

Australian Capital Territory Legislative Assembly Electoral Boundaries Redistribution 2000

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.

2. The augmented Commission comprises the members of the ACT Electoral Commission (Chairperson, Graham Glenn; Electoral Commissioner, Phillip Green; and Commission Member, Christabel Young) and members of the Redistribution Committee (the ACT Planning Authority, Lincoln Hawkins; the Chief Surveyor, Rod Menzies; and the Regional Director, ACT Office, Australian Bureau of Statistics, Dalma Jacobs).

3. The augmented Commission met on 30 May 2000 to investigate three 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 in the *Gazette* on 20 April 2000. The objections were made by:

- The ACT Greens
- Mr Phil Murphy
- North Canberra Community Council

Conclusion of the augmented ACT Electoral Commission

4. After considering the three written objections to the electoral boundaries proposed by the Redistribution Committee, the augmented Commission has adopted the Committee's proposed redistribution without change. 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, Pearce and Torrens and the southern remainder of the ACT;

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, Pearce and Torrens), Jerrabomberra (including the entire suburb of Hume), Kowen, Majura, and Stromlo.

Objections to the Redistribution Committee's proposal

5. Three objections to the redistribution of electoral boundaries proposed by the Redistribution Committee were received by the closing date of 18 May 2000. A brief summary of each objection and the augmented Commission's response follows.

The ACT Greens

6. The ACT Greens' objection argued that the Committee's proposal should be rejected and replaced with one or other of the two options set out below. These two options were the two most preferred options proposed by the ACT Greens in their original suggestion.

Option 1

7. The ACT Greens' most preferred option was to make Ginninderra a seven-member electorate by combining Belconnen, Gungahlin and Weston Creek. The objection argued that the protection of communities of interests should be valued very highly, and stated that this was particularly important in the case of Gungahlin. The objection stated that, as a newly emerging entity, Gungahlin is struggling to have its needs recognised and that it "would be clearly weakened by having nearly one-quarter of its population base shifted to another electorate."

8. The augmented Commission noted that this matter had been dealt with by the Redistribution Committee and that this objection did not raise any new issues. The augmented Commission acknowledged that protection of communities of interests was one of the criteria that had to be taken into account, but observed that the boundaries of existing electorates also had to be taken into account, and that the Electoral Act gave equal weight to each of the non-statistical criteria. The augmented Commission also noted that, while the boundaries of divisions and sections (that is, suburbs and components of suburbs) are to be duly considered as criteria, the boundaries of districts (such as Gungahlin) were not listed in the Electoral Act as a criterion.

9. The augmented Commission also had regard to the number of suggestions arguing for minimal change to the boundaries, and particularly the number of suggestions that argued in favour of the transfer of Nicholls from Molonglo to Ginninderra and the number of suggestions arguing against making Ginninderra a seven-member electorate. The augmented Commission also noted that only one objection was received from a resident of Gungahlin.

10. Having regard to each of the applicable criteria, the weight of submissions opposed to making substantial changes to the boundaries of Ginninderra and the minimal objection raised by the Gungahlin community, the augmented Commission was satisfied that the Redistribution Committee's proposal to transfer Nicholls to Ginninderra better satisfied the criteria than the option of making Ginninderra a seven-member electorate.

Option 2

11. The ACT Greens' second preferred option was to transfer Lyneham, O'Connor and Turner from Molonglo to Ginninderra, and to transfer Hall from Ginninderra to Molonglo. The objection argued that this would be preferable to the transfer of Nicholls

as the three North Canberra suburbs form a recognised sub-group and their transfer would “have marginally less detrimental effects on the respective communities”.

12. The augmented Commission was informed that this option had been considered by the Redistribution Committee although not canvassed in its report. Members of the Redistribution Committee advised the augmented Commission that it had rejected this option on the grounds that it would:

- result in Ginninderra being over the quota by 5.32% on April 2000 figures and being over quota by 4.99% at the time of the next election;
- divide the community of interests between Lyneham, O’Connor and Turner and other North Canberra suburbs in the same way as transferring Lyneham and/or O’Connor would do; and
- affect 8121 electors on projected 2001 figures.

13. The augmented Commission considered there were four arguments against this option. First, the augmented Commission considered that the projected enrolment of Ginninderra under this option was so close to the upper limit of 5% above the expected quota that it could not be satisfied that it would fulfil its duty to endeavour to ensure that the number of electors in Ginninderra would not be greater than 5% over the quota at the time of the 2001 election. As population projections cannot be expected to be absolutely accurate, the augmented Commission considered that it had to anticipate a greater margin for error in the projections than this option would allow. The augmented Commission also noted that, under this option, Ginninderra was more than 5% over the quota in April 2000.

14. Second, the augmented Commission agreed that the arguments put forward by the Committee in rejecting the transfer of O’Connor and Lyneham to Ginninderra also applied to the transfer of the three suburbs; namely that these suburbs are closely linked to central Canberra because of proximity, development periods, transport connections, employment, recreation, entertainment and education and that there are physical separations between these suburbs and Belconnen, in the form of Black Mountain Reserve and the Bruce/O’Connor ridge.

15. Third, the augmented Commission was concerned that incorporating North Canberra suburbs in Ginninderra would tend to isolate the Gungahlin suburbs from the rest of Molonglo. Should future redistributions require more suburbs to be transferred from Molonglo to Ginninderra, incorporation of further North Canberra suburbs in Ginninderra could increase the geographic isolation of Gungahlin from the rest of Molonglo. The augmented Commission did not consider this desirable, as any isolation of Gungahlin from other Molonglo suburbs would offend against the criteria dealing with means of communication and travel and physical features and area.

16. Finally, the augmented Commission considered that this option would require a greater change to the existing boundaries than the Committee’s proposal, noting that it would involve the transfer of 8121 electors on projected 2001 figures, compared to a transfer of 3039 electors under the Committee’s proposal.

Mr Phil Murphy

17. Mr Murphy, a resident of Nicholls, objected to the transfer of Nicholls from Molonglo to Ginninderra on the basis that the proposal “divides the Gungahlin community and weakens the value of our vote”. The submission referred to the community of interests within Gungahlin and requested that the proposal be reconsidered. Mr Murphy suggested transferring all of Gungahlin to Ginninderra and making it a seven-member electorate.

18. The augmented Commission considered that this submission did not raise any relevant issues that were not raised in earlier suggestions or comments, and that the issues had been fully addressed in the Committee’s report. The augmented Commission also noted that Mr Murphy’s proposed alternative solution did not meet the statistical criteria. The augmented Commission rejected the notion of proposing a seven-member electorate based on Belconnen, Gungahlin and Weston Creek for the reasons set out above.

North Canberra Community Council

19. This submission restates the council’s objection to splitting any council area but the augmented Commission considers that it does not raise any issue not raised in earlier suggestions or comments, or discussed in the committee’s report.

20. The augmented Commission noted that the only way in which this objection could be satisfied would be by making Ginninderra a seven-member electorate based on Belconnen, Gungahlin and Weston Creek. The augmented Commission rejected this option for the reasons set out above.

Summary

21. Section 49 of the Electoral Act provides that the augmented Commission shall hold a public hearing into each objection received unless it is of the opinion that the matters raised in the objection (or substantially the same matters) were raised in suggestions or comments lodged with the Redistribution Committee, or if it is of the opinion that the objection is frivolous or vexatious. The augmented Commission is of the opinion that the matters, or substantially the same matters, raised in the three objections were raised in the suggestions and accordingly determined not to hold a public hearing.

22. While the augmented Commission is sympathetic with the objections to splitting a district and sympathetic with the ideal of not splitting Gungahlin, it is bound by the requirements of the Electoral Act and the Self-Government Act. The augmented Commission would prefer that electorates encompass entire districts; however this is not a specific criterion set down in this legislation. The only option available that would not require splitting a district is to combine Gungahlin, Belconnen and Weston Creek in a seven-member electorate. The augmented Commission agreed with the Committee’s reasons for rejecting this option.

23. The augmented Commission agreed that the Committee had found the best solution to meet the requirements of the Electoral Act. In these circumstances, it saw no reason to vary the Redistribution Committee’s proposal.

Names of the proposed electorates

24. 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.

Next stage of the redistribution process

25. As the augmented Commission has accepted the proposal of the Redistribution Committee without change, the proposal of the augmented Commission is not, within the meaning of section 51(2)(c) of the Electoral Act, significantly different from the Redistribution Committee's proposal. Consequently, there are no further opportunities for public objections, and the augmented Commission will formally complete the redistribution process in the near future by publication of a notice of determination in the *Gazette* and publication of a report concerning the redistribution.

Augmented ACT Electoral Commission
Graham Glenn — Phillip Green — Christabel Young
Lincoln Hawkins — Rod Menzies — Dalma Jacobs

9 June 2000