

**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, 7 JUNE 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 3.33 pm.

GARY CORR was called.

THE CHAIR: I need to read a formal screed we read to all witnesses. I hardly think it is pertinent in this particular inquiry. These are legal proceedings of the Assembly protected by parliamentary privilege. That gives you rights and responsibilities. You're protected from legal action such as defamation for what you say here, but you've got the responsibility to tell the truth, because giving false or misleading evidence will be treated very seriously by the Assembly. Would you please give your name and the organisation you represent, if any.

Mr Corr: I am Gary Corr. I'm here for the ACT Greens. I'm currently the convenor of that organisation.

THE CHAIR: Would you like to speak to the Greens' submission in relation to the size of the Assembly?

Mr Corr: We didn't put in a submission.

THE CHAIR: No, but you're going to give it.

Mr Corr: I've looked at the submissions which have been put forward by the various individuals and organisations.

The ACT Greens, having looked at the workload of the Assembly and particularly the hybrid nature of it, are generally in support of an increase in the size of the Assembly. The representation in the ACT is not sufficient to cover all the duties. Given the obvious workloads which have been placed on the members of the Assembly, there is a need to increase the size.

What we're more concerned about is how that is done. Obviously, we're very keen to maintain the Hare-Clark system. We believe it's amongst the most democratic voting systems in the world, and we are very keen to maintain a particularly democratic system.

The two proposals appear to come down to three electorates of seven and, as the next most popular, five electorates of five. We believe that three electorates of seven is the most democratic, on the basis that fewer votes would be wasted in the election of members of parliament.

If there is a seven-member electorate, only one quota less a few votes will not go to the election of people—in other words, 12½ per cent—whereas in a five-member electorate you're looking at some 16 per cent.

Also with a seven-member electorate there's a greater possibility of diversity of views coming from the community. With a five-member electorate it will be at least the next election before the Greens are swept into power.

MR HARGREAVES: Well, mate, you've convinced me. My application is in the mail.

THE CHAIR: Have you got a right wing faction I could join? Go on, please. Enough levity.

Mr Corr: I thought I would faint. There is a difference in the make-up of the seven-member electorate of Molonglo, as opposed to the five-member electorates. For the foreseeable future there are likely to be two Liberals and two Labor, with the fifth one up for grabs.

MR HARGREAVES: Not if I can help it.

Mr Corr: In Brindabella in the last election it was different. That's quite possibly what would happen again if you did go to five electorates of five. There would be three people from the one party as opposed to two, and maybe one or two Greens or Democrats, perhaps an independent occasionally.

With a seven-member electorate you do get the diversity of views which we think should be represented, even if we don't necessarily agree with them. If someone such as the remembered, not necessarily fondly, Dennis Stevenson were to be elected under that system, then it would be quite reasonable. A section of the community want that point of view put forward, and they should be entitled to it.

Five by five, as in Tasmania hasn't proved to be a great success. Obviously, you're familiar with why that was done—the reduction from five by seven to five by five. It was to get rid of the Greens by increasing the quota, but all that's done.

MR HARGREAVES: My understanding of it now after conversation with various people is that that was a by-product. The reason for the reduction was far more simplistic and self-serving than that.

MS TUCKER: It depends who told you the story, Mr Hargreaves.

MR HARGREAVES: I've got it from a couple—

MS TUCKER: The Labor Party said that. It's not what other people have said.

MR HARGREAVES: They didn't think that the result was a disagreeable one. Let's get the historical facts right. That is what I'm saying.

Mr Corr: I agree.

MS TUCKER: And let's be clear about whom you're quoting.

Mr Corr: There was certainly a coalition between the Liberal Party and the Labor Party to do it. Something you might find quite reasonable is that it entrenched the Labor Party in power for the foreseeable future.

My conversations with people down that way recently indicate that the size of the Assembly with five by five is not sufficient for them to be able to conduct their affairs properly, even with an upper house. In Tasmania the upper house is quite a bizarre

phenomenon, unmatched in any other parliament in Australia. It doesn't seem to perform a number of parliamentary functions. As I said, we consider that the seven-member electorates are the more democratic form.

Breaking up into five-member electorates also poses some logistical problems. Both the submission from the Electoral Commissioner and the submission from the Young Liberals put various maps showing how the ACT could be broken up. If you assume that there are certain communities of interest within the geographical regions, then you're going to have some difficulty getting five equal electorates.

Gungahlin isn't large enough to support an electorate on its own, so it has to take either from Belconnen or from North Canberra, or from both. In all the models put forward, Woden is broken up into at least two electorates. So there are logistical problems. There are not natural boundaries for five.

There are not natural boundaries for three either. However, there is the added benefit which has been alluded to in some of the submissions that it's quite possible that there will be a return to three federal electorates within the ACT. I haven't looked at the exact figures, but that's quite a potential, given the fact that the electorate of Fraser had the largest number of electors by a long way at the last federal election. There was a bit of an aberration because of the Antarctic and a few bits and pieces added on to Fraser. It's nevertheless almost certain that at some stage the ACT will return to three electorates, and there may be some benefits in having ACT electorates aligned with the federal electorates.

MR HARGREAVES: I'm not saying we should do it, but with our geography we can combine community of interest with one vote, one value. We're almost unique in being able to do that.

Mr Corr: We are, but with the two electorates of five and one of seven, to a certain extent the people in the outer electorates of five are a bit disadvantaged because there's a greater concentration on the central electorate of Molonglo, and it has a greater power than do either of the others.

I don't think that has tended to enter into the politics. I think the community of interest within the ACT is not significantly different between the geographical regions. Had I been given such a choice at the time of self-government for the ACT, I would have voted for one single electorate. Personally, I still consider that to be a reasonable option.

The people in Gungahlin would be more likely to get someone elected representing purely Gungahlin interests if you had 17 or 21 members spread over the entire ACT than if you had Gungahlin as part of a larger electorate. The issues may get diluted within the larger electorate.

MR HARGREAVES: Can I take it that you are suggesting that the smaller the electorate and the greater number of members within that electorate, the better their chance for proportional representation?

Mr Corr: Yes, certainly. That certainly would be my submission.

MR HARGREAVES: Labor said five by five would be a great idea. The Liberals said 21 or 23, and Labor said 23 or 25. The construction for the 23 would have to be three sixes and a five. We would have to change the self-government act to allow for an even number of members. Have you got any views on a larger number?

MS TUCKER: Before you respond, the Electoral Commissioner in the last hearing said that after listening to the various submissions, which commented only on going to 21, he realised there was an opening for looking at a greater number. He was very concerned about five by five. He suggested that with 23 members you could have two sevens and a nine, or you could have 25 members with two nines and a seven. So there's also that to respond to.

MR HARGREAVES: I guess it was 23 I was asking you about.

Mr Corr: I think there are some problems with having even numbers in a Hare-Clark system. I think that's been alluded to in a number of the submissions.

MR HARGREAVES: And what would they be?

Mr Corr: You would get a two-party split. In a six, once you get to 2½ quotas for each of the major parties, you're basically there, particularly if you have an optional preferential system where you get wastage. It tends to force out the minor party representatives of that nature.

There are also philosophical and practical problems in having different sizes of electorates. I know that that has occurred here. They also have that in Ireland. There they can have from two to five members, depending on where they are. That has caused significant difficulties there. You get basically the rotten borough syndrome. People know that there will be one Fianna Fail and one Fine Gael elected from particular electorates, and that's it. Once they're in, they're in, and there's no attempt to service that electorate. I don't think that's happening here, but it is certainly something that has to be looked at.

MR HARGREAVES: One of the beauties of Hare-Clark is that individuals within a party compete amongst themselves.

Mr Corr: That certainly is the case. In Tasmania on a number of occasions that's resulted in the party-preferred person not getting up.

MR HARGREAVES: That has happened here.

Mr Corr: I'm not certain who the preferred are, but Mr Batt, who had previously been the leader of the Labor Party in Tasmania, didn't win his seat.

MR HARGREAVES: It happened to the deputy leader of the Labor Party here. At one stage he was Leader of the Opposition.

Mr Corr: Yes. Mr Whitecross, wasn't it?

MR HARGREAVES: That was sad.

Mr Corr: Particularly with Robson rotation, something that's worth while.

THE CHAIR: Mr Lamont was the first one.

MR HARGREAVES: I just know about the Whitecross one.

THE CHAIR: I'd say you probably would.

Mr Corr: And something about party list voting. I think there were some amendments in order to take care of that. Certainly there are a number of electoral systems that would give it, but as can be seen from the work of this committee, there's certainly a great case for increasing the number of members, and we are in favour of it.

MR HARGREAVES: You're basing your position at the moment—and quite rightly so, in my view—on the representational aspects.

Mr Corr: Yes.

MR HARGREAVES: And the proportionality of views within the context of debates within the Assembly. I think they're quite valid positions. But could you give an indication of your views on the executive government part of it? It's not so much that we have five ministers, but there's only a small pool from which to choose and that sort of thing.

Mr Corr: I think a number of the functions could quite possibly go down more to being controlled by the Assembly and more involvement there. Certainly the workload on the executive is quite high in comparison to any of the other Australian jurisdictions, and the number of issues each minister has to be across is significantly greater than anywhere else in Australia.

An increase in the executive would be quite reasonable. That would put some pressure on the governing party or coalition. If you do that under the current system, it would reduce the number of people on the backbench and available for committee work. That's yet another reason for expanding the size of the Assembly.

MR HARGREAVES: I'd like to take that point up with you. I've been asking this question of a number of people who have been coming here to talk to us. What do you think of the notion of having a formula that determines the size of the Assembly? If the government backbench had to be greater in number than the executive, that would make the government backbench a minimum of six.

Mr Corr: Let's do the arithmetic on that.

MR HARGREAVES: That would mean a minimum of 23.

Mr Corr: If you had an executive of five and a backbench of six, you'd have to have at least that. If you expand the executive, then once again you move the number out.

MR HARGREAVES: And that formula would be applied, and the whole thing would move proportionately. When we were in Tasmania, Dr Richard Herr advanced the theory that there needs to be a braking system within the government party room so that you don't have an executive control by the whole parliament. The formula for determining the size of the parliament is based on the concept of the party room being greater.

Mr Corr: That has an implicit assumption that the current major parties are going to retain the significant amount of strength that they have, whereas if you look at the elections over the past 20 years the two major party vote has been declining, and I'd expect it to decline into the future, probably not to the point where it gets below 50 per cent, but it's quite possible that at some stage we will get to a three-party system, for example.

MR HARGREAVES: We would then have to have a coalition government. The same formula could still apply, couldn't it?

Mr Corr: Not necessarily. There've been minority governments in a number of states of Australia. Tasmania is the obvious one. There was one in New South Wales for some time as well. I believe it's Labor Party policy not to enter into coalitions.

MR HARGREAVES: That's a local issue.

THE CHAIR: But in Tasmania?

MR HARGREAVES: In Tasmania.

THE CHAIR: With the Greens. It didn't work.

MR HARGREAVES: Curiously, with the Greens.

Mr Corr: Labor/Green accord. The Greens were never part of the government.

MR HARGREAVES: That's what we said. That's not the way the constituency regarded it.

Mr Corr: But the Greens never held any ministerial positions, which is an inherent part of a coalition.

MR HARGREAVES: The Liberal Party didn't have a coalition arrangement with Mr Moore, yet he held a ministerial position.

THE CHAIR: That's true. We do some unique things in the ACT.

MR HARGREAVES: It is whether the arrangement is stitched-up to enable them to form government. Coalition is really a relationship, isn't it?

Mr Corr: The parliamentary system and the party system are still working themselves out. I think we will see some variations in the future as to what's going on. As I've said, I don't consider that the current two-party system is going to continue. It has been declining for some time.

MR HARGREAVES: What do you think of three electorates of nine?

Mr Corr: That sounds like a good idea.

MR HARGREAVES: I thought you might think that.

MRS CROSS: You are so cheeky, John.

MR HARGREAVES: The leader of the Greens in the Assembly likes that one too.

MS TUCKER: I have an open mind, Mr Hargreaves.

THE CHAIR: She hasn't said that. We've heard it from elsewhere, though.

MS TUCKER: I'm just listening to the arguments.

Mr Corr: There tends to be a catch-up situation. We started off with one member for every 10,000 of population and we've gone well past that. One of the significant functions of local members is representing their constituents. There is the work within the Assembly itself and then there is work as part of the executive, or in the committees for the backbenchers. I'd say all three of those have increased since the Assembly first came into being. Those of you who've been here any length of time would probably agree with me. At the moment we're looking at a catch-up position. But this committee could say that in order to set things properly for some time into the future we should plan for the future and perhaps there should be a sliding scale in relation to population as a guide for the future. Three by nine would appear to be quite reasonable, particularly in comparison to the representation of other Australian jurisdictions.

MR HARGREAVES: You'd be aware that 1:10,000 population at the moment would make 23 the minimum, which would remove the 21—

THE CHAIR: Twenty-two, I think.

MR HARGREAVES: I think it's 22 point something, so the next highest number is 23.

Mr Corr: And we are breeding all the time.

MR HARGREAVES: That's right now. Do you think we should be addressing the future instead of playing catch-up football?

Mr Corr: Certainly. What's the point in doing this if in three years time the process has to be gone through again? There has always been the criticism of governments and parliaments that they do only look at a three-year time scale. Perhaps this committee should be thinking what the representation is going to be not just in three years, but in 10 years and maybe 20 years. Will there need to be a greater amount of representation then, or is there some way that we can deal with the system so that we can properly carry out our functions?

THE CHAIR: Thanks very much for your attendance today and giving the Greens' submission to the Assembly.

Resolved:

That, pursuant to standing order 243, the committee authorises the publication of evidence and submissions received by the committee during this hearing, together with any supplementary material arising from the public hearing.

The committee adjourned at 3.56 pm.