much furphy—regarding the popular election of the Chief Minister, and I think that does relate to the numbers, which we are talking about here.

For a start, I must admit I was a little bit annoyed when the argument in this blurb came out making a comparison with the Northern Territory and Tasmania. I think there is a little bit of a cultural cringe here in the ACT. We are a unique polity, we are a distinctive polity within the other jurisdictions in the Australian Commonwealth. For a start, the Northern Territory will eventually, I believe, and inevitably, get statehood. I don't think that will ever occur in this territory, for different reasons—the Constitution and things like that.

The other thing is that Tasmania has a far longer history. I stated in paragraph 3 that Tasmania has a far longer history of self-government, whether it be at the local level or at the state level or colonial level. And also, Tasmania, as we all know in Australia, is very, very unique, in more ways than one, but I won't go into that. I made a mistake once of bagging Tasmanians and a whole office load of people came out and said, "We were Tasmanians."

But apart from that, I believe that the territory has a unique polity, and I don't think it is being served by the Hare-Clark system of multiple member electorates. I am convinced of that. I can draw a comparison with the recent elections in the Republic of Ireland,

where there could be instability. The governing party, the Fianna Fail, is the largest party, but if there is a difference between that party, the Progressive Alliance and the Sinn Fein, then it is quite possible it could be toppled, albeit that Bertie Ahearne is popularly elected and very popular.

I also compare it to the analogy of light rail, the Glenelg tram in Adelaide—for those people who are not familiar with that, the Glenelg tram in Adelaide is very, very efficient—and also the Obahn in Adelaide. Both perform the job of providing transport. Unfortunately, there are many, many examples of good light rail around the world and only three examples of Obahn or guided busways in the rest of the world. So, therefore, we have a situation where things are wanting.

I prefer, as I have stated, single member electorates. Consequently, I believe that we do not need—this is not justified whatsoever—any increase above the maximum number of 17. In fact, as I have stated here, we would be better served by even a reduction.

We can ask: what does a local member do; what is a local member; and where do we address our inquiries? Currently there are a number of issues very relevant to where I live in the eastern end of Belconnen—roundabouts, et cetera—which are of absolutely no relevance to the chairman, who lives in the western end of Belconnen. It would take up his time if I was to flog off letters and so forth about what was needed.

The person that lives currently in our area is the Chief Minister. The Chief Minister in this territory, unlike other leaders of jurisdictions, is a very, very busy person. He represents the ethos of the territory, and that brings in and leads to the question of why not popularly elect the Chief Minister? Free him up from his electoral responsibilities. We are already a quasi-American system. The Chief Minister signs legislation into law, the same as American state governors do. Why not bring the legislature up into a more enhanced position?

Perhaps people say that we are going away from the Westminster system. I don't see that as any argument these days. We should try and organise our polity, our legislature, in the way that we see fit. I think this is another idea. I dismiss the nonsense that says it will reduce us to something like a city council. I think that is passe. We have a legislature that is trying to do a good job but I think we do need to revisit what we are doing, and I think we do need to see and look at it in the light not of the present but of the future.

THE CHAIR: Our brief isn't to look at the electoral system—that is Hare-Clark. But you make the interesting point of basically 15 MLAs and a separate executive. In other words, you would elect the Chief Minister by popular election, who would then appoint his cabinet, just like, I suppose, the American system.

Mr Connor: Yes. In some ways it would achieve what I would like, I suppose, as an individual citizen. It would also put what is already the status quo anyway into the reality of the situation. As I said to you before, the Chief Minister plays, in fact, much the same role as an American state governor. So it is just the size of the legislature. We don't have an administrator here, we don't have the panoply that even New South Wales does when they open state parliament. We don't have any of that. Or even, to a lesser extent, the Northern Territory. The Northern Territory does have an administrator. We don't. I think constitutionally our administrator is the Governor-General.

THE CHAIR: In a roundabout way, yes.

MR HARGREAVES: It is the Minister for Territories, I think. That is in the self-government enabling legislation.

THE CHAIR: The Governor-General effectively, yes.

Mr Connor: If you go out into London Circuit and ask who is the administrator of the Australian Capital Territory, you could get half a dozen answers.

MR HARGREAVES: If you go out there and ask people on the street who the head of state is, they will get that wrong most of the time as well.

Mr Connor: This has been the subject of recent controversy—we are not into that. My point is we do need to look at and revisit the question of Hare-Clark. I certainly could not justify any increase. As I said, the workloads will be heavier. You have a multiplier and knock-on effect.

Currently, if I have got a complaint that relates to Kaleen, I have to go through five members in Ginninderra; and I have got to go through the shadow members. I might have to go through someone like yourself who lives close, because Kaleen abuts Molonglo—in fact, it is just down the road.

MS TUCKER: I have a question on that. I in fact do constituent matters that are related to people in Tuggeranong. I know the committee is not formally looking at this but we are having a discussion anyway. I don't quite understand something—and this is a general question—in respect of the notion of a single member electorate. If you have one representative then that representative will probably have particular views on any given issue. My concern with that model would be that you would not have as great an opportunity to have someone represent your concerns as we have with multi-member electorates.

If people from Tuggeranong are coming to me, it is because they don't think anyone in their electorate, the members that are serving them, will actually represent their views. Or they just want to get an extra voice. So it would not always be that they don't think they can be represented. But they may think, for whatever reason, that none of the members in their electorate, whether they are government or opposition backbench members of the major parties or an independent, may be able to help them. They have a choice. There is a range of people they can ask to advocate for them. So I would have thought that was actually an advantage in terms of improving representation for people. I am interested in your comment on that.

Mr Connor: I see the role of a legislator as representing everybody in a given electorate without fear or favour. I agree with you that it does happen in that regard. For arguments sake, if you represented a single member electorate—notionally, say, around the north of Canberra; around Dickson and Hackett—then regardless of whether you agree with the individual or not, the representation should be forthcoming. That is what you are elected for. That is what the individual person is elected for—to represent all of the members, even the ones that may not have voted for him or her. That is the essence of democracy.

MS TUCKER: But how does that fit with, particularly with parties, stated policy commitments? If you are my constituent and you say, “I want you to do X” and X is totally inconsistent with my policy position, I can’t go into the Assembly and—you know what I am saying—represent you without betraying other people who voted for me who thought I stood for a certain thing.

Mr Connor: I know what you’re saying.

MS TUCKER: Whereas if you had all these other people, you would have that opportunity to go to someone.

Mr Connor: Surely by doing this we are generating a whole facet of multiplication, a knock-on. It is not only an increase in the size of the Assembly, it is an increase in the size of the assistance that goes with it—the bureaucracy, the number of people to serve the increased number of members of the Assembly and so forth. From my recollection, at least 80 per cent of the democracies in the world use in one form or another single member electorates, some first past the post and some like we do with preferential systems. That has sufficed over the best part of 150 to 200 years since a form of democracy has been viable. Even in America they still have single member electorates. Ireland, Malta, the ACT and Tasmania have adopted the Hare-Clark system but they are very, very tiny polities.

I can’t see any reason why an individual who puts himself or herself up for election can’t be there for every member of the community. The person who is going to go to a member of parliament or member of a legislature knows full well what the views of that parliamentarian or legislator are. But, then again, I think it behoves the person to represent, if they are going to put themselves up.

MS TUCKER: I could go on but I won’t.

THE CHAIR: I am mindful of the time. It is a very good paper, but we will have to wrap it up shortly.

MR HARGREAVES: Can I just go down a slightly different street with you in respect of this model of a directly-elected Chief Minister and all that sort of stuff. I would like to explore with you one of the issues that, of course, we are considering in the context of the size of this Assembly, and that is the accountability of the people for decisions that are taken on their behalf. We have, as you know, a system of ministerial responsibility, so that if we have got a planning decision that nobody likes, the minister stands up and is quizzed by his peers in the Assembly and is held to account for it.

Under your system, as I understand it, we would directly elect the Chief Minister and then he would appoint a cabinet, if you want, of the departmental heads. How do we hold an unelected cabinet member responsible for planning decisions if we, firstly, don’t have that person sitting in the Legislative Assembly because a Chief Minister has appointed him; and, secondly, we reduce the number of people in the Assembly to such a stage that the committee system can’t operate to quiz those people sufficiently?

Mr Connor: I will answer the last question first. I threw in the suggestion to reduce it by two, but I am quite happy—and I will state this—to leave it as the status quo. I am basically opposed to any increase. This leads to the question of the committee system. All countries, regardless of what polity they have and what form of election they have, adopt a committee system of varying degrees. In America, in what I would refer to as the Washingtonian model, the committee system is very, very powerful. And that to a point answers the question of an unelected cabinet. In America, any unelected cabinet is subject to scrutiny by the committee system of their congress—the Senate and the House of Representatives over there. It is quite thorough, and in many cases appointments have been knocked back, much to the chagrin of the person putting them up.

The same can be said of the Westminster system. This is the case, regardless of whether you have got ministers drawn from the House of Commons—to wit, the demise of the Transport Minister, Mr Byers over there just recently. The fact that he finally chucked the towel in after stuffing up the railway system over there was primarily due to the committee system.

Even in this territory, one of the biggest advantages—and I am grateful, because a person like me can appear before it and put my point of view—is the committee system. The committee system does work. I think that currently with a minuscule executive such as we have got, with people like Simon Corbell, the Chief Minister and others very much overworked—and to a certain extent they are—the legislature would be enhanced. I counter argue; I defend you people a lot.

People don't understand that it is not just a matter of coming up here and speaking, yakking away, in the Legislative Assembly and getting half a dozen columns in the *Canberra Times*. Behind the scenes a lot of work is done on a committee basis. That is what I see is important. After all, we have a small polity. We have got heads of department over there who I am sure are still giving advice to their minister, and the minister either takes it or doesn't take it. They are still very much involved with the running of the territory, so why not utilise them to the extent that their salaries justify? I really can't see any problem. Again, it becomes a matter of opinion. At least it levels the system off.

THE CHAIR: Mr Connor, thanks very much for that. We greatly appreciated getting your submission and hearing from you today. I think you have made some very challenging and excellent points.

MS TUCKER: Thinking outside the square.

THE CHAIR: Very much so. There are some excellent points there. Thank you very much for that.

Mr Connor: Thank you very much for allowing me to come. I appreciate that.

THEODORE IAN RUECROFT was called.

Mr Ruecroft: My name is Theodore Ian Ruecroft and I am here representing the Gungahlin Community Council. I would like it noted that the comments I make are on behalf of the Gungahlin Community Council and no other organisation that I am involved in.

The council has considered this issue and a working group has considered it in depth. We feel that some things need to be taken into account in respect of any decisions made about the appropriate size of the ACT Assembly. The ACT government, as other people have pointed out, does have a fairly unique role in that it has the responsibilities that a normal local council would be required to carry out and also it has the same responsibilities that territory or state governments have. If we were to look at towns like, say, Newcastle or Wollongong, which have got fairly comparable sorts of populations to the ACT in general, they have a fair workload to just look after those services that the community would expect to be provided, maintained, improved and planned. And there is no difference really for Canberra. Canberra has got the same demands as any other city of comparable size. If we look at the ratio of elected members for the ACT compared to the rest of Australia, it certainly indicates that the numbers are pretty much lower in the ACT than any other state or territory.

I don't believe that at this stage the Gungahlin Community Council has the resources to actually sit down and put in a good submission. The information we have provided is set out on only one page—I try to keep things to one page wherever I can. But I do think that we highlighted the issues. There is a need for the ACT to be provided with representation comparable to other areas of Australia, and that would indicate there is a need for a change in the size of the Legislative Assembly.

One of the issues that the council believes at this stage may be able to be considered and really should be something that is kept in mind by this committee in respect of the decision that they finally make is the workload of the ministers that we have at the moment.

But, really, the ACT needs to be represented. Issues like education, state funding, health and roads are the same for most states. Just because the ACT might be physically smaller than most of the states and territory, it doesn't have a population that is that much different than Tasmania and Northern Territory, obviously, so it is not as if you can say, "Well, the ACT is totally different than everywhere else." It is different in as much as it is pretty much just one big city so it doesn't have the problems that, say, the Northern Territory would have. But it does have the problems that other big towns have in New South Wales, Victoria or any other state. The need for ministers to be able to represent the territory alongside other states and territories is important and they have got to have the resources to do that, they have got to have the time to do it.

One of the highlights of the whole of the ACT Assembly is the committee system. As has been stated by people before me, that is a very important thing to the average member of the community because it does give you a chance to come along and have a say in a way that you think is going to be taken into account. I think it is important for the community, but I think it is also important for the Assembly. So I think that anything

that can be done to actually improve that has to be looked at as a very important thing. Anything that was done that would actually make it not as good as what it is now really should be avoided, I think, because I would think from a community perspective if we expected anything to happen we would be expecting it to be improved. So I think that has got to be taken into account.

The other thing that Gungahlin is particularly aware of is that the current situation we have with the electoral boundaries splits communities, and of course we are particularly interested in Gungahlin. I don't know whether other communities feel quite as strongly as we do but we very much feel that the present arrangement that we have got certainly disadvantages Gungahlin, and as we can see by the make-up of the Assembly, there is nothing to indicate that that is not the case.

I would probably understand that the electoral boundaries is probably not necessarily one of the issues that you have to address here, but I would certainly think that changes to the numbers of members would give an opportunity whereby you actually might be able to improve the electoral boundaries.

THE CHAIR: Keeping Gungahlin's interests in mind, what would be your preferred suggestion to us in terms of size. I see you have got two possibilities—keeping it at 17 and making it 21. You address that question. From the community council's point of view, what would you like to see for Gungahlin?

Mr Rucroft: I thought I put it in the letter but—

THE CHAIR: You did actually—7, 7, 7 and 7, 5, 7.

Mr Rucroft: Yes. We felt that by going to a situation where you made the minimum change, which would be 19 and you had a 7, 5, 7, it meant that in Brindabella you would have Tuggeranong and, say, Weston Creek; in the central area you would have Molonglo in a smaller version; and in the Ginninderra electorate you would have Belconnen and Gungahlin. We would think from what we have heard from Weston Creek—but you would have to ask them—that they truly believe they are more aligned to Tuggeranong than they are to Woden. That would be something that members that represent them would be able to comment on better than I can. But certainly, from information I have received, that is what the community council has indicated to us.

Certainly, from the meeting that we had at Gungahlin to discuss the matter—I was quite surprised at how strong the voting was—it was quite strongly felt that Belconnen was where we belonged at this present time of Gungahlin's development. There is no college in Gungahlin. The colleges that pretty much most of our students go to are in Belconnen. Certainly, the town centre facilities that are not available in Gungahlin are generally provided in Belconnen.

The suggestion that the arrangement we have got, where part of Gungahlin is represented by Molonglo members and another part of Gungahlin is actually represented by Ginninderra members, may sound quite good. It may sound as if “Well, you get double representation.” But the fact is, in reality, that if we are getting double representation we don't see that reflected in the services that we are getting, the facilities that we are getting, and the consideration of issues that are brought up in the Assembly. So, if people

are saying that Gungahlin is actually advantaged by being split over two electorates, I would like to see the examples of where that is shown in what is provided to Gungahlin.

THE CHAIR: In your opinion, what should we be recommending as an ideal size of the Assembly at this point in time? If you don't have a view, that is fine.

Mr Ruecroft: There are a whole lot of arrangements, which include obviously the arrangement you have got now, which is 5, 7, 5. We have suggested that the minimum change would be 7, 5, 7. Obviously you could go to the most popular one that is spoken about, which is 7, 7, 7; or you could go to 8, 7, 8 or 9, 7, 9. I don't believe that there is a need for us to even stick with three electorates. I think that we could go to four, we could go to five. As far as I understand it, there is no reason why the electorates have to be an uneven number. I think you can have an even number of electorates.

So the combinations are huge. As I said, we just haven't got the resources to really think about that. What we have done is some modelling to see whether 7, 5, 7 would be a fair distribution and whether it would split communities of interest. The indication from our model is that that could work. When you go to a 7, 7, 7, that creates a whole lot of other problems as far as where do you make the split is concerned? It looks like, with some rough modelling, that you are better off to go to a 8, 7, 8; that that might make a better combination. But the actual way of keeping the communities of interest together is probably the hardest challenge that I think you have got, and I think that has to be reflected in the numbers of members that you actually decide is appropriate for the legislature at this time.

Another issue that we felt really needed to be considered in any decision that was made concerned the attempt to overcome the problem of huge electorates like you have got with Molonglo, where you end up with electorates that stretch from Gungahlin to Weston Creek and everywhere in between. Certainly, there is the potential to end up with a fairly concentrated number of members elected from one area of the community and the other area of the community like, say, the northside and Gungahlin, not being very well represented when you compare it to the southside of Molonglo and the number of members they have. So I think when you have that huge electorate in the middle you have got the potential to actually create an imbalance and not a good representation of the community as a whole. So I think that that is another thing that should be looked at.

I think another thing that could be addressed would be to look at how you progress towards Gungahlin becoming a separate electorate. I don't know that that is even a possibility to consider at this stage. But there will be a time in certainly in the next 10 years where I would think that Gungahlin would be at a stage where it would be its own electorate.

The other thing that should be considered is ensuring that the distribution of representatives of the community relates to the geographical area. We should require persons wishing to nominate in an electorate to actually live in that electorate. I think the current arrangement that we have got, where you can say "I don't actually live in Molonglo, but I work there," could apply to 80 per cent of people. But then we in Gungahlin end up with a situation where we have got very little chance of getting

a number up in that current arrangement. So I think that it has to be considered at least as something that may be able to be achieved with the review that you are undertaking here.

The other thing that is important is that there is consideration given to how you make arrangements to actually have a trigger so that the legislature is increased at a reasonable rate. So if you decided at this stage that it was, say, going to be 7, 5, 7 and then you came up with a trigger that would mean that it then increased by two members, what would actually create that trigger? What would the population be? So I think that that is another opportunity that is here and should be looked at.

As to the recommendations from the council as to what we think is an appropriate size for the Assembly, as I have already said, this is something we don't believe that we have got the resources to really take into account. But we certainly, at this stage, feel that the minimum change and a change that could work would be the 7, 5, 7 arrangement. But I do stress here that if that was being considered, Weston Creek would be an area that really should be spoken to separately to see whether they really believed—

THE CHAIR: Sure, I appreciate that. I think they are putting in a submission anyway. Thanks, Ian. Does anyone have any questions?

MR HARGREAVES: Yes. You were talking about community of interest and I would like to pursue that line with you. I know that one of the difficulties that the Electoral Commission has, of course, is trying to equate community of interest with one vote, one value, because unfortunately the mathematics just don't work that way.

Mr Rucroft: Not exactly, no.

MR HARGREAVES: And the electorate of Brindabella is a classic case. The one vote, one value would have meant either a slice of Weston Creek or a slice of South Woden. It was going to be a slice of something, which is unfortunate, and I agree with you about the community of interest.

I wanted to get your thoughts on a possibility. You were talking about the future and you said that as the population grows there would be some sort of a trigger developed. We all agree on the trigger, and that is fine because I think we need, as a committee, to look at the future as well and make a recommendation on it. But if one was to go down community of interest path—and let us suggest that Gungahlin, Belconnen, Tuggeranong, Weston Creek, and north and south Canberra became those communities of interest—what do you think about the possibility of determining what is an appropriate number of electors per member and letting the size of those communities of interest drive that?

Mr Rucroft: Well, I can't speak on behalf of the community council because we have not actually discussed that. I can give you my personal opinion. I would have a bit of a problem if you made communities of interest the most important issue in deciding an electorate. I think one of the most important issues is that a vote is roughly worth the same value no matter where you live in the ACT. Some areas may be advantaged and disadvantaged in the amount of people it takes to elect a member but I don't know that Canberra is that divided.

MR HARGREAVES: If we determined that, let us suggest, the appropriate number of electors per elected representatives was, off the top of my head, 7,000, and then we said, “Okay, we will divide the population of Gungahlin by 7,000 and that will determine the number of members that come from that community of interest; we will do the same thing for Tuggeranong and the same thing for the other regions,” would not the one vote, one value system be honoured in that case and would not that guarantee the community of interest some proper representation?

Mr Ruecroft: I think that can happen. You have got plus or minus 5 per cent, I think from memory.

MR HARGREAVES: Yes.

Mr Ruecroft: And that is reasonable because you are probably never going to get it more accurate than that. You could certainly consider whether 5 per cent was really an appropriate amount or whether that might need to increase. But it would be one possibility. Our modelling indicates that it is fairly difficult to do that and end up with an odd number of members but that is the modelling that we have got with the population we have at the moment. We can fairly accurately predict what is going to happen in the future in the expected growth. We can’t guarantee that Gungahlin, for instance, is going to continue to grow at 4,000 to 5,000 people a year. But we can pretty much say roughly it is going to be between three and six, and obviously Tuggeranong and infill in other areas are going to have an impact. So we can predict pretty much what the state is going to be for the next three years, say. But to just make it communities of interest is the most important thing. Our modelling indicates that that is fairly hard.

MR HARGREAVES: Thank you.

THE CHAIR: Kerrie?

MS TUCKER: No, I am fine. It was interesting.

THE CHAIR: Mr Ruecroft, thank you very much for that and the various suggestions you have made. We have had lots of suggestions here so far but you are the first one actually to come up with a way of doing a 19-member Assembly. I thank you for your varying suggestions and the logic behind them. Would you please pass on the committee’s thanks to your colleagues on the council, too.

Mr Ruecroft: Okay, thanks for that.

JONATHON SHAW REYNOLDS was called.

THE CHAIR: Jon, thanks very much for your submission and, on behalf of the Gungahlin Equality Party, your interest in the subject. Thank also for your appearance here today. Would you state your full name and who you represent.

Mr Reynolds: My name is Jonathon Shaw Reynolds. I am party president of the Gungahlin Equality Party. First of all, I thank the committee very much for inviting us to present some evidence. Undoubtedly, you have read our submission. As you are probably aware, we don't have a particular view on what may be the appropriate size, other than that the size of the Assembly must produce a beneficial result for the community as a whole. We appreciate at the moment that, with 17 members, at times it appears from the evidence that has been submitted and the submissions I have read that the members of the Assembly are somewhat stretched in their capabilities to deliver a service to the community. So, on that basis, we would not be looking to oppose any increase in the size.

One of the things that I would like to do is, like other people have done, just make the comparison with the other jurisdictions in Australia. We are unique in that we are a city state. The members of the Assembly have a combined role which no other polity in Australia has. One of the things that we will say in terms of justifying an increase in size is that the evidence has to come from the members of the Assembly that they believe they are not delivering the level of service. But in return, the cost implications have to be clearly spelt out to the community and there has to be a clear benefit that is returned.

THE CHAIR: If I could stop you. This is just a formality, Jon. We have some documents printed on yellow paper. Are you totally happy for those to be tabled and also authorised for publication?

Mr Reynolds : Yes. These are part of my submission this morning.

THE CHAIR: Right. Thank you.

Mr Reynolds : They are nice bright colours—you noticed them.

THE CHAIR: They are duly tabled and they can be published.

Mr Reynolds: One of the main concerns that occurred with the formation of the party was concern about representation. We felt at the very formation of the party that Gungahlin was actually split between the two electorates of Molonglo and Ginninderra and this created a conflict in that the community had two sets of people representing one community. If there is any increase in the size of the Assembly, we would like to see that all efforts are made to ensure that communities of interest, as Ian from the community council was previously saying, are considered.

At the moment we have Gungahlin that is split between Molonglo and Ginninderra and Woden that is split between Brindabella and Molonglo. Unfortunately the people who live in these electorates that are cut away from the primary electorate don't seem to get the same level of representation that they would otherwise get from being in a single

electorate. For example, the party makes it their business to attend as many community council meetings as possible. We very rarely see Ginninderra representatives at Gungahlin meetings, unless it is a major topic and, conversely, we very rarely see the Brindabella representatives at the Woden meetings. So the people who are in those suburbs that are split out have been disenfranchised by that process.

MR HARGREAVES: Is that an assumption that people who don't attend community council meetings are not providing services to constituents in other ways?

Mr Reynolds: They may be providing in those other ways—I am using the concept of the community council as a litmus test of a public forum. The community councils are basically apolitical and they represent a wide range of issues to the community or a community of interest.

One of the things that we did do in terms of our review of increasing the size of the Assembly was develop an electronic modelling tool. I am not sure whether you have all had a chance to have a play with that.

THE CHAIR: Yes. Could you explain something. You talk about 21-member assemblies but then you have 20. You have done that in terms of 25, and you have 26. Could you explain that, because I am a little bit confused.

Mr Reynolds: Okay. We sat down and we said, "Well if we have three electorates each of seven members, how are they going to be distributed?" Again, we are looking at not dividing communities of interest. I can honestly say that no matter how you run the figures and no matter how you run the boundaries, somebody somewhere is going to get chopped out from a community of interest. It is a fact of life—we are not a territory where everybody is distributed evenly. There are concentrations in some areas and that results in different numbers.

In this particular example we have divided the ACT into three electorates of Ginninderra, Molonglo and Brindabella, and we have tried to keep the communities of interest together. What we have done on that is look at the different sizes of the Assembly based on 21, 25 and 27. The reason we chose 21 is it is easily divisible by three—three by seven; 25 fits very nicely, as I was reading this morning, into a five by five that the ALP are proposing; and 27 is also divisible by nine, so you could have equal size electorates.

No matter how you run the numbers, you are going to get a situation where it just doesn't fit exactly. So what we are saying on that front is that perhaps some compromise may have to be made. I am not sure what the mechanism would be to split the pain, for want of a better word, so that communities of interest are affected equally, but there is no way to actually address the communities of interest purely.

MR HARGREAVES: One seat or two seats possibly short of a majority.

Mr Reynolds: That is becoming even more prevalent because you would have situations such as Belconnen being split down the middle, or Woden or Tuggeranong being split into different electorates themselves.

It was very interesting that the Liberal Party actually used our modelling tool and came up with a model with four electorates. We are not sure how that conforms to the legislation and acts that have to be followed in this case.

One of the ways of getting around this is to change the system that ensures that the quota must be plus or minus 5 per cent in relation to each other. If it was to change to 10 per cent, that would allow a little bit more flexibility. But, Mr Hargreaves, that detracts from your view of one vote, one value so we are not sure how you would like to address that one.

MR HARGREAVES: A challenge.

Mr Reynolds: It is indeed.

MR HARGREAVES: One of life's little miseries.

Mr Reynolds: One of the options which we haven't put on the table but would get around the whole thing completely is the concept of a single electorate for the whole of the ACT.

MR HARGREAVES: Why do you say that?

Mr Reynolds: We had previously had that and I know the Electoral Commissioner is not too keen on it because of the issues of ballot papers. But with electronic voting it could be addressed very easily. If it is a full electronic voting system then there is no reason why there can't be a single electorate for the whole of the ACT. You could run Robson rotation with almost an infinite number of rotations because it is generated electronically.

In terms of the electronic voting system, though, it is unfortunate that Mr Hird didn't have a chance to challenge the system because had Mr Hird challenged the system and it had been proved either in his favour or otherwise, we would have had a situation where we could rely on the electronic voting system and use that instead of a paper system. At the moment, unfortunately we have got a situation where the system is still open to challenge. Had the issue been resolved, we could have relied on the system one way or the other.

The other issue that we want to talk about is the issue of the number of people in the cabinet. We note that the previous Humphries administration only had four people and the current Stanhope administration only has four people. In both those administrations there was—and there is in the Stanhope administration—the ability to have an extra person in the cabinet. We would like to see that utilised before the government goes out and asks for more people to act as ministers, because we feel that they need to justify why they can't spread the load probably a little bit further. Perhaps you would like to address that.

MR HARGREAVES: I won't actually address anything on behalf of the government but I would ask you to just comment on the possibility that if there was a further minister, the result would be that the number of non-executive government members available to serve on committees would be reduced. I think we have heard evidence that the strength of the Assembly is the committee system; and I know that is regarded as the

view overseas as well. But if we reduce the number of people available to serve on committees, don't we risk deteriorating the connection between the community and its parliament?

Mr Reynolds : Yes, you probably do. But again, if there is the argument that the current ministers are overloaded, there is the pressure release valve of having that capability of having the extra minister.

MR HARGREAVES : It is not an either/or then, is it really?

Mr Reynolds : No. But again, from the Assembly's point of view, that is a good way of justifying additional members. But there is no guarantee if you have additional members that those members will go to the government or the opposition. They could end up on the crossbench, in which case you still have the same situation.

THE CHAIR : Five is certainly easier than four. I actually managed to get to the gym occasionally when we had five.

MR HARGREAVES : We have heard a bit about the argument that if we increase the number say to 19, 21, 23, we will be able to increase the number of ministers and that sort of stuff and the talent pool from which they can be drawn. Would an increased number make any difference at all to deepening the talent pool?

Mr Reynolds : Honestly, the talent pool depends on what the relevant parties put up as their members. What I mean by that, and I don't wish to say this in a derogatory manner, is that some members may be more effective than others. Some members may work a lot harder than others, and the effectiveness of the member is a personal thing rather than being a minister or a backbencher or a crossbench member. You asked: if there were more ministers, would the government be more effective? The answer to that is: it could be yes or it could make no difference.

MR HARGREAVES : No, the question was: if you increased the number by four people, for example—if you go to 21—given that the probable distribution of that will be one government, one opposition and two on the crossbench, that will increase the talent pool for the government by one.

Mr Reynolds : Correct.

MR HARGREAVES : Would that therefore be such an insignificant figure that the argument about increasing the talent pool for the ministry is just not there?

Mr Reynolds : You could then spread your ministerial workload over the five people, instead of four.

MR HARGREAVES : You can do that now.

Mr Reynolds : But then, as you were saying before, you then have another three members that can be used on the committees.

MR HARGREAVES : Sure, I understand that.

Mr Reynolds : So there would be a benefit from that.

MR HARGREAVES : I was just relating it to the argument on the ministry. I agree with you very much on the size of the backbench because I have a view on that. I am picking up that some people are saying that the argument to increase the number of ministries is not substantiated particularly well.

MS TUCKER : Well, there is the potential there.

MR HARGREAVES : There is a question there.

MS TUCKER : The potential is there.

Mr Reynolds : I honestly can't answer this—I haven't been in government and I haven't been on the crossbench. You and Mr Stefaniak can probably answer this: if you have a lesser ministerial portfolio responsibility, does that make your job easier? Do you provide a better service? Instead of having, say, three or four ministries that you are responsible for, if you have a responsibility for two and give one of those to somebody else to look after, can you deliver your job better from that; and can you deliver a better level of service to the community?

MR HARGREAVES : I think the point that you make is a very, very good one, in that you are saying that whilst ever the government does not fully utilise its potential number of ministers, you can't use that argument to justify an increase.

Mr Reynolds : Yes.

MR HARGREAVES : I think that is a very good point.

THE CHAIR : Kerrie, do you want to ask some questions?

MS TUCKER : No. I have read the submission and I understand the position.

THE CHAIR : Jon, thank you very, very much for attending and your interest in this subject.

Mr Reynolds : Thank you.

MR HARGREAVES : I like that 25 by three—that is a beauty. Can you imagine having 11 people in Molonglo and 10 of them being Greens? That would be just lovely.

THE CHAIR : Could you also pass on the committee's thanks to your party for their assistance with this.

Mr Reynolds : Yes. Thank you very much.

GEOFFREY MYLES LONGSTAFF QUAYLE was called.

THE CHAIR: Mr Quayle, for the purposes of the transcript, could you please give your full name and the capacity in which you appear.

Mr Quayle: My full name is Geoffrey Myles Longstaff Quayle. I appear as a private citizen on my own behalf.

THE CHAIR: Mr Quayle, would you like to tell the committee your view on this inquiry.

Mr Quayle: I would like to make three main points. I believe that the Assembly does need to be increased in size from its current size to 21 members, elected from three electorates, which I will refer to as the three by seven model. I would also like to rebut criticism of the form of self-government and to defend the need for it because I think this is often thrown up as a reason why we should not change from 17. The argument is “17 is bad enough, why add to it?”

MR HARGREAVES: Thanks very much.

Mr Quayle: That is not my view. There are three points. I think the three by seven model would provide an equity for the two outer suburban electorates. Secondly, the adoption of any model with less than seven members should be resisted because the election of 20 members from two major parties is almost a forgone conclusion in that system, leaving room for only one minor party to be represented in each electorate. I would like to see the boundaries of the electorates aligned if at all possible with three federal electorates, if we get that. And also, of course, there is the point that was made by the gentleman from Gungahlin about community of interest. The third point that I make is that, in my opinion, the present arrangement represents the worst of both worlds. If I might just read from what I have in front of me.

THE CHAIR: Sure, please do.

Mr Quayle: I think a reasonable price needs to be paid if we as citizens of the ACT want a say in our governance of the community. I feel the money that is being spent on a 17-member Assembly is simply being wasted if that Assembly is too small to operate effectively. We have a minuscule backbench. At least one member I am aware of is being forced to serve on all committees. It prevents a development of expertise in specific areas.

The other thing is, I think, the pool of ministerial talent is too small and, as a result, high quality people will not be attracted to the Assembly because of its perceived ineffectiveness. Also, I believe that with so much of a minister’s time taken up with portfolio responsibilities, it is not possible for them to represent or to put forward the concerns of their constituents as local members.

If I could turn to the second page, I believe that the people who do oppose self-government wilfully misrepresent the results of the 1978 referendum which was “to continue the existing arrangements for the governance of the ACT for the time being”. If

you go back to what that status quo represented, we had an independent planning body, we had a functioning House of Assembly, albeit, advisory, we had a system for community advisory boards and we had Belconnen Mall in public ownership. All those things have changed. Some of them happened even before self-government. But people blame self-government for all of these things.

I also feel that the suggestion that we should have a more municipal style of government should be rebutted. Once the Commonwealth government decided that the ACT was going to be treated fiscally like a state or the Northern Territory, it was essential that the ACT should be represented at forums such as the Council of Australian Governments. Once responsibility was thrust on the ACT for the sorts of things which are increasingly thought of as the things that matter—police, health and education—the die was cast and a quasi state role was the only way to go.

Can I just come back, with your indulgence, to a couple of points regarding the model. As I said before, it is only in Molonglo at the moment that we have a real contest.

MR HARGREAVES: I thought it was a great contest at Brindabella last time. The result was great anyhow.

Mr Quayle: You will notice that in the second paragraph under my second point, I refer to the fact that in the previous Assembly we had two minor parties represented in the seven-member electorate.

MR HARGREAVES: In Molonglo.

Mr Quayle: In Molonglo. But currently in the five-member electorate of Brindabella we have no representation from minor parties. Also, I think I would resist the five by five model for precisely the same reason, because, as I say, you end up with a guaranteed 20 people and you are very close to a majority government straight up.

MR HARGREAVES: Can I beg your indulgence for a second. At the risk of sounding like wanting to suggest that you might be selectively using the results of the last couple of elections, you say that in this current Assembly there are no minor parties represented in Brindabella. As you would know, quite a number of them contested the election. How does this sort of fear that I hear coming through work when we consider the make-up of the previous Assembly, which started off with three parties, I think it was, or two parties and one independent on the crossbench, and ended up with two parties and two independents on the crossbench out of four? There was a party created, I think, and within three days, I think, it was dissolved and the members decided to become independents themselves. What difference did that make?

Mr Quayle: My concern is the lack of a contest in a five-member electorate.

MR HARGREAVES: Could you go down that street a little bit more and tell me how there wasn't one in the last couple of elections perhaps?

Mr Quayle: In a seven-member electorate you can have as few as two or as many as four, or perhaps even five, representatives of one of the major parties elected. In a five-member electorate it is virtually certain it will be two, two and one. It is more the point

that what we should be aiming to do, I would have thought, is give the community the maximum opportunity to elect people who represent their particular interests.

I am not concerned about who they are; it is just the fact that in Brindabella it is virtually no contest. We have five members from major parties. Because we can use privilege, let me say that Brindabella, that end of Canberra, had been the bailiwick of some loose cannons.

I think one of the interesting things—this is a point that I make in this submission—is that the election of people from recognised parties to the current Assembly represents a maturing of the community’s attitude towards self-government; that they want to know what the people they elect represent, and they want them to have something behind them so that exactly the situation you describe does not occur.

THE CHAIR: Thank you very much Mr Quayle for your attendance before the committee and for your submissions.

The committee adjourned from 10.59 am to 4.13 pm.

JON STANHOPE was called.

THE CHAIR: I welcome the Chief Minister, Jon Stanhope, to comment on the government's submission. Please give your name and position in which you are appearing before the committee.

Mr Stanhope : My name is Jon Stanhope. I appear as the Chief Minister.

THE CHAIR: Thank you, Chief Minister, for the government's submission. If you will just talk to the submission and make points in relation to it. The committee has had a chance to read it.

Mr Stanhope : Thank you very much, Mr Chairman. I am not sure that there is much that I should say or that I can add to the submission. The government's submission recognises that, due to population growth and the increasing complexity of government, there is justification in the argument that the size of Canberra warrants an increase in the number of members. The submission argues that the present size of the Assembly puts pressure on the ability of the Assembly to fulfil its role in the most effective way. The submission suggests that a larger Assembly would, of course, necessarily involve additional cost to the community. At the same time, however, a larger Assembly would have the potential to deliver important benefits in the government of the ACT.

In any discussion about the preferred size of the Assembly, the government, of course, is conscious of the need to balance the additional costs and additional benefits of having such an Assembly; indeed, the process that we apply to all decisions that we make. In that context there is, I think, no right answer to the question of how many Assembly members there should be, nor is there a right answer, so far as the government is concerned, about the configuration of electorates and seats. There are probably as many answers as there are individuals that consider the particular issue.

You can make comparisons with other jurisdictions in Australia, but even those are difficult. It is difficult to make meaningful comparisons, given some of the unique issues that we face in the ACT in terms of the unique nature of our government—unique to us and Tasmania. It is a different structure of government. The ACT is the only city state in Australia and it is difficult, in that context, to make comparisons; but, having said that, some of the comparisons are, of course, very interesting.

There is a range of other issues to which I know the committee would be collectively bending its mind around the redistribution of electorate boundaries in the ACT and how that might best be achieved and the sorts of considerations which the Electoral Commission would take into account in configuring electorates in the ACT, having regard to the size and geographic nature and structure of the town.

We also note that it is important for government to be stable and that that is one of the issues that should be taken into account. Of course, in any consideration of or discussion around an appropriate size for the Assembly, there is the concomitant issue or at least consideration in the discussion of perhaps an appropriate size for the ministry. The two issues most certainly are not mutually exclusive. If you proceed from a point of considering what is an appropriate sized ministry, then there are considerations that flow

from that in terms of what might be an appropriate membership to sustain it and what you regard as the appropriately sized ministry.

Those are the issues which I acknowledge confront the committee and the community and which I have touched on in the submission. Thank you, Mr Chairman.

THE CHAIR: Thanks for that, Chief Minister. You have come up ultimately with probably about 25 members, but you do qualify that by saying that there is no absolute right or wrong answer there. You have made comments in relation to the size of the ministry. You have indicated there that you really feel an increase above the actual limit we have now of five ministers, which I understand includes the Chief Minister, is something that would be desirable. Lots of people have made the comment to this committee that among the main issues are the need for a bigger pool so you can get more ministers and spread the workload and the need for enough backbenchers to share the committee load. Lots of people have emphasised that the committee process of this Assembly is terribly important to the Assembly, and that is also a consideration. Would you like to comment on that? You seem to have done so already in relation to the ministry.

Mr Stanhope: I have given that indication. There is a real chicken and egg consideration, to some extent, in my thinking about an appropriate sized ministry. As I say, it is a chicken and egg issue. If one had, say, 25 members, I would think one would be looking to a ministry of at least seven, noting that in Tasmania there is a ministry of nine, with a 25—member lower house. Jim Bacon appoints a ministry of nine. I do not know whether the committee had the opportunity to discuss issues around the ministry with the Premier of Tasmania, but Mr Bacon indicated to me that he could not imagine governing Tasmania with fewer than nine ministers. To the extent that comparisons can be made, that is his view about his ministry, acknowledging, of course, the geographic differences that exist between us and them, the fact that we are a city state. But there are nine ministers in the Tasmanian parliament, under a Hare-Clark system, with 25 members in the lower house.

I would think that, if we were to increase the membership to 23 or to 25, under that arrangement we would probably look to seven ministers. But it is hypothetical, to some extent. With 17 members, we currently have four. No government has ever had more than five. But those are decisions that are made on the basis of the membership that we have, so it is hard to do the extrapolations; it is a hypothetical. Certainly, I think that I would not be restricting myself to five ministers if I had 25 members.

THE CHAIR: On page 8 of your submission you say that there does not appear to be a right answer to the question of how many. Your second sentence there is that, if it is the clear wish of the community, the Assembly could remain at its present size, and then you talk about the benefits of an increase. You may or may not be aware, but most of the submissions we have received—we have not had a huge number; about 28—have been in favour of an increase. We have had a couple—one signed by, I think, six people, a joint submission—which have suggested that we should have 15, but most of them have indicated that there should be an increase. You spoke about the clear wish of the community. I just wonder how that would be gauged. Would you envisage gauging that through maybe a deliberate poll or plebiscite or would it just be something that we would take from the submissions which have been made to date to this committee?

Mr Stanhope: I would take it from the submissions, Mr Chairman, and from your other consultations, your understanding of the community, your political judgment and your intuition. I have to say that perhaps there are some scenarios where the retention of the current size may be the result or the outcome of this particular process. Having said that, I think we do, as members in this place, need to have some regard, in discussions around this issue, for some of the adverse reactions or feelings around self-government in the ACT. There is an issue there about the extent to which there still is some resentment within the Canberra community about self-government. I think it has dissipated very significantly. I do not think it is a really significant issue any more. But many of the decisions that have been made in the ACT in relation to this parliament are a result of the fact that self-government was foisted on the people of the ACT, contrary to a viewpoint expressed through a referendum, so there was very significant angst at the outset and it persisted for some years.

I mean no disrespect to the Greens and the Democrats in saying that an increase in the size of the membership of the Assembly has not been something that either the Labor Party or the Liberal Party have been inclined to beat the drum on. We have been responsive to those lingering issues around self-government. Having said that, I think the time has come for us to be prepared to stand up and say that an Assembly of 17 is not delivering the best possible government to the people of the ACT. Suggestions that we could successfully or appropriately reduce the size of this Assembly to 15 really, I think, just cannot be taken seriously. Suggestions that the Assembly should be reduced are simply nonsensical. As to suggestions that we remain at 17, we could survive, but we are certainly not delivering the best possible government in a whole range of respects to the people of the ACT.

THE CHAIR: I have two more questions, Jon. The first one relates to comments made by some of the people who have made submissions. There are extra costs involved. I thank you for your costings there, which are helpful. One was that a way of overcoming some of the costs and also of bringing us into line with other states would be if the Assembly went to a fixed term of four years. I ask you to comment on that.

Mr Stanhope: The Labor Party's traditional position on the length of terms has been that we were reasonably comfortable with a three-year term. Acknowledging that we have fixed-term electoral cycles, that is a three-year fixed term. The government and the Labor Party would be prepared to reconsider that. I have to confess to you, Mr Chairman, that I did not consider the issue of appropriate terms in the context of this submission or this particular issue, so I have not bent my mind to it formally. I might just say to you, Mr Chairman, that four years is much more attractive when you are in government than when you are in opposition and I am happy, now that I am in government, to reconsider the position.

THE CHAIR: Several people, including a gentleman who appeared before us this morning, have raised an interesting scenario which revolves around an Assembly of 15, but with the Chief Minister being elected popularly across the territory and then picking his cabinet for a three-year term from outside the Assembly; in other words, the American model. Again, I suppose that it is not strictly in terms of what we are considering under our terms of reference.

MR HARGREAVES: “Any other related matter.”

THE CHAIR: I suppose that it comes under any other related matter. It is something that cropped up somewhere before. Do you have any comments on that? We had a presentation on that this morning.

Mr Stanhope: No, I am not particularly attracted to the possibility of a non-elected cabinet. I cannot think of a single good reason why we would persist with the election of members of the Assembly, directly elect a Chief Minister and then bequeath to the Chief Minister the power to run the territory with a cabinet comprised of a group of non-elected ministers. I think it is anti-democratic and simply unnecessary. As everybody knows, I am a firm friend of the Westminster system. I think it has served us particularly well. I am prepared to acknowledge that it does not hurt to innovate, to change and to move with the times when there is very good and clear reason for doing so, but to move that far away from the Westminster system as it operates here, and has operated successfully, seems to me not to be sensible. I see no good reason at all for doing that and would not support it.

MR HARGREAVES: Chief Minister, you mentioned earlier your views on the size of ministries. I have been trying to compartmentalise my thinking into three parts. The first is governance, which is about the role of the executive, how big it ought to be, from which talent pool it should be chosen and all those sorts of things. You have probably said enough on that front for us to get a clear idea about that. The second one is to do with things parliamentary, such as the need to have a critical mass within the Assembly to deal with things such as committee work and preparation for debates and actual participation in debates so that we do not have the same old people saying the same old things. The third one is the extent to which a critical mass need exist for adequate constituency representation.

I know that you were ubiquitous in your electorate during the last election campaign. It seems to me that one of the issues in contention is how many electors per electorate member ought to be an appropriate number. How much more difficult is it for members of a seven-member electorate to get to know their electorate and be able to provide community representation than it is for members of a five-member electorate, having regard to the fact that many of us do not have electoral boundaries per se in terms of our service to the people of the ACT? I would be interested in your views on that. One of the statements made to us in South Australia was that the smaller the electorate and the greater the number of members in it, the better the constituents' representation. A lot of the submissions to this inquiry have revolved around that role of constituent representation. Would you like to give us your views on what you think in terms of the size of the Assembly now and also in terms of how you see us servicing it in a futuristic sense in terms of growth.

Mr Stanhope: I think that it is a very important issue. I will just touch on the first issue you raised, the issue around the sustainability of the committee office and the committee system. I honestly do not think that three-person committees are the optimum. I think that committees of this place should have at least five members. I think that it is a problem for us that we run a three-person committee system. We invariably end up with one member of the government, one member of the opposition and one member of the crossbench. I would much prefer to see a greater representation than that.

Just in terms of the issues around critical mass, the range of interests and expertise that could be brought to bear, the level of energy that could be delivered for particular inquiries would be enhanced considerably by the addition, I would have thought, of two members. I feel quite strongly about that. I do not believe that a three-person committee delivers optimal results. I think a three-person committee is really hard on the members of the committee. Even five, you could argue about that, but in a small parliament and a small jurisdiction you would accept some of those issues.

It is an interesting thing, I always think, when we compare ourselves to other jurisdictions. We consider the same issues as other jurisdictions. The issues are no different if you undertake an inquiry in the ACT into disability services, mental health or homeless men and children. The issues with homeless men and children, in terms of the philosophies that need to be pursued, new ways of looking at things, innovative practice and all that sort of stuff, everything you need to look at in any inquiry, are the same as those confronted in other parliaments and other jurisdictions where they bung 12 people, I think, on probably all of their committees.

We do things here in a much more refined way, dealing with exactly the same issues, and we are really tough on ourselves. This parliament is so tough on itself in so many ways. We are tough on ourselves to the extent that we think that three people can do exactly the same job as other jurisdictions allow seven, 11, 12 or whatever to do. I think we need—and I talk about the need—to stop genuflecting to the concerns that were expressed at the time of self-government. I think we need to be much more mature in the way we look at a whole range of issues. For a start, I do not hesitate to say that a three-person committee will not deliver optimal results on any inquiry.

In relation to our capacity to represent our members, the issue, perhaps, is not so much that we in the five-member electorates have constituencies of over 50,000. As you say, John, as hard as we try in a three-year term, we cannot door knock every house—I have timed it—in our electorates properly in a three-year term, yet we compound that in a whole range of ways in this parliament. I am not here promising bucketloads of money, because we do not have it. It is not the way we would run it and it is not the way the Remuneration Tribunal has viewed the place, either. I forget now, but you might be able to tell me what is your monthly stamp allowance.

MR HARGREAVES: It is \$90.

Mr Stanhope: You have an annual stamp allowance for 200 people and you have 56,000 electors. You cannot even write to your electors. You talk about your capacity to represent your electors. You cannot even write every elector a single letter in a term. Do your staff get a mobile telephone?

MR HARGREAVES: No.

Mr Stanhope: No. You have no stamp allowance. Your staff do not even get a telephone. You get a telephone, but you have a monthly limit on it.

MR HARGREAVES: It is \$35.

Mr Stanhope: You can telephone 70 of your constituents a month and you can write to 200 of them a year, so your capacity to relate to your electors is not all that great in terms of some of the physical constraints that we have traditionally imposed on ourselves. One in 10,000 is the number that somebody picked out of a hat. Of course, there is an adhocery around that as well. It was the figure at the time of self-government. But then again it was ad hoc then. It is serendipitous. There is no science to it. It was one in 10,000 at the time of self-government. Perhaps even then it was inappropriate. You could have a debate about that. But we have stuck with it since self-government. That is the number we got at self-government. You can think that there was some wisdom in that, but there was not. It was just pure serendipity.

I know that there is an issue around your capacity to relate with your electors, to consult with them, to talk to them, but you do not have an electorate office. We do not have electorate offices. We do not give our staff telephones. We restrict ourselves to 90 bucks a month for stamps. No member of the place is allowed to travel. You have a \$2,700 travel allowance for three years. This place is so hard on itself and you need to put all of that into the mix in any discussion around how to optimise the operations of this parliament. This is not just about saying that if we increase to 25 members, 23 members or 21 members we will resolve a whole range of problems that confront this place in terms of our capacity to work optimally for the people of the ACT.

Having said all that, there are always budget constraints, and I guess that it behoves politicians to be tougher on themselves than on others. But we certainly are and we should not be apologetic about it. I tend to think that in the past we have been. We have talked this place down and it is time we stopped talking it down. That is why I reject notions about popularly-elected chief ministers and inviting mates from the community to form the cabinet as if we as politicians are not up to the job. They are the sorts of proposals that it seems to me continue to demean this parliament as an institution and they continue to exacerbate the problems that we have in raising this institution to the level of respect that it deserves in this community for the good work that it does.

There are a whole range of issues that we need to continue to focus on, but in terms of ratios of members to voters it is very hard to say, other than to say that with the physical constraints that we have and the size of our electorates it is quite obvious that we have difficulty servicing them. I have to say that it is doubly hard as a minister. My capacity to meet, to the extent that I would wish, with my constituents is severely limited now that I am a minister. I am sure that Mr Stefaniak would say that during his extensive periods as a minister he found it difficult to marry the two. All I am saying is that I have no magic answer to this. I will leave that to you.

MR HARGREAVES: I accept that there are a number of arguments that seven, five, nine or 11—all sorts of numbers—could be applicable. I think it is fair to say that the greater the number, the greater the degree of proportionality which will apply. Recognising that as a different argument. I wonder about the problem of having too many members or, in too large an electorate, too many electors in that electorate in terms of the delivery of services to them, given that we are talking about the Hare-Clark system, which actually pops up multimember electorates. You mentioned that we started out with one to 10,000 and I think we are up to 13,000 or more at the moment. I do not know which 13,000 are mine.

Mr Stanhope : That is right. I agree with that. I agree with the point. Hare-Clark does not work like that. Hare-Clark does not operate on the basis that one-fifth of the electorate is yours. There is not a single constituent that will go only to a Labor Party member, only to a Liberal Party member or only to a Green. It may be in terms of constituent issues that you cop a far greater proportion of constituent requests simply as a result of your profile or for some other reason—perhaps the fact that you are in government and there is a perception that maybe you are a better first point of call. So it is a nonsense to suggest or even to contemplate that one-fifth of an electorate is yours and therefore you can concentrate on that or you can make some meaningful extrapolations from that. But then again, I guess we do need some measure and it is a very imprecise art that we are dealing with here.

The other issue is around the configuration of electorates and you touched on that just now in your question about whether a seven-member electorate is relevant to the capacity of an individual member to relate to a constituency. Of course, it is not; it is irrelevant. It does not affect that capacity at all.

MS TUCKER : Mr Stanhope, one point on which I would be interested in your comment is on the comparison between three by seven and five by five. With five by five there is less likelihood that the electorate can express a preference for either of the major parties, although I know that it did happen in the last election with Brindabella. Do you think that that is a valid concern, if you are comparing the two arrangements?

Mr Stanhope : I am not quite sure what conclusions you can draw from the voting patterns in the ACT. I think voter intentions have changed. I think we have had an interesting 10 or 12 years as the system has bedded down in the ACT. I tend to think that in the last election the electors of Canberra took a very serious look at how Hare-Clark operates. I think there is much greater familiarity now with Hare-Clark and a much greater understanding of how it works and the implications of voting in certain ways.

We saw for the first time, for instance, in a five-member electorate a 3-2 result. That was not unexpected to me. It is what happened in the last election in Tasmania. In four of the five electorates the result was 3-2. I was one of those that never at any stage felt that the results that were achieved under Hare-Clark in Tasmania could not be replicated in the ACT. Interestingly, in a seven-member electorate we had 3-3-1, whereas the wisdom of the ages has always been that a seven-member electorate will always return a 3-2-2. I never believed that, just as I never believed that we would not in the ACT eventually run 3-2 in five-member electorates in some elections.

I do not think you can draw any conclusions. I think the conclusions that can be drawn are that people are smart, intuitive and know what they are doing when they vote and that their vote reflects that wisdom. I think there are perhaps a range of reasons why we would support five fives or even perhaps the model the Liberal party has mooted over and above 21. I am not sure that 21 would give us an Assembly for the future. The population is increasing steadily now. The rate of population increase has actually jumped in this last year, plus I think we have discovered a few thousand people we did not know that we had. It was a great shock to me to discover that there are now 322,000 of us, that the Australian Bureau of Statistics has got it wrong for the last seven years and there are 7,000 more of us than they knew.

MR HARGREAVES: That would give us a third federal electorate, retrospectively?

Mr Stanhope: Yes, that is right. That is an interesting point. We have probably been duded out of a third federal electorate as it is. We need to inquire into that. At the end of the day, I think you need to look at the future and at the interests of stable government and the interests of good government, but if I were a Green I would want three by seven.

MS TUCKER: Have you looked at the modelling? We would be like an opposition bloc in one of the five fives. You might be very worried if you look at the modelling.

Mr Stanhope: You should have a look at ours.

MS TUCKER: I am happy to. Can you respond to the other point that is always raised with the comparison between two by seven and five by five? Obviously, the seven-member electorates have greater proportionality.

Mr Stanhope: Yes.

MS TUCKER: What is your comment on that. Don't you think it is necessarily that important?

Mr Stanhope: No. Don't put those words into my mouth.

MS TUCKER: No, I am asking you to put your own words in your own mouth.

Mr Stanhope: I think a five by five electorate delivers significant opportunities for proportional representation. I think the quotas are appropriate. I do not think it is seriously suggested here in the ACT, where we have had two five-member electorates and one seven-member electorate, that the results are particularly different to the extent that they deliver a proportional result. The last election is living proof of that. The seven-member electorate delivered three members of the Labor Party, three members of the Liberal Party and one Green and the five-member electorate delivered two members of the Labor Party, two members of the Liberal Party and one Democrat. I do not know what conclusions you draw from that.

MS TUCKER: I do not think that the results of the last election are that important to the question. You can always say that, but there is a fundamental difference, obviously, in regard to opportunity if it is five or it is seven in terms of the quota that is there. I was just interested in your general response to that.

Mr Stanhope: Fine. The fundamental difference is 4 per cent and I am quite comfortable with the 16 per cent quota. I do not believe anybody can, with credibility, advance an argument that, in the interests of proportional representation or proportionality, 12 per cent should be selected over 16 per cent. On what basis is it 4 per cent better? Why not go to 8 per cent; why not go to four?

MS TUCKER: Why not go to nine?

Mr Stanhope: Why not go to nine? Precisely.

MS TUCKER: Why would you not go to nine?

Mr Stanhope: Because I have a view that stable government is important. I have a view that a quota of 16 per cent is appropriate. I have a view that, if a candidate cannot command up to 16 per cent of the vote of an electorate, there have to be questions about the extent to which they do represent a significant interest in the electorate. These are matters of judgment.

THE CHAIR: There being no further questions, I thank you very much, Jon, for appearing before the committee.

Mr Stanhope: It has been a pleasure, Bill.

Resolved:

That, pursuant to the powers conferred by standing order 243, the committee authorises the publication of evidence given before it at all public hearings heard this day and to be heard till close of business today.

PHILLIP GREEN was called.

THE CHAIR: Mr Green, please give your full name and the capacity in which you appear.

Mr Green: My name is Phillip Green. I am ACT Electoral Commissioner. Thank you for the opportunity to talk to you once again. I do not want to take up a lot of your time.

THE CHAIR: Have you been listening in to all the hearings?

Mr Green: I have. I have been here for both of the hearings, right through them. I think I am the only person in the public gallery who has done that.

I would like to elaborate on the submission that we made. When we drafted our submission, we were thinking that a total of 21 was the sort of figure that people were generally talking about and we did not look too hard at options that would give the Assembly a greater number of members than that. Having sat through these hearings, there is obviously a strain of opinion running through the discussion on both sides of the table that perhaps 21 isn't enough and that perhaps the committee should be looking at more than 21 members, so the Electoral Commission looked at configurations that it thought might be suitable for an Assembly of greater than 21 members.

We do have some reservations about the five by five model in terms of the proportionality. It really comes down to the mathematics of the way that the quotas fall. If you look at the history of voting in the ACT, both Labor and the Liberal Party have tended to receive votes in the range of 35 to 45 per cent on average. Obviously, that has been up and down on one or two occasions, but the average is somewhere between 35 and 45 per cent. What a five-member seat gives you in that situation is two Labor, two Liberal and one from one of the other minor parties or an Independent.

A five by five model will not always give you 10 Labor, 10 Liberal and five others, but on the balance of probability there is quite a good chance that on a lot of the occasions it will. I do not think that it would be good for the stability of the Assembly to have the two major parties both having the same number of members, even though one party might have outpolled the other party by 10 per cent. I think there is a problem with the proportionality of five-member seats. So the commission looked at what sorts of models might be able to deliver more than 21 members and more than five members per seat. While the commission, in its original submission, suggested that the ideal was to have the same number of members in each electorate, obviously the options are very limited by that if you are looking at that, and really the only one in the 20s other than three by seven or five by five would be three by nine, giving 27 members.

I suggest that that is not an outrageous suggestion, given that 25 is being seriously thought about. Twenty-seven is not that much higher than 25 and three by nine would certainly satisfy all of the ideal criteria that the commission set out in its submission. But a couple of other alternatives that I would like to suggest to you would be two electorates of seven members and one of nine, giving 23 members, or two electorates of nine and one of seven, giving 25 members. They are options that I think have legs.

THE CHAIR: Like the Gungahlin people were hinting at today.

Mr Green: Yes. I haven't actually modelled the sorts of boundaries you would get with either two of seven or two of nine. If you had electorates that weren't equal, it might give you a little more flexibility to draw the boundaries so that Belconnen and Gungahlin, for example, constituted an electorate by themselves. There might be a certain amount of flexibility that that sort of arrangement would give you. The other thing about a mix of nines and sevens is that the quota for a nine-member electorate is 10 per cent and the quota for a seven-member electorate is 12.5 per cent. The difference between those isn't as great as the difference between the quotas of five-member and seven-member electorates, and the proportionality of nine-member electorates is such that it would tend to give you a more proportional result and, particularly between the major parties, it would tend to exaggerate differences between the parties so that the parties would be more likely to get different numbers of seats than the same numbers of seats, which is what you tend to get with five-member seats.

THE CHAIR: You have heard comment made about the idea of 23. I cannot quite remember the break-up, but the four-electorate idea based on geographic areas. You have probably heard about that a couple of times. Would you care to comment on that now that you have had an opportunity to hear about that other scenario, that other possibility?

Mr Green: I think that other scenario was for three 6-member seats and one of five, which would give you 23. The commission has recommended in its paper against electorates of even numbers of members in a seat. In fact, that is one of the things that are entrenched in the Proportional Representation (Hare-Clark) Entrenchment Act. The reason for that is that an odd number of members in an electorate will give you a guarantee that if a party gets 50 per cent plus one of the votes it will give you 50 per cent plus one of the seats. One of the ideals of an electoral system is that, if a particular party is the preferred party of more than half of the people, it should get more than half of the seats, otherwise you could get a situation where one party gets 45 per cent and the other party gets 55 per cent, but they get the same number of seats.

THE CHAIR: Three each, yes.

Mr Green: Three each.

THE CHAIR: Are there any questions?

MS TUCKER: No. That is very interesting. I was thinking along the same lines.

THE CHAIR: Thank you very much. You might be back again, Phil. Some more people will be appearing next week on the size of the Assembly. No doubt, you will be in the audience and we would appreciate an update from you, if need be, as a result of that. I thank you for your additional evidence today.

The committee adjourned at 4.56 pm.