

**CAPaD** - *Awakening Democracy*

The Canberra Alliance for Participatory Democracy

# **Exploring political representation in the ACT.**

**MLA perspectives**

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## Executive Summary

The Canberra Alliance for Participatory Democracy (CAPaD) is a community body, committed to a democratic Canberra, where citizens trust their elected representatives, hold them accountable, engage in decision-making and defend what sustains the public interest.

In March 2019, CAPaD invited all 25 Members of the Legislative Assembly (MLAs) to meet individually with one or two CAPaD members to reflect on their experience with representation and with the provisions of the CAPaD Charter of Democratic Commitments, which CAPaD had offered to all candidates in the 2016 election.

Fourteen MLAs participated in a semi-structured interview. Interviews took place over three months. Ten of the twelve Labor Party MLAs, two of the eleven Liberal Party MLAs and both Greens party MLAs were interviewed. An edited transcript was made for all interviews. This was sent to each MLA for endorsement or amendment. These have provided the raw material for this report.

The interviewers sought to discover how representatives see their role; their approach to the task of representing ‘their’ constituents and their perception of the responsibilities of constituents in a representative democracy. It also sought their views on the Charter of Democratic Commitments. This report identifies the main themes emerging from the 14 interviews.

The MLAs described a number of dimensions to the task of representation, which have been considered under four headings: social researcher, caseworker, advocate and policy maker. The interviews revealed something of the complexity and workload of an MLA and the various ways in which they not only seek to understand the needs and concerns of their constituents, but also some of their difficulties in addressing some of these issues. Those MLAs who also hold ministerial positions commented on the restricted time available to fulfill all the responsibilities, including maintaining their desired ongoing contact with constituents. The discussions provided rich insights into the way these MLAs see their role and use their time as elected representatives.

Regarding the responsibilities of constituents in a representative democracy, the MLAs underlined the importance of the community being reasonably well-informed about the operation of the political system and their capacity to hold their representatives to account. The clear message coming through is that active citizenship is vital to a strong representative democracy and should be facilitated.

Thirteen of the 14 MLAs commented on the 2016 election Charter of Democratic Commitments. Nine of the MLAs interviewed had supported the statement without amendment at the time of their election and still agree with and support the intent and content of the Charter. The comments of the interviewees who had not signed the Charter were not materially different.

In its ongoing effort to build community trust and confidence in the democratic process, CAPaD warmly appreciates the willingness of these 14 MLAs to share frankly and openly their experiences, satisfactions and difficulties in being an MLA.

## 1. Background

In 2016, in the lead-up to the Legislative Assembly elections in the ACT, the Canberra Alliance for Participatory Democracy (CAPaD) invited all those standing for election to complete a Candidate Statement which asked them, inter alia, how they planned to represent their constituents, if elected, and their views on CAPaD's Charter of Democratic Commitments which outlined a set of basic principles to guide their conduct as elected representatives. A copy of the Candidate Statement is attached at A. Sixty-two candidates completed the statement, including fifteen current members of the Legislative Assembly.

Shortly after the 2016 election, CAPaD sought meetings with each MLA. Over half accepted the invitation - including some new to the Assembly, some longstanding MLAs, Ministers and backbenchers, from across the three parties. Some had completed a candidate statement while others had not. In the rich discussions we reinforced the potential of citizen deliberation and followed up by sharing an "information kit" (available on [the CAPaD website](#)) with examples and learning from other places. We also had preliminary discussions on how MLAs planned to undertake their role as representatives.

Anticipating the next ACT election in 2020, in March 2019 CAPaD invited all 25 MLAs to meet with them to reflect on their experience with representation and with the provisions of the Charter of Democratic Commitments. Fourteen MLAs agreed to take part in semi-structured interviews over the following three months. CAPaD made considerable efforts to follow up with the remainder, including email and phone reminders. A list of participating MLAs is attached at B, and the framework questions for the interviews are attached at C. Interviews ran from 40-90 minutes, and in some cases not all questions were covered. All those who were interviewed agreed to our recording the interview to facilitate an accurate record of the conversation; the written record of each interview was sent to the interviewee for comment and clearance and the voice recordings subsequently deleted. We advised that no material in our report would be attributed to individual MLAs, and the quotations from interviews in this report are all anonymous. Short quotations are in quotation marks and longer quotations are in italics and indented. CAPaD wishes to thank the MLAs who took part in this process for their time and their measured and thoughtful reflections on their representational role and on their engagement with the ACT community.

This report distils and analyses the main themes emerging from the 14 interviews. But first, by way of context, it gives a brief outline of the ACT's political system, which differs from other Australian jurisdictions in significant ways.

## 2. Context of representation in the ACT

The ACT as a self-governing polity was created by Commonwealth legislation, the *Australian Capital Territory (Self-Government) Act*, in 1988. This legislation operates, in effect, as the Territory's constitution, setting out the structure of government and its powers and functions. Those functions include activities generally performed by local

governments in state jurisdictions as well as by the states themselves. The Commonwealth legislation establishing ACT self-government does however impose a small number of specific legislative prohibitions to which the states are not subject e.g. in the matter of assisted dying.

The mechanism for electing the Legislative Assembly and the resultant composition of the Assembly are also unusual in comparison with other Australian jurisdictions. A plebiscite on the ACT's electoral system was held in 1992 and since 1995 MLAs have been elected using the Hare-Clark system. Under this system, each voter has a single, transferable vote that is allocated according to the preferences that the voter indicates on the ballot paper and the Assembly is formed on the basis of proportional vote shares across the totality of votes cast in the constituency. Since 2016, the Assembly has comprised 25 members elected from five constituencies. In the period 1995 to 2016, the Assembly had 17 members elected from three constituencies of five, five and seven members. For the first two elections, in 1989 and 1992, the 17 members were elected from a single territory-wide constituency using a set of electoral rules known as the modified D'Hondt system.

Both electoral systems have consistently delivered a pluralist Assembly rather than an outright majority for any single party, although the diversity of parties and independents elected has narrowed over time, and since 2004 only three parties have been successful in Assembly elections: the Australian Labor Party; the Liberal Party; and the Greens. The composition of Assemblies since the first Assembly elected in 1989 is outlined in Attachment D.

The ACT's pluralist Assemblies have delivered a succession of minority governments since 1989, most often headed by a Chief Minister from the Australian Labor Party. Liberal Party Chief Ministers have held the post for a total of ten and a half years since the first Assembly in 1989. The Chief Minister is elected by the Assembly at its first meeting following a general election, and the Chief Minister in turn appoints the remaining ministers from amongst those elected to the Assembly.

It has been argued that the ACT is under-represented democratically in the absence of elected local councils, with only 25 MLAs for a population 400,000, in a jurisdiction with both state and local government functions.

### 3. The representative role of an MLA in the ACT

#### 3.1 The formal roles of MLAs

Across the board, the MLAs interviewed saw their role in a representative democracy as being, first and foremost, to listen and address issues for their constituents and the wider community:

*...the role is to represent the community and their views, to consult with the community and to develop solutions around their issues.*

*For me the big thing has been working with my community to make a difference on the things that are important to them...For me it is not a case of getting into the office and shutting the doors...it's very much one of going out and speaking*

*to the community so that I'm aware of their priorities and issues, and then taking that forward in the work that I do and shaping the agenda.*

*...it's a very clichéd answer, to represent the interests of my constituents.*

*I think it is very important for an MLA to be able to listen to the community as a whole. It is the community who got us here, so we really work for them.*

*The first thing I see my job as is listening, and being a gateway in the community; but also sharing, teaching, and applying what I've heard.*

While MLAs are focused on constituents and community, they do not work out of electorate offices: they are physically located in the Legislative Assembly building in Civic and the Legislative Assembly is the principal stage on which their representative role is played out. Here, they:

- Consider and vote on legislation “for the peace, order and good government of the Territory”;<sup>1</sup>
- Sit on cross-party committees, a less visible activity which a number of interviewees described as both time-consuming and more collaborative than the more public face of the Assembly;
- Use the floor of the Assembly as a platform to raise issues of public concern through questions to the government, motions, adjournment debates, private members bills and petitions.

Many MLAs on the government bench are also members of the executive, and a similar number of members of the opposition hold shadow portfolios. An important role of the opposition is to scrutinise ministerial performance and the work of the government more generally. Several of the remaining members on both government and opposition benches without ministerial or shadow portfolios hold parliamentary offices such as Speaker, Assistant Speaker, government whip and opposition whip. Several interviewees without executive roles described undertaking a larger share of committee work.

As MLAs take on executive roles, their capacity to engage as closely as before at the level of the local constituency reduces:

*...as a backbencher you have more time. It might sound like a cliché but it's true. You can probably go out and be more proactive. As a Minister, I feel that despite theoretically having more power, you are in a more reactive space because more things come at you that you have to fix. Things go wrong. You read something in the Canberra Times and it may be the first time you've heard about it. “The government has stuffed it up!” And suddenly you have to pick up the pieces. Or, just things go wrong. Whereas, as a backbencher I was out hunting for issues to take up. That was certainly my experience of it.*

*Once you take on an executive role, then necessarily the time that you can spend on some of the other roles that people might traditionally see for their local MLA is constrained.*

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<sup>1</sup> Australian Capital Territory (Self-Government) Act 1988, section 22

*You have more flexibility as a backbencher of the government party or as an opposition member to spend more time in the community. I found that a big change. With portfolio responsibilities, my time in the community isn't as much as a backbencher.*

### 3.2 Representing whom and what

The simple dictum that MLAs, first and foremost, represent their constituents and the wider community belies a world of complexity. To what extent do MLAs represent individuals, and to what extent do they represent interests? At the local level, in multi-member constituencies, to what extent do MLAs represent those who voted for them, or the constituency as a whole? To what extent are MLAs bound by the interests of their own constituency or need to take account of wider territory interests? To what extent are they simply a cipher for the views of their constituents, or do they represent a more abstract interpretation of the best interests of the community.<sup>2</sup> All of these questions arose in one way or another across the 14 interviews, and did not lend themselves to simple, straightforward answers.

A number of interviewees reflected on the mandate dilemma: that they were elected by a sub-set of voters across the electorate who would have focused on what they stood for in terms of both partisan and personal values, attributes and commitments. But once elected, they represented the constituency as a whole. As one interviewee expressed it, he/she stood as the member of a political party which had policies of which, hopefully, the voters were aware. He/she saw a need to represent both the policies of the party and the best interests of the people in the constituency. "Hopefully these will reasonably coincide but they may not of course." The balancing act was described at some length by another interviewee:

*I've been put in this place based on my ideals and philosophy and beliefs. I need to represent first and foremost the community out there who voted for me. Sometimes I think politicians get it wrong when they try to please everyone. They can't do that. They represent an issue; they represent a philosophy and ideal. There's a section of society who support that and they are the people who put you in this place – you need to represent them. That being said, you do not forget everyone else and every other issue; you still represent those issues. For that particular case, and I've done this before in the past, I consult with the community on an area, particularly an area that I'm unfamiliar with, to get their views, to get an understanding from them directly, and then I can contribute to building legislation or representing that issue in this place. I do as best as I can to represent the wider community. We have our party values and philosophy that appeal to a certain group of people in society... it's important that we represent that, but that we also represent the community at large and understand their position.*

Another interviewee reflected on the diversity of views in the electorate, and the need to exercise judgment responsively:

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<sup>2</sup> This dilemma is posed in a seminal work on the concept of representation: "Should (must) a representative do what his constituents want, and be bound by mandates or instructions from them; or should (must) he be free to act as seems best to him in pursuit of their welfare?" (Hanna Fenichel Pitkin 1967, *The Concept of Representation*, University of California Press, page 145.

*...if we listen to all the views in our electorates, we will be hearing some very different points of view. It's how you balance it out that counts.*

It appears that the existence of multi-member electorates in the ACT jurisdiction attenuates the potential tension between party and constituency interests for individual MLAs, at least at the level of individual constituents who can self-select an MLA within their constituency who is most closely aligned with their viewpoint:

*...the people who are approaching you are drawn to you because of what they know about you, which is in part your party affiliation but also the values you hold. Because there are members from different parties, if what constituents were seeking sat outside of our party, I think they would be approaching other people before approaching us.*

*The multi-member electorate gives a greater emphasis to the role of ideology and party representation than would be the case in a single member electorate...In a way your constituents themselves partially self-select. That generally means that four out of five or five out of six voters will have a representative for whom they cast their primary vote as their local member. This is quite unique in lower houses in Australian parliaments.*

The multi-member electorate may also make it easier for MLAs to pick the issues on which they focus. One MLA, who described the main elements of the role as “advocating for the community that elected me”, went on:

*It is a bit of a tricky one because we do have multi-member electorates and people will connect up to others so you have to find your way through what you think the people who elected you would like. When I ran I was very open with the community and did a lot of work on outlining my values and my priorities and asking them to support that so I felt comfortable coming in and progressing those. I very much focused my work on the areas I went out to the community on to begin with.*

As lawmakers, committee members and, in many instances, as Ministers or shadow ministers, all MLAs deal with matters affecting the ACT as a whole. As the focus of the MLA shifts beyond their individual constituency to the wider jurisdiction, they are potentially pushed further along the continuum from representing the “mandate” of constituents to representing the broader public interest. This sense seems to come through in several observations from interviewees:

*What was the famous Edmund Burke comment about how you owe people the best use of your own intelligence and views as well as being a representative of them? So it is twofold: being available and ensuring that you are actively seeking the views of your community and listening to those views and acknowledging and responding to them....But then I think that all of us have the responsibility of being members of the Legislative Assembly for the whole of the ACT and using our knowledge and experience and values to guide our judgements around the issues that affect the whole jurisdiction...*

*The fundamental matter is ensuring that the voices and the views of people in the electorate are heard. And that there are good decisions that are made in the best interests of the community as a whole. Which may not necessarily*

*mean following any particular view or quantity of those voices. That to me is the place of wisdom in the role of an MLA. There is more than just ensuring that the voices are heard and more than just ensuring that the voices are acted upon.*

The shift in focus is potentially greatest for those with Ministerial responsibilities, where the breadth of both the constituency and the interests they see themselves as representing appears to expand:

*So there is this constant intersection of your responsibilities spanning two levels of government, a distinct geographic area within the broader city and then...an overlay of territory-wide responsibilities within individual portfolios that might bring into play sectoral or economic interests...*

The importance of a diversity of backgrounds and life experiences amongst the representatives in the Assembly was flagged by several interviewees, whether reflecting on the different perspectives this introduced into debates or the capacity to apply lived experience to the issues being raised:

*We are certainly representative citizens in some form or another. We may not be very diverse; we are mostly Anglo and most of us are university educated. But not exclusively. I think there is a reasonable distribution of life views in this place. You can see that in the contestability of ideas. I can be sitting in the Chamber listening to a speech and someone will say something that makes me think, “wow, I have never thought of that”.*

*[the absence of an explicit job description for MLAs] ... is part of the strength of the system...I think that every representative brings their particular values and perspectives and if there is a clear expectation that this is what you are supposed to do, I think you run the risk of having 25 professional politicians rather than 25 people who come from a background across the community with different ways of being able to represent and engage with the community.*

### 3.3 Representing how

MLAs described a number of different dimensions to the job of representation, which we've broken down as follows

- a) Social researcher<sup>3</sup>
- b) Case worker
- c) Advocate
- d) Policy maker.

#### Social researcher

Many of the interviewees spoke at length about their efforts to get out proactively into the community to speak broadly with constituents and to identify issues, concerns and

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<sup>3</sup> The term 'social researcher' is used loosely here to characterise an aspect of an MLA's work. We are not using it in its technical sense.

perceptions within the community. This is reflected in a number of the observations in the preceding sections of this report, and the sense of wanting to connect with and get a true reading of the community was palpable across the interviews:

*I find it really useful to understand individual experiences and mesh those with the bigger picture and to encourage the departments to understand how an issue is perceived in the community. I can pick up the dissonance between the policy intent and the actual experience in the community and I feel it's my job to reflect that lived experience. I also find that the vast majority of constituents have no representative group to reflect their interests.*

There was a strong recognition that, to be a representative, you need to have a nuanced understanding of the spectrum of concerns that you are representing. This is reflected in the preoccupation of several interviewees to hear all the voices:

*I think there is a particular and profound responsibility for hearing the voices that would otherwise not be heard, rather than simply hearing the voices that are easy to hear.*

*There is always the challenge that those people who have the ability to have a say might dominate the space. Actually digging a bit deeper to find out whether the dominant voices are reflective of a wider current of opinion is important. That works depending on which side of the government you are on. I've always been interested to ascertain how pervasive an issue is, and if it is just a concern of a few, how do we work through it. If it's just a smaller group or an individual running on an issue, that does not speak for the community.*

*I think our role as an MLA is to drill down and listen to everyone's ideas, and not just to those who are the loudest and use the most forceful tactics to get their ideas across.*

*I feel like you have to be a representative for the people who are being impacted by things, and who are hurting and complaining, but you also need to be cautious in how you go about it because, in trying to solve it for a handful of people, you might get a minority/majority tyranny and the silent people who are actually happy with it might end up in a much worse situation because you were trying to fix the problem of a few. The only solution is trying to hear from more people...*

#### Case worker

Taking on board and pursuing solutions to the problems brought to MLAs by individual constituents is a significant and time-consuming element of an MLA's work. One described the role as "being a sort of ombudsman, in effect". Another observed:

*Often people don't have the expertise or the insight into how they should best interact with government, so it is helping them in that, as opposed to trying to change government policy or change the laws of the land, it is helping people with what is on the books.*

The approach to problem solving seemed to vary quite widely, depending on both the perspective of the MLA and the character of the matter brought forward by the

constituent. One MLA described helping to guide the constituent through the steps of how to tackle their issue where that is likely to resolve the matter but also getting more closely involved where the matters are more complex or the people bringing them forward are more vulnerable; another spoke of using discretion to assess whether to dig deeper into a matter or refer it on to the responsible minister or area. In some of the examples given of the approach taken, MLAs described a very hands-on role, actively engaging on the matter and pursuing a resolution on the constituent's behalf.

MLAs are alert to the weight of their problem-solving role. They have a sense that they are often the last port of call, when the person has exhausted all other avenues and is desperate. As two interviewees observed, in similar terms:

*...usually once someone has got to the point of having to contact this office, then it is because something has gone wrong. It's not usually asking about how something works. If we get a phonecall, then more often than not, something is affecting someone in a bad way.*

*Coming to a politician, in general, means they have tried many other avenues and bumping into me, or coming to a mobile office, to raise an issue is really significant. So it is a real responsibility to try to get a resolution for someone or something that has troubled them for a long time.*

MLAs spoke about the considerable time they might have to expend on an individual case; in one instance, this has run to three or four days since 2016 and the matter is still ongoing. MLAs seemed to accept that what could be very intensive effort on a single matter would largely go under the radar. Contrasting involvement in a major disability project which broke new ground with a single, small matter involving one disabled child, the MLA concerned commented that the small matter was equally important, and “you don't have to have the big headlines and the lead story in the ABC news to be able to sleep well at night”.

Strikingly, a number of the accounts given to us described individual problems that highlighted a major systemic failure such as the management of remains at Norwood Crematorium or an inappropriate charge for stamp duty, where the pursuit of a solution for an individual led to the overhaul of a process or a change to policy or legislation.

### Advocate

Unlike casework, which is generally directed towards the resolution of a problem on behalf of a single constituent and without necessarily seeking to change the system in any way, advocacy generally involves pursuing a matter on behalf of a broader group of concerned community members with the aim of achieving some kind of change in planning, in a policy, in practice or in service delivery. In the words of one interviewee, the MLA is there to work with the community and achieve for the community – it's about empowering and giving agency to the community. This can involve an MLA either taking up the issues that people bring to them or identifying an issue affecting a class of people who are adversely affected in a particular way, such as people on the waiting list for elective surgery, who do not have a lobby group or interest group to advocate their interests. In the words of one MLA:

*I can pick up on the dissonance between the policy intent and the actual experience in the community and I feel it's my job to reflect that lived*

*experience. I also find that the vast majority of constituents have no representative group to reflect their interests.*

Much advocacy involves quiet behind the scenes lobbying, although the prospects of a positive outcome can be discouraging. As one interviewee observed:

*One of the things that is very easy to do well is representing constituent interests to government on an issue – to take up their cause. Trying to actually get change, though, is still really quite hard.*

This observation was illustrated with a description of the MLA's efforts to increase the amount of mowing done in a particular suburb. While the Minister was supportive, additional funds were required through the budget and when the budget came out, the funds were not there. Another MLA spoke in rather stronger terms about the frustrations in advocating to government on issues raised by the community:

*I say to them time and time again that this is not coming from me, it is coming from the community, the community is calling for it. Stop playing politics with the matter and deal with the issue and deliver an outcome. That is the most difficult and frustrating part I find: the bureaucratic process, and the time it takes to achieve any of the outcomes needed.*

Not all advocacy is behind the scenes. MLAs also use the floor of the Assembly to raise issues and get them onto the agenda through motions, private members bills and adjournment debate speeches. A more novel approach described to us was a colleague's recent use of question time to ask questions formulated by the community, a device apparently borrowed from the British parliament. This, we were told, "struck me as a very smart idea, utilising a part of our parliamentary processes that have been co-opted by political parties and returning it to the community".

One MLA, discussing Assembly work, observed:

*In sitting weeks, it is primarily advocating for things that the community wants to take forward through private members motions; I also use adjournment debates quite a bit as an opportunity to introduce topics and get them on other members' radars. I've found community groups and individuals particularly appreciate the fact that their local member is not only paying attention to what they are doing but is willing to take it back to the parliament and put it on the record.*

Another MLA provided several specific examples of matters raised in the Assembly "related to what I've heard from members of the public". One of these was:

*... a motion of mine about changing place names in the ACT. That was because people kept coming to me saying there were places that were named after particular people that may not be appropriate in today's society or values. So I did a motion about that and I'm trying to get a review of the names in the Place Names Committee to see if we can make a difference for those people who have issues with the names.*

A number of interviewees also described presenting petitions on behalf of constituents who wanted to get an issue onto the political agenda. As one MLA explained, if a petition has 500 signatures, it goes to a committee and so gets public debate. MLAs

on the government benches were mindful of the potential sensitivity of petitioning their own government but equally recognised their obligation to constituents and proposed managing their competing responsibilities by, for example, giving advance notice to the relevant minister. Examples of recent petitions mentioned in the interviews included a request for traffic lights at a dangerous intersection, a request regarding use of public land adjacent to a proposed fast food outlet, and a request about the location of playgrounds.

Advocacy is not limited to matters within the remit of government. Several MLAs described the way in which they took up specific issues on behalf of elements of the community with the private sector, where they reported having a surprising degree of leverage and success. The examples they gave of matters that they had taken up were all, broadly, in the areas of planning and utilities and included: negotiating with the redeveloper of a shopping centre to collaborate with the community on the detail of the development application; negotiating with a site owner about the demolition of a property that had been occupied by squatters; obtaining agreement from a site developer to reopen a poorly executed community consultation; and meeting with an energy provider to interrogate reporting that energy supply targets were being met when a particular area was experiencing an excessive incidence of blackouts.

### Policy maker

MLAs who also hold ministerial office are at the epicentre of policy-making for the ACT, albeit the scope of their policy-making powers is bound by the provisions of enabling legislation that has been made by the Assembly as a whole. MLAs without executive roles, whether on the government, opposition or cross benches, have a more limited role in policy making and their position is more often one of influence than of direct power to make and execute policy. The avenues open to them to shape policy outcomes for the ACT include: participation in internal party policy discussions; debating, amending and passing legislation presented to the Assembly; work on Assembly committees; interventions on the floor of the chamber; and direct discussions with ministers. In response to our question about the best avenues open to them for shaping the agenda, one backbencher replied: “it is through caucus, but also through committee work. To change legislation, it’s private members bills”.

Legislation is arguably the most formal expression of policy-making, and most legislation is developed and introduced by a government minister. The capacity of an individual backbencher to see a policy that they espouse passed into law is contingent on either their persuading the sponsoring minister to adopt the policy during the drafting or debate stages or their marshalling the numbers on the floor of the Assembly to pass their proposed amendments to a government bill or to back a private member’s bill that they themselves have brought forward.

Private members bills are not unusual, although more often they are introduced by members from the cross or opposition benches than from the government bench. One MLA we interviewed from the government side does have a private member’s bill currently before the Assembly on personal cannabis use, noting that it was quite unusual for someone from the government benches to pursue this course. Checking the listing of bills introduced during the life of the current Assembly up to 2 August

2019, 12 have been sponsored by a Liberal MLA, four by a Greens MLA from the cross-bench and one by an ALP backbencher.<sup>4</sup>

Committee work opens up the prospect of more substantive engagement in policy, although the range of matters on which an MLA can engage in this way is circumscribed by the business agenda of the committees on which MLA sits and, in some instances, chairs. As several MLAs pointed out, action on a committee's findings is a matter for the government.

*... committee work is undervalued and underappreciated but it is a very important part of our parliamentary and democratic process. It can suck up a lot of time, but it is a very significant way that you can contribute to the policy debate. It's up to the government what they do with that work, but you feel you've done your job when you put forward a really solid piece of work.*

One MLA whom we interviewed was cautious about characterising committee work as policy-making, suggesting rather that it is better viewed as:

*policy suggesting, because it is the government that decides whether to take ideas on board. Increasingly, I have to say, the media has done a pretty good job; they do pay more attention to committees than they used to and because of that the committees are being taken a little more seriously because there is more community buy-in.*

Several MLAs from across the party spectrum spoke positively about the collegiate and constructive environment that generally prevailed inside the committees, where members genuinely collaborated in the pursuit of the public interest. This is reflected in the comments below from MLAs from each of the three parties:

*I would like to think that most people engage in committee work with a genuine interest in the best result irrespective of their political party. The committee can make recommendations which the government can just ignore. It doesn't stop a committee from making very strong and challenging recommendations for the government. Once we've heard all the evidence and gone through all the submissions and looked at the research and come up with what they believe is the best result, it's only occasionally that things become partisan. That's more likely with things like the budget. A lot of the committee work is carried out in a really collegiate and collaborative way. It's not that often that it takes a very partisan turn.*

*...what is really interesting is that in the committees in this place, a lot of that gets left at the door. Work that is not done in the public spotlight often works really well. I have had some quite frank conversations in those committees and there are spaces around here that do work. And you have some really good conversations. It is certainly difficult sometimes to have trust in opposing politicians but in the committee rooms very valuable conversations take place.*

*I think it happens a lot in the committee process. One of the opposition members of the Assembly and I disagree on just about everything in the world. I'm not sure that we agree ideologically on anything. However, we are on*

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<sup>4</sup> [https://www.parliament.act.gov.au/in-the-assembly/summary\\_of\\_bills](https://www.parliament.act.gov.au/in-the-assembly/summary_of_bills)

*several committees together and because our mindset in the committees is 'what is the greater good for x, y or z', we actually set our personal views to one side. There is still always going to be a bit of personality that comes out in everything you do, and that's why people vote for you I hope, but you really do spend a lot of time talking about what is in the public interest.*

MLAs from all parties described their involvement in policy debates within their own party on proposed policy directions, the development of party platforms, particularly in the lead-up to an election, or the policy approach to take on a matter before the Assembly or to be introduced into the Assembly. One of the MLAs interviewed described a lengthy process of policy development work including close and iterative consultation with the community in preparation for the 2020 election.

None of the interviewees articulated how their work as social researchers, interfaced with their role as advocates or policy makers, how those roles contributed to improved outcomes for the community or how they might assess their own contribution. The need to make a visible contribution in order to support their chances of re-election was implicit rather than explicit.

Interviewees identified several barriers to effective representation, including time pressures, lack of resources, lack of access to public servants and the information they hold, and a range of issues related to the traditional media not picking up stories, or taking an adversarial approach.

### 3.4 Reaching out to the community

The MLAs interviewed described a broad range of approaches for reaching out to the community to tap into the issues of concern to individuals and groups and how to best represent them. Across the interviews, they listed a broad suite of fairly standard tools that they used to engage with constituents: doorknocking; newsletters; postcards inviting constituents to make contact; surveys on specific issues; street stalls/mobile offices; regular meetings with residents' associations, Community Councils and other community-based organisations, businesses and charities; and various forms of social media, principally Facebook and to a lesser extent Twitter. Some MLAs expressed a strong preference for face to face engagement, and suggested that this kind of outreach tapped into people and issues that would never otherwise come to them as local members:

*...if you are out standing next to an A-frame, people will bring you matters which they will say they didn't think were big enough or important enough to write to you about, but while you're here, let me tell you about it.*

*A lot of people will talk to you because they see you, it's a personal conversation. The fact of going through a minder, of making a time, and declaring a problem is difficult for many folk...*

A number of MLAs also spoke about exploring or expanding on ways to meet up with groups of people who are not structured into formal associations. Examples given across the interviews included: meet-ups; politics in the pub; setting up roundtables, open invitation community forums, kitchen table conversations and community

reference groups to discuss particular issues or to tap into community sentiment; and holding monthly community barbeques and coffee sessions in the constituency.

Many of the MLAs interviewed also spoke about the significant number of informal contacts that they had with constituents when doing the shopping or walking the dog, attending their children's school events, sporting events or just on the tram or out for a meal. A number of them also suggested that the prospects of people simply bumping into their MLAs in Canberra was rather better than in other places:

*I think we are very accessible. I literally run into people in the car park or in the supermarket and can end up having a conversation there. I think that is a real positive for the Assembly. We are here in the community all the time and are not flying in and out. I think that helps to keep us pretty grounded as well. People are not shy in giving us feedback. You genuinely run into people who want to have a conversation with you. I find that very valuable.*

The experience of MLAs with social media can be best described as mixed. Comments included reflections on the incivility that creeps into some social media communications, the determined assaults of keyboard warriors and the imperative to provide immediate responses. At the same time, there was a recognition that social media was an important part of the mix in outreach:

*On social media, it's not always nice. But it's not going anywhere. I think that it is an important way to engage with people.*

MLAs were alert to the fact some segments of the community were more likely to approach them via Facebook, and two described actively thinking through how best to use it to interact with constituents:

*I really took the view that it shouldn't be a broadcast platform but rather an engagement platform. I've very much found that I get a lot of contact from people who are working and at work and who are messaging or just engaging in a conversation and commenting. I think these are people who wouldn't ring my office or even email me – that's almost a step too far. When they are already in the platform, it's easier for them to engage, and I think I am reaching people who aren't home when I'm doorknocking, aren't shopping on a Saturday morning or a Thursday evening, whose number we don't have any more because they've switched to NBN and only have a mobile and they don't answer unknown callers. I think it is giving that working Canberran a means to engage.*

*It is very easy to do bad social media, just copy and paste your press releases into status or put a picture of yourself in front of something saying it's great to be at the opening of this thing with this person, which no-one cares about. But to actually engage people on things they want to talk about, find the issues that people are interested in and actually engage with them – put the questions out there, give people stimulating things to encourage conversation, actually listen to them – I actually get great feedback and people start to engage on things I didn't think they'd engage on.*

Several MLAs also mentioned some of the novel approaches that the government is using to tap into the views of the community, including:

- Chief Minister talkback every second Friday morning on ABC Radio Canberra;
- YourSay – which provides Canberrans with a range of ways to participate and share their views online; and
- Several participatory decision-making processes on specific areas of public policy such as compulsory third-party insurance and housing choices.

Several MLAs highlighted the diversity of the community and the importance of understanding and employing the mix of tools that would most effectively reach the range different audiences:

*I think it is about talking to people in ways that they can relate to. The older generation is happy to write letters and attend meetings, whereas the younger generation would prefer to sit in a coffee shop for an hour and chat and have someone take notes. So we do need to find better ways. And by that I do not mean that one way is better than the other. But it is about how we relate to people.*

Despite best efforts, it was recognised that not everyone could or would engage with their MLAs:

*It would be nice if more people were engaged. For the most part you are baying at a closed door, in a very literal sense...people are very interested in the political issue of the day – go to any barbeque on a Sunday and people have opinions. But people are time poor, and stressed, and expressing political opinions and participating in the political process, these days, are a bit of a luxury. Overwhelmingly, from what I've seen, the only people involved in political activism and community participation are people who are lucky enough to have spare time and the ability to do it. I've never seen a single mum sitting in a community council meeting. I've never seen a young retail worker struggling to get by with reduced penalty rates spending their Tuesday evenings talking about planning guidelines. It's not to say they don't have opinions on this – they probably do, but they just don't have the ability to actually engage.*

Looking at the topics on which MLAs reached out into the community, or which they selected as examples of working closely with the community, there appeared to be a bias towards local government or localised issues such as planning and location of facilities. A questionnaire circulated by one MLA within the constituency about areas of concern similarly focused largely on local amenities and infrastructure such as footpaths and cycleways, playgrounds and parks, local schools and community healthcare. This could be a function of the localisation of representation to a specific constituency under the electoral system, or equally a response to the types of issues generally raised by constituents. We understand that the people who ring in to the Chief Minister talkback on ABC radio largely raise local government issues. Yet in budgetary terms, local government matters represent only around ten percent of total territory expenditure.

The MLAs interviewed were aware that community associations and civil society organisations generate informed collective views, with civil society peak bodies in particular focusing on sectoral issues that form the basis of state government

functions. However, none expanded on how the role of civil society interfaces with their own.

The MLAs did not distinguish between their role in relation to local government versus state government matters.

#### 4. The responsibilities of constituents in a representative democracy

There was a strong convergence of views around the importance of constituents being reasonably well informed about the operation of the political system and the community in which they lived. While this was expressed in a variety of ways, the underlying sense was one of welcoming and valuing effective citizen engagement in the political life of the ACT. As a corollary, it was suggested that constituents should understand the power of their voice and use it, thoughtfully and frankly. This means being ready to communicate concerns – and ideally their thoughts about how to address them – to their local representative, and to hold government to account. One MLA put it this way:

*I can only do my best with the information that I have. Constituents have a really important role to keep us accountable and to keep us informed.*

Another observed that constituents ultimately:

*...have a responsibility to check and hold to account what is going on with the government. One of the phrases that I have used regularly is that we have a strong society when everyone belongs; when everyone is valued and when everyone has the opportunity to participate. I acknowledge that not everyone wants to participate. So, I think it is up to the government and the Assembly to try and make sure that we have a society where everyone has the opportunity to participate fully.*

The clear message coming through is that active citizenship is vital to a strong representative democracy and should be facilitated. None of the MLAs offered suggestions for how that might happen, or what sort of community development or specific systems literacy might support it.

Nor did any of the MLAs offer new ideas in response to the question “what new approaches would you like to explore”. On the whole, the MLAs interviewed felt that the current system of representation in the ACT is working well and was not in need of major change.

In relation to their own accountability, the most common response was that the ballot box is the arbiter.

#### 5. The Charter of Democratic Commitments.

At the time of the 2016 ACT election, all candidates had been invited to submit a candidate statement, which included an invitation to endorse or modify a six-point

Charter of Democratic Commitments (see Attachment A). The Charter set out expected behaviours and a commitment to promote and support participatory and deliberative methods for policy, planning and legislative decisions. The Candidate Statement process commenced midway during the election campaign and not all candidates met the deadline.

Fifteen of the current 25 MLAs had completed the Statement and signed this charter without amendment. Among the 14 interviewees, nine had formally committed to the Charter.

Thirteen of the fourteen interviewees commented on the Charter in their interview and all agreed broadly with the content and intent of the statements. The comments of the five who had not signed the Charter at the time of their election were not materially different from those who had. There was some discussion about item 4 (participatory and deliberative methods) and experience with citizen juries by the current government but no one argued for removing the item from the Charter for future elections.

## ATTACHMENT A 2016 Candidate Statement

Each candidate was invited to answer 3 questions, each in less than 200 words.

- a) These are my principal qualifications for being a parliamentarian.
- b) If elected, these are the issues that I see as the most important for the long-term benefit of all my constituents and towards which I will be working on their behalf.
- c) If elected, this is how I plan to represent my constituents. i.e. how I will engage with, consult and report to the electorate during my term in office.

The candidate was also invited to endorse or modify the following six point “Charter of Democratic Commitments.”

1. I will at all times tell the truth to the citizens and voters of Canberra and be honest in all aspects of my work as an elected representative of the people of the ACT.
2. I will fully disclose and make public the sources and value of all political funding donations, contributions, gifts public and private in line with ACT electoral laws.
3. I undertake to be fair, ethical, compassionate and diligent in serving my electorate and the nation at all times, and to uphold the Australian value of “a fair go for all”.
4. I will promote and support participatory and deliberative methods for policy, planning and legislative decisions.
5. I will place the public interest (the welfare and wellbeing of the community as a whole and the integrity of the planet) ahead of personal interests.
6. I will never abuse or misuse the allowances, subsidies, concessions and privileges accorded to me by the people of the the ACT and the ACT Legislative Assembly in my role as an elected representative.

## ATTACHMENT B MLAs interviewed for this report

Andrew Barr

Yvette Berry

Joy Burch

Tara Cheyne

Bec Cody

Meegan Fitzharris

Nicole Lawder

Caroline LeCouteur

James Milligan

Suzanne Orr

Michael Pettersson

Gordon Ramsay

Shane Rattenbury

Rachel Stephen-Smith

## ATTACHMENT C Questions used for the semi-structured interviews with MLAs

### *The role of an MLA*

- How do you see the role of an MLA in a representative democracy?
- What are the toughest elements of your role?
- Have you encountered any tension between your responsibilities as a party member and your responsibilities as the representative of a constituency?
- How do you engage with the other MLAs in your constituency?
- What do you understand as your accountability as an MLA?

### *Approaches to representation*

- How would you describe your role in relation to your constituents?
- How do you approach this role e.g. how do you engage with, consult with and report back to your electorate?
- What in your experience has worked well?
- What hasn't worked so well?
- What new approaches would you like to explore?
- What are the main barriers that you see to strengthened representation?
- What do you see as the responsibility of constituents in a representative democracy?

### *Charter of democratic commitments*

- What are your views on each of the six points of the charter?
- In your experience, are any of them particularly challenging in any way? Why?
- Would you suggest modifying any of them?

## ATTACHMENT D Composition of Assemblies elected since 1989

Party	Election Year								
	1989	1992	1995	1998	2001	2004	2008	2012	2016
<b>ALP</b>	5	8	6	6	8	9	7	8	12
<b>Canberra Liberals</b>	4	6	7	7	7	7	6	8	11
<b>ACT Greens</b>			2	1	1	1	4	1	2
<b>Aust. Democrats</b>					1				
<b>Osborne Independent Group</b>				2					
<b>Moore Independents</b>			1	1					
<b>Michael Moore Independent Group</b>		2							
<b>Abolish Self-Govt Coalition</b>	1	1							
<b>Residents Rally</b>	4								
<b>No Self-Government Party</b>	3								
<b>Independent</b>			1						