



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY  
Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson (Deputy Chair), Ms Jo Clay MLA

## Submission Cover Sheet

Inquiry into 2020 ACT Election and the Electoral Act

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Chair  
Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
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***Proposed Amendments to the Electoral Act to improve alignment of ACT Electorate Boundaries with Communities of Interest***

Dear Chair

Thank you for the opportunity to make a submission to the Committee's inquiry into the 2020 ACT Election and Electoral Act.

Under the ACT *Electoral Act 1992* (the Act), the ACT must be divided into 5 electorates, the boundaries of which must be redistributed by an augmented electoral commission between each election, in accordance with the following section of the Act:

**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); and
- (b) endeavour to ensure, as far as practicable, that the number of electors in an electorate at the time of the next general election of members of the Legislative Assembly will not be greater than 105%, or less than 95%, of the expected quota for the electorate at that time ascertained in accordance with the formula set out in the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 67D (1); and
- (c) duly consider—
  - (i) the community of interests within each proposed electorate, including economic, social and regional interests; and
  - (ii) the means of communication and travel within each proposed electorate; and
  - (iii) the physical features and area of each proposed electorate; and
  - (iv) the boundaries of existing electorates; and
  - (v) the boundaries of divisions and sections fixed under the *Districts Act 2002*.

So although the augmented commission must *consider* communities of interest, the prescribed quotas of electors in an electorate are quite restrictive. This has resulted in electorate boundaries that do not align with the ACT District boundaries that, in my view, better reflect the communities of Canberra.

An outcome of this is the bifurcation of ACT districts resulting in some members of the Legislative Assembly representing electorates primarily comprising a significant proportion, but not all, of one city district e.g. the Brindabella (Tuggeranong) and Ginninderra (Belconnen) electorates, while other members represent electorates comprising of multiple districts. The most extreme case is that of the Murrumbidgee electorate that comprises: all of the Woden Valley, Weston Creek and Molonglo Valley districts, plus suburb/s in the Central Canberra and Tuggeranong districts.

The city districts (towns) of Canberra are, of course, at various stages of development and have wide-ranging needs and different issues requiring the attention of their representatives. A practical implication of the electorate boundary issue described, is that if an MLA wishes to engage with their constituents through the Community Council/s (community-based associations funded by the ACT Government) in their electorate, some MLAs may need be involved with only one Community Council, while other MLAs may need to be involved with up to 5 Community Councils.

Another implication is that the electors in some suburbs e.g. Kaleen and part of Kambah, are not (formally) represented by the MLAs representing the town centre that these suburbs are most closely associated with i.e. Belconnen and Tuggeranong respectively (although in such circumstances, it is likely that MLAs in question would in fact endeavour to address the concerns of electors outside their electorate, thus resulting in the MLA having a 'real world' quota of electors that is greater than the 'mathematical' quota of electors determined by the redistribution).

While the augmented commission is constrained by Commonwealth legislation that is outside the terms of reference of the Committee's inquiry, I would like to propose the following amendments to the ACT *Electoral Act* that may address, to some degree, the issues I have outlined above. That is to consider either:

- abolishing 36 (b) of the Act that requires 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 (noting that the number of electors in an electorate is prescribed by the *Australian Capital Territory (Self-Government) Act 1988 (Cwlth)* referred to 36 (a) of the Act).

or

- amending 36 (b) of the Act such 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 **110%**, or less than **90%**, of the expected quota for the electorate at that time, consistent with the range of the number of electors in an electorate immediately after the redistribution required under the Commonwealth Act.

and/or

- amending 36 (b) of the Act such the expected quota for the electorates is **considered**, equal to the weight given to 36 (c) of the Act to consider the community of interests within each proposed electorate.

While such amendments may not enable perfect alignment of electorate boundaries with the ACT District boundaries, it would give the augmented commission more flexibility in fulfilling their duties.

Thank you for considering this issue.

Yours sincerely

Chris Erett  
09 May 2021