

Your local voice



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The Committee Secretary
Select Committee on Amendments to the Electoral Act 1992
Legislative Assembly
G.P.O. Box 1020
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7 May 2014

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Submission in Relation to the Inquiry into Amendments to the Electoral Act 1992 [ACT].

I am writing on behalf of the Weston Creek Community Council (WCCC) in relation to the Inquiry into Amendments to the Electoral Act 1992 [ACT].

Weston Creek Community Council would like to offer the following comments in relation to the Terms of Reference of the Inquiry. Council notes that the Committee outlines the terms to include as follows:

1. consideration of the implications of the High Court decision, *Unions NSW & Ors v NSW*, for the operation of the *Electoral Act 1992*;
2. Elections ACT's *Report on the ACT Legislative Assembly Election 2012*, which contains a number of recommendations for legislative amendment; and
3. the public position of the Labor Government and the Liberal Opposition that the membership of the Legislative Assembly be expanded to 25 members at the 2016 election.

1. Consideration of the implications of the High Court decision

Council has no comments to offer on this aspect.

2. Elections ACT's Report on the ACT Legislative Assembly Election 2012

Council offers the following comments in relation to this part of the terms of reference.

In relation to Recommendations 6 and 10, Council agrees with the recommendations that a Party, Member of the Legislative Assembly (MLA), associated entity or candidate may not accept more than \$25,000 in small anonymous gifts of \$250 or less in a financial year. Council believes that the first principle should be the requirement for complete transparency in relation to donations, and that donations should be limited to an amount that will not corrupt the political and governing process.

In relation to Recommendation 15 on the penalty for not voting, Council's view is that any penalty must cause discomfort otherwise it has no utility. It is disappointing that 27,577 ACT electors apparently did not vote at the 2012 election. It is clear that a fine of \$20 is not a sufficient disincentive for voters to be encouraged to vote. In looking at the Road Transport [Offences] Regulation 2005, effective 10 February 2014, the lowest fine that I can find is \$91 for disobeying a No Parking sign. Council sees a twofold way to encourage voters to vote: the fine should be increased to at least \$100, and this should increase further for second and subsequent offences. In addition, any new penalty regime needs to be based on the penalty unit concept to keep pace with inflation.

3. The public position of the Labor Government and the Liberal Opposition that the membership of the Legislative Assembly be expanded to 25 members at the 2016 election.

Council supports increasing the number of members in the Legislative Assembly. The ACT government is a hybrid creation, having both State and local government responsibilities; it cannot be operated as if it is a local council. Under its current adversarial political system, a 'blended' allocation of ministerial portfolios across party lines cannot be achieved. Therefore, a party that forms government must allocate portfolios between, at most, 7 or 8 party MLAs. Within that number there will inevitably be some lacking in experience or otherwise unable to hold a ministerial portfolio, so the burden of ministerial duty falls on a small number of MLAs who must then hold a number of complex portfolios and be across them all. This is a recipe for failure.

The end result of this situation can be that control of portfolios and decision-making may in effect be left in the hands of bureaucrats, or worse, of ministerial advisers.

Furthermore, Council considers that in order for the committee system to operate effectively, the Legislative Assembly needs more members. Therefore Council agrees with the increase in the size of the Assembly.

Electoral Boundaries

Council would prefer that the boundaries for the five electorates be based primarily on geographic boundaries. Each District needs local representation in the ACT Legislative Assembly ideally from candidates who live in the area or in nearby suburbs within the relevant electorates to have a better affinity in understanding the issues facing local residents & businesses.

The Report of the Expert Reference Group, "Review into the Size of the ACT Legislative Assembly in 2013", stated in part that:

182. *Whether it is possible to avoid splitting districts depends on the approach taken to the "one vote, one value" provisions in the Electoral Act, which stipulate that enrolments in each electorate must be within +/-5% of the average at the time of the next election.*

183. *If the ACT was divided into 5 equal sized electorates it would be inevitable that at least the districts of Belconnen and Tuggeranong would have to be split between electorates in 2016. This is because these districts each contain more than 1/5 of the ACT's enrolled population.*

185. *Several public submissions suggested relaxing the "one vote, one value" provisions in the Electoral Act to effectively force electoral boundaries to follow district boundaries. The ERG does not support relaxing the "one vote, one value" provisions on grounds of electoral fairness.*

Based on this, Council makes the following suggestions.

Council clearly wants Weston Creek to remain as one entity. Our connection is with Woden and this District will grow with the development of Molonglo. Based on the projections in the *Report on the Proposed Redistribution of the ACT into Electorates for the Legislative Assembly 2011*, the following are the number of electors in each District

District	Electors at 2012
Belconnen	65943
Gungahlin	30744
Inner North	29758
Inner South	23491
Weston Creek	16815
Woden	24637
Tuggeranong	64862
Total	256,250

Based on these figures, the total voting population is 256,250, which gives a quota of 51250 for each electorate. If the variation of plus or minus 5% as allowed in the Electoral Act is applied, the maximum number of voters in any

one electorate can be up to 53813 and the minimum can be down to 48687.

Giving consideration to the twin aims of keeping the number of voters in each electorate within quota and at the same time having electoral boundaries conform as much as possible to geographical boundaries, the Weston Creek Community Council recommends the following electorates:

1. **Tuggeranong** - 64862. Would have to be split, achieved best by moving Kambah (11101), to make 53761. This is within quota and provides one electorate of 5 MLAs.
2. **Woden/Weston Creek Molonglo** – 24637 (Woden) plus 16815 (Weston Creek) gives 41452; add Kambah, which adjoins Weston Creek and Woden, 11101 voters, gives 52553 in total, which is within quota.
3. **Belconnen** – 65943. Would have to be split, which would be achieved best by moving voters in the eastern suburbs of Belconnen, adjacent to Gungahlin, into the Gungahlin electorate. This would come from moving Kaleen (5380), Giralang (2425), McKellar (2161), Evatt (3865) and Spence (1836), for a total of 15617 voters into Gungahlin electorate. This would bring Belconnen to 50326, which is within quota.
4. **Gungahlin** – 30744. Needs 17943 more electors to bring it to a minimum quota. 15617 would come from Belconnen, and Lyneham, with 3451 electors, would also move to Gungahlin electorate. All of these suburbs adjoin Gungahlin, so geographically it is as close to “best fit” as can be. Gungahlin would then be 49812, and within quota.
5. **Inner North and Inner South** – 29758 (Inner North) plus 23491 (Inner South) makes 53249, which is within quota, but this would have to be reduced by moving Lyneham [3451] into Gungahlin electorate, in order to bring Gungahlin within quota. This would leave the Inner North and Inner South at 49798, which is still within quota.

Council understands that the population numbers that have been used here will change. Gungahlin will likely be around 40,000 and Molonglo will have a few thousand people living there by 2016. (It is expected there will be 300 enrolments at Coombs Primary School by 1 February 2016.)

It is also likely there will be increases in the Inner North and Inner South as population density increases. There are also moves to increase density in and near the Town Centres in Woden, Tuggeranong and Belconnen. What difference these changes in population will make will no doubt be the focus of a new inquiry into electoral redistribution in the ACT prior to the 2016 ACT Legislative Assembly Election.

Council considers that what it has proposed could be a useful template for such an inquiry in 2015 and a great basis for the five electorates proposed.

Finally, Council would like to offer names for each of these electorates:

Tuggeranong – retain Brindabella

Woden/Weston/Molonglo – retain Molonglo

Belconnen – retain Ginninderra

Gungahlin – call it Gungaderra (creek, homestead), or Gubur Dhaura (ochre quarry)

Inner North/Inner South – name Inner Canberra, or Ngambri

A Radical Proposal

Council would also like to put forward what some would see as a radical proposal. The proposal is to have electorates based on the geographic boundaries of the seven Districts of Canberra. The electorates would not necessarily all have the same number of voters, but would satisfy the ‘one vote, one value’ requirement by having a quota of voters for each MLA to be elected. The greatest benefit of this model is that voters living in a District would have that District as their electorate. No voter would have to vote outside their District in another electorate. Council has no doubt that the majority of electors would view this proposal positively, although we expect that the political parties would not accept it.

Using the proposed figure of 25 Members for the Legislative Assembly, I suggest creating electorates on the basis of the projected number of electors in each District for the 2012 election - the most recent figures that I have. I have divided the total number of electors in all Districts by 25 (the number of seats) to give a quota, then calculated the number of MLAs to two decimal places as follows:

Total number of electors is 256,250; divided by 25, this gives 10,250 as the quota of voters for each MLA.

Quota: 10,250

District	Electors	Members	Rounded
Belconnen	65943	6.43	6
Gungahlin	30744	2.99	3
Inner North	29758	2.90	3
Inner South	23491	2.29	2
Woden	24637	2.40	2
Weston Creek	16815	1.64	2
Tuggeranong	64862	6.33	6
Total	256,250		24

The only flaw with this system is that rounding of numbers produces a result of 24 MLAs, which raises the question of how to provide for the 25th member. One could argue for either Woden or Belconnen as the closest to attaining the numbers required. It may be that by the time of the expected redistribution in 2015 this will have been resolved as a result of population growth in Canberra and in Gungahlin in particular.

Council would be pleased to discuss this submission at any time.

Tom Anderson
Chairman
Weston Creek Community Council