

Electoral Boundary Redistribution Committee
ACT Electoral Commission
Plaza Level, Allara House,
48-56 Allara Street
Canberra City, ACT 2601

Friday 8th, August 2003

**Electoral Boundaries – 2003 Distribution
Objection to proposed Electoral Redistribution**

Dear Committee Members,

The Gungahlin Community Council strenuously objects to the recommendation of the Electoral Boundary Redistribution Committee that the suburb of Nicholls continue to be located in an Electoral Division different to that of the rest of Gungahlin. We are also sympathetic to the same issue that is experienced by the Woden Valley district with the suburbs of Chifley, Pearce and Torrens.

Having read the report and recommendations of the Redistribution Committee, the Gungahlin Community Council believes that Redistribution Committee have unfortunately chosen to adopt a very narrow interpretation of the applicable legislation that precludes putting forward alternative boundary configurations that may substantially address the majority of concerns as is currently experienced in the Gungahlin and Woden districts.

For the purposes of illustrating this fact the Council provides the following explanation:

Section 36 of the *Electoral Act 1992* states:

In making a redistribution of electorates, the augmented commission shall—

- (a) ensure that the number of electors in an electorate immediately after the redistribution is within the range permitted by the Australian Capital Territory (Self Government) Act 1988 (Cwlth), section 67D (2); and
- (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 the Australian Capital Territory (Self-Government) Act 1988 (Cwlth), section 67D (1); and
- (c) duly consider—
 - (i) the community of interests within each proposed electorate, including economic, social and regional interests; and
 - (ii) the means of communication and travel within each proposed electorate; and
 - (iii) the physical features and area of each proposed electorate; and
 - (iv) the boundaries of existing electorates; and
 - (v) the boundaries of divisions and sections fixed under the Districts Act 2002.

The Gungahlin Community Council believes that the following interpretation of the legislation should be used:

- The wording “endeavour to ensure” and “as far as practicable” as used in 36(b) is specifically used instead of more explicit defining terms such as “is”, “is not”, “must” or “must not”.

This would suggest that the legislators were conscious of the fact that the following

wording “*not be greater than 105%, or less than 95%, of the expected quota*” be used in the context of a general guideline and not as a specific and inflexible constraint. It is most likely that this was in recognition by the legislators that difficulties may be experienced due to the imprecise nature of the population distribution when assessing the electoral boundaries.

- 36(a) makes specific reference to subsection 67D(2) of the *Australian Capital Territory (Self-Government) Act 1988 of the Commonwealth* which states:

A distribution or redistribution of the Territory into electorates is not to result in any electorate having, immediately after the distribution or redistribution:

- (a) a number of electors of the Territory greater than 110% of its quota;
or
(b) a number of electors of the Territory less than 90% of its quota.

It can thus be reasonably argued that whilst the Territorial legislation in 36(b) indicates that it would be **PREFERABLE** to achieve a variation of $\pm 5\%$ from quota after redistribution, the overriding Federal legislation clearly indicates that a variation of up to $\pm 10\%$ from quota is tolerated and therefore acceptable.

To illustrate how this interpretation could be applied consider the following scenario:

- All redistribution scenarios that fall within the tolerance of $\pm 10\%$ of quota as specified in 36(a) must be considered.
- The redistribution scenarios are then ranked in order of their score against consideration of factors as outlined in 36(c).

Each factor (i) through (v) of 36(c) would be scored on an equal weighting basis with the cumulative scores for each scenario determining the final rank order for all the redistribution scenarios.

- The highest ranked redistribution from this process would be selected as the preferred redistribution, however where multiple redistribution scenarios are ranked highest and equal, the redistribution that closest meets the criteria of 36(b) being $\pm 5\%$ of quota is finally selected.

It is on this basis that the Council feels that the Electoral Boundary Redistribution Committee have failed to consider all possible options for the proposed redistribution that may actually allow addressing of the situation where communities of interest are split across disparate electorates.

As indicated in a previous submission, the Council does not have resources to consider all possible distribution scenarios, however we believe that the additional flexibility afforded by allowing a variation from quota $\pm 10\%$, in the manner we have described, will allow exploration of previously unconsidered or otherwise rejected options.

Finally the Council does not believe that an electorate need be a wholly contiguous area providing the criteria of 36(c) can be adequately met. In the example provided (Adobe PDF file) the Council has attempted to illustrate the underlying concepts of non-contiguous electorate areas.

- Our example reduces the splitting of communities of interest down to only 3 suburbs in a single area in North Canberra (part of the Central Canberra district). Although this example is still not ideal it is far preferable to having multiple areas similarly affected. There is a reduction in the

number of affected districts from 2 (Gungahlin and Woden Valley) to 1 (Central Canberra) and similarly suburbs affected drop from 5 (Hall, Nicholls, Chifley, Pearce and Torrens) to 3 (Lyneham, O'Connor and Turner).

- What is key to understand from this example is that the Woden Valley district is maintained as a complete entity within a single electorate even though the rest of the electorate is not contiguous to the Woden Valley area.

It can be argued that although the current electorate of Molonglo is currently “area contiguous”, there are no direct relationships between any two of the districts that are separated by another district in-between from each other.

For example:

- Gungahlin in relation to Woden Valley or Weston Creek, Stromlo, Kowen or Jerrabomberra,
- Central Canberra in relation to Weston Creek, Stromlo, and Kowen etc.

The Council believes that the Electoral Boundary Redistribution Committee should therefore consider options for the boundary redistribution that may involve electorates that do not have a wholly contiguous area.

We look forward to receiving your considered response to this objection. If required representatives of the Gungahlin Community Council would be prepared to provide further or explanatory evidence at a public hearing.

Yours faithfully

[Sent by email]

Barry Dee
President, Gungahlin Community Council

