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9 June 2023

ACT Electoral Commission  
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### **Objection to Electoral Commission's proposed redistribution**

1. I refer to the Electoral Commission's proposed redistribution published on 12 May 2023 that removes Forrest and Red Hill from the electorate of Kurrajong and places them in the electorate of Murrumbidgee. It labels "Canberra Central" as exclusive of Forrest, Red Hill, Deakin and Yarralumla.
2. I live on the Narrabundah/Red Hill/Griffith border. As a result of this proposal my current voting booth in the Kurrajong electorate, that I can see from my home, will be moved into the Murrumbidgee electorate.
3. I object to the redistribution because it is illogical, irrational, and unreasonable. First, the projected numbers on which the decision are based are clearly incorrect (see paras 5-6 below). This means that the application of the Electoral Act 1992 s.36 ss (a) and (b) is questionable. Secondly, s.36(c) of that Act is misapplied because of failure to give due consideration to the items listed.

### **Electoral Act section 36**

4. The redistribution must be made according to law. Section 36 of the *Electoral Act* provides that the Redistribution Committee, in making a redistribution of electorates, shall:

*(a) ensure that the number of electors in an electorate immediately after the redistribution is within the range permitted by subsection 67D(2) of the Australian Capital Territory (Self-Government) Act 1988 (the Self-Government Act) of the Commonwealth;*

*(b) endeavour to ensure, as far as practicable, that the number of electors in an electorate at the time of the next general election of Members of the Legislative Assembly will not be greater than 105%, or less than 95%, of the expected quota for the electorate at that time ascertained in accordance with the formula set out in subsection 67D(1) of the Self-Government Act; and*

*(c) duly consider—*

- (i) the community of interests within each proposed electorate, including economic, social and regional interests;
- (ii) the means of communication and travel within each proposed electorate;
- (iii) the physical features and area of each proposed electorate;
- (iv) the boundaries of existing electorates; and
- (v) the boundaries of divisions and sections fixed under the Districts Act 2002.

**Numbers**

5. The report gives the following numbers (p.29):

	Actual enrolled 31/8/22	Actual enrolled 31/3/23	Projected enrolled 10/10/24	My Comment
Forrest	1583	1590	1700	110 new voters anticipated Oct 24
Red Hill	2293	2331	2371	40 new voters anticipated between Mar 23 and Oct 24

6. ‘The Parks’ at Red Hill is under construction and not fully occupied. The Parks has 108 single dwelling sites. It will reportedly have 3% of the land in Red Hill and 20% of its population. By October next year it should be fully occupied. There will be more than 40 voters (say 20 couples) coming into Red Hill before October 2024. The Committee’s report states that the numbers are projections (p.10) but even projections that are used should not – on their face – be wrong.

**Application of Electoral Act s.36 (c)**

7. The report states (p.11) that the criteria in subsection c:

*are subservient to the two objectives of enrolments in proposed electorates being within a range of 5% above or below the quota at the time of the next election and current enrolments being within 10% above or below the quota. However, given these two constraints the Committee sought to ensure that the other criteria were given maximum possible effect.*

*In particular, the Committee considered that these criteria were best met by maintaining a policy of, where possible, avoiding splitting suburbs and districts and by selecting boundaries which clearly separate communities.*

8. The law directs the Committee's approach. The subsections of s.36 have equal status, so it is unclear why the Committee considers the criteria "subservient" to the numbers. Subsection a uses the word "ensure" in relation to the range. Subsection b says, "(E)ndeavour to ensure, as far as practicable." Subsection c requires "due consideration" of all five matters listed. The Committee does not have to "give maximum possible effect" to the listed considerations. It must give them due consideration.

9. This type of provision has been interpreted in several jurisdictions, including the Commonwealth<sup>1</sup>:

*Again, to ignore community of interest in the creation of electoral divisions and to insist on mere equality of numbers will be likely, in my opinion, to produce inequality rather than equality of voting value. It is probably impossible to devise a formula for electoral distribution which will necessarily produce equality in voting value, which will ensure that each vote is of equal weight in an election as a whole or even as between electoral divisions. But s.19, grounded as it is upon long parliamentary experience, in not insisting on practical equality in numbers in divisions, accepting a tolerance of inequality of numbers expressed in a percentage, and in nominating the various considerations to be regarded when effecting a distribution, in my opinion, represents a practical endeavour to solve the problem and does represent a scheme designed to produce equality of voting value. I do not read that section as directing the percentage tolerance as itself a goal in the distribution. The section directs consideration of the stated factors and allows the proper consideration and weighting of them to produce a result within the permitted tolerance of equality.<sup>2</sup>*

*Section 19 envisages a degree of inequality in electoral districts in that the Distribution Commissioners are required to give due consideration, in relation to each proposed division, to a number of factors and circumstances and may in that consideration depart from the equality which the quota represents; but the departure cannot be more than one-tenth either side of the quota. Equality is thus the objective to be sought but the need for some departure therefrom is recognized.<sup>3</sup>*

### **Committee's application of subsections 36(c)(iii)(ii) and (v)**

10. The Committee describes, at p.22 of its report, its deliberations on the s.36 considerations starting with s.36(c)(iii) and (ii) and going on to s.36(c)(v). (No reason is given for not proceeding sequentially):

*The Committee's deliberation over the possible inclusion of Red Hill in Murrumbidgee took into account the physical features and means of communication and travel within the area. Despite the large nature reserve and golf course separating Red Hill from the current Murrumbidgee suburbs of Garran and Hughes, the Committee noted that there is still a significant road link via Hindmarsh Drive connecting Red Hill*

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<sup>1</sup> The equivalent Commonwealth provision is now *Commonwealth Electoral Act 1918* s.66

<sup>2</sup> *Attorney-General (Cth); Ex rel McKinlay v The Commonwealth* [1975] HCA 53; 135 CLR 1 per Barwick CJ [at 43]

<sup>3</sup> *Attorney-General (Cth); Ex rel McKinlay v The Commonwealth* [1975] HCA 53; 135 CLR 1 per Mc Tiernan and Jacobs JJ [at 9]

*to the central business district of Woden Valley within Murrumbidgee. Additionally, the suburb boundary of Red Hill does cross over the district boundary between Woden Valley and Canberra Central, which would not be contrary to s36(c)(v) of the Electoral Act that prescribes that the boundaries of divisions and sections fixed under the Districts Act 2002 be duly considered by the Redistribution Committee.*

11. There are several points in response:

***Physical features and area of each electorate – s.36 (c)(iii)***

11.1 The Committee has given insufficient weight to the significant physical barrier of Red Hill between the suburbs of Red Hill/Forrest and Woden. Red Hill is one of the four landmarks that define inner Canberra together with My Ainslie, Mt Majura and Black Mountain. It forms the backdrop to Parliament House. It formed part of Walter Burley Griffin's land axis that ran through Forrest.

***Means of communication and travel - s.36(c)(ii)***

11.2 There is a road link from Red Hill to Hindmarsh Drive and Woden but whether it can be called "significant" would depend on who is describing it. A Red Hill resident coming **from** Woden can use it to exit onto Mugga Way. Going **to** Woden is a different story as the entrance to Hindmarsh Drive is via Dalrymple St (on the border of Red Hill and Narrabundah). This is very congested, and challenging to navigate, particularly at peak hours, and so it is often avoided. The alternate routes are through Narrabundah to join Hindmarsh Drive at Jerrabomberra Ave. Alternatively, Red Hill residents – and taxis and ubers - travel to Woden via Mugga Way, Strickland Crescent and Adelaide Ave.

11.3 Considerations of travel should also include public transport. The link to Woden from Red Hill is via the Route 6 bus that travels through Narrabundah. A Red Hill resident would join it at the extreme edge of Red Hill on Dalrymple St adjacent to Hindmarsh Drive. A Forrest resident would catch a bus to Woden on National Circuit. Alternatively, they could take the city buses and get off at a central point and double back. So public transport links to Woden from Red Hill and Forrest could not be said to be immediately accessible.

11.4 In many ways the need to consider communication is now unnecessary given modern telecommunications. The Committee report does not refer to any communications considerations.

***Boundaries of division and sections – section 36 (c)(v)***

11.5 While it is true that the suburb boundary of Red Hill crosses the district boundary between Woden and Canberra Central it does so on Nature Reserve Blocks<sup>4</sup> that are uninhabited with no voters. This should also be considered. It contributes to it serving as a barrier rather than a border.

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<sup>4</sup> The relevant Red Hill blocks are Block 3 Section 53, Block 3 Section 54, Block 1 Section 56, Block 15 Section 57 and the part of Block 1 Section 55.

## **Committee's application of subsections 36(c)(i)**

12. The Committee goes on to describe the s.36(c)(i) community of interest considerations (p.22):

*The Committee also deliberated on the community of interest concerns shared among Forrest, Red Hill, and its adjacent suburbs, particularly Yarralumla and Deakin. Taking into account the fact that Yarralumla and Deakin are presently part of Murrumbidgee and that the electorate must expand, the Committee felt that the potential inclusion of Red Hill and Forrest, being suburbs similar in locality, culture, history and socioeconomics to Yarralumla and Deakin, would appropriately support the items for consideration listed under s36(c).*

12.1 The Committee's reasoning is that since Yarralumla and Deakin are part of Murrumbidgee and that electorate must expand and Red Hill and Forrest have similar characteristics to Yarralumla and Deakin then the items in section 36(c) are "appropriately support(ed)." The report does not describe any data on which the Committee relies in reaching these conclusions.

### ***The community of interests within each proposed electorate, including economic, social and regional interests – section 36 (c)(i)***

12.2 Forrest is an original Walter Burley Griffin suburb of Canberra. It is on his 1913 map of Canberra. Its construction dates back to 1926. To remove it from Canberra Central while referring to the newer suburbs of Lyneham and Dickson as Canberra Central is revisionist history. (Lyneham and Dickson were gazetted in 1928 but not built until 1958).

12.3 Old Red Hill is also part of the original Walter Burley Griffin plans for inner Canberra. The history of Red Hill is different from the history of Deakin and Yarralumla. Yarralumla was part of the Western Park property of Henry Donnison. The Narrabundah lease, that was held by Charles Russell until 1992, covered Red Hill and Narrabundah. Red Hill was originally part of the Duntroon estate.

12.4 The socioeconomic links between Forrest/ Red Hill/ Deakin/ Yarralumla are similar to the links between Forrest/ Red Hill/Griffith/Narrabundah although Griffith and Narrabundah are staying in Kurrajong. As the chart at Attachment A below shows, Forrest and Narrabundah are linked on the number of people on less than \$650 per week and the number of one parent families. Forrest is below Deakin and Yarralumla on the number of people with incomes above \$3000 per week.

12.5 Social, economic and regional interests involve consideration of community gathering centres. These include shops, schools and churches. Forrest has no local shops so residents use Manuka shops in Griffith/Forrest. Red Hill has local shops but the residents also use Manuka. Forrest and Red Hill primary schools are two large schools taking students from Griffith and Narrabundah. Students from those schools would generally proceed to

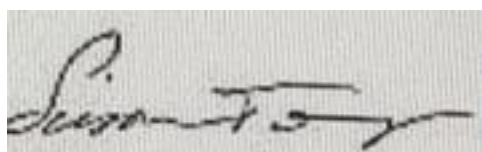
Telopea Park High School and Narrabundah College. Their priority enrolment areas include Red Hill and Forrest. The Woden schools and colleges exclude these inner south suburbs from their priority enrolment areas. St Christophers Cathedral and St Pauls church in Manuka are local gathering places for Forrest and Red Hill residents.

12.6 Evidence of the links between Forrest/Red Hill/Griffith/Narrabundah is the results of the recent Griffith Narrabundah Community Association (GNCA) raffle that are available in the latest newsletter on its website (gnca.org.au).<sup>5</sup> Tickets to the raffle were sold at Manuka and Griffith shops and sponsors came from those shops and Red Hill shops. The winners' details show the support of residents of Forrest and Red Hill for the raffle.

13. There are links between Deakin/Yarralumla and Forrest/Red Hill but there are arguably stronger links between Old Deakin/Old Red Hill/Forrest/Griffith that form the original inner south. And the links between Red Hill/Forrest/Griffith/upper Narrabundah are very strong.

14. The words "Canberra Central" should be removed altogether from the electorate maps if it does not include Forrest and old Deakin as it is incorrect and misleading.

Yours faithfully



Susanne Tongue

#### Appendix A – 2021 census data comparison

Suburb	Median age	Born Aust	Employ Ed F/T	One parent	Family	Own Outright	M'gage	Rent	Income more than \$3000 week	Income Less than \$650 per week
Deakin	46	69.3%	64.9%	8.5%	68.2%	44.2%	28.8%	20.7%	52.1%	7.5%
Forrest	42	74.2%	53.9%	15.2%	72.1%	33%	38.7%	24.4%	19.3%	18.4%
Griffith	38	69.9%	69.1%	11%	58.7%	25%	32.2%	40.5%	43.5%	6.9%
N'dah	40	66.2%	65%	16.7%	64.8%	26.3%	32.9%	36.2%	40.9%	13.7%
Red Hill	42	68.3%	61.4%	10.6%	76.9%	39.2%	35.8%	21%	6.6%	6.9%
Yarra lumla	50	67.8%	60.6%	8.5%	71%	47.8%	26.5%	23%	54.9%	7.8%

<sup>5</sup> I am Vice President of the GNCA but make this submission in my personal capacity. The GNCA is a member of the Inner South Canberra Community Council, as are the Forrest Residents Group, Red Hill Residents Group, Deakin Residents Association and Yarralumla Residents Association among others.