

ACT Legislative Assembly Electoral Boundaries Redistribution 2011

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

This statement by the Augmented ACT Electoral Commission sets out the results of the Augmented Commission's investigation of the objections against the Augmented Commission's proposal under section 52 of the *Electoral Act 1992* and sets out the reasons for the Augmented Commission's redistribution of the ACT Legislative Assembly electoral boundaries under section 35 of the Electoral Act.

Summary of the redistribution determined by the Augmented ACT Electoral Commission

For the first time in the history of the ACT's redistribution process, two very different sets of proposed boundaries were put before the ACT community for comment. The first option, proposed by the Redistribution Committee, opted for a "minimal change" that would further split the Gungahlin district between two electorates. The second option, proposed by the Augmented Commission, would keep the Gungahlin district in one electorate by moving the location of the 7-Member electorate while splitting the north Canberra suburbs of Lyneham, O'Connor and Turner from the rest of north Canberra. Both options generated public submissions in favour of and opposed to each option, particularly in relation to the splitting of districts. The Augmented Commission therefore had a difficult decision to make, given that there were no available options that would have avoided the splitting of any districts. On balance, for the reasons set out below, the Augmented Commission has decided to adopt the "minimal change" proposal put forward by the Redistribution Committee.

On 5 May 2011 the ACT Redistribution Committee proposed that the existing ACT Legislative Assembly electoral boundaries be altered so that the suburbs of Palmerston and Crace would be transferred from the 7-Member electorate of Molonglo to the 5-Member electorate of Ginninderra; and the portion of the district of Molonglo Valley north of the Molonglo River would be transferred from Ginninderra to Molonglo. The Redistribution Committee did not propose to alter the existing 5-Member Brindabella electorate.

After considering the 23 written objections to the electoral boundaries proposed by the Redistribution Committee (including one late submission) and the further spoken and written submissions presented at the public hearing on 24 June 2011, on 8 July 2011 the Augmented Commission proposed that the existing boundaries be altered so that Ginninderra would be the 7-Member electorate, consisting of Belconnen, Gungahlin and Hall and the Canberra Central suburbs of Lyneham, O'Connor and Turner. The Augmented Commission did not propose to alter the existing 5-Member Brindabella electorate. Molonglo would become a 5-Member electorate and would include all of the district of Molonglo Valley.

**Augmented ACT Electoral Commission
Roger Beale AO - Phillip Green — Dawn Casey —
David Papps — Bill Hirst — Stephen Collett**

After considering the 83 written objections to the electoral boundaries proposed by the Augmented Electoral Commission (including one late submission) and the further spoken and written submissions presented at the public hearing on 31 August 2011, the Augmented Commission decided to adopt the boundaries proposed by the Redistribution Committee.

Therefore the Augmented Commission intends to determine, in accordance with section 35 of the *Electoral Act 1992*, that the ACT is to be divided into three electorates as follows:

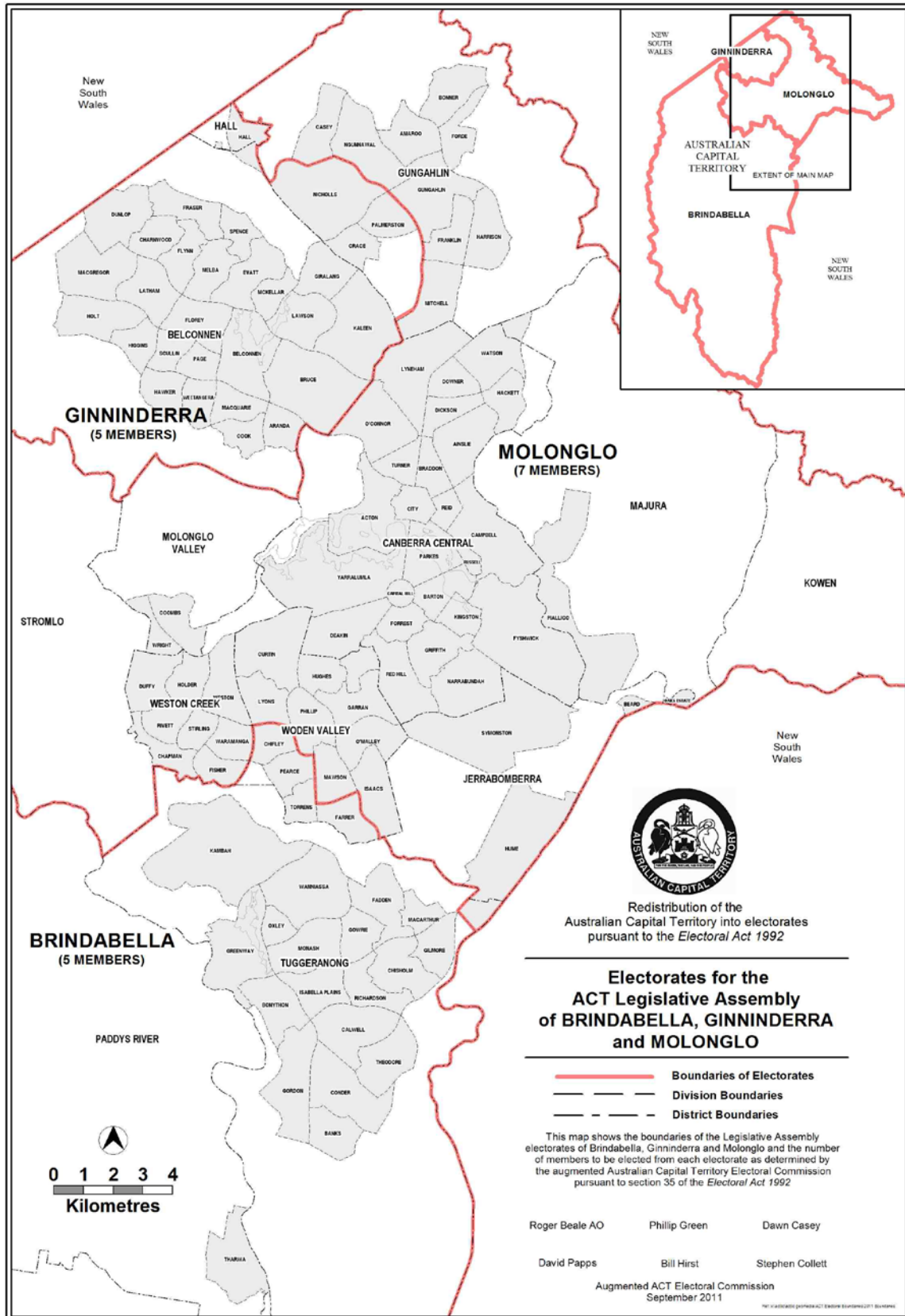
BRINDABELLA, a 5-Member electorate comprising the district of Tuggeranong (excluding the suburb of Hume), the Woden Valley suburbs of Chifley, Farrer, Pearce and Torrens and the districts of Booth, Coree, Cotter River, Paddys River, Rendezvous Creek, Tennent and Mount Clear;

GINNINDERRA, a 5-Member electorate comprising the districts of Belconnen and Hall (including the entire Village of Hall) and the Gungahlin suburbs of Crace, Nicholls and Palmerston (including the portion of the district of Gungahlin bounded by the suburbs of Palmerston and Crace and Barton Highway and Gungahlin Drive); and

MOLONGLO, a 7-Member electorate comprising the districts of Gungahlin (excluding the suburbs of Crace, Nicholls and Palmerston and the portion of the district of Gungahlin bounded by the suburbs of Palmerston and Crace and Barton Highway and Gungahlin Drive), Canberra Central, Molonglo Valley, Weston Creek, Woden Valley (excluding the suburbs of Chifley, Farrer, Pearce and Torrens), Jerrabomberra (including the entire suburb of Hume), Kowen, Majura, and Stromlo.

The Augmented Commission comprises the members of the ACT Electoral Commission (Chairperson, Mr Roger Beale AO; Electoral Commissioner, Mr Phillip Green; and Commission Member, Ms Dawn Casey) and members of the Redistribution Committee (the Chief Planning Executive, ACT Planning and Land Authority (Mr David Papps), the Surveyor-General (Mr Bill Hirst) and a person appointed by the ACT Electoral Commission, the Regional Director, ACT Office, Australian Bureau of Statistics (Mr Stephen Collett)).

Map of final boundaries



Objections to the Augmented Electoral Commission's proposal

The Augmented Commission met on 18 August 2011 to investigate 82 objections made in accordance with section 52 of the Electoral Act to the Augmented Commission's proposed redistribution of the ACT Legislative Assembly's electoral boundaries published on 8 July 2011. The Augmented Commission also agreed to consider an additional objection received after the close of the objection period on 5 August 2011.

Note that the term "objections" is used in the Electoral Act to denote submissions made in response to proposed redistributions published by the Redistribution Committee and the Augmented Commission. In practice, these submissions may be opposed to or supportive of the proposed redistributions. Therefore use of the word "objections" does not necessarily imply that a submission denoted as an objection is opposed to the proposal under review.

The objections were made by:

Objections from organisations:

ACT Branch of the Proportional Representation Society	Gungahlin Community Council
ACT Greens	North Canberra Community Council
Downer Community Association	Turner Residents Association
Friends of O'Connor Association	Woden Valley Community Council

Objections from individuals:

Arena, Angela	Kandula, Aswin
Bajkowski, Andrew & Wallace, Caroline	Kee, Carol
Bajkowski, Eugene Andrew	Knowler, Troy
Bajkowski, Jolanta Danuta	Larson, Richard
Ballard, Julie & Paul	MacDonald, Barry
Baxter, Brendan	Manns, Loris
Boon, Jenni	Marsh, Shane
Brink, Lesley	McAllister, Gordon
Bromwich, Harvey & Lorraine	McDermid, Ian
Brown, Ewan	McKay, Maryanne
Calvo, Joseph	McLennan, Logan
Chevalier, Barbara	Meyer, Barbara
Cornish, Joan	Nerdal, Lynn
Cox, Kevin	Newton, Gerry & Jo
Davidson, Emily	Nicholson, Peter
Davidson, Geoff	Nobbs, C L
Davidson, Susan	Orrell, Russell
Davies, Nicola	Pardoe, Colin
de Chazal, Jacqueline	Parsons, Neil
de Vogel, Kay	Pipkorn, Jodie
Dee, Barry	Rayner, Peter

Edwards, Robert	Reynolds, Jonathon
Evans, Margaret	Rossel, Tristan Viscarra
Ferguson, Shirley	Ruecroft, Ian
Ferris, David	Ryan, Matt
Field, Regan	Saraswati, Avinashi
Ford, Alan	Schranz, Harold
Foster, M (Dr)	Shorthouse, David
Garvey, J & Krippner, K	Smith, Tracey
Halliday, Ben	Swainson, Mia
Handley, Colin	Tager, Jeremy
Haynes, Nicci	Taylor, Penny
Helyar, Gillian	Thwaites, Michael
Helyar, Keith	Turbayne, David & Campbell,
Hodgkin, Stephen	Vilaisan
Hodgson, Fred & Janice	Walkley, Stuart
Hopkins, Nick	Walsh, Michael
Jones, Rebecca	Zambon, Giulio

Copies of the objections can be obtained from the Elections ACT website at: www.elections.act.gov.au/page/view/487/title/2011-redistribution or from the office of the ACT Electoral Commission.

As some matters raised in the objections were not raised in earlier suggestions given to the Redistribution Committee or objections given to the Augmented Commission, 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 3.00 pm on 31 August 2011 at the Reception Room, ACT Legislative Assembly, Civic Square, London Circuit, Canberra City.

The following persons made oral submissions at the public hearing:

Mr Ian McDermid;

Ms Anne McMahan, on behalf of the Turner Residents' Association;

Mr Martin Miller, on behalf of the Woden Valley Community Council;

Mr John Symond, on behalf of Friends of O'Connor;

Ms Shane Marsh;

Mr Harvey Bromwich;

Mr Tom Anderson, on behalf of the Weston Creek Community Council;

Mr Graham Jensen, on behalf of the ACT Greens;

Mr Kevin Cox, on behalf of the Gungahlin Community Council;

Mr Neil Parsons;

Mr Mike Hettinger, on behalf of the North Canberra Community Council;

Ms Maryanne McKay;

Mr Andrew Bajkowski; and

Mr Bogey Musidlak, on behalf of the Proportional Representation Society of Australia (ACT Branch).

Mr Ian Ruecroft was unable to be present and requested that a statement be read out.

The Canberra Liberals were unable to send a representative and requested that a statement be read out. This statement argued in favour of the "least change" option as proposed by the Redistribution Committee.

The Augmented Commission met immediately after the public hearing to consider the matters raised at the hearing and in the objections received. The Augmented Commission met again on 1 September 2011 to make its final decision.

Summaries of objections

A brief summary of the 83 objections follows.

Objections against the Augmented Electoral Commission's proposal to make Ginninderra a 7-Member electorate consisting of Belconnen and Gungahlin and the suburbs of Lyneham, O'Connor and Turner

Fifty-eight of the objections can be broadly described as opposed to the Augmented Electoral Commission's proposal to make Ginninderra a 7-Member electorate consisting of Belconnen and Gungahlin and the suburbs of Lyneham, O'Connor and Turner and supportive of the Redistribution Committee's proposal to transfer Crace and Palmerston from Molonglo to Ginninderra. Some of the main points put forward are summarised here:

- The inner north suburbs constitute a strong community of interest that should not be divided between electorates;
- Given that some districts must be split, it is preferable to split newly developing communities, such as Gungahlin, than it is to split older established areas like north Canberra;
- Inner north Canberra is physically separated from Belconnen and Gungahlin;
- People in Lyneham, O'Connor and Turner use the services and amenities of adjacent north Canberra suburbs, particularly Dickson and Civic;
- To include Lyneham, O'Connor and Turner in the same electorate as Gungahlin and Belconnen would seriously impair the representation of the residents of Lyneham, O'Connor and Turner on account of their smaller relative size;
- The suburbs of inner north Canberra, including Lyneham, O'Connor and Turner, have very little in common with the new areas of Gungahlin;
- Northbourne Avenue does not separate Lyneham, O'Connor and Turner from the adjacent north Canberra suburbs;
- The proposed move is inconsistent with the Canberra Spatial Plan that treats the 7 km radius of the city centre as a specific planning area;

- The Redistribution Committee proposal (to transfer only Crace and Palmerston) minimises disruption to electors and provides a measure of certainty;
- The statutory requirement to duly consider the boundaries of existing electorates indicates that boundary changes should be kept to a minimum; and
- “Ginninderra electorate has a significantly different age and social demographic to the Inner North electorate of Molonglo – Ginninderra electorate has a much younger population than the older suburbs of Lyneham, O’Connor and Turner” [Susan Davidson].

Objections in favour of including all Gungahlin suburbs in one electorate

Nineteen of the 83 objections argued in favour of including all Gungahlin suburbs in one electorate and/or in favour of combining all the suburbs of Gungahlin and Belconnen in one electorate. The main points put forward in support of this view were that Crace, Nicholls and Palmerston are integral parts of the Gungahlin community and they should be included in the same electorate as all other Gungahlin suburbs, and that all the Gungahlin suburbs form a community of common interests.

These submissions did not tend to specifically support the inclusion of Lyneham, O’Connor and Turner in an electorate with Gungahlin and/or Belconnen.

Objections raising issues outside the scope of the redistribution

Some objections raised issues that are beyond the power of the Augmented Electoral Commission to consider, including:

- Changing the number of Members to be elected in the various electorates; or
- Making changes that would place one or more electorates outside the +/- 5% range at the time of next election, for example, creating a 7-Member electorate based only on Gungahlin and Belconnen.

Objections against the proposal to split Woden Valley suburbs between the electorates of Molonglo and Brindabella

Some objections were against the proposal to leave unchanged the boundary between the electorates of Molonglo and Brindabella, which would leave the suburbs of the district of Woden Valley split between the two electorates.

- Mr Martin Miller, on behalf of the Woden Valley Community Council, proposed making Brindabella a 7-Member electorate consisting of all of Tuggeranong, Woden and Weston Creek, with Ginninderra retained as a 5-Member electorate consisting of Belconnen, Nicholls, Palmerston and Crace, with Molonglo becoming a 5-Member electorate including the remainder of Gungahlin with North and South Canberra.
- Mr Jonathon Reynolds stated his preferred option was to transfer all Woden Valley suburbs to the electorate of Molonglo and to transfer all Weston Creek suburbs south of Hindmarsh Drive to the electorate of Brindabella.

- Mr Ian McDermid suggested making Molonglo a 5-Member electorate consisting of North Canberra, South Canberra and Woden Valley; making Brindabella a 5-Member electorate consisting of Tuggeranong and the Weston Creek suburbs of Chapman, Fisher, Rivett, Stirling and Waramanga; and making Ginninderra a 7-Member electorate consisting of Gungahlin, Hall, Belconnen, Molonglo Valley, Stromlo and the northern Weston Creek suburbs of Duffy, Holder and Weston.

Discussion at the public hearing

The discussion at the public hearing covered many of the issues raised by the written objections to the Augmented Commission's proposed redistribution. Particular matters raised at the hearing included discussion on the following issues:

- The inevitability of at least one ACT district being split by the redistribution;
- Options for boundaries other than those proposed by the Redistribution Committee or the Augmented Electoral Commission;
- The need for north Canberra to have good representation as it is experiencing a number of planning issues;
- The desirability of avoiding the splitting of north Canberra between Molonglo and Ginninderra; and
- The desirability of avoiding the splitting of Gungahlin between Molonglo and Ginninderra; and
- The desirability or otherwise of minimal change.

Investigation of the objections and the discussion at the public hearing

In investigating the objections to the Augmented Commission'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 aim to provide, in a practical way, for "one vote, one value" in ACT elections. That is, each person's vote should be worth the same as any other person's vote.

The Augmented Commission considers that section 36(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.

Contrary to some assertions made in objections to the Augmented Commission's proposed redistribution, the Augmented Commission considers that 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. The Augmented Commission notes that this interpretation of this requirement is the same as the interpretation placed on the analogous Commonwealth Electoral Act provision by Commonwealth redistribution authorities.

The Augmented Commission noted that the Electoral Act does not prioritise the criteria listed in section 36(c). By contrast, the equivalent clause in the Commonwealth Electoral Act provides that consideration of the boundaries of existing electorates is subordinate to the other criteria.

Whether to leave the current boundaries unchanged

As discussed in the statement published by the Augmented Commission in July 2011, the Augmented Commission noted that Ginninderra was projected to be 5.63% below the quota and Molonglo was projected to be 6.52% above the quota at the time of the 2012 election.

Consequently the Augmented Commission agreed with the Redistribution Committee that the size of the Molonglo electorate needed to be reduced and the size of the Ginninderra electorate needed to be increased in order to bring those two electorates within the specified +/- 5% of the quota at the time of the 2012 election.

The Ginninderra-Molonglo boundary

Two alternate approaches

Given that there is a requirement to increase the size of the Ginninderra electorate and reduce the size of the Molonglo electorate, the Augmented Commission noted that this could be achieved broadly in two ways: by making an incremental change to increase the size of the existing 5-Member Ginninderra electorate; or by making a more substantial change to the location of the 7-Member electorate in order to address issues raised by making such an incremental change.

Reflecting these choices, the public consultation process undertaken to date has put two options forward for public consideration. The Redistribution Committee put forward the option of making an incremental change to the existing electorate of Ginninderra by transferring the Gungahlin suburbs of Crace and Palmerston from Molonglo to join Nicholls in Ginninderra with the suburbs of Belconnen.

In response to the public objections to this proposal to further split Gungahlin between Ginninderra and Molonglo, the Augmented Commission proposed a more substantial change aimed at keeping all of Gungahlin in one electorate. This proposal was to combine all of Belconnen and Gungahlin with the north Canberra suburbs of Lyneham, O'Connor and Turner.

This consultation process has served to generate widespread public comment on the various options open to the Augmented Commission in deciding how to redraw the boundaries for the ACT Legislative Assembly.

Some broad themes have emerged from this consultation process. However, no one option put forward by the Redistribution Committee, the Augmented Commission or by those who have suggested alternative proposals can be found that will satisfy all of the matters raised by the public submissions.

The necessity of splitting districts

A key theme emerging from the public submissions is the need to duly consider community of interests within each proposed electorate by avoiding the splitting of the ACT's defining districts of Belconnen, Central Canberra (further divided into north Canberra and south Canberra), Gungahlin, Molonglo Valley, Tuggeranong, Weston Creek and Woden.

This focus on attempting to avoid the splitting of districts, while understandable, needs to be tempered with recognition of the fact that numerical criteria aimed at providing in practical terms for "one vote, one value" must take priority. Therefore, while from time to time it may be possible to devise boundaries that do not split districts (such as the Ginninderra boundary that applied at the 1995 and 1998 elections), it needs to be recognised that it is likely that at least one district if not more will need to be split at each redistribution. It is also worth noting, in the context of various submissions that have argued in favour of delaying major changes in anticipation of future changes to the number of Members elected to the Legislative Assembly, that altering the number or size of the various electorates is not necessarily going to make it any easier to devise boundaries that do not split districts in future.

The fact that some districts will need to be split between electorates from time to time is a reflection of the geographic and demographic nature of the ACT's urban layout. The requirement to ensure the enrolment in each electorate is within +/- 5% of the quota at the time of the next election dictates that it will not always be possible to devise electorates that neatly encompass whole districts. This is recognised in section 36 of the Electoral Act, which specifically refers to the boundaries of divisions (suburbs) and sections (parts of suburbs), but does not mention districts as a specific criterion.

Therefore, given that splitting districts is likely to be an ongoing feature of ACT redistributions, participants in the redistribution process need to be aware that districts divided between electorates are a normal feature of the redistribution process, and are not aberrations. To suggest, as several objections do, that splitting districts between electorates is a threat to their quality of representation in the Assembly is arguably overstating the importance of electoral boundaries in the minds of Assembly Members when making collective decisions in the Assembly.

The challenge, then, is to establish boundaries that minimise splits to districts, and where splits do occur, to combine groups of suburbs together that share common communities of interest insofar as that is possible given the numerical constraints.

The Redistribution Committee's proposal was aimed at combining a group of suburbs with common interests – Crace, Nicholls and Palmerston – with the adjoining district of Belconnen in the 5-Member electorate of Ginninderra. Similarly, the Augmented Commission's proposal attempted to address the split of the Gungahlin district by taking a group of north Canberra suburbs with strong connections to each other - Lyneham, O'Connor and Turner – and combining them with the adjoining districts of Belconnen and Gungahlin in a 7-Member electorate.

Both of these proposals received strenuous objections from residents and community groups from those areas proposed to be split. Notably, several objections to the proposal to combine Lyneham, O'Connor and Turner with Gungahlin and Belconnen pointed to the lack of connection between the established suburbs of north Canberra and the newer suburbs in Gungahlin, despite the fact that all of north Canberra and all of Gungahlin except the suburb of Nicholls have been in the same electorate since Molonglo was created for the 1995 election.

Whether to make minimal changes or more significant changes

Another common theme in the objections referred to the criterion to duly consider the boundaries of existing electorates. In most cases, this criterion was interpreted as requiring boundary changes to be minimal, so as to provide for stable electoral boundaries. This argument was used to advocate the "minimalist" option to transfer Crace and Palmerston to Ginninderra. Opponents of this proposal argued to the contrary, that stability of the boundaries should not be given greater weight than the other criteria, particularly the community of interests criterion. Opponents of the division of Gungahlin between electorates also argued that the gradual movement of Gungahlin suburbs from Molonglo to Ginninderra over several redistributions constituted significant change to the existing boundaries over time.

Notably, several submissions argued for more dramatic changes to the existing boundaries than those proposed by the Augmented Commission, such as the Woden Valley Community Council's proposal to create a 7-Member electorate consisting of Tuggeranong, Woden Valley and Weston Creek. Others argued in favour of splitting Weston Creek rather than Woden Valley or north Canberra.

All of the political parties represented in the Legislative Assembly argued in favour of the minimal change option. In its initial suggestion to the Redistribution Committee, the ALP argued in favour of a minimalist approach in order to minimise disruption and confusion. Both the ACT Greens and the Liberal Party explicitly objected to the Augmented Commission's proposal and argued in favour of the Redistribution Committee's proposal.

Another theme mentioned in some submissions was a desire to look to future redistributions and to the possibility that the number of Members to be elected to the Assembly may change in future. This issue led some to recommend sweeping changes, while others recommended making minimal changes in anticipation of the possibility of more significant changes being required in future.

It can be seen that several irreconcilable views were raised in the public submissions during this redistribution process. It is now the Augmented Commission's responsibility to make a decision that in its view best meets the criteria laid down in section 36 of the Electoral Act.

Whether to consider new options

The Augmented Commission noted that there are now no further opportunities for public objections to the boundaries that will be determined by the Augmented Commission. The boundaries determined at this stage of the redistribution process will be final. With regard to the various proposals made in submissions for alternative boundaries to those proposed by the Redistribution Committee and the Augmented Commission, the Augmented Commission noted that if it made further major changes at this stage of the process, there would be no opportunity to canvass these changes with the community, and the community would have no opportunity to comment on or object to any such changes before they became finally determined. Furthermore, while the Augmented Commission saw some merit in each of these proposals, none provided a solution that was clearly superior to options that had been canvassed through the public consultation process. For these reasons, the Augmented Commission decided that it would not adopt significantly different boundaries from those that had been put forward for public comment.

Weighing the pros and cons of the two proposed models

The Augmented Commission noted that the two options put forward each had supporters and opponents, and each option had benefits and weaknesses.

The Redistribution Committee's proposal to transfer Crace and Palmerston from Molonglo to Ginninderra had the advantage of making the smallest change to the existing boundaries. This change would require the transfer of around 4,300 electors at the time of the 2012 election. By contrast, the Augmented Commission's proposal would involve the transfer of around 35,500 electors at the time of the 2012 election.

Various submissions argued that splitting a district between two electorates could dilute the quality of the representation of that district in the Assembly. Under the Redistribution Committee's minimalist option, in 2012:

- Gungahlin residents would constitute 12.6% of the electors of Ginninderra in (compared to 7.2% under the current boundaries);
- Gungahlin residents would constitute 19.7% of the electors of Molonglo (compared to 22.8% under the current boundaries).

Under the Augmented Commission's proposal to make Ginninderra the 7-Member electorate, in 2012:

- Gungahlin residents would constitute 28.8% of the electorate of Ginninderra;
- Lyneham, O'Connor and Turner residents would constitute 9.2% of the electors of Ginninderra.

With regard to the consideration of the concept of "community of interests" it is clear from the public submissions that splitting the district of Gungahlin under the Redistribution Committee's proposal would split a significant community of interest represented by the new and growing Gungahlin district. Similarly, the Augmented Commission's proposal would split the long-standing community of interests shared by Lyneham, O'Connor and Turner and their adjoining north Canberra suburbs. As discussed above, by necessity one of these "communities of interests" must be split (given that the Augmented Commission rejected the option of splitting the district of Weston Creek or otherwise changing the boundary between Molonglo and Brindabella in this redistribution).

Several submissions argued that Lyneham, O'Connor and Turner had stronger community of interest links with the rest of north Canberra because those suburbs had been established comparatively early in Canberra's history and had many decades during which connections had developed with nearby suburbs through travel, work, family, friends, schools, shops and sporting facilities. By contrast, Palmerston was a relatively new area and Crace was still to be substantially developed, indicating that the links between Crace and Palmerston and the remainder of Gungahlin were arguably not as strong. Conversely, supporters of combining all of Gungahlin in one electorate claimed that all Gungahlin suburbs had a much closer community of interest with each other than any of them had with the adjoining Belconnen district.

With regard to consideration of the criterion related to means of communication and travel, a case can be made for each group of suburbs that they have closer communication and travel links with adjoining suburbs in their own district than they do with other districts. However, taking each electorate as a whole, the Augmented Commission remained concerned that the existing electorate of Molonglo, stretching from Gungahlin in the north through Central Canberra to Woden Valley and Weston Creek, contained more tenuous and extended communication and travel links than did the reduced Molonglo and extended Ginninderra electorates proposed by the Augmented Commission.

With regard to consideration of the criterion related to the physical features and area of each proposed electorate, the Augmented Commission noted that several supporters of the Redistribution Committee's proposal stated that north Canberra was bounded by distinct physical features – particularly the O'Connor Ridge – that served to define that area in a physical (or "3D") sense. However, the Augmented Commission noted that when considering the physical features and area of each electorate, the whole of an electorate had to be taken into account. It can be argued that the Redistribution Committee's proposed 7-Member electorate has more diverse physical features contained in it than does the Augmented Commission's proposed 7-Member Ginninderra electorate.

Returning to the criterion regarding the boundaries of existing electorates, many submissions pointed to the desirability of maintaining the stability of the existing boundaries and argued that this required the Augmented Commission to make the smallest changes practicable to ensure that the numerical criteria were met. The Augmented Commission accepts that the Redistribution Committee's proposal gives more consideration to the existing boundaries than does the proposal made by the Augmented Commission. However, the Augmented Commission also gave weight to the contrary argument that stability of existing boundaries should not by default outweigh the other criteria, particularly the community of interests criterion.

Taking account of future population changes and possible changes to the size of the Legislative Assembly

Several submissions suggested that various actions should be taken in anticipation of future population changes and/or possible changes to the size of the Legislative Assembly. Some of these suggestions were contradicted by others, with some using the possibility of future changes to argue for significant changes, while others argued in favour of making minimal changes.

The Augmented Commission noted that none of the criteria in section 36 specifically make reference to taking future considerations into account when drawing the boundaries to apply at the next election. However, the Augmented Commission had some sympathy with the view that the requirement to take account of the boundaries of existing electorates could be read as giving the Augmented Commission responsibility for considering the longer-term stability of boundaries at future redistributions.

The Augmented Commission was mindful of the fact that significant growth can be expected in the "green fields" developments planned for Gungahlin and Molonglo Valley, and in the urban redevelopment projects planned for Central Canberra. In particular, the Augmented Commission noted that the Redistribution Committee's proposal would group most of Canberra's growth areas in the one electorate, Molonglo. Adoption of this proposal would almost certainly make it likely that Molonglo will have to be reduced in size again at the next redistribution.

Conversely, the Augmented Commission was also aware that the Augmented Commission's proposed 7-Member electorate of Ginninderra contained the fast growing Gungahlin developments, which would have the potential of requiring that electorate to be reduced in size at the next redistribution. The logical reduction in this case would be to transfer Lyneham, O'Connor and Turner (if possible) back to Molonglo. The Augmented Commission noted the point made in several submissions that this possibility would arguably be unfair on the residents of Lyneham, O'Connor and Turner, who could find themselves transferred from Molonglo to Ginninderra at this redistribution and then transferred back again at the next.

Because of the uncertainty generated by the fast pace of developments in some parts of Canberra, the Augmented Commission was concerned to ensure that its current redistribution did not generate long term boundary instability. While the Augmented Commission saw merit in aiming for a long-term model (should the Assembly remain in its current 5,5,7 configuration) of dividing the ACT into a northern electorate, a central electorate and a southern electorate, it was concerned that moving the location of the 7-Member electorate at this time would not provide the stability inherent in the requirement to duly consider the existing boundaries.

However, the Augmented Commission noted that there may be a requirement for more fundamental alterations to the boundaries after the 2012 election, particularly given the anticipated population growth in Gungahlin and the Molonglo Valley. This growth may make it necessary to reconsider the location of the 7-Member electorate once again with changes to the Brindabella and Ginninderra borders of Molonglo both possible. These are options that the community may wish to study and think about in the period leading up to the next redistribution.

The Augmented Commission was also mindful of the point made by several submissions that it is possible that the Assembly will be increased in size before the 2016 election. The Augmented Commission noted that this is not a relevant criterion that it can take into account. The Augmented Commission also noted that this point was made in submissions during the previous redistribution.

While the possibility of an increase in the size of the Assembly is not a factor that can be taken into account at this redistribution, the Augmented Commission noted that one of the issues taxing the current redistribution process is the option available to it of altering the location of the 7-Member electorate. While this is permissible within the terms of the Electoral Act, it has the potential to significantly disrupt the continuity of the existing electorates. The Augmented Commission noted that the ACT Electoral Commission has in other forums recommended that it would be desirable to alter the size of the Assembly so as to provide for electorates all being the same size. This Augmented Commission noted that such a development could serve to remove the added complication to the redistribution process that results from having electorates of different size, as at present.

The Augmented Commission's preferred model

While the Augmented Commission's initial proposal was to make a more substantial change and alter the location of the 7-Member electorate in order to prevent the split of the Gungahlin district, the Augmented Commission took the view that it would take into account all the comments on the two proposed models before making a final decision. Therefore the Augmented Commission did not consider that it was bound to give its proposal any added weight compared to the Redistribution Committee's more modest proposal; rather it was concerned to judge each proposal on its merits as highlighted by the various public submissions. Indeed, in making its initial proposal, the Augmented Commission took care to stress its concern with splitting Lyneham, O'Connor and Turner from their adjoining north Canberra suburbs.

The Augmented Commission considered that the extensive public consultation that has resulted from the two significantly different proposals put to the public has served to draw out a wider range of views than was expressed following the publication of the Redistribution Committee's proposal. These views have equipped the Augmented Commission to make a considered analysis of the various proposals.

The Augmented Commission noted that either model would split a district. Such splitting is regretted, however, as discussed above, splitting districts needs to be accepted as a regular feature of the redistribution process in the ACT.

The Augmented Commission noted the argument that the splitting of Lyneham, O'Connor and Turner from the rest of north Canberra would disrupt more long-standing communities of interest than would occur through splitting Crace, Nicholls and Palmerston from the rest of Gungahlin. The Augmented Commission also notes the legitimate concerns of Gungahlin residents who have argued in favour of keeping all of Gungahlin within the one electorate. It is also noteworthy that very few of the submissions arguing in favour of keeping all of Gungahlin within the one electorate have argued in favour of including Lyneham, O'Connor and Turner in the same electorate as Gungahlin and Belconnen.

The Augmented Commission considered that its proposed alteration of location of the 7-Member electorate would better meet the requirement to consider means of communication and travel within each proposed electorate, given the variety of areas encompassed in the existing Molonglo electorate. However, the Augmented Commission was not satisfied that this consideration was sufficient to outweigh the other factors to be considered.

With regard to the duty to consider physical features and area, the Augmented Commission noted that both proposals had advantages and disadvantages in this regard. The Augmented Commission's proposal would reduce the diversity of the physical features of the existing elongated Molonglo electorate, while the Redistribution Committee's proposal would avoid splitting the clear physical connection between Lyneham, O'Connor and Turner and the rest of north Canberra.

The Augmented Commission also noted the requirement to give due consideration to the boundaries of existing electorates, as an element of its consideration of the other non-numerical criteria. The Redistribution Committee's proposal to transfer Crace and Palmerston from Molonglo to Ginninderra would require the transfer of around 4,300 electors at the time of the 2012 election. The Augmented Commission's proposal would involve the transfer of around 35,500 electors at the time of the 2012 election. These numbers clearly indicate that the Redistribution Committee's proposal gives greater consideration to retaining the integrity of the existing boundaries.

Taking all the above considerations into account, the Augmented Commission has decided to adopt the boundaries proposed by the Redistribution Committee, and to transfer Crace and Palmerston from Molonglo to Ginninderra and to transfer all of the Molonglo Valley into the Molonglo electorate.

The Brindabella-Molonglo boundary

The Augmented Commission noted that some of the objections to its proposal suggested changes to the Brindabella-Molonglo boundary. The Augmented Electoral Commission proposed in July 2011 that no change be made to this boundary given that Brindabella was projected to be 3.49% below the quota at the time of the October 2012 election. Consequently the existing electorate of Brindabella satisfies the numerical requirements of section 36(a) and (b).

Mr Jonathon Reynolds proposed transferring all Woden Valley suburbs to the electorate of Molonglo and transferring all Weston Creek suburbs south of Hindmarsh Drive to the electorate of Brindabella. While noting that this proposal would split the district of Weston Creek, Mr Reynolds argued that the Augmented Commission should adopt a longer-term approach to prevent piecemeal changes to include further Woden Valley suburbs in Brindabella at future redistributions.

Mr Ian McDermid made a similar suggestion regarding Brindabella.

The Augmented Commission noted that these suggested changes would solve the current split of Woden Valley suburbs between Brindabella and Molonglo by splitting Weston Creek between two electorates. Given the range of objections to the Augmented Commission's similar proposal to split north Canberra in order to prevent the splitting of Gungahlin, the Augmented Commission considered that similar objections would also apply to the proposal to split Weston Creek. Such a change would not be consistent with the many objections that argued that the requirement to duly consider the boundaries of existing electorates suggested that boundaries should not be changed where there was no requirement to change them.

Mr Martin Miller, on behalf of the Woden Valley Community Council, proposed making Brindabella a 7-Member electorate consisting of Tuggeranong, Woden Valley and Weston Creek, with Ginninderra retained as a 5-Member electorate consisting of Belconnen, Nicholls, Palmerston and Crace, with Molonglo becoming a 5-Member electorate including the remainder of Gungahlin with North and South Canberra.

While the Augmented Commission noted that there was some merit in this proposal, the Augmented Commission was not persuaded that this was a viable change given the many objections that argued that the requirement to duly consider the boundaries of existing electorates suggested that boundaries should not be changed where there was no requirement to change them. It is also noted that this proposal was put after the last opportunity for public consultation had passed, and there would be legitimate concern if the Augmented Commission were to adopt such a significant change at this stage in the redistribution process.

The public consultation process

A small number of public submissions asserted that public notification of the proposed changes to the electoral boundaries had been inadequate. The Augmented Commission noted that Electoral Act required proposed boundaries to be published in a newspaper, on the ACT Legislation Register website and at the office of the Electoral Commission. These minimum statutory requirements were of course fulfilled by the Augmented Commission.

In addition to these minimum statutory requirements, the calls for submissions and the two sets of proposed boundaries were widely publicised by email notices sent to the media, 50 community groups including all the community councils, political parties, Members of the Assembly, interested individuals and all ACT public servants. Extensive information was also made available on the Elections ACT website and at the Commission's office, with web links to the redistribution process included on the ACT Government's homepage. The Electoral Commissioner gave a wide range of media interviews at all stages of the process that resulted in media reports published prominently in all ACT newspapers, in ABC radio and commercial radio news reports and extended live interviews, and on television news. The Augmented Commission considered that this level of publicity gave a high profile to the redistribution, as can be seen from the record number of submissions received during the consultation process.

Conclusion

For the reasons given above, the Augmented Commission proposes to:

- Accept the Redistribution Committee's proposal to transfer the Gungahlin suburbs of Crace and Palmerston from the electorate of Molonglo to the electorate of Ginninderra;
- Accept the Redistribution Committee's proposal to include all of the district of Molonglo Valley in the electorate of Molonglo;
- Retain the existing Brindabella electorate unchanged; and
- Retain the existing names for the electorates of Brindabella, Ginninderra and Molonglo.

Next stage of the redistribution process

The Augmented Commission will formally complete the redistribution process by publication of a notifiable instrument of determination under section 35 of the Electoral Act and publication of a report concerning the redistribution under section 53 of the Electoral Act.

Augmented ACT Electoral Commission
Roger Beale AO — Phillip Green — Dawn Casey
David Papps — Bill Hirst — Stephen Collett
29 September 2011