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***Size Matters –
The problem of proportionally shrinking Parliaments***

Neil Laurie, Clerk of the Parliament, Queensland

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Queensland is Australia's only State with a unicameral Parliament, the former Legislative Council having been abolished in 1922. As a result, when reform of Parliament is discussed in Queensland, the immediate primary¹ focus becomes the re-introduction of an upper house, as though an upper house is a panacea to all perceived ills. This reaction is based on a view that unicameralism is an inferior or incomplete system of Parliament. I argue that neither system is superior or inferior to the other; unicameralism and bicameralism are simply alternative systems, each with their own advantages and disadvantages and both having similar problems and limitations that need to be addressed at the beginning of the twenty-first century.

To focus on reforming Parliament by arguing about reintroducing an upper house is a little like arguing whether BETA recording machines are superior to VHS recording machines. The argument is redundant in the twenty-first century. The world has moved on; there are other more fundamental issues to be asked and addressed. It is an argument about the older forms, rather than focusing on the most significant issue: is the product fit for purpose. In terms of the video recording machine, in choosing a recorder fit for purpose you look for features such as ease of use, reliability, clarity of picture and length of recording and playback and, in the digital age, other more advanced features such as editing. In terms of any Parliament, I would argue that what we should be examining our Parliaments for is determining whether they are fit for their purpose. Their purpose being to represent the people, participate in law making, form the government, keep the government accountable, provide alternative government and generally be a forum for grievances and debate. So two questions arise. Firstly, is the Parliament truly representative? Secondly, does the Parliament have the ability to discharge its full array of functions properly?

The real issues in our Parliaments, unicameral or bicameral, are the issues that are affecting their representative nature and the ability to properly discharge all of their functions. Key issues include: the decline in the representative nature of Parliaments; the very important and related issue of the declining 'critical mass' of Parliaments; the ability to attract and retain quality members whilst still being able to renew membership into the future; limiting the growing

number of 'executive positions' in Parliaments; sensible procedural reform to prevent expediency overtaking consultation and reasonable consideration; reducing the preponderance of attention on legislative activity and increasing general scrutiny activity; enhancing and protecting the independence of the Presiding Officer; and entrenching methods to ensure the scrutiny of the executive.

The core issues or perceived problems and limitations are not caused by either unicameralism or bicameralism and bicameralism certainly does not necessarily resolve these issues. In unicameral jurisdictions, the focus should be on improving unicameralism, not attempting to turn back the clock by simply introducing another house with many of the same issues and perceived problems.

Why the mistaken focus on bicameralism as a solution?

It is a paradox of our system that the largest perceived problem with our system of government, the executive's control of Parliament, is inextricably linked to one of the hallmarks of the Westminster system we inherited – the executive's actual appointment is preconditioned on support of the lower house. The development of party partisanship, especially in the Australian political culture of party discipline, aggravates this issue. The continual focus on bicameralism by would-be reformers is largely founded on a belief that an upper house will prevent or reduce the executive's control of Parliament.

Bicameralists fix particular attention on the likely greater scrutiny that attaches to the passage of legislation, with the view that a second house ensures greater scrutiny of legislation which may otherwise be hastily passed by the lower house. The ability to 'slow down' the passage of legislation to enable proper, more considered examination and consultation is viewed as a significant enhancement.

The greater ability of members of upper houses, often without constituencies (in the sense understood by members of a lower house), to participate in parliamentary activities, the increased likelihood of representation by minor parties, Independents and minority groups because of the voting systems utilised in many jurisdictions for the election of members of their upper house, the frequent absence of government control of the upper house and the consequent inability of government to control committees of inquiry in the house are all arguments advanced by bicameralists. But boil it down and the central problem is perceived to be executive control of the

lower house. An upper house is seen to place a brake or check on the problem because the government generally does not control the upper house and thus:

...it forces governments to justify their policies, to negotiate with political representatives outside their ranks, and to accept compromises which take account of the interests and opinions of significant majorities.²

I would argue that bicameralism does not necessarily 'fix' the perceived and real problems and neither is bicameralism necessary to address these issues. Further, there is simply no guarantee that bicameralism will result in executive control or dominance being diminished. Party control of both houses and party discipline in both houses has the same result as government control of the house in a unicameral system. As the Legal, Constitutional and Administrative Review Committee pointed out in its 1999 issues paper on upper houses: "an upper house may merely 'rubber stamp' government decisions, mirror what occurs in the lower house and therefore not hold the executive accountable."³

One clear advantage of an upper house is the likelihood of wider representation, bought about by proportional representation and/or multi-member electorates.

Declining relative numbers of members and representative nature

Our Parliaments are each year rapidly declining in their representative nature and are not growing at a rate sufficient to achieve and maintain the "critical mass" of members required to fulfil all of their functions. The increase in population in Australian jurisdictions has not been matched by increasing numbers of members of Parliament.

To demonstrate this point reference must be made to raw data. Table A⁴ details the current MP to population ratio in each Australian jurisdiction. Table B⁵ details the MP to population ratio in Queensland since 1860. Table B is of particular interest, as it demonstrates how there has been no change in the number of members in the Legislative Assembly since 1986, despite the approximate 30% increase in population in the same period. It is submitted that in this same period the operation and administration of government has become considerably more complex, therefore, so must the job of scrutinising its actions. Legislation has certainly increased in volume

and complexity. Invariably the workload of members has certainly not decreased and must have increased over the years.

It is of course an obvious, but not necessarily an overly simplistic, observation that Parliaments become less representative the smaller they are proportionately to the population they represent. Furthermore, the fewer members, the less likely that minority groups or views will be represented in the Parliament.

The ostensible reason given as to why the numbers of members have remained relatively static, whilst population has grown, and in some jurisdictions exploded, is that increasing the number of members is seen as unpopular with the electorate.

The real reason is that increasing the number of members does not suit governments and major political parties. No government wants to have an overly large backbench, which can often be more troublesome than an opposition, because dissent or even adverse comment or disquiet from members of the government's backbench inevitably receives more media attention than adverse comment from the opposition.

Linked to this is political culture. The political culture in Australia strongly discourages dissent within parties, especially open dissent. A tradition of strict party discipline, a media obsessed with reporting, exaggerating and over-emphasising any dissension inside a party or coalition, even on pure policy issues rather than personality issues, and painting it as 'disunity' and a self-fulfilling belief by parties that 'disunity is death' promotes internal damage control when any dissent occurs. There is simply little tolerance of dissenters and no real belief that dissent and debate is healthy, let alone a commitment to tolerate dissent. From the point of view of governments and major parties, the fewer the members in a Parliament, the fewer the backbench, the less likely there is to be dissent.

This view of dissent continues to pervade political and media institutions, notwithstanding that one of the most common criticisms levelled at Parliaments by the public is the fact that members simply 'toe the party line'. It is an irony that this view of dissent pervades the political and media institutions of a nation so proud of its convict past and whose population contains more than a large percentage of Irish blood – the Irish being famous dissenters.

Of course, the shrinking number of members in each Parliament has serious effects on a representative democracy, apart from limiting possible dissent. It results in Parliaments being less representative not only in terms of members to population but in terms of effectively preventing minority views to be represented at all.

It is an obvious truism to state that members of Parliament represent their constituency in the Parliament. That is, they debate and vote on behalf of their constituency. However, it is, I submit, also an ideal that the Parliament through its membership is representative of the constituency generally. What I mean by this statement is that it is a worthy ideal that Parliament's membership contain members with varying backgrounds, life experience and opinion. In this way the constituency is not only represented by members in a formal debating and voting sense, but represented by a diverse group with differing backgrounds and interests – reflecting the general diversity of the wider constituency. A Parliament with a homogenous membership runs the real risk of being either out of touch with its constituency or being perceived by its constituency as being so.

The risks of homogeneity and extraordinary longevity

Despite positive moves in recent times for the membership of Parliament to be more diversified in terms of gender, ethnicity and socio-economic background, I suspect there is an increasing trend for less diverse occupational backgrounds and work and business experience. Furthermore, I suspect that some relatively recent policy decisions will increase the likelihood of homogeneity.

The second related point is that I suspect that the representative ability of members has decreased due to the increasing complexity of government and the workload on individual members, particularly those with multiple roles. I use the word “suspect”, because to the best of my knowledge there are no detailed quantitative or qualitative surveys to prove this theory. I point, however, to the following matters of significance as some support for my theory that there are considerable indirect and unintentional factors placing pressure to both homogenise the Parliament and make the workload on members unrealistic.

As is demonstrated by Table B, the population of Queensland has grown exponentially in the last few decades and that growth is set to continue. With this growth has come the diversification of Queensland industry and its population. There are simply more people, with more diverse occupations and backgrounds than ever before. Yet over the period of greatest growth and greatest diversification

of industry and jobs, the size of the membership in the Legislative Assembly has changed little. Put bluntly, there is an increasing member to population/constituency ratio and as this ratio increases the likelihood of members being akin to their constituency decreases. In 1860, when government was far less complex, there was one member (both houses) for every 669 people; in 1923 (after the abolition of the Legislative Council) there was one member for every 11,137 people; in 1969 there was one member for every 22,816 people; and in 2004 there was one member for every 43,618 people.

Related to the increasing ratio and complexity noted above and the associated increasing workload and complexity of duties on members and ministers is the tendency to assist members and ministers, not by increasing the numbers of members and “sharing the burden”, but by providing more resources, particularly in terms of human resources. There has been an ever increasing number of professional ministerial staffers, opposition staffers, electorate officers and party officials. One spin-off of this trend is to create an increasing “pool” of ready, willing, and no doubt able, potential members. It is, I submit, clear that this is developing a “career path” for becoming a member of Parliament, which in many cases starts at a ministerial office, opposition office or electorate office. I also suspect that despite the professional, educational or workforce background of people advancing to become a member in this way, the increasing trend is for the entrée to these positions to commence very early in a person’s career and often there has been little wider experience. I suspect that an increasing number of members are filling this background profile, thus reducing the numbers of members coming from other walks of life. I strongly emphasise that I am not critical of any member with this type of background, nor am I suggesting that members with this background are problematic; on the contrary, because of this background they are often the most impressive performers, particularly in their early years. I merely note the increasing trend and the implications for the overall membership of the Parliament.

Changes to members’ superannuation entitlements in recent years, which now affect all future members, will, I believe, be a further disincentive persons from stable business, professional or occupational backgrounds from seeking to become a member unless they are essentially self-sufficient. In simple terms, the financial risk to their business, professional or occupational life will not be worth it financially. Parliament will likely only attract people either already “in the game” or who are independently wealthy. Furthermore, I believe it is also likely that sitting members who come in under the new superannuation scheme will not voluntarily vacate their seats as many will simply not be able to afford to retire or take the risk of a less remunerated occupation. (Generally, the longer a

person is a member, the less likely that they will be able to return to their previous occupation unless they have “kept their hand in”.)

Changes that discourage diversity of membership or encourage members to stay in office long past when they have a genuine interest in staying but need to stay due to financial need should not only be avoided, but reversed.

I well remember during a visit to Germany in 1996 hearing how over 75% of the members of the German Parliament had been public servants before entering Parliament. This was largely as a result of their laws which provided that public servants who became members did not lose their office, but instead were on special leave and could return to their office once they left the Parliament at the same level and with all entitlements preserved. Naturally this resulted in an over-representation of public servants as candidates; they simply had nothing to lose.

Workload on members

Reducing the number of members increases the workload on individual members to an unreasonable extent, impairing them from discharging the wide range of functions they have.

Members of Parliament, whether they are members of a political party or are Independents, assist Parliament to fulfil its functions by: contributing to the formulation of legislation and the development of public policy; participating in parliamentary inquiries; conducting research into matters before Parliament or of special or constituent interest; participating in party room discussion and the formulation of policy initiatives; questioning ministers; and preparing and delivering speeches on matters of public importance and electorate interest.

At the constituency level, members of Parliament perform many and varied roles. These include: assessing the electorate’s stance on major issues of the day; responding to constituents’ needs and crises and representing them to government; becoming involved in community organisations and liaising widely in the community on government or non-government initiatives.

There is little likelihood that members can perform all of these functions to the best extent possible when they are stretched by an ever increasing constituency and the complexity of government. I am of the very strong opinion that extra staff and other resources are no substitute for increasing the number

of members – the real irony being that the cost of extra staff and other resources is more than increasing the number of members.

Declining relative numbers of members and ‘critical mass’

Reducing the number of members in a Parliament also limits the pool of members available for higher office. The increasing number of executive positions in an otherwise static Parliament decreases the number of backbenchers and the number of potential dissenters.

The most significant structural change to the Queensland Parliament in recent years has been the introduction and growth of Parliamentary Secretaries. Parliamentary Secretaries were reintroduced into the Commonwealth Parliament in 1990, the Queensland Parliament adopting the office in 1996 under the then Borbidge Government. The number of Parliamentary Secretaries has increased almost threefold in that time, the number of Parliamentary Secretaries in each Queensland Parliament being as follows:

Parliament	Number of Parliamentary Secretaries
48 th	4
49 th	4
50 th	6
51 st	6
52 nd	11

The office of Parliamentary Secretary is a curious constitutional conundrum, not easily explained in a Westminster system. They are not really responsible for anything, unlike a Minister. They are, according to the constitutional provision that recognises their existence in Queensland,⁶ to have the duties provided by the Premier. They are usually allocated the duty of assisting a Minister for one or more of their Minister’s responsibilities. Whatever the precise nature of their duties and despite any arguments as to the worth of these offices, they must be viewed as part of the executive in the constitutional scheme. The result of this is that the relative proportion of the executive in each Parliament is increased.

Parliamentary Secretaries are not the only office to increase in Queensland. The number of Government Whips has gone from 1 to 3 (1 Whip and 2 Deputy Whips) in the last few years.

In the Queensland Parliament, the break-up of the Legislative Assembly today is as follows:

Total Members	89	
Government Members	59	
Opposition Members	25	(17 National and 8 Liberal Members)
Independent Members	4	
Other party Members	1	
Speaker	1	
Deputy Speaker	1	
Ministers	18	20% of the membership of the Assembly
Parliamentary Secretaries	11	12.35% of the membership of the Assembly
Whip	1	
Deputy Whips	2	
Ministers, Parliamentary Secretaries and Whips	32	36% of the membership of the Assembly
Government backbenchers	27	30% of the membership of the Assembly

The executive in the Queensland Parliament now outnumbers the government backbench. And this in a Parliament where the government has 2/3 of the seats!

Parliamentary Committees invariably comprise an Opposition Shadow Minister and/or Parliamentary Secretary.

Conclusion

Queensland is currently undergoing a recurring debate as to four-year terms. It is also nearing the end of an electoral redistribution process. The terms of reference for the redistribution were that there be no increase in the number of seats. Under the draft redistribution there will be five seats with an area greater than 100,000 km². Those five seats have a total area of 1,466,512 km². The proposed seat of Mount Isa will be 570,000 km² – a land mass greater than the area of France. (The area of this seat is currently 367,305 km².) The proposed seat of Mount Isa will stretch from the islands in the Gulf of Carpentaria, all along the Northern Territory border to the New South Wales border. The community of interest between those living in communities in the Gulf and

those at Birdsville are interesting to ponder. There is little doubt, however, that in single member constituencies, large geographic electorates will become more commonplace without the membership of the Parliament being increased.

But it is not only about geography and lack of community of interest. Enrolled voters in each district under the new redistribution will be between 26,604 and 32,516. Of course, this represents a total population of between approximately 50,000 and 60,000 in each electorate. Of the proposed electorates, many proposed in the south-east corner will already be 5% or more over quota, meaning that a further redistribution will be due sooner rather than later. And when the next redistribution comes, without membership of the Parliament being increased, there will be larger seats in regional areas.

And the workload of members? It will only become greater. And the ability of the Parliament to properly fulfil all of its functions can only be lessened. And what about renewal of membership? With the new superannuation scheme voluntary retirements will be harder and harder to achieve. All of this is a recipe for Parliaments with longer-serving, harder-working members, that really have little hope of doing all they should be doing.

TABLE A: MPs to population for each Australian jurisdiction

JURISDICTION	ESTIMATED RESIDENT POPULATION ¹	MEMBERS OF PARLIAMENT			RATIO MPs : POPULATION		
		UPPER	LOWER	TOTAL	UPPER	LOWER	TOTAL
FEDERAL	20 701 488	76	150	226	1 : 272 388	1 : 138 010	1 : 91 600
QLD	4 091 546	-	89	89	-	1 : 45 972	1 : 45 972
NSW	6 817 182	42	93	135	1 : 162 314	1 : 73 303	1 : 50 498
VIC	5 128 310	40	88	128	1 : 128 208	1 : 58 276	1 : 40 065
TAS	489 922	15	25	40	1 : 32 661	1 : 19 597	1 : 12 248
SA	1 568 204	22	47	69	1 : 71 282	1 : 33 366	1 : 22 728
WA	2 059 045	34	57	91	1 : 60 560	1 : 36 124	1 : 22 627
ACT	334 225	-	17	17	-	1 : 19 660	1 : 19 660
NT	210 674	-	25	25	-	1 : 8 427	1 : 8 427

TABLE B: MPs to population for the lower house of all Queensland Parliaments 1860-2006

QUEENSLAND			
GENERAL ELECTION	POPULATION	LOWER HOUSE MPs	POPULATION PER MP
1860	28 056	26	1 079
1863	61 467	26	2 364
1867	98 722	32	3 085
1868	106 101	32	3 316
1870	115 272	32	3 602
1871	121 743	32	3 804
1873	139 928	42	3 332
1878	200 479	55	3 645
1883	280 615	55	5 102
1888	367 166	72	5 100
1893	418 993	72	5 819
1896	452 705	72	6 287
1899	486 315	72	6 754
1902	512 240	72	7 114
1904	524 935	72	7 291
1907	545 805	72	7 581
1908	557 099	72	7 737
1909	577 845	72	8 026
1912	638 753	72	8 872
1915	685 067	72	9 518
1918	704 251	72	9 781
1920	750 624	72	10 425
1923	801 844	72	11 137
1926	862 486	72	11 979

QUEENSLAND			
GENERAL ELECTION	POPULATION	LOWER HOUSE MPs	POPULATION PER MP
1929	902 136	72	12 530
1932	939 097	62	15 147
1935	971 297	62	15 666
1938	1 005 523	62	16 218
1941	1 038 741	62	16 754
1944	1 068 255	62	17 230
1947	1 112 818	62	17 949
1950	1 205 418	75	16 072
1953	1 298 420	75	17 312
1956	1 392 573	75	18 567
1957	1 420 501	75	18 940
1960	1 502 286	78	19 260
1963	1 595 446	78	20 454
1966	1 687 062	78	21 629
1969	1 779 690	78	22 817
1972	1 924 658	82	23 417
1974	2 032 973	82	24 792
1977	2 151 026	82	26 232
1980	2 301 702	82	28 070
1983	2 503 285	82	30 528
1986	2 649 694	89	29 772
1989	2 871 070	89	32 259
1992	3 068 100	89	34 473
1995	3 277 400	89	36 825
1998	3 447 725	89	38 738
2001	3 585 639	89	40 288
2004	3 901 811	89	43 841
2006	4 091 546	89	45 972

TABLE C: Number of Members of the Queensland Parliament and the population of Queensland for each election year from 1860 to 2004

Year	No. of MLAs	No. of MLCs	Total Members	Qld Population
1860	26	11	37	24,759
1863	26	22	48	61,467
1867	32	19	51	98,722
1868	32	20	52	106,101
1870	32	22	54	115,272
1871	32	21	53	121,743
1873	42	20	62	139,928
1878	55	31	81	200,479
1883	55	33	88	280,615
1888	72	36	108	367,166
1893	72	39	111	418,993
1896	72	39	111	452,705
1899	72	42	114	486,315
1902	72	40	112	512,240
1904	72	42	114	524,935
1907	72	46	118	545,805
1908	72	44	116	557,099
1909	72	44	116	577,845
1912	72	45	117	638,753
1915	72	41	113	685,067
1918	72	55	127	704,251
1920	72	66	139	750,624
1923	72	-	72	801,844
1926	72	-	72	862,486
1929	72	-	72	902,136
1932	62	-	62	939,097
1935	62	-	62	971,297
1938	62	-	62	1,005,523
1941	62	-	62	1,038,741
1944	62	-	62	1,068,255
1947	62	-	62	1,112,818
1950	75	-	75	1,205,418
1953	75	-	75	1,298,420
1956	75	-	75	1,392,573

Year	No. of MLAs	No. of MLCs	Total Members	Qld Population
1957	75	-	75	1,420,501
1960	78	-	78	1,502,286
1963	78	-	78	1,595,446
1966	78	-	78	1,687,062
1969	78	-	78	1,779,690
1972	82	-	82	1,924,658
1974	82	-	82	2,032,973
1977	82	-	82	2,151,026
1980	82	-	82	2,301,702
1983	82	-	82	2,503,285
1986	89	-	89	2,649,694
1989	89	-	89	2,871,070
1992	89	-	89	3,068,100
1995	89	-	89	3,277,400
1998	89	-	89	3,447,725
2001	89	-	89	3,628,946
2004	89	-	89	3,882,037

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- ¹ Four-year terms is the other matter raised, which definitely has nothing to do with either effectiveness or accountability.
- ² B Stone, 'Constitutional Design, Accountability and Western Australian Government: Thinking with and against the "WA Inc" Royal Commission', *Western Australian Law Review*, vol. 24, July 1994, pp.51-67 at p.58.
- ³ The Legal, Constitutional and Administrative Review Committee (LCARC) Information Paper - Upper Houses Tabled 27 November 1997 quoting D M Farrell and I McAllister, 'Legislative recruitment to upper houses: The Australian Senate and House of Representatives compared', *Journal of Legislative Studies*, vol.1, no.2, Summer 1995, pp.243-263 at p.259-260.
- ⁴ For the compilation of this table I would like to acknowledge David Embury of the Queensland Parliamentary Library. Current as at 17 October 2007.
- ⁵ For the compilation of this table I would like to acknowledge David Embury of the Queensland Parliamentary Library. Current as at 17 October 2007. The data is sourced from Electoral Commission Queensland, *Queensland's Electoral History*, Murray Campbell, 1996 and Australian Bureau of Statistics, *Australian Demographic Statistics, Estimated Resident Population*, Cat. No. 3101.0.
- ⁶ ss 24-26 of the *Parliament of Queensland Act 2001*