

Redistribution of NSW state electoral districts

Transcript of the public hearing

CHAIRPERSON (Emmett AJA): Good morning, ladies and gentlemen. I welcome you to today's public hearing relating to the draft determination of the names and boundaries of electoral districts of the New South Wales Legislative Assembly published on the 9th November 2020. Before proceeding further may I acknowledge the traditional owners of the country on which the hearing is being held, as well as the traditional owners of country in which the hearing is being observed and recognise their continuing connection to land, waters and culture. I pay my respect to the Elders, past, present and emerging. I apologise for the late delay. There's some politicians, political parties who seem to have more time than we do. Under section 27 of the *NSW Constitution Act 1902* a redistribution of State electoral boundaries has to be undertaken after two State general elections have been held using the same boundary. As the 2015 and 2019 State general elections were conducted on the same boundaries, being boundaries that were determined by the Electoral District Commissioners in 2013 under the *Parliamentary Electorates and Elections Act 1912* the Constitution Act now requires that a redistribution be carried out.

In July 2018 the *Parliamentary Electorates and Elections Act of 1912* was replaced by the *Electoral Act 2017*. Under the 2017 Act the redistribution is to be carried out by the Electoral Districts Redistribution Panel, which is established under that Act and I'll refer to the Panel rather than use its full title. This is the first redistribution that has been carried out in accordance with the 2017 Act. In December 2019 I was appointed by Her Excellency Margaret Beasley, the Governor, as the Chairperson of the Panel. Mr John Schmidt Electoral Commissioner of New South Wales is on the far right and Mrs Narelle Underwood the Surveyor-General of New South Wales on my left are *ex-officio* members of the Panel under section 17 of the 2017 Act.

I'm comforted by the fact the functions of the Panel find some analogy with the functions of the senses in the ancient Roman republic where a form of representative government existed by means of assemblies of male citizens all of whom voted in divisions. Membership of the voting divisions was determined by the census who carried out a census every five years. Unfortunately this Panel doesn't have all of the gravamina and powers of the Roman census such as determining who is a citizen and the amount of tax to be paid by them. On the other hand we do have the power and authority to determine the divisions in which electors will vote in New South Wales at the next two elections. By section 25 of the Constitution Act the number of electoral districts for the Legislative Assembly is currently set at 93. There's been no change to that number since the redistribution carried out in 2013. Section 21 of the 2017 Act provides that in carrying out a redistribution the Panel is required to have regard to demographic trends in NSW and as far as practicable to endeavour to ensure that at the relevant future time the number of electors enrolled in each electoral district will be equal with a margin of allowance of 10 per cent more or less with the average enrolment in electoral districts at that future time. The important aspect of the redistribution process under the 2017 Act is also the ability of members of the public to provide the Panel with suggestions, comments and submissions on the names and boundaries of the electoral districts. The hearing today is part of that process. The Panel has had the advantage of consultation with expert demographers who have provided reports on which the draft redistribution was based.

Because of the difficulties caused by the outbreak of the COVID-19 pandemic, the Panel was not able to commence its initial phase of the redistribution process until 1 June 2020 when suggestions relating to the redistribution of electoral districts were invited by public notice that was done in accordance with section 22 of the 2017 Act. Some 41 suggestions were lodged with the Panel during the subsequent consultation period of 30 days. In the 14-day period that followed that consultation period, the Panel received 90 comments on the suggestions, that's also in accordance with the provisions of section 22. Having regard to the advice of the recognised demographer and after considering the suggestions and comments received as required by section 23 of the 2017 Act, the Panel prepared the draft determination, to which I have referred. And you'll see on the wall the maps that have been prepared reflecting the draft determination.

As required by section 21 of the 2017 Act, in preparing the draft the Panel gave consideration in relation to each electoral district to each of the following criteria. First, community of interest within the electoral district including economic, social and regional interests. Second, means of communication and travel within the electoral district. Third, the physical features and area of the electoral district. Fourth, any mountain and other natural boundaries and finally the boundaries of the electoral districts.

The Panel is very cognisant of long-term demographic patterns in far Western New South Wales. Accordingly, in the case of large rural electoral districts the Panel adopted the approach of making limited boundary adjustments with a view to maintaining variances from the average enrolment and electoral districts within the statutory margin an allowance of 10 per cent up to 2023. In addition, since electoral districts in rural and regional NSW tend to be of such a size as to encompass more than one local government area, the panel gave particular consideration to local government boundaries in rural and regional electoral districts when applying the community interest criterion.

Some 80 submissions were lodged with the Panel in relation to the draft determination in accordance with section 25 of the 2017 Act. In turn, those submissions were the subject of 9 comments. The Panel has now had the opportunity of considering all the submissions and comments lodged following publication of the draft determination.

Section 26 of the 2017 Act provides that the Panel must hold a public hearing into the submissions and comments lodged in relation to the draft determination unless the Panel is of the opinion that the matters that were raised in the submissions and comments lodged in relation to the draft determination were raised in the initial round of suggestions and comments or are substantially the same as those matters. The Panel has not formed that opinion, that is to say the Panel accepts that some of the submissions and comments made in relation to the draft go beyond the original process.

Accordingly, this hearing is now being held pursuant to section 26 of the 2017 Act.

Section 26 provides that the Panel may regulate the conduct of the public hearing as it considers fit and guidelines have been distributed for the assistance of anyone wishing to participate in or attend the public hearing either in person or virtually. The public hearing will be conducted with such flexibility as circumstances dictate; however, while a time limit has not been set for oral addresses, participants will be required to confine their addresses to matters that are the subject of the submissions and comments lodged in relation to the draft determination in accordance with section 26.

The Panel had been informed that two individuals, Mr Dennis Markou and Mr Chris Shaw, and four registered political parties wish to make oral submissions at the hearing. Mr Markou has now indicated he is unable to attend. However, Mr Shaw I understand is present. The Panel has determined that we should hear from Mr Shaw first, followed by representatives of the registered political parties in the order in which their names were drawn by lot. That order is as follows: the Australian Labor Party NSW branch; The Greens NSW; the NSW Nationals and the Liberal Party of Australia, NSW Division.

Can I ask if anybody has any questions or concerns about the process before we actually start the addresses? Many heads shaking and no nodding so I assume that everything is clear.

Well, I'll first call upon Mr Chris Shaw, who I understand is concerned with the area in the electoral district that is presently known as Drummoyne. Mr Shaw, please come up to the table. Please sit down if you're more comfortable and please announce your name and some identifying address just for the record.

SPEAKER: My name is Christopher James Shaw. I live at 120 Concord Road, North Strathfield NSW.

CHAIRPERSON: Thank you. What would you like to say?

MR SHAW: So last year I made a submission to the Panel suggesting that the electorate of Drummoyne be renamed to Canada Bay. Over the past month or so I've been running an online petition and also collecting paper signatures from people in the local area to show that there is local support for this change. So I'd like to start by reading out the online petition which also gives a background to the issue and the reason for change.

So the petition reads: We the undersigned support the submitted proposal to change the name of the electorate of Drummoyne to the electorate of Canada Bay. The electorate of Drummoyne largely overlaps with the local government area of Canada Bay. Canada Bay council was created in the year 2000 with the amalgamation of Concord and Drummoyne councils. For most of the 20th century, Concord and Drummoyne local government areas were in separate electorates each named after their respective council. The electorate of Drummoyne remains to this day while the electorate of Concord was renamed Uralla in 1968 and abolished in 1981. Electorate boundaries in around Concord local government area changed a number of times in the following years but the area has been part of the electorate of Drummoyne since 1991. Canada Bay would be a more representative name for the whole area being both a landmark in the centre of the electorate and the name of the council that overlaps with the area. There is precedent for electorates being renamed to better reflect their modern geography, including Holsworthy, Epping and North Shore. This redistribution would be the perfect opportunity to do the same for Canada Bay.

Checking the signatures on the train this morning, I can confirm across both formats online and paper signatures I've reached a total, there's a total of 100 signatories in total, breaking down by post code, there are 65 residents of the electorate, 16 non-residents of the electorate and 19 signatories where no post code was specified, but eyeballing the names I can tell you that the majority of those are indeed residents, so it is probably about 75/80 per cent are residents.

And I'd also like to close by saying I had a number of conversations, although this wasn't what I was specifically campaigning for, I had about three or four conversations with local residents who were interested in a name of Aboriginal origin with particular reference to Uralla was mentioned a few times as a name with local significance to the area. So that's possibly something for the Panel to consider, but it wasn't what I was specifically campaigning on, but it came up enough times that I thought it would be worth mentioning as something that residents may be interested in considering. Yep, that's all.

CHAIRPERSON: Thank you. Does anyone have any questions or comments on Mr Shaw's observation? One thing I might say is that one matter of concern for the Panel is to avoid conflict where possible between the names of local government areas and electoral district names. One might militate against your proposal, but the idea of different names such as Uralla is a matter that might be considered. Thank you very much.

MR SHAW: Thank you.

CHAIRPERSON: The Honourable John Graham member of the Legislative Council. If you're more comfortable sitting, Mr Graham. Please announce your name and an identifying address.

MR GRAHAM: Thank you, John Graham. I appear for the Australian Labor Party NSW branch.

CHAIRPERSON: Thank you.

MR GRAHAM: Thank you Commissioners. I'd also like to acknowledge that we meet on indigenous land and pay respect to elders past and present. Thank you for your time, Commissioners. I want to firstly outline the general approach that the Labor Party will take in its oral submission today. And I'll indicate upfront that we are broadly supportive of the draft determination, which you've made. We tend to agree with the National Party submission that in general this is a common sense and logical set of boundaries. These are not the boundaries that we would have drawn. They're not the boundaries in our submission, but having been drawn, the choice that's before you as we see it is to either broadly keep those or to scrap them altogether as is proposed in the Liberal submission in the metro area. And on that question we are supportive of the draft determination that you've published.

I'll also be very clear about the status of the ALP objections that we've made to date, and to summarise those that are in front of you, we did make some objections in relation to the Liverpool and surrounds area. Those were withdrawn in the comments which were submitted by the Labor Party, so to be clear that proposal has been withdrawn.

In addition, we did make an objection in relation to what you might call Auburn, Granville and surrounds. I indicate that objection is not pressed. We withdraw that objection. In fact, the only matter which is in front of you today that we're seeking to press is the boundaries in relation to Oatley and Kogarah, and in relation to those you have before you largely agreed proposal from the largest political party. So I'll run through those in detail, but I just want to be upfront about what the matters are that I'll speak to.

Finally, I will address a number of matters essentially in defence of the draft determination, and those are in two categories: one is the widespread set of amendments that are proposed by the Liberal Party submission to the metro area, and secondly in the National Party's submission. One important change, but ultimately a local change to the boundaries of the Cessnock and Upper Hunter electorates. So they're the areas that I was hoping to step through in our submission this morning.

Having said that, in relation to the draft determination overall, as I've said these are not our boundaries, these were not the boundaries we proposed but we can see the logic that you have used to drive these boundaries across the state. They do have the advantage that they build on the 2013 redistribution, they build on existing boundaries. Those boundaries have served the state well and in some ways this would recommend an extension of those boundaries into the future. There's obviously a powerful logic to that.

We do - sorry, I'll just...

In relation to the key proposals in the draft determination, I might just give you a sense then specifically of where we stand on each of those key proposals that sit in front of you. Firstly, in relation to the creation of the electoral district of Leppington, we support the draft determination. In relation to the renaming of the five electoral districts that are proposed by the Commissioners, we don't oppose those renamings. I note one of the other key proposals was that no change was proposed to the electoral districts of Balmain, Barwon, Bega, Coffs Harbour, Cronulla, Kiama, Pittwater, South Coast, Terrigal and Tweed. And there were minor changes to Orange, Port Stephens and Wagga Wagga. Just slight boundary adjustments there. Again we're supportive of those proposals and finally in relation to the abolition, that is the abolition of the Labor held seat of Lakemba, we're prepared to support that abolition given the logic of the draft determination across the state. So those are the key proposals in the draft determination and on each of those matters we're really broadly supportive of the direction that you have taken.

I note that that is broadly the case, and obviously these parties will speak for themselves, but that is broadly the case for a number of the other submissions including the National Party and largely the Greens. It is not the case for the Liberal submission, which in our view proposes widespread changes in the metropolitan area.

We can see that the draft determination has asserted the principle of least disturbance. It really has maintained the existing electorates and the existing communities of interest.

I will arrange of the most quoted part of the draft determination in the parties' submissions was really paragraphs 25, 26, 27 and 28. And Chair you've already referred to these in your opening submission. This goes to the initial decision to maintain the size of some rural electorates. That's had an impact obviously on those electorates. It's also had a knock-on impact right across the State. It has essentially propped up the existing boundaries across the state.

Both the National Party and the Liberal Party quote those paragraphs in their submission, 25 to 28. The Nationals in accepting the draft determination, the Liberals in our view in rejecting the metropolitan boundaries that have been drawn, they seek to apply that limited exception, that decision in relation to a very discrete number of electorates across the board in what we would describe as a flurry of objections across the metropolitan area. Labor is prepared to accept these -- the position that you've outlined here. We do so on this basis: that this is a matter of emphasis that you're placing here, you're looking at some specific rural electorates, you're indicating that this is important to the state as a whole by making this exception here rather than a change to the fundamental principle of one vote, one value. We would be concerned if submissions or if a determination drifted into that latter category, but while this is a matter of emphasis rather than a change to that important principle we're happy to support that logic.

I note that's not the case for the Liberal Party submission. So in their methodology section in their objections they indicate this, and this is the basis on which they then go on to recommend a set of changes. However, if variance from quota is a lower-tier concern, then the Liberal Party believes there are changes that could be made. We reject that view, that variance from quota is lower to your concern. The principle of one vote, one value is very important. That balancing principle is very important. We don't object to a matter of emphasis when it comes to rural seats. We would object strongly to that principle being thrown out altogether or to it being regarded as a lower-tier concern. That is not the law in our view, it is not the approach of former Commissioners. It is not the approach of the draft determination and we would submit that you should stick to the existing approach you've taken on that, on that question.