



ACT Legislative Assembly Electoral Boundaries Redistribution 2023

Statement by the Augmented
ACT Electoral Commission
of its reasons for its proposed
redistribution of the
ACT Legislative Assembly
electoral boundaries



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ACT Legislative Assembly Electoral Boundaries Redistribution 2023

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ACT Legislative Assembly Electoral Boundaries Redistribution 2023

Statement by the Augmented ACT Electoral Commission (the Commission) of its reasons for its proposed redistribution of the ACT Legislative Assembly electoral boundaries

This statement by the Commission under section 51 of the *Electoral Act 1992* (the Act):

- sets out the substance of the Commission’s conclusions about
 - the Redistribution Committee’s proposal, and
 - the objections to the Redistribution Committee’s (the Committee) proposal following the Commission’s investigation under section 49 of the Act;
- sets out the particulars of the Commission’s proposed redistribution under section 50 of the Act of the ACT Legislative Assembly electoral boundaries; and
- sets out the Commission’s opinion that its proposal is not significantly different from that of the Redistribution Committee.

Augmented ACT Electoral Commission

David Kalisch – Damian Cantwell AM CSC – Ed Killesteyn PSM –

Ben Ponton – Greg Ledwidge – Beidar Cho

Summary of the redistribution proposed by the Commission

After considering five written objections to the electoral boundaries proposed by the Committee, and after having conducted a public hearing into one of the objections, the Commission has decided to adopt the boundaries as proposed by the Committee.

The Commission proposes that the ACT be divided into five electorates as follows:

Brindabella, a five-Member electorate comprising the district of Tuggeranong and the districts of Booth, Cotter River, Paddy's River, Rendezvous Creek, Tennent and Mount Clear;

Ginninderra, a five-Member electorate comprising the district of Belconnen (excluding the suburbs of Giralang and Kaleen);

Kurrajong, a five-Member electorate comprising the district of Canberra Central (excluding the suburbs of Deakin, Forrest, Red Hill and Yarralumla), and the districts of Jerrabomberra (including the entire suburb of Hume), Kowen and Majura;

Murrumbidgee, a five-Member electorate comprising the districts of Molonglo Valley, Weston Creek, Woden Valley, Coree (including the village of Uriarra) and Stromlo, and the Canberra Central suburbs of Deakin, Forrest, Red Hill and Yarralumla; and

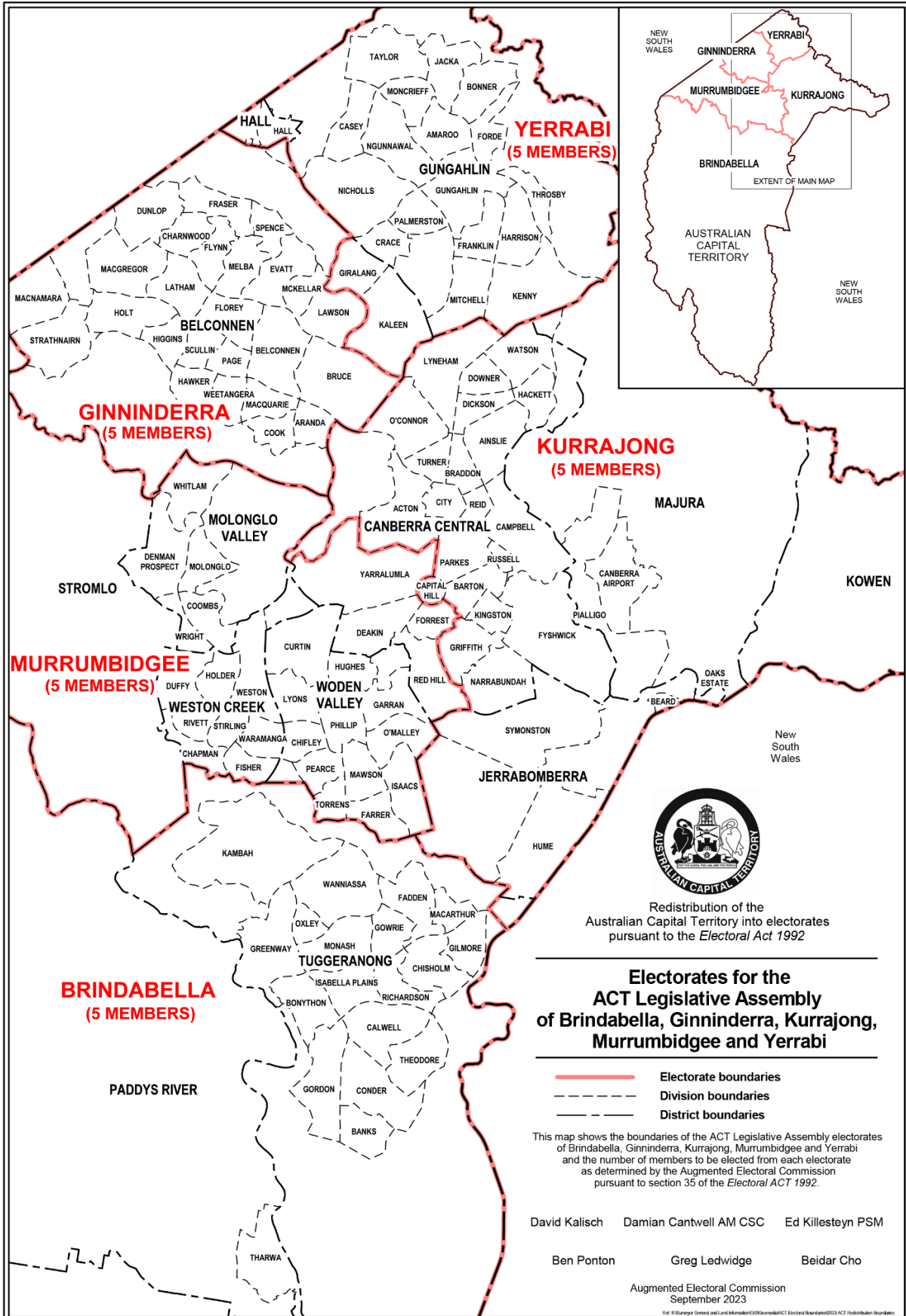
Yerrabi, a five-Member electorate comprising the districts of Gungahlin and Hall and the Belconnen District suburbs of Giralang and Kaleen.

As the Commission has accepted the proposal of the Committee without change, the proposal of the Commission is not, within the meaning of section 51(2)(c) of the Act, 'significantly different' from the Committee's proposal. Consequently, there are no further opportunities or requirement for the Commission to receive public objections.

The Commission will formally complete the redistribution process in the near future by publication of a notifiable instrument of its determination under section 35 of the Act and publication of a report under section 53 of the Act regarding the redistribution.

The Commission comprises the members of the ACT Electoral Commission (Chairperson, Mr David Kalisch; Electoral Commissioner, Mr Damian Cantwell AM CSC; and Commission Member, Mr Ed Killesteyn PSM) and members of the Redistribution Committee (planning and land authority (Mr Ben Ponton), the Surveyor-General (Mr Greg Ledwidge) and a person appointed by the ACT Electoral Commission, the Director of Demography, Australian Bureau of Statistics (Ms Beidar Cho)).

Map of final boundaries



Objections to the Redistribution Committee's proposal

The Commission met on 22 June 2023 to consider five objections made in accordance with section 46 of the Act to the Committee's proposed redistribution of the ACT Legislative Assembly's electoral boundaries published on 12 May 2023.

The objections were made by:

- Stephen Brown
- Roz Chivers
- Brett Goyne
- Daniel McConell
- Susanne Tongue

Copies of the objections can be obtained from the Elections ACT website at: www.elections.act.gov.au/electoral_boundaries/redistributions/2022-2023-redistribution or from the office of the ACT Electoral Commission, Nara Centre, 3 Constitution Avenue, Canberra City ACT.

Electorate names

The Commission received no objections in relation to the Committee's proposal to retain the electorate names of Brindabella, Ginninderra, Kurrajong, Murrumbidgee and Yerrabi.

Accordingly, no further investigations were undertaken into the name of the five electorates and the Commission unanimously agreed to maintain the five electorate names.

Electorate boundaries

Summaries of objections

The five objections to the Committee's proposed redistribution are summarised below:

Stephen Brown

Mr Brown objects to the proposed boundaries insofar as the suburbs of Forrest and Red Hill are transferred from Kurrajong to Murrumbidgee.

Mr Brown argues that these suburbs form a logical part of Kurrajong because they are geographically separated from the Murrumbidgee electorate by the Red Hill ridge. Further, Mr Brown argues that socially, the two suburbs of Red Hill and Forrest have a shared focus with other inner south suburbs, in terms of local business centres and institutions such as churches.

Roz Chivers

Ms Chivers objects to the continued inclusion of the suburbs of Giralang and Kaleen within the electorate of Yerrabi rather than within the electorate of Ginninderra, shared by their Belconnen District neighbours.

Ms Chivers objects to the Committee's stated view that it was 'largely powerless' with the legislation to change this outcome for Giralang and Kaleen without creating similar issues elsewhere.

Ms Chivers argues that by allocating Giralang and Kaleen in a separate electorate to the other Belconnen District suburbs, the residents of these two suburbs will be unrepresented for another four years. Ms Chivers states that she has spoken with most of the MLAs concerned and is of the view that they do not know where Kaleen and Giralang are located.

Ms Chivers states a belief that if a requirement to split the Belconnen District exists then the Commission should identify alternative suburbs from within the district to allocate to an outside electorate as a means of sharing the lack of representation around.

Ms Chivers argues that the western growth areas of Belconnen have more in common with Gungahlin than the older suburbs of Giralang and Kaleen.

Brett Goyne

Mr Goyne objects to the continuation of Giralang and Kaleen as part of Yerrabi arguing that those suburbs are not geographically part of Gungahlin and are not adequately represented.

Mr Goyne objects to the law that underpins the redistribution process and states that 'if geography is a basis, electorates should not be all the same size.'

Daniel McConell

Mr McConell's objection appears to be a continuation of his concerns as expressed in his earlier suggestion and comment that the redistribution process does not consider the residents of the Jervis Bay Territory.

Mr McConell states 'I humble in law Australian Capital Territory (ACT) Jervis Bay Territory (JBT) and Commonwealth of Australia object to the Redistribution Committee proposal...'

Mr McConell continues 'I remain humble with in this determination made done with all due respect in consideration of power as this ACT Redistribution Committee does allow Duty to prevail in law ACT within this Augmented Electoral Commission.'

Susanne Tongue

Ms Tongue objects to the proposed transfer of Red Hill and Forrest out of the Kurrajong electorate and into the electorate of Murrumbidgee. She argues that under the proposed boundaries, her local voting booth, which is currently located in Kurrajong, will be relocated to Murrumbidgee.

Ms Tongue contends that the proposed redistribution is 'illogical, irrational, and unreasonable', asserting that the enrolment projections used to make the decision are incorrect. To support her claim, she points out the residential development called 'The Parks' in Red Hill and contends that once this development reaches full occupancy in 2024, the increase to the number of residents will, by itself, surpass the projected enrolment numbers for Kurrajong.

Furthermore, Ms Tongue argues that the Committee misapplied section 36 of the Act in determining the proposed boundaries. She argues that the Act stipulates equal status for all subsections under section 36, contrary to the Committee's characterisation of subsection (c) as "subservient" to subsections (a) and (b).

Ms Tongue also argues that the Committee did not give enough consideration to the "significant barrier of Red Hill between the suburbs of Red Hill/Forrest and Woden". She questions the Committee's characterisation of Hindmarsh Drive as a significant road link between Red Hill and Woden, arguing that Red Hill residents find the entrance to Hindmarsh Drive via Dalrymple Street congested and difficult to navigate when trying to reach Woden. Additionally, she raises concerns about the accessibility of public transport connecting Red Hill and Woden, stating that it cannot be considered immediately accessible.

While acknowledging that the suburb boundary of Red Hill crosses the district boundary between Woden Valley and Canberra Central, Ms Tongue emphasises that the boundary exists in a nature reserve rather than a residential area, thus acting as a barrier rather than a border.

To support her objection, Ms Tongue provides examples of 'community of interest' matters associated with suburbs in the current Kurrajong electorate. She highlights considerations such as Walter Burley Griffin's original design for Canberra, the similarity of socioeconomic links between Forrest/Red Hill/Deakin/Yarralumla and those between Forrest/Red Hill/Griffith/Narrabundah. She also refers to income levels of households in relevant Kurrajong suburbs and shared community gathering centres like local shops and school catchment areas.

Ms Tongue states that while there are connections between Deakin/Yarralumla [current Murrumbidgee suburbs] and Forrest/Red Hill, arguably stronger links exist between Old Deakin/Old Red Hill/Forrest/Griffith, and the links between Red Hill/Forrest/Griffith/upper Narrabundah are very strong.

Whether to hold a public hearing into the objections

An important consideration for the Commission was to decide whether there was a requirement to hold a public hearing into any of the objections in accordance with section 49 of the Act.

Sections 49(1) and 49(2) of the Act provide:

49 Investigation of objections

- (1) The augmented commission shall investigate each objection made in accordance with section 46.
- (2) For the purpose of investigating an objection, the augmented commission shall hold a public hearing, unless it is of the opinion that —
 - (a) the matters raised in the objection (or substantially the same matters) were raised in suggestions or comments given to the redistribution committee in accordance with the notice under section 41 (1) (Suggestions and comments about redistribution); or
 - (b) the objection is frivolous or vexatious.

The Commission was not of the opinion that any of the objections received by it were frivolous or vexatious. Therefore, the task of the Commission was to decide whether any of the matters raised in any of the objections (or substantially the same matters) were raised in suggestions or comments given to the Committee.

As explained below, the Commission was of the opinion that four of the five objections raised matters (or substantially the same matters) that were raised in the public suggestions and comments given to the Committee. These four objections did not require further investigation by the Commission through a public hearing.

Stephen Brown

The objection received from Mr Brown revolved around geographic and social 'community of interest' concerns. The Commission considered that these matters were extensively discussed by the Committee during its evaluation of the suggestions submitted by the ACT Greens, Ross Kerr and Douglas Hynd. Although these suggestions did not specifically verbalise the geographic or social aspects of the area, the maps included in the suggestions, all of which suggested the inclusion of Forrest and Red Hill into Murrumbidgee, triggered relevant discussions by the Committee related to section 36(c) of the Act when formulating the initial boundary proposal.

Accordingly, the Commission was of the opinion that the objection received from Mr Brown raised matters (or substantially the same matters) that were raised in the public suggestions and comments given to the Committee, and therefore did not require a public hearing.

Roz Chivers

Ms Chivers objected on the basis that allocating Giralang and Kaleen to a separate electorate than the other Belconnen District suburbs would result in poor parliamentary representation for the residents of Giralang and Kaleen. The Commission considered that Ms Chivers' arguments were essentially the same as those raised in Neil Thompson's earlier public suggestion.

Accordingly, the Commission was of the opinion that the objection received from Ms Chivers raised matters (or substantially the same matters) that were raised in the public suggestions and comments given to the Committee, and therefore did not require a public hearing.

Brett Goyne

Mr Goyne objected to Giralang and Kaleen remaining part of Yerrabi, contending that this arrangement would not provide adequate political representation for the suburbs. The Commission considered that Mr Goyne's arguments were essentially the same as those raised in Neil Thompson's earlier public suggestion.

The Commission was of the opinion that the objection received from Mr Goyne raised matters (or substantially the same matters) that were raised in the public suggestions and comments given to the Committee, and therefore did not require a public hearing.

Daniel McConell

Mr McConell's objection was materially the same as the suggestion and comment he had previously submitted in the public consultation process. The Commission upheld the Committee's position that it does not have the authority to effect the change being sought by Mr McConell.

Accordingly, the Commission was of the opinion that the objection received from Mr McConell raised matters (or substantially the same matters) that were raised in the public suggestions and comments given to the Committee, and therefore did not require a public hearing.

Susanne Tongue

The members of the Commission unanimously agreed that the objection lodged by Ms Tongue introduced matters that had not previously been raised in earlier submissions to the Committee. Consequently, and in accordance with section 49 of the Act, the Commission determined that a public hearing to investigate Ms Tongue's objections would be required.

Discussion at the public hearing

A public hearing to consider Ms Tongue's objection to the proposed ACT Legislative Assembly electoral boundaries was held by the Commission on Thursday, 17 August 2023. The hearing was held in the theatre of the Canberra Museum and Gallery. Members of the community and persons wanting to make submissions to the Commission were afforded an opportunity to attend and to participate in the hearing either in person or through remote facilities (i.e. virtual attendance).

Submissions to the Commission at the public hearing were limited to submissions relating to the objection submitted by Ms Tongue.

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Participants wanting to appear to make submissions at the hearing were required to register with Elections ACT prior to the public hearing.

By the close of the registration period, two individuals had registered with Elections ACT to appear.

Ms Susanne Tongue appeared and restated the concerns detailed within her written objection.

Mr Kieran Douglas, Divisional Director, Liberal Party of Australia (ACT Division), as the representative for the Canberra Liberals, spoke in support of Ms Tongue's objection.

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

- Concerns over the accuracy and reliability of projected enrolment figures, highlighting future occupancy of 'The Parks' in Red Hill;
- Application of section 36 of the *Electoral Act 1992* and the matters within section 36(c) for due consideration;
- Census data and social, economic and regional interests; and
- Community of interest matters in relation to Red Hill and Forrest.

Investigation of the objections

In investigating the objections to the Committee's proposed boundaries, the Commission was mindful that its deliberations were subject to section 36 of the Act.

Section 36 of the Act sets out the criteria under which a redistribution is to be conducted. This section prescribes that:

36 Factors relevant to redistribution

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) [not greater than 110%, or less than 90%, of the electorate's 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 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*.

Objections to alterations to the electorate of Brindabella

At the beginning of the 2023 public suggestion period, the projected enrolment data indicated that the current boundaries for the Brindabella electorate would result in an electoral population below the permissible limit at the time of the next election. To address this issue and ensure that Brindabella increased its projected eligible elector population, the Committee unanimously proposed the transfer of 'Kambah East' (that part of the suburb of Kambah, east of Drakeford Drive) from the Murrumbidgee electorate into the electorate of Brindabella.

In making this proposal, the Committee ensured that the entire District of Tuggeranong was allocated within a single electorate.

No objections were received that expressed concerns regarding this specific aspect of the Committee's proposal. Accordingly, the Commission affirmed the original proposal of the Committee in its determination of the Brindabella electorate.

Brindabella, a five-Member electorate comprising the district of Tuggeranong and the districts of Booth, Cotter River, Paddy's River, Rendezvous Creek, Tennent and Mount Clear.

Objections to the inclusion of Forrest and Red Hill in the electorate of Murrumbidgee

The objections submitted by Mr Brown and Ms Tongue each raise issue with the Committee's proposal to allocate the suburbs of Forrest and Red Hill into the electorate of Murrumbidgee and out of their current electorate of Kurrajong.

Population projections

Ms Tongue asserts that the projected numbers on which the Committee's proposed electorate boundaries are based are 'clearly incorrect'. She argues that this has led to a misapplication of sections 36(a) and (b) of the Act. Ms Tongue highlights an example involving the development of a residential block in Red Hill and contends that the inclusion of its future residents will likely exceed the projected 2024 enrolment figures for Kurrajong prior to the 2024 ACT election.

The Commission reviewed the previous analysis and conclusions of the Committee. In its *Proposed Redistribution of the ACT into electorates for the ACT Legislative Assembly Report*, the Committee provided comprehensive information on how it complied with the criterion in section 36(b) of the Act. The report includes specific details and a link to a detailed description of the methodology used to calculate the projected enrolment statistics.

Ms Tongue's objection letter, and statements made by Ms Tongue during her appearance at the public hearing, specifically raise concerns about the projections used by the Committee in relation to the suburbs of Forrest and Red Hill, focussing on 'The Parks' development.

“The Parks’ at Red Hill is under construction and not fully occupied. The Parks has 108 single dwelling sites. It will reportedly have 4% 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.’

Although the Committee’s report does not identify this development specifically, nor other specific developments across the ACT, the Commission noted that the methodology used for calculating the projections includes forecasts for new occupied dwellings in new development areas.

The Commission noted the report also describes the application of a margin of error to account for potential inaccuracies in suburb-level enrolment projections. Further, the Commission also noted that Ms Tongue’s objection regarding the efficacy of the projections, centres on reported impacts of a single development in one suburb, whereas the methodology used to develop the enrolment projections takes into account the ACT Government’s planning and development data, annual fertility rates, mortality rates, internal migration and overseas migration data by age and sex.

The Commission also notes that Ms Tongue’s objection to the Committee’s proposed boundaries is based on concerns specific to Forrest and Red Hill and does not offer a viable alternative approach.

The Commission specifically highlighted the engagement by the Committee of the ABS as the source of the projections, in its role as the national statistical agency and the official source of independent, reliable, population projections for the ACT and other states and territories. Accordingly, the Commission considered the Committee’s approach to projections and the methodology used as sound, reasonable and appropriate.

To address the matters raised in Ms Tongue’s objection and further investigate her claims, the Commission sought additional advice from the ABS regarding Red Hill specifically. Red Hill is a suburb whose population has traditionally declined through net internal migration as well as a natural decrease rate. That is, in recent years, the suburb has experienced more deaths than births, as evidenced by the 2021 census data which shows a net departure of 82 individuals from Red Hill over the past year. Additionally, it was noted that Red Hill is in a diplomatic area. New residents to Red Hill who are foreign diplomats or members of their family will contribute to the overall population of Red Hill but will be ineligible to enrol or vote in an ACT election.

Furthermore, an investigation into ‘The Parks’ development project revealed that the project completion date is listed as ‘unknown’. This raises the potential that the additional Red Hill residents from the development, highlighted within Ms Tongue’s objection, may not have been able to establish permanent residence in the suburb by the cut off for projection analysis, which is legislatively set for October 2024.

Given the consistent decrease in Red Hill’s overall population resulting from these demographic factors in recent years, the Commission maintains its confidence in the original ABS projection data.

Application of section 36 of the Electoral Act

Ms Tongue asserts that the Committee has misapplied section 36(c) of the Act by failing to give section 36(c) equal status with sections 36(a) and (b). Specifically, Ms Tongue states:

'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.'

The Commission considers that each of the paragraphs within section 36 of the Act, including sections 36(c)(i) to (v), must be complied with by both the Committee in making its proposed boundary determination, and the Commission in making its final determination.

However, although all paragraphs within section 36 must be taken into account by the Committee and the Commission, the Commission considers that the requirement imposed by each paragraph varies. The Commission is of the view that there is a form of hierarchical structure to these provisions, whereby section 36(a) is the paramount factor or an 'absolute parameter' that must be adhered to by the Committee and Commission when making decisions relevant to the redistribution.

The Commission is of the view that section 36(a) is mandatory. The Committee and the Commission must 'ensure' the requirement of para 67D(2) of the *Australian Capital Territory (Self-Government) Act 1988* (Cth) is met.

The Commission's view is that section 36(b) requires the Committee and the Commission to 'endeavour to ensure, as far as practicable' that the number of electors in an electorate at the time of the next election are within the legislated quota parameters. The Commission considers that this section places on it a heavy responsibility to ensure as far as practicable that the number of voters will not fall outside the 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 Commission must duly consider under section 36(c) of the Electoral Act.

Nevertheless, the 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. Contrary to some assertions made in objections to the Committee's proposed redistribution, the requirement in section 36(b) may only be met by proposing electorate boundaries that fall within the +/-5% tolerance at the time of the next election and no consideration can be given to possible elector numbers or speculated population developments at a later time.

This is appropriate given that complying with the subsection involves estimates and projections. While the projections guide the deliberations, it is not possible to absolutely ensure compliance. However, within those projections the Committee and Commission is required to adhere, as far as practicable, to the quota parameters set out in section 36(b).

The Commission's view is that section 36(c) requires the Committee and Commission to 'duly consider' each of the factors listed within it. This again is appropriate given the factors listed in the subsection will often compete and contradict one another, and unlike the two previous subsections, there is a significant degree of subjectivity involved. Furthermore, none of the subparagraphs of section 36(c) impose a requirement; they are phrased as considerations to be taken into account.

The Commission supports Ms Tongue's view that section 36(c) is not 'subservient' to sections 36(a) and (b) but must be complied with according to their legislatively determined terms. The Commission considers that the legislation must be approached through a process of synthesis by considering all those factors within section 36 whilst ensuring that the requirement in section 36(a) is paramount. However, contrary to the position advanced by Ms Tongue, the Commission disagrees that section 36(c) has equal status to sections 36 (a) and (b). Granting equal weight to the considerations in section 36(c) without adhering to the paramount requirement in section 36(a) or proposing boundaries that do not endeavour to comply with the quota parameters set out in section 36(b) would be contrary to the Commission's duties under section 36 of the Act.

The Commission considers that sections 36(a), (b) and (c) are interrelated and can foreseeably give rise to competing and irreconcilable objectives. In exercising its functions, the Commission's view is that it is required to appropriately consider those functions within section 36(c) and the information in relation to them, for the purpose of proposing boundaries whilst also abiding by and endeavouring to abide by the requirements within sections 36(a) and (b), respectively.

Section 36(c) – due considerations

Each of the submissions lodged by Ms Tongue and Mr Brown raised objections to the placement of Forrest and Red Hill, based on arguments relating to section 36(c) of the Act. Section 36(c) states that the Commission shall:

- (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

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- (v) the boundaries of divisions and sections fixed under the *Districts Act 2002*.

Mr Brown argues that:

'These suburbs are a logical part of the Kurrajong electorate. Geographically they are separated from Murrumbidgee by the Red Hill ridge. Socially, their focus lies with the other Inner South suburbs, the local business centres and the institutions (such as churches) of the Inner South.'

Ms Tongue's objection separately addresses four of the five subitems listed under section 36(c):

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

'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.'

'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.'

'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.'

Means of communication and travel within each proposed electorate – section 36(c)(ii)

'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.'

'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.'

Physical features and area of each proposed electorate – section 36(c)(iii)

'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 [sic] 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.'

Boundaries of division and sections fixed under the Districts Act 2002 – section 36(c)(v)

'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 that are uninhabited with no voters. This should also be considered. It contributes to it serving as a barrier rather than a border.'

The Commission conducted a comprehensive examination of each of the factors outlined in section 36(c) as they pertain to Forrest, Red Hill, and the broader Kurrajong and Murrumbidgee electorates. In the process of investigating the objections raised by Mr Brown and Ms Tongue, the Commission considered each of the specific matters quoted above.

The Commission acknowledges the community of interest concerns raised by Ms Tongue and Mr Brown in their objections. The Commission agrees that the suburbs within this inner south region of the ACT have a shared history and maintain strong social and economic connections. However, both the Committee and the Commission are tasked with making determinations for electoral boundaries while upholding the principle of equal representation, embodied by the concept of 'one vote, one value'. The Commission considers it must achieve this through a process of synthesis, considering all the factors outlined in section 36 while adhering to the paramount requirement outlined in section 36(a) of the Act and endeavouring to do the same within the projected parameters established in section 36(b).

Statement of reasons by the Augmented ACT Electoral Commission
Redistribution 2023

Guided by the current and projected framework established in sections 36(a) and (b) of the Act, the Commission must ultimately make decisions which may separate adjoining suburbs across electorate boundaries. As noted by the supreme court of South Australia and considered relevant in the ACT context, 'the statutory task of the Commission in embarking on a redistribution is a difficult one fraught with complexity, requiring the Commission to attempt to synthesise multiple competing considerations that simply cannot be reconciled.'¹

Following the identification of the most suitable approach to address the expansion of the Brindabella electorate, prompted by indications that Brindabella's projected enrolment figures would fall below the permissible limit defined by section 36(b) of the Act at the time of the next election, the Commission was subsequently required to resolve a similar issue of low projected enrolment in the Murrumbidgee electorate. Given that Murrumbidgee shares borders with only two other electorates, Ginninderra and Kurrajong, the resolution for Murrumbidgee's low projected enrolment had to involve the allocation of localities from either of these neighbouring electorates. Consequently, in accordance with sections 36(a) and (b) of the Act, the Commission was obligated to consider the available compliant solutions and then evaluate the factors outlined in section 36(c) for each of these feasible options.

The Commission examined various possibilities for expanding the Murrumbidgee electorate to the north. These options involved potential varying allocations of suburbs such as Aranda, Cook, Weetangera, Hawker, Strathnairn and Macnamara. However, such allocations would first require the transfer of Belconnen District 1, a vast and largely unpopulated strip of land that separates Stromlo District/Molonglo Valley District from the Belconnen District.

Upon careful evaluation, considering the matters outlined in sections 36(c)(i), (ii), (iii), (iv) and (v), the Commission determined that these allocations were not the most appropriate solution when compared to alternative approaches in the Kurrajong electorate. The Commission notes that out of the 24 previously received suggestions or comments, only two proposed amendments to these southern Belconnen District suburbs.

Therefore, the Commission concluded that to address the need for additional electors in the Murrumbidgee electorate, it was necessary to identify suitable localities for re-allocation from suburbs located to the east of Murrumbidgee.

In response to the concerns of Mr Brown and Ms Tongue, the Commission revisited the considerations of 'Broader change' versus 'Minimalist' put forth by the Committee. The Commission deliberated on the merits of the 'broader change' approach, which aimed to extend Murrumbidgee into the southeast area of Kurrajong. Taking into account the previous discussions of the Committee, the Commission agreed that including only the localities of Hume, Jerrabomberra District, Symonston, Beard and Oaks Estate, would not, by themselves, resolve the under-quota status of Murrumbidgee. At a minimum, the inclusion of one or more of the highly populated Kurrajong suburbs close to the border with Murrumbidgee (Forrest, Red Hill or Narrabundah), would need to be moved into Murrumbidgee for Murrumbidgee to comply with legislated numbers.

¹ *Martin v Electoral Districts Boundaries Commission* [2017] SASCFC 18 at [206] (Kelly, Blue, Bampton and Hinton JJ); 127 SASR 362; 347 ALR 213

The Commission reviewed a multitude of options which would satisfy the mandatory preconditions set under sections 36(a) and (b), before assessing the most appropriate of these solutions when considering the factors under section 36(c).

Allocating Narrabundah and Symonston to Murrumbidgee, or perhaps more logically, Narrabundah, Symonston, Jerrabomberra District, Beard and Hume, would meet enrolment parameter requirements. However, the Commission determined that such solutions would heighten many of the concerns raised by Ms Tongue under section 36(c), as they would create a peninsula of the Kurrajong suburbs of Red Hill, Griffith and Forrest, jutting into Murrumbidgee. However, an alternative option, the transfer of Narrabundah along with any of its residential neighbours such as Red Hill or Griffith into Murrumbidgee, would remove too many electors from Kurrajong placing it well below both the current and projected quota limits.

Therefore, the Commission focused its considerations on the options of allocating Red Hill into Murrumbidgee on its own, or Red Hill together with Forrest. After reviewing the earlier deliberations of the Committee on this matter, the Commission took into account the specific matters raised by Ms Tongue and how they applied to these two potential solutions.

The Commission felt that many of the matters raised by Ms Tongue emphasised a strong connection between Forrest and Red Hill, reinforcing the view that including both in a re-allocation would align most appropriately with the considerations under section 36(c). The Commission also noted that to solely allocate the suburb of Red Hill to Murrumbidgee would only raise the projected quota figure 0.06% above the allowable lower limit. While this would comply with section 36(b), including Forrest would further improve compliance, ensuring greater equity in enrolment across all five electorates at the time of the next election and further enabling the concept of 'one vote, one value'.

The Commission acknowledges "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". These bonds represent a significant community of interest in the inner south suburbs of Canberra. The establishment of an electoral boundary consistent with the Act will not, of itself, diminish these links. That is, the links are likely to remain irrespective of the drawing of electoral boundaries. However, the Commission recognises the necessity for alterations to the current electorate boundaries. The question before the Commission was how to synthesise the factors for due consideration with the mandatory enrolment parameters in the most appropriate manner.

In determining the most appropriate solution, the Commission considered all viable and logical options. This included analysing current and projected enrolment figures, reviewing each suggestion and comment received, and thoroughly investigating each objection. After this comprehensive evaluation, the Commission upholds the original proposal of the Committee in its determination of the Kurrajong and Murrumbidgee electorates.

Kurrajong, a five-Member electorate comprising the district of Canberra Central (excluding the suburbs of Deakin, Forrest, Red Hill and Yarralumla), and the districts of Jerrabomberra (including the entire suburb of Hume), Kowen and Majura; and

Murrumbidgee, a five-Member electorate comprising the districts of Molonglo Valley, Weston Creek, Woden Valley, Coree (including the village of Uriarra) and Stromlo, and the Canberra Central suburbs of Deakin, Forrest, Red Hill and Yarralumla.

Objections to the inclusion of Giralang and Kaleen in the electorate of Yerrabi

The objections submitted by Ms Chivers and Mr Goyne each raise concerns with a continuation of the arrangement whereby the Belconnen District suburbs of Giralang and Kaleen are included in the Gungahlin District based electorate of Yerrabi, rather than the Belconnen District based electorate of Ginninderra.

Ms Chivers objects to the Committee's stated view that it was 'largely powerless' within the legislation to change this outcome for Giralang and Kaleen without creating similar issues elsewhere.

The objection submitted by the Ms Chivers states:

'So, Kaleen and Giralang are to be left with no representation for another four years because the committee don't want to subject other suburbs to same lack of representation that the rate payers of Giralang and Kaleen receive from the Yerrabi MLAs.'

The objection continues:

'If there is no option but to split the Belconnen electoral district, then the commission should be sharing the lack of representation around. Kaleen and Giralang do not deserve the ongoing neglect that we are seeing from the ACT Government and our so-called elected representatives. The western growth areas of Belconnen have more in common with Gungahlin than the older suburbs of Giralang and Kaleen who need urban renewal.'

The Commission thoroughly discussed this matter but ultimately agreed with the earlier determination of the Committee. Based on current and projected enrolment figures and the specific geography of the current electorates, no logical and viable alternative option had been presented as part of the lodged suggestions, comments and objections, nor could one be identified through its own independent assessment.

Reflecting upon the earlier phase of public consultation, the Commission noted that a significant majority of the suggestions and comments received favoured including Giralang and Kaleen within the Gungahlin-based electorate of Yerrabi.

Mr Goyne's objection raised similar concerns to those expressed by Ms Chivers regarding inadequate parliamentary representation for Kaleen and Giralang residents if the two suburbs were to remain in Yerrabi. Mr Goyne also objected to the law underpinning the redistribution process, dissatisfied that geography, rather than population equity, is not the predominant determinant for electoral boundaries.

The Commission deliberated on the matters raised by Mr Goyne and carefully considered the legislative provisions that guide the establishment of boundary determinations. Commission members agreed that the legislation clearly states the legal requirement for boundaries to comply with 'the range permitted by the Australian Capital Territory (Self-Government) Act 1988 (Cwlth), section 67D(2)²,' and the 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'³.

When exercising its functions, the Commission views that it is obligated to duly consider the factors set out within section 36(c) of the Act, which include geography: 'the physical features and area of each proposed electorate'⁴, and district boundaries: 'the boundaries of divisions and sections fixed under the *Districts Act 2002*'⁵, whilst simultaneously abiding by and endeavouring to abide by the requirements within sections 36(a) and (b) respectively. Consequently, the Commission believes that it cannot propose boundaries solely based on district geography but must also adhere to the enrolment quota parameters.

At the commencement of the 2023 public suggestion period, the projected data indicated that the boundaries for the Belconnen District would exceed the allowable number of electors at the time of the next election, as stipulated by the Act. This dictates that, at a minimum, Belconnen District cannot be wholly contained within a single electorate. Some localities from the Belconnen District must be allocated to a neighbouring electorate.

The current and projected enrolment figures for the Ginninderra and Yerrabi electorates present the opportunity to keep the boundaries of the two electorates unaltered'. Currently, both electorates comfortably adhere to the legislatively prescribed quota parameters based on their existing boundaries. The Commission took into account the alignment of the current situation with the principle expressed in section 36(c)(iv) which emphasises the importance of providing due consideration to 'the boundaries of existing electorates'.

In its deliberations of the objections raised by Mr Goyne and Ms Chivers, the members of the Commission reflected on the inclusion of this factor in the legislation. They unanimously agreed that through this subparagraph the legislation seeks to maintain a certain level of stability between redistributions. Therefore, in the absence of submissions proposing a logical alternative to address the situation concerning Kaleen and Giralang, and indeed, in agreement with the majority of submissions while duly considering the matters identified in section 36(c), and in particular section 36(c)(iv), the Commission accepted the previous proposed boundaries put forth by the Committee for the Ginninderra and Yerrabi electorates.

² *Electoral Act 1992* (ACT), s.36(a)

³ *Electoral Act 1992* (ACT), s.36(b)

⁴ *Electoral Act 1992* (ACT), s.36(c)(iii)

⁵ *Electoral Act 1992* (ACT), s.36(c)(v)

Ginninderra, a five-Member electorate comprising the district of Belconnen (excluding the suburbs of Giralang and Kaleen); and

Yerrabi, a five-Member electorate comprising the districts of Gungahlin and Hall and the Belconnen District suburbs of Giralang and Kaleen.

Objection to the exclusion of the Jervis Bay Territory from ACT electoral boundaries

Mr McConell, who participated in the earlier public consultation processes by submitting a suggestion and comment, raised an objection regarding the exclusion of the Jervis Bay Territory from the electoral boundaries for ACT Legislative Assembly elections.

In its investigation into Mr McConell's objection, the Commission examined the previous deliberations of the Committee and confirmed that it does not have the authority to implement the change being requested by Mr McConell. Therefore, the Commission upheld the view expressed by the Committee in this matter.

Conclusion

For the reasons given above, the Commission proposes to adopt the Committee's proposed electoral names and boundaries.

Next stage of the redistribution process

As the Commission has accepted the proposal of the Committee, the proposal of the Commission is not, within the meaning of section 51(2)(c) of the Act, significantly different from the Committee's proposal. Consequently, there are no further opportunities for public objections. The Commission will formally complete the redistribution process by publishing a notifiable instrument of its determination under section 35 of the Act and publication of a report concerning the redistribution under section 53 of the Act.

The Commission thanks all members of the public who engaged and consulted with both the Committee and Commission throughout the 2023 redistribution process.

Augmented ACT Electoral Commission

David Kalisch (Chair) — Damian Cantwell AM CSC — Ed Killesteyn PSM
Ben Ponton — Greg Ledwidge — Beidar Cho

8 September 2023

