

Review into the size of the ACT Legislative Assembly

March 2013

The ACT Chief Minister, Ms Katy Gallagher MLA, has established a review of the size of the ACT Legislative Assembly. The review will consider the number of electorates and the number of members for each electorate. A five member Expert Reference Group has been established to conduct the review. The Expert Reference Group is to report back to the Chief Minister by 31 March 2013.

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Reference Group

The Chief Minister has appointed an Expert Reference Group to conduct the review. The Expert Reference Group has been asked to engage the community to examine if a change to the size of the Assembly is a way of meeting the needs of the ACT's growing population.

The members of the Expert Reference Group are:

- Mr Phillip Green, ACT Electoral Commissioner (chair)
- Ms Anne Cahill Lambert, AM
- Emeritus Professor Meredith Edwards, AM
- Mr John Hindmarsh, AM
- Ms Louise Taylor

Terms of Reference

In conducting the Review, the Expert Reference Group will:

1. examine past reviews into the size of the Assembly;
2. consider factors relevant to increasing the size of the Assembly;
3. consider any limitations placed on changes to the size of the Assembly by the Proportional Representation (Hare-Clark) Entrenchment Act 1994; and
4. recommend options for increasing the size of the Assembly, including the number of electorates and the number of members for each electorate.

Secretariat support for the review is being provided by Chief Minister and Treasury Directorate.

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Size Options

There are a number of constraints that limit the range of alternatives for the size of the Assembly. For example, the Entrenchment Act entrenches the principles that an odd number of Members of the Legislative Assembly is to be elected from each electorate and that there are to be at least 5 Members elected in each electorate.

Given the above considerations, the ACT Electoral Commission identified a number of factors to consider in determining the appropriate configuration of the number of electorates and Members per electorate in its submission to the 2002 inquiry of the Assembly Standing Committee on Legal Affairs, and included the following guiding principles:

- each electorate should have at least 5 Members;
- each electorate should have an odd number of Members;
- electorates should each return the same number of Members; and
- the total number of members should be an odd number – accordingly there should be an odd number of electorates.

Options that would meet these principles include increasing the Assembly to:

- 21 Members, consisting of 3 electorates each returning 7 Members;
- 25 Members, consisting of 5 electorates each returning 5 Members;
- 27 Members, consisting of 3 electorates each returning 9 Members;
- 33 Members, consisting of 3 electorates each returning 11 Members;
- 35 Members, consisting of 7 electorates each returning 5 Members; or
- 35 Members, consisting of 5 electorates each returning 7 Members.

Discussion Paper and Public Consultation

A Discussion Paper was prepared to assist members of the public interested in making a written submission to the review of the size of the ACT Legislative Assembly. The Paper is available in full on the Election ACT website, [here](#).

Written submissions from the public were invited between 10 January and 1 March. It was requested that submissions responded to the following questions:

1. Is increasing the number of Members of the ACT Legislative Assembly justified? Why or why not?
2. If there is to be an increase in the number of Members:
 - what should that number be; and
 - what number of electorates should there be and how many members elected from each?

51 submissions were made public via the elections ACT website. Of the 51 submissions published, 31 are in favor of increasing the number of members of the Legislative Assembly. The submissions are available [here](#).

Background

The Legislative Assembly commenced with 17 Members when the ACT was granted self-government in 1989 and has remained that size. The ACT's population has increased from around 275,000 in 1989 to 375,000 in 2012.

At the first two elections held in 1989 and 1992, all 17 Members were elected "at large" from one electorate, using the modified d'Hondt electoral system. From the 1995 election onwards, the Hare-Clark electoral system has been used to elect Members representing two 5-Member electorates (Brindabella and Ginninderra) and one 7-Member electorate (Molonglo).

There have been reports from several previous inquiries relevant to the size of the ACT Legislative Assembly. These previous reviews and inquiries into the number of Members of the Assembly have generally drawn arguments in favour of an increase in the number of Members.

However, to date there has been no consensus on what size the Assembly should be, and no action has been taken to increase the size of the Assembly.

The two options most often discussed have been increasing the Assembly to:

- 21 Members, consisting of 3 electorates each returning 7 Members; or
- 25 Members, consisting of 5 electorates each returning 5 Members.

Resources

The following resources may assist people wishing to make submissions to the inquiry into the size of the ACT Legislative Assembly.

- [ACT Legislative Assembly Standing Committee on Administration and Procedure, Report No 5, Review of the Australian Capital Territory \(Self-Government\) Act 1988 \(Cwlth\) \(2012\)](#)
- [Halligan, John, An Assessment of the Performance of the Three Branches of Government in ACT Against Latimer House Principles \(2011\)](#)
- [Hawke, Allan, Governing the City State: One ACT Government—One ACT Public Service \(2011\)](#)
- [ACT Legislative Assembly Standing Committee on Legal Affairs, Report No 4, The appropriateness of the size of the Legislative Assembly for the ACT and options for changing the number of members, electorates and any related matter, \(2002\)](#)

- [ACT Electoral Commission, *Submission to ACT Legislative Assembly Standing Committee on Legal Affairs, in relation to its inquiry into the appropriateness of the size of the Legislative Assembly for the ACT and options for changing the number of members, electorates and any related matter, \(2002\)*](#)
- [ACT Legislative Assembly Select Committee on the Report of the Review of Governance, Report of the Select Committee on the Report of the Review of Governance, \(1999\)](#)
- [ACT Legislative Assembly Select Committee on Self-Government, Report of the Select Committee on Self-Government,\(1990\)](#)