

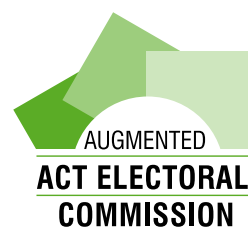


Proposed Redistribution of the ACT into Electorates for the Legislative Assembly

ACT Legislative Assembly

Electoral Boundaries

Redistribution 2007



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Statement by the Augmented ACT Electoral Commission

This statement by the Augmented ACT Electoral Commission under section 51 of the *Electoral Act 1992* sets out the substance of the Augmented Commission's findings and conclusions concerning the Redistribution Committee's proposed redistribution and sets out particulars of the Augmented Commission's proposed redistribution under section 50 of the Electoral Act.

Summary of the proposal of the Augmented ACT Electoral Commission

After considering the 8 written objections to the electoral boundaries proposed by the Redistribution Committee and the further spoken submissions presented at the public hearing on 18 July 2007, the Augmented Commission decided to propose a different redistribution to that proposed by the Committee.

The Augmented Commission proposes to alter the Redistribution Committee's proposed redistribution to leave the Gungahlin suburb of Palmerston in the electorate of Molonglo, and to retain the proposed transfer of the Woden suburb of Farrer from the electorate of Molonglo to the electorate of Brindabella.

Therefore the Augmented Commission proposes in accordance with section 50 of the *Electoral Act 1992* that the ACT be divided into three electorates as follows:

BRINDABELLA, a five member electorate comprising the district of Tuggeranong (excluding the suburb of Hume), the Woden Valley suburbs of Chifley, Farrer, Pearce and Torrens and the districts of Booth, Coree, Cotter River, Paddys River, Rendezvous Creek, Tennent and Mount Clear;

GINNINDERRA, a five member electorate comprising the districts of Belconnen and Hall (including the entire Village of Hall) and the Gungahlin suburb of Nicholls; and

MOLONGLO, a seven member electorate comprising the districts of Gungahlin (excluding the suburb of Nicholls), Canberra Central, Weston Creek, Woden Valley (excluding the suburbs of Chifley, Farrer, Pearce and Torrens), Jerrabomberra (including the entire suburb of Hume), Kowen, Majura, and Stromlo.

In the opinion of the Augmented Commission, this proposal is significantly different from the Redistribution Committee's proposal. As a result, in accordance with section 51(2)(c) of the Electoral Act, written objections against this proposal will be invited in a formal notice to be notified under the *Legislation Act 2001*.

The Augmented Commission comprises the members of the ACT Electoral Commission (Chairperson, Mr Roger Beale AO; Electoral Commissioner, Mr Phillip Green; and Commission Member, Dr Christabel Young) and members of the Redistribution Committee (the Chief Planning Executive, ACT Planning and Land Authority (Mr Neil Savery), the acting Commissioner for Surveys (Mr Bill Hirst) and a person appointed by the ACT Electoral Commission, the Regional Director, ACT Office, Australian Bureau of Statistics (Ms Karen Macdonald)).

Objections to the Redistribution Committee's proposal

The Augmented Commission met on 4 July 2007 to investigate 7 objections made in accordance with section 46 of the Electoral Act to the Redistribution Committee's proposed redistribution of the ACT Legislative Assembly's electoral boundaries published on 31 May 2007. The Augmented Commission also agreed to consider an additional objection received two days after the close of the objection period on 28 June 2007. The objections were made by:

Ian Ruecroft, Palmerston

Jonathon Reynolds, Ngunnawal

Alan Kerlin, President, Gungahlin Community Council Inc.

Martin Gordon, Flynn

Bogey Musidlak, Convenor, Proportional Representation Society of Australia (ACT Branch)

David Lissimore, Media Officer, Tuggeranong Community Council Incorporated

David Menzel, Chair, Woden Valley Community Council

John Davenport, Farrer

As some matters raised in the objections were not raised in suggestions or comments given to the Redistribution Committee, the Augmented Commission was required to hold a public hearing into the objections under section 49(2) of the Electoral Act. This public hearing was held at 10.00 am on 18 July 2007 at the office of the ACT Electoral Commission, 12 Moore St, Canberra City.

The following persons made spoken submissions at the public hearing:

Martin Dunn, on behalf of Bogey Musidlak, Proportional Representation Society of Australia (ACT Branch), who had made a written suggestion and objection

Alan Kerlin, Gungahlin Community Council, who had made a written suggestion and objection

Jonathon Reynolds, who had made a written objection.

Also in attendance to assist the Augmented Commission were Oanh Nguyen and Jan Pryor from Elections ACT and Rhonda de Vos from the Australian Bureau of Statistics.

The Augmented Commission met immediately after the public hearing to consider the matters raised at the hearing.

Summaries of objections

A brief summary of each of the 8 objections follows.

Ian Ruecroft, Palmerston

This resident of Palmerston objects to the proposed redistribution as it “further fragments the Gungahlin community and disadvantaged a community that has been politically neglected”. The objection states: “The Redistribution Committee’s proposal has failed to comprehensively explore viable alternatives relating to ACT electoral boundaries; and failed to appreciate the disadvantage, of being split over two electorates, for Gungahlin as a community of common interest. The proposal endorses an option that compounds the electoral disadvantage existing for Gungahlin voters and further fragmented our voting powers.” Mr Ruecroft strongly recommends that the Redistribution Committee reconsider their proposal, and recommends that the committee develops processes to ensure that changes are made to legislation, to prevent reoccurrence of this issue.

Jonathon Reynolds, Ngunnawal

This resident of Ngunnawal objects to three aspects of the proposed redistribution:

- The transfer of Farrer from Molonglo to Brindabella;
- The transfer of Palmerston from Molonglo to Ginninderra; and
- The consideration of uncertainty associated with the projection of anticipated elector numbers by the Redistribution Committee at the time of the next election.

With regard to the transfer of Farrer, Mr Reynolds states that the transfer of Farrer, and particularly placing the electorate boundary along Beasley Street, is disruptive to the redistribution criteria related to communities of interests and the boundaries of divisions. Mr Reynolds also states that there is no substantive basis for the transfer of Farrer as the current boundaries meet the numerical criteria (ie without consideration of any uncertainties associated with the projected change in elector numbers).

With regard to the transfer of Palmerston, Mr Reynolds states that there is no basis for the transfer of Palmerston as the current boundaries meet the numerical criteria. Mr Reynolds also states: “by redistributing Palmerston to the electorate of Ginninderra this would further disenfranchise the community of interest known as the “Gungahlin District”. This will occur through the isolation of the Divisions (suburbs) of Nicholls and Palmerston in to a separate electorate from the rest of Gungahlin. Unfortunately on this point I note that previous Redistribution Committees have only considered this matter in accordance with 36(c)(v) that specifically makes reference to Divisions, not Districts.”

With regard to the projected elector numbers for 2008 used by the Redistribution Committee, Mr Reynolds states: “The figures used by the Redistribution Committee should be considered authoritative based on the best available information and sources at the time. Any reasonable person interpreting the Act could not be easily lead to believe that there is specific latitude for the Redistribution Committee to be able to ‘speculate’ what may or may not occur outside of the figures they present for the purpose of calculating quotas. I reject the assertion that ‘the Committee considered that it is necessary to leave a margin for error to allow for the possibility that the enrolment projections may not accurately forecast the actual enrolment relativities of the three electorates at the time of the next election’. Simply stated this is a black and white issue – either the figures are either correct or they are not. If they are incorrect then the basis for any analysis of a redistribution is fundamentally flawed.”

Mr Reynolds summarises his position by stating that, as all the electorates are projected to be within acceptable quota levels, there is no need for change to the boundaries.

Alan Kerlin, President, Gungahlin Community Council Inc.

This objection reiterates the points made by the Gungahlin Community Council (GCC) in its suggestion to the Redistribution Committee. The objection states: “the GCC is concerned that the current anomaly with the electoral boundary between Ginninderra and Molonglo that leaves just Nicholls in a different electorate should not continue indefinitely. This has resulted in our community being under-represented in each of these electorates, leading to disadvantage for our community in the way of planning, services and infrastructure provision. It was apparent from the Committee’s report that considerable weight was given to this argument, and we appreciate this. We had similar problems making the numbers add up to an undivided Gungahlin area.”

The objection continues: “Of even greater concern to us is that the electorate of Molonglo stretches from near Tuggeranong all the way to the northern ACT border, wrapping all the way around Ginninderra as well. The result of this is that we are represented by some people who themselves live around an hour’s weekday travel time from Gungahlin – we don’t see much of them, and they have a far lower appreciation for the issues facing the Gungahlin community. ... We object to this proposal as not addressing the key issues facing the Molonglo electorate now and not planning for it in the future.”

The objection proposes to address this by making Brindabella the 7-member electorate, comprising all of Tuggeranong, Weston Creek and Woden (other than the suburb of Hughes) as previously raised in his written suggestion. This would then provide for “Two 5-member electorates north of the river [which] would provide for the future population growth areas, and contain the electorates within fairly close geographical and social proximity – quite different from the current situation.” Ginninderra would remain largely unchanged under this proposal, retaining the Gungahlin suburb of Nicholls, but losing Hall to Molonglo and gaining Stromlo from Molonglo. The objection continues: “Unfortunately with the current numbers, one Gungahlin suburb (likely to continue as Nicholls) would still be split off from the rest of Gungahlin. However, we would find this a far more acceptable solution than the Committee’s proposal, given that our proposal would result in a major retraction of the geographic spread of Molonglo. It would bring our elected members closer to our area, and would be set up so as to improve further as population grows in our area.”

The objection also proposes an alternative to the current legislative requirement: to divide the ACT into three 7-member electorates. The objection asks that the Augmented Commission convey this proposal to the ACT Government.

Martin Gordon, Flynn

This objection by a Flynn resident supports the transfers of Palmerston and Farrer as proposed by the Redistribution Committee. The submission suggests “that a clearer boundary between Ginninderra and Molonglo would be the use of Gungahlin Drive and inclusion of the suburb of Crace in Ginninderra rather than Molonglo. The elector disturbance is minimal and describing the boundary is intuitively easier and clearer on the ground than just the Palmerston transfer.”

Bogey Musidlak, Convenor, Proportional Representation Society of Australia (ACT Branch)

This objection reiterates the Proportional Representation Society’s suggestion to the Redistribution Committee that there should be no change to the present boundaries.

The objection argues that “the Redistribution Committee should have obtained and evaluated further information before deciding that it wasn’t ‘acceptable to propose that the existing boundaries should remain unchanged’.” The objection states: “Unless there are strong grounds for believing the Committee’s revised projections to be understating Molonglo’s relative numbers, they should be taken at face value, and the conclusion drawn that it won’t be until January or February 2009 that Molonglo steps beyond the 5% tolerance that is prescribed as a maximum latitude for October 2008. Before any changes are made, the monthly rate at which Molonglo is approaching the limits of tolerance deserves lengthier consideration than apparently given by the Redistribution Committee.”

The objection suggests examining movements in the rolls at previous election roll closes to determine whether enrolments in Molonglo have declined or increased relative to the other electorates during roll close periods.

The objection also discusses voting trends in terms of effective votes and wasted votes in the 7-member electorate compared to the 5-member electorates, and states: “More Molonglo voters are required for each of its MLAs to be elected to the Assembly but at the same time, fewer wasted votes are associated with the election of each Molonglo MLA. In spite of the disparity in average enrolments and quotas, electors of Molonglo benefit from having a higher proportion of effective votes and relatively fewer wasted votes.”

The objection concludes: “we believe that the onus is on the Augmented Redistribution Committee [sic] to adduce and present sufficient evidence of some statistical rigour to translate the Redistribution Committee’s concerns about inadvertently exceeding the maximum tolerance allowed for projected enrolments in October 2008 into an imperative to take immediate action to alter boundaries. If the Augmented Redistribution Committee is unable to quantify particular effects, they are more likely than not to be rather small when expressed in terms of the helpful metric of months closer to exceeding the 5% election-day tolerance, and hence in those circumstances remaining with the current boundaries would be the best course of action available in the absence of evidence of great current public disquiet. It is not satisfactory for the Redistribution Committee to have introduced notions of a general desirable “margin of error”, or have avoided couching of reasonable concerns about the “risk of failing to comply with paragraph 36(b)” in terms of the monthly rate at which the limits of statutory maximum tolerances are being approached. Premature changes to boundaries should be avoided when the electors of Molonglo are demonstrably advantaged by some of the features of current arrangements. Any risk of failure to comply with statutory requirements relating to projected enrolments must be real rather than merely capable of being imagined if thousands of voters are to be affected by boundary changes.”

David Lissimore, Media Officer, Tuggeranong Community Council Incorporated

This objection from the Tuggeranong Community Council notes that the Redistribution Committee used revised enrolment projections in its proposal that were different from the figures provided to the public and used by the Tuggeranong Community Council in making its suggestion to the Redistribution Committee. The submission concludes “I have used the figures and tables you subsequently advised but cannot, without almost total disintegration of all the electorates, improve on your published proposal of the electoral boundaries”.

David Menzel, Chair, Woden Valley Community Council

This objection states that “The Woden Valley Community Council supports the principle of equal representation for electors though also believes that it is preferable to avoid splitting districts i.e. that each of the Canberra ‘towns’ be represented as a whole. It is however recognised that this is difficult to achieve with the changing demographics of the city combined with the current legislation governing the number and size of electorates. While not formally objecting to the current proposal as such we would like to suggest that the terms of reference for the next ACT Redistribution Committee be expanded to consider alternate electorate arrangements with a view to amending legislation if and as required.”

John Davenport, Farrer

This objection by a Farrer resident states that: “It does not make sense to remove only one suburb from the Woden Valley. Farrer is geographically part of the Woden Valley not the Tuggeranong Valley. Politicians from Brindabella would have little interest in issues in the Woden Valley and we would not be properly represented in the Assembly, compared with other nearby Woden Valley suburbs. Farrer residents would be disadvantaged. Our ACTION buses operate to Woden not Tuggeranong. Issues that arise in the Woden Valley involve Farrer residents. We are not concerned with issues in Tuggeranong. The Woden Plaza is our nearest major shopping centre, not the Tuggeranong Hyperdome. Our water, sewerage, gas, electricity and phone services are provided through Woden Valley suburbs, not from Tuggeranong. I therefore request that the suburb of Farrer remain in Molonglo and that you find some other solution to population variations within electorates.”

Discussion at the public hearing

The discussion at the public hearing focussed on the following issues:

- Whether the projected enrolments at the time of the 2008 election required any change to the boundaries, given that all three electorates were, on the projections, within the required 5% tolerance, in the context that Molonglo was projected to be 4.79% above the quota at the time of the 2008 election;
- If a change was to be made, whether the Redistribution Committee’s proposed transfer of Farrer and Palmerston would be the best option;
- Whether a preferable change would be a minimal change involving the transfer of only one suburb;
- Whether a preferable change would be to make Ginninderra a 7 member electorate, comprising Belconnen, Gungahlin and parts of North Canberra; and
- Whether a preferable change would be to make Brindabella a 7 member electorate, comprising Tuggeranong, Weston Creek and most of Woden Valley.

Mr Dunn, on behalf of the Proportional Representation Society of Australia (ACT Branch), argued in favour of making no change to the existing boundaries.

Mr Kerlin, on behalf of the Gungahlin Community Council, argued in favour of making Brindabella a 7 member electorate.

Mr Reynolds argued in favour of making Ginninderra a 7 member electorate, and presented a new proposal that included Belconnen, Gungahlin and those parts of North Canberra to the west of Northbourne Avenue in Ginninderra, with the existing 5 member electorate of Brindabella increased by the addition of Farrer and Mawson, and with Molonglo altered to a 5 member electorate consisting of Weston Creek, the remainder of Woden Valley, South Canberra and the remainder of North Canberra.

While not able to be present at the public hearing, the President of the Tuggeranong Community Council, Ms Rosemary Lissimore, informed the Augmented Commission by email on 17 July 2007 that “The only submission we will definitely not agree to is the Gungahlin [Community Council] one. ”

Consideration of the objections and the discussion at the public hearing

In considering the objections to the Redistribution Committee's proposed boundaries, the Augmented Commission was mindful that its deliberations were subject to and constrained by section 36 of the Electoral Act.

Section 36 of the Electoral Act sets out the criteria under which a redistribution is to be conducted. This section prescribes that the Augmented Commission, 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 the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 67D(2) [not greater than 110%, or less than 90%, of the quota];
- (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 subsection 67D(1); 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*.

The Augmented Commission considers that the 10% tolerance set out in the Self-Government Act and the 5% tolerance set out in the Electoral Act are intended to provide for the principle of "one vote, one value" in ACT elections. That is, each person's vote should be worth the same as any other person's vote. This view was adopted by the 2007 Redistribution Committee, and by previous Augmented Commissions.

The Augmented Commission considers that s36(b) places on it a heavy responsibility to ensure as far as practicable that the number of voters will not fall outside these two numerical tolerances, and that as a result this obligation must be met even if it implies some difficulty in fully satisfying one or more of the subjective criteria which the Augmented Commission must duly consider under section 36(c) of the Electoral Act. Nevertheless, the Augmented Commission also considers that it must give as much weight to the section 36(c) criteria as possible, within the constraints of meeting the numerical tolerances.

Whether to leave the current boundaries unchanged

In considering the objections to the Redistribution Committee's proposal, and the reasons put forward by the Redistribution Committee for its proposal, the Augmented Commission took the view that the first matter to consider was whether the existing boundaries would meet the numerical requirements of section 36 without any changes.

In its proposal, the Redistribution Committee published the following table showing the enrolment figures for April 2007 and the revised projected enrolment figures for October 2008 on the current electoral boundaries.

| Electorate | Number of members | Enrolment 17 April 2007 | % above or below quota 2007 | Projected enrolment October 2008 | % above or below quota 2008 |
|-------------------|--------------------------|--------------------------------|------------------------------------|---|------------------------------------|
| Brindabella | 5 | 67 633 | -2.13% | 68 124 | -3.01% |
| Ginninderra | 5 | 67 096 | -2.91% | 67 643 | -3.70% |
| Molonglo | 7 | 100 232 | 3.60% | 103 051 | 4.79% |

The following table shows the enrolment figures as at 23 July 2007.

| Electorate | Number of members | Enrolment 23 July 2007 | % above or below quota 2007 |
|-------------------|--------------------------|-------------------------------|------------------------------------|
| Brindabella | 5 | 68 135 | -2.28% |
| Ginninderra | 5 | 67 442 | -3.27% |
| Molonglo | 7 | 101 487 | 3.97% |

These tables clearly show that the current boundaries would, if they remained unchanged, meet the requirement to be within +/- 10% of the quota at the time of making the redistribution, expected to be in the near future.

However, as discussed by the Redistribution Committee, it is particularly noteworthy that the enrolment for Molonglo for October 2008 is projected to be 4.79% above the quota at that time. Expressed another way, it is projected that Molonglo, at 103,051 electors, will be 201 electors below the number of electors (no more than 105% of the quota at the time of the next election, or 103,252 electors) which the Augmented Commission is enjoined by the Act to "endeavour to ensure, as far as practicable" will not be exceeded at the next general election.

The Act clearly required the Redistribution Committee in making its proposal to consider the number of electors at a future date. This required projections involving consideration of a number of factors including demography, the location and pace of residential development and matters affecting the rate of electoral enrolments. This is inevitably an imprecise science, and the Act makes it quite clear that the Augmented Commission's obligation is to do all that it practicably can to avoid breaching the upper or lower bounds prescribed in the Act. Accordingly when projections lie close to either of those bounds the Committee said that it was "necessary to leave a margin for error to allow for the possibility that the enrolment projections may not accurately forecast the actual enrolment relativities of the three electorates at the time of the next election. Without wishing to put an absolute number on the desirable margin for error, the Committee considered that a margin of 0.21%, or 201 electors (by which Molonglo is short of 105% of the quota), was too small to allow the Committee to be satisfied that it had fulfilled the statutory requirement to 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 (as set out in section 36 of the Electoral Act)."

This conclusion was addressed at length in the objections to the Redistribution Committee's proposal and at the public hearing. In particular, the objections by Mr Reynolds and Mr Musidlak argued that the projections ought to be taken at face value and that there was not sufficient justification for the Committee to consider it desirable to allow for a margin for error.

The Augmented Commission notes that the projected enrolment statistics used by Redistribution Committee essentially have three components: population projections prepared by the Australian Bureau of Statistics (ABS), expected housing developments submitted by the ACT Planning and Land Authority, and current enrolment figures derived from the joint Commonwealth/ACT electoral roll.

The methodology used by the ABS in preparing the projected enrolment statistics was described in the *Guidelines for submissions – Current and projected electoral enrolment statistics*, published by the Redistribution Committee. This document is available at www.elections.act.gov.au/adobe/Guidelines&Stats2007.pdf.

The Augmented Commission notes that population projections are not predictions or forecasts, but are simply illustrations of the growth and change in population which would occur if certain assumptions about future levels of fertility, mortality, internal migration and net overseas migration were to prevail over the projection period.

The Augmented Commission also notes that the impact of expected housing developments on the electoral roll is subject to a range of uncertainties, such as actual completion time of construction, occupation rates, the eligibility of occupants for enrolment and actual elector behaviour.

In addition, the Augmented Commission is also aware that the state of completeness of the electoral roll – the proportion of eligible persons who are actually correctly enrolled – varies over time, particularly in relation to the election cycle. It is apparent that the ACT electoral roll is most complete at the time when an election roll close occurs, and tends to be less complete between elections. Evidence for this can be seen in the series of enrolment statistics published in the course of this redistribution. Fluctuations in the state of the electoral roll, and reasons for it, are canvassed in the recent article published by the Democratic Audit of Australia, *A shrinking Australian electoral roll?* by Peter Brent and Simon Jackman, available at <http://democratic.audit.anu.edu.au/papers/20070620brentjackmanaecroll.pdf>.

These factors support the Redistribution Committee's view that it is desirable to allow for a margin for error in the projections of the enrolment statistics and that this margin is of particular importance when projections lie close to an upper or lower bound.

Evidence that enrolment projections used for ACT redistribution purposes are subject to a margin for error can be found by examining previous ACT redistributions. The following table shows the projected enrolment for each forthcoming election used in each previous redistribution and the actual enrolment at each election. The last two columns show the difference between the projections and the actual enrolments, both in absolute numerical terms and in terms of the calculated variation from the relevant quota. Note that, because the total of the projected enrolments is different from the total of the actual enrolments, the quotas for each set of data are different, and each set of quotas adds to the appropriate total.

| Redistribution year / Election year | Projected enrolment | Variation from quota at projection | Actual enrolment at election | Actual variation from quota at election | Actual difference in enrolment | Actual difference in variation from quota |
|-------------------------------------|---------------------|------------------------------------|------------------------------|---|--------------------------------|---|
| 1993/1995 | | | | | | |
| Brindabella | 58020 | -1.31% | 58327 | 0.69% | 307 | 2.00% |
| Ginninderra | 58487 | -0.52% | 56749 | -2.04% | -1738 | -1.52% |
| Molonglo | 83382 | 1.31% | 81883 | 0.97% | -1499 | -0.34% |
| 1996/1998 | | | | | | |
| Brindabella | 61152 | 0.48% | 61042 | 1.12% | -110 | 0.64% |
| Ginninderra | 57912 | -4.85% | 56969 | -5.63% | -943 | -0.78% |
| Molonglo | 87865 | 3.12% | 87237 | 3.22% | -628 | 0.10% |
| 2000/2001 | | | | | | |
| Brindabella | 63202 | -0.92% | 64020 | -0.43% | 818 | 0.49% |
| Ginninderra | 62384 | -2.21% | 63267 | -1.60% | 883 | 0.61% |
| Molonglo | 91302 | 2.23% | 91328 | 1.46% | 26 | -0.77% |
| 2003/2004 | | | | | | |
| Brindabella | 64325 | -2.54% | 65279 | -1.83% | 954 | 0.71% |
| Ginninderra | 64312 | -2.56% | 65271 | -1.85% | 959 | 0.71% |
| Molonglo | 95758 | 3.64% | 95548 | 2.63% | -210 | -1.01% |

This table shows that there have been substantial differences – up and down - between projections and actual enrolments in all cases, both in numerical terms and in terms of variation from quota. The average absolute variation from projections has been 0.81% and in only one case in 12 has the variation been less than 0.21%. The Augmented Commission believes that this demonstrates that the Redistribution Committee was correct in concluding that leaving boundaries unchanged with Molonglo short of the permissible 5% allowance by a margin of 0.21%, or 201 electors, would run a significant risk of Molonglo exceeding the 5% allowance at the time of the 2008 election.

Given this analysis, the Augmented Commission is of the view that it is necessary to reduce the size of Molonglo in order to meet the statutory requirement in section 36(b) of the Electoral Act to 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

Whether to alter the location of the 7 member electorate

Given the Augmented Commission's view that a change was necessary to reduce the size of the existing electorate of Molonglo, the Augmented Commission turned to the various suggestions for altering the location of the 7 member electorate.

Alan Kerlin, the President of the Gungahlin Community Council, argued that the geographic spread of Molonglo, from Weston Creek through Woden, South Canberra and North Canberra to Gungahlin, made it difficult for elected members to represent the wide variety of communities in the electorate. Mr Kerlin suggested reducing the size of Molonglo by making it a 5 member electorate, and making Brindabella a 7 member electorate, comprising Tuggeranong, Weston Creek and most of Woden Valley.

Mr Reynolds suggested making Ginninderra a 7 member electorate, including Belconnen, Gungahlin and those parts of North Canberra to the west of Northbourne Avenue in Ginninderra, with the existing 5 member electorate of Brindabella increased by the addition of Farrer and Mawson, and with Molonglo altered to a 5 member electorate consisting of Weston Creek, the remainder of Woden Valley, South Canberra and the remainder of North Canberra. One aim of this proposal was to include all of Gungahlin in the same electorate.

At the public hearing, discussion took place concerning the concept that it would be desirable to make a significant change at the current redistribution, along the lines of the changes proposed above, in order to allow for future expected growth areas, so as to minimise the need for changes at future redistributions.

The Augmented Commission does not accept that it would be desirable to make a significant change at the current redistribution, for the purpose of minimising the need for changes at future redistributions. The Augmented Commission considers itself bound by section 36 to only consider those factors listed in that section. Thus the Augmented Commission is required to ensure that as far as practicable it does not breach the quota bounds at the time of the next election, and to duly consider the other matters listed under the section. One of those matters is to duly consider the boundaries of existing electorates. This argues for caution in changing boundaries. A more radical reshaping of the electorate map might be appropriate in the future to give fuller effect to the "community of interest" criteria, and to allow for patterns of growth, but that time has not yet come.

The Augmented Commission is sympathetic with the concerns of the Gungahlin community, particularly in relation to the current split of Gungahlin between two electorates, and the fact that Gungahlin is one of several districts included in Molonglo. This matter is considered further below.

The Augmented Commission notes that only representatives and/or residents of Gungahlin have argued for changing the location of the 7 member electorate. No other submissions making similar proposals have been received from residents or representatives of any other areas.

In short the Augmented Commission does not support changing the location of the 7 member electorate at this time, but it is a matter that might well be considered again in later redistributions.

Whether the Redistribution Committee's proposed transfer of Farrer and Palmerston is the best option

Having decided that it was necessary to reduce the size of Molonglo, and that it was not appropriate to alter the location of the 7 member electorate, the Augmented Commission considered whether the Redistribution Committee's proposed transfer of Farrer and Palmerston was the best option.

Several public submissions and much of the discussion at the public hearing expressed the desirability of stability of the electoral boundaries. This consideration is effectively listed in section 36(c)(iv) of the Electoral Act, which requires the Augmented Commission to duly consider the boundaries of existing electorates.

The Augmented Commission noted that the Redistribution Committee's proposal to transfer Farrer from Molonglo to Brindabella and to transfer Palmerston from Molonglo to Ginninderra was intended to achieve several objectives:

- ensuring beyond doubt that all three electorates would be within the required variation from the quota by 2008;
- bringing the number of electors per member closer together in each electorate, in accordance with the 'one vote, one value' objective implicit in the requirement to ensure all electorates are within 5% of the quota; and
- reducing the likelihood that the boundaries will need to be changed at the next redistribution due before the 2012 election, by allowing for future growth areas, thereby respecting the criteria to duly consider the boundaries of existing electorates.

While the Augmented Commission agreed that the Redistribution Committee's proposal achieved these objectives, the Augmented Commission was also sympathetic with the public submissions that argued in favour of stability of electoral boundaries and in favour of minimising the splitting of the Gungahlin district and further splitting the Woden Valley.

The Augmented Commission accordingly considered the options of reducing the size of Molonglo by transferring only Farrer or only Palmerston. The following tables show the projected outcomes.

Alternative proposed electorates: Transferring Farrer to Brindabella only

| Proposed electorate | Number of members | Enrolment April 2007 | % above or below quota 2007 | Projected enrolment October 2008 | % above or below quota 2008 |
|----------------------------|--------------------------|-----------------------------|------------------------------------|---|------------------------------------|
| Brindabella | 5 | 70 131 | 1.48% | 70 597 | 0.51% |
| Ginninderra | 5 | 67 096 | -2.91% | 67 643 | -3.70% |
| Molonglo | 7 | 97 734 | 1.02% | 100 578 | 2.28% |

Alternative proposed electorates: Transferring Palmerston to Ginninderra only

| Proposed electorate | Number of members | Enrolment April 2007 | % above or below quota 2007 | Projected enrolment October 2008 | % above or below quota 2008 |
|----------------------------|--------------------------|-----------------------------|------------------------------------|---|------------------------------------|
| Brindabella | 5 | 67 633 | -2.13% | 68 124 | -3.01% |
| Ginninderra | 5 | 71 100 | +2.89% | 71 639 | +1.99% |
| Molonglo | 7 | 96 228 | -0.54% | 99 055 | +0.73% |

It can be seen that either of these options would place all three electorates within the projected 5% tolerance at the time of the next election. The largest variation would see Ginninderra 3.70% below the quota in 2008, if Farrer is the only suburb transferred. The Augmented Commission is satisfied that it is not likely that any electorate will exceed the 5% enrolment tolerance at the 2008 election under either of these models.

Transferring only one suburb under either of these options would minimise the disruption to the existing boundaries while also reducing the splitting of suburbs between districts, thereby giving effect to the community of interests and geographic criteria in section 36(c) of the Electoral Act as well as the criterion relating to the boundaries of the existing electorates.

Which suburb to transfer – Farrer or Palmerston?

Having decided that it was necessary to reduce the size of Molonglo, that it was not appropriate to alter the location of the 7 member electorate, and that it was sufficient and desirable to transfer only one suburb, the Augmented Commission considered which suburb would be the best to transfer.

The Augmented Commission agreed with the Redistribution Committee that the only two suburbs that were feasible to transfer were Farrer and Palmerston, for the reasons given by the Committee.

The Augmented Commission considered one objection received specifically in relation to the proposed transfer of Farrer from Molonglo to Brindabella. Mr John Davenport of Farrer opposed the transfer as “It does not make sense to remove only one suburb from the Woden Valley. Farrer is geographically part of the Woden Valley not the Tuggeranong Valley.” The Augmented Commission noted that Brindabella has included three Woden Valley suburbs since its inception.

The Community Councils of Tuggeranong and Woden did not object to the proposed transfer of Farrer.

Mr Reynolds also objected to the transfer of Farrer, in the context of arguing that there was no need to change the boundaries at all. Mr Reynolds stated that the transfer of Farrer, and particularly placing the electorate boundary along Beasley Street, would be disruptive to the redistribution criteria related to communities of interests and the boundaries of divisions.

The Augmented Commission considered that this disruption to a community of interests had to be weighed against the other criteria, notably the need to meet quota bounds. The Augmented Commission agreed with the Redistribution Committee’s view that an electorate boundary constituted by Beasley Street, being the border between Farrer and Mawson, would be less than ideal. However, the Augmented Commission noted in particular that it is required to duly consider the boundaries of divisions and sections, and that Beasley Street is a division boundary.

At the public hearing, a suggestion was made that the electorate boundary could follow the fence line behind the houses on the Mawson side of Beasley Street. The Augmented Commission does not support this suggestion, as it would require splitting a division (suburb) between two electorates and could be a source of confusion to electors. At all previous elections, it has been a simple matter to describe electoral boundaries to electors by reference to their suburb of residence.

The Augmented Commission noted the argument that community of interest considerations were more relevant in areas where there was a current high rate of change and where much of the community infrastructure was still in the process of being put in place. In particular, several objections related to the splitting of Gungahlin between electorates, and objected to further splitting Gungahlin beyond the inclusion of Nicholls in Ginninderra. The Augmented Commission also noted that the Gungahlin Community Council included Nicholls in Ginninderra in its proposed alternative redistribution.

With regard to the stability of the existing electoral boundaries, the Augmented Commission noted the advice of the ACT Planning and Land Authority that most of the anticipated future land developments in the ACT would take place in the electorates of Molonglo and Ginninderra, and that comparatively few developments were planned for Brindabella. As stated in the Redistribution Committee's report: "Growth is expected in the various new and expanding Gungahlin suburbs, in the various urban infill areas in central Canberra, and in the proposed new District of Molonglo, to the north of Weston Creek. No significant growth is expected in Brindabella as there are no plans for substantial new housing developments in that electorate. Some growth may occur in Ginninderra with the development of Lawson and west Macgregor."

This planned development activity indicates that, of the 5 member electorates, it would be preferable for Brindabella to be above the quota and Ginninderra below it (which is the projected result for the transfer of Farrer), compared to the reverse (which is the projected result if Palmerston was to be transferred).

The Augmented Commission considered that, taken together, the above factors indicated that the transfer of Farrer was preferable to the transfer of Palmerston.

Names of the proposed electorates

The Augmented Commission shares the view of the Committee that the names adopted in 1993 would appear to have gained general community acceptance and does not propose to change the names.

However, the Augmented Commission notes that the name of the new district proposed to be sited to the north of Weston Creek, is to be Molonglo. It understands that this district will not be populated at the time of the 2008 election. The Augmented Commission suggests that consideration may need to be given to changing the name of the Molonglo electorate at the time of the next redistribution, in order to avoid confusion between the district name and the electorate.

Changes to the number of members to be elected in each electorate

The objection from the Gungahlin Community Council suggested a change in the number of members elected in the various electorates, to provide for three 7 member electorates. The Augmented Commission notes that it does not have any power under the Electoral Act to consider this as a viable option in making its proposed redistribution. Section 34 of the Electoral Act specifies that the ACT must be divided into one electorate returning 7 members, and two electorates returning 5 members.

The Augmented Commission notes the ACT Electoral Commission's 30 April 2002 *Submission to the ACT Legislative Assembly Standing Committee on Legal Affairs Inquiry into the appropriateness of the size of the Legislative Assembly for the ACT and options for changing the number of members, electorates and any other related matter*, available at <http://www.elections.act.gov.au/adobe/SizeOfAssemblySubmission.pdf> . This submission expressed the Commission's view that the following two principles would further enhance the ACT's electoral system:

- Electorates should each return the same number of Members; and
- The total number of Members should be an odd number – accordingly there should be an odd number of electorates.

This Augmented Commission notes adoption of these principles would have the beneficial effect of removing the issue of where to place unequal sized electorates from consideration at future redistributions.

Conclusion

For the reasons given above, the Augmented Commission proposes to alter the Redistribution Committee's proposed redistribution to leave the Gungahlin suburb of Palmerston in the electorate of Molonglo, and to retain the proposed transfer of the Woden suburb of Farrer from the electorate of Molonglo to the electorate of Brindabella.

Next stage of the redistribution process

As the Augmented Commission has decided to alter the proposal of the Redistribution Committee by effectively transferring the suburb of Palmerston from one electorate to another, the Augmented Commission considers that its proposal is significantly different from the Redistribution Committee's proposal, within the meaning of section 51(2)(c) of the Electoral Act. Consequently, there will be a further opportunity for public objections.

Accordingly, the Augmented Commission intends to prepare a written notifiable instrument for publication on the ACT's Legislation Register inviting written objections to this proposal.

Written objections to the Redistribution Committee's proposed redistribution can be lodged with the ACT Electoral Commission within 28 days after the publication of the notice under the *Legislation Act 2001*.

Objections should be lodged at:
ACT Electoral Commission
Level 2, 12 Moore Street
CANBERRA ACT 2601

Postal Address: PO Box 272, CIVIC SQUARE ACT 2608
Phone: (02) 6205 0033, Fax: (02) 6205 0382
Email: elections@act.gov.au

Who considers objections?

Objections to the Augmented Commission's proposal will be considered by the Augmented Commission. The Augmented Commission may hold public hearings into objections to its proposed redistribution. After consideration of any objections to this proposal, the Augmented Commission will make a final determination of the electoral boundaries for the ACT Legislative Assembly.

Augmented ACT Electoral Commission**Roger Beale — Phillip Green — Christabel Young****Neil Savery — Bill Hirst — Karen Macdonald**

25 July 2007