



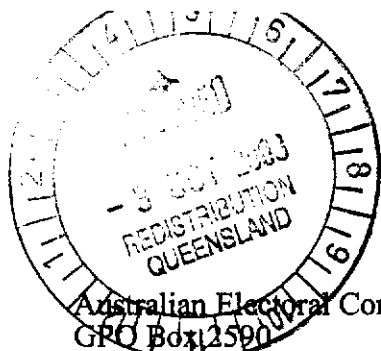
The Federal Redistribution 2003
QUEENSLAND



Comment Number Eleven on Public Objections

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6 pages



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11-11

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PROPOSED REDISTRIBUTION OF QUEENSLAND COMMENTS ON OBJECTIONS

I am writing to comment on the objections lodged to the proposal of the Redistribution Committee for Queensland.

Objection no. 1, objection no. 12, and objection no. 32 are not, in reality, objections at all. None of them opposes any aspect of the Redistribution Committee's proposal and so none requires any response. Objection no. 12 and objection no. 32, however, may need to be taken into account if the Augmented Electoral Commission considers modifying the relevant parts of the committee's proposal. Objection no. 2, from Peter D Glover, is also not really an objection to the committee's proposal. It relates to press reports about the redistribution, for which the commission is not responsible. Perhaps Peter Glover should not believe everything he reads in the newspapers.

Eight objections, no. 9, no. 10, no. 11, no. 19, no. 27, no. 28, no. 29, and no. 30, relate to the boundary between proposed division no. 14 and proposed division no. 16. All of them oppose the separation of part of the Townsville-Thuringowa urban area (to use the Australian Bureau of Statistics description) from the rest. None of them offer any alternative suggestion for how the numerical requirements of the redistribution could be fulfilled. There may be a very strong argument, in terms of the relevant qualitative criteria (community of interest, communications and travel, and physical features), for including the whole of this urban area in one division. However strong this argument is, the legislation makes the numerical criteria the overriding ones. If these make it impossible to include the whole of the urban area in one division, this outweighs any qualitative arguments. The question, in such a case, is how to divide the urban area, not whether to do so. Objection no. 10 says that the redistribution 'cannot shuffle people from one electorate to another just to make up the sum'. This is not correct. The legislation allows the redistribution to do this; more, it requires the redistribution to do exactly this. There may be good arguments against the system established by the existing legislation, but they should be directed to the Parliament, which has the power to change that legislation, not to the commission, which does not have that power.

There are two other objections, no. 18 and no. 20, which similarly oppose the frequent changes of boundaries required by the current legislation, and the same comment applies. Objection no. 20, from Kathleen Crees, raises two other points. Kathleen Crees is strongly in favour of keeping the whole of Victoria Point in one electoral division, but since the Redistribution Committee's proposal does so, this point is another 'non-objection', although her arguments become relevant if the commission considers modifying the relevant parts of the committee's proposal. She also expresses a preference for being in the seat represented by David Jull. This lies outside the scope of the statutory criteria for the redistribution. In any event, the commission lacks the power to do as Kathleen Crees wishes because it cannot control which seat, if any, David Jull will contest at the next election. Similar remarks apply to the preference of Jan Verhoef, expressed in objection no. 4, not to be in a seat represented by Gary Hardgrave, and to the preference of M and A Moran, expressed in objection no. 35, to be in a seat represented by their current member or one of a similar 'political leaning'.

M and A Moran cite an additional reason for objecting to the boundary between proposed division no. 2 and proposed division no. 23, relevant to the redistribution criteria of 'community of interest' and 'physical features', but their objection does not discuss how (or whether) their suggestion could be accommodated within the applicable numerical constraints. Similar remarks apply to objection no. 6 (relating to the boundaries of proposed division no. 5), objection no. 7 and objection no. 25 (relating to the boundary between proposed division no. 2 and proposed division no. 12), objection no. 26 (relating to the

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boundaries of proposed division no. 1), and objection no. 33 (relating to the boundary between proposed division no. 9 and proposed division no. 28). Some of these objections are sketchy, some more substantial, but how much weight to attach to each depends not only on what there is to be said on the other side but also on whether the suggestions made can be satisfactorily reconciled with the numerical constraints on the redistribution.

The suggestions in objection no. 8 and the reasons given for them are so sketchy that it is surely possible to find ways of reconciling them with the numerical constraints but hard to be sure whether it would constitute an improvement to do so.

Four objections, no. 14, no. 21, no. 31, and no. 34, make the same or similar suggestions for improvements to the boundaries of proposed division no. 26 and nearby divisions. They discuss the numerical requirements to varying extents, with objection no. 31 being the most thorough. To an outsider, the arguments made seem strong. Equally strong arguments on the other side would be needed to reject them.

Objection no. 15 makes an exact proposal for changing the boundary between proposed division no. 9 and proposed division no. 10. If the argument put forward is as strong as stated, and if there is no equally strong argument on the other side, the remaining question is whether the proposed boundary would or would not satisfy the numerical criteria.

Objection no. 24 suggests changes to the boundary between proposed division no. 12 and proposed division no. 23 and the boundary between proposed division no. 10 and proposed division no. 19. If these are, as stated, compatible with numerical requirements, the remaining question is whether the reasons given outweigh the original reasons for the Redistribution Committee's proposals in these areas. Objection no. 23 also relates to the boundary between proposed division no. 12 and proposed division no. 23. The basis for the objection and the suggested resolution are similar to or identical with the corresponding part of objection no. 24. If there is any difference between the two, I have no comment to offer on it.

Objection no. 17 suggests changes to the boundaries of proposed division no. 4, proposed division no. 23, proposed division no. 24, and proposed division no. 27. These are shown to be compatible with numerical requirements and the reasons give seem carefully thought out to an outsider, in the absence of information about the reasons for the Redistribution Committee's proposals in this area.

Objection no. 13, from the Hon Arch Bevis MP, contains a notably thorough analysis of the boundaries proposed for division no. 4 and their implications, with detailed suggestions for improvements and a demonstration that these would satisfy numerical criteria. It also provides a more general critique of the whole approach of the Redistribution Committee. I wish to suggest a few minor qualifications to the arguments advanced, but I emphasise that I do this in the context of substantially endorsing what Arch Bevis has to say.

Arch Bevis notes that the legislation provides for a Redistribution Committee to give reasons for its proposed redistribution. He argues that the Redistribution Committee for Queensland, in large parts of its report, has only described the changes to boundaries that it proposes and that a description is not a reason. I agree. There may be good reasons for the proposal, but I do not find them in the report. The report recites the relevant legislative provisions and asserts that they have been taken into account, but this alone cannot constitute a statement of reasons for a specific proposed redistribution, because the same recitals could be affixed to any proposal. The report does give reasons for some specific key decisions, but the general reasons for main features are incomplete. The general compliance of the proposal with the numerical constraints and the extent to which existing divisional boundaries have been followed are covered. However, in a distribution that complies with the legislative criteria, each proposed division should have some generally characteristic communities of interest, means of travel and communications, or physical features, or some combination of these. The only really clear example of this in the report is the reference to a network of road (means of communication and travel) in proposed division no. 15.

Arch Bevis's suggested attitude to existing divisional boundaries seem to me to come close to reversing, in fact if not in word, the statutory requirement that this criterion be subordinated to others, and this I would not endorse. However, if the reasons for proposed boundaries were stated in terms of other criteria, the effect in practice would be much the same as satisfying

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Arch Bevis's desire that existing boundaries only be disturbed where other criteria outweigh them.

Arch Bevis's point that existing boundaries will often reflect communities of interest, means of communications and travel, and physical features is basically a sound one. In those cases where existing boundaries do reflect such criteria, there is clearly a strong case for continuing to use them. This means that it will continue to be important for future redistributions to know how and where the boundaries determined on this occasion do reflect which criteria, and this is another reason why clearer reasons for proposed boundaries should be given.

I also largely agree with Arch Bevis's objection to the emphasis placed on local government boundaries by the Redistribution Committee, although I suggest that he overstates this case slightly. It is not true that local government boundaries, in and of themselves, have no significance for communities of interest. Being in the same local government area, in and of itself, does create a common interest for residents, but it is not a major one and should be weighed against other more important 'community of interest' factors. Local government boundaries may, in some cases, reflect important communities of interest, and it is reasonable that redistributions should consider them in case this is true, but they should only affect boundaries to the extent that it emerges from this consideration that they reflect such communities. In other words, this should be shown, not assumed.

Not long ago, local government boundaries in the area in which I live were the subject of a major investigation. This found that the primary unit of local identification for people in this part of Sydney was with their suburbs, not their local government areas. This is true in my case. I identify myself either as a resident of 'Sydney', the metropolitan area, or of the suburb of Glebe. Glebe has now been transferred from one local government area (Leichhardt) to another (Sydney). I feel that Glebe has connections and communities of interest with all the nearby suburbs to some extent, regardless of where the local government boundaries may fall from time to time. So far as I can see, much the same is true across a great part of Sydney, and my best guess would be that something similar is true in Brisbane. I note that objection no. 13, objection no. 17, and objection no. 25 suggest that there are natural 'multi-suburb' communities in three different parts of the Brisbane metropolitan area, but these do not correspond to local government areas. The situation in rural areas may possibly be different. The Redistribution Committee's report is unclear on this specific point. It says that local government boundaries were used 'to a significant extent' in non-metropolitan areas and 'to the greatest extent possible' in metropolitan areas. Does this mean they were considered more significant in metropolitan areas or in non-metropolitan ones? In either case, why?

In any event, Arch Bevis's objections to specific uses of local government boundaries seem plausible to an outsider.

Objection no. 22 makes general comments along similar lines about the use of local government boundaries, although in less emphatic terms. It also refers to the apparent absence from the report of any general strategic approach. I agree with this in part. The report's general discussion of strategy describes some important principles which the Committee says it has applied, but the specific proposals are not explicitly linked to these principles. The presentation of the report under subheadings for five areas (described as 'rural and provincial Queensland', 'Sunshine Coast', 'Gold Coast', 'greater metropolitan area', and 'outer metropolitan area') suggests a basic strategic approach, but the report does not explain how and why this division was made. Apart from this, the report does in several places jump around the map in a confusing and unsystematic way.

Objection no. 5 makes detailed comment on several specific boundaries, which deserve careful consideration. There is also a general objection to the whole proposed redistribution on the grounds of its aggregate electoral effect. This is an unusual sort of objection, but should not be dismissed out of hand solely on that account. The legislation imposes no explicit requirements relating to 'electoral fairness', but this does not mean that a Redistribution Committee or Augmented Electoral Commission has no discretion to take it into account. I support, but cautiously, the contention that 'at some point' an unevenly partisan effect of proposed electoral boundaries could be so gross as to undermine the whole constitutional purpose of the electoral legislation. Whether the Redistribution Committee's proposal reaches that point is less clear. In particular, I suggest that if this issue is considered it should not be in terms of the boundaries of Queensland considered in isolation. Instead, the

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whole context of electoral boundaries across the country and their effects should be taken into account.

Objection no. 16, from Kenneth Bonner, suggests that the name of Bonner be given to proposed division no. 23, for which the Redistribution Committee proposed the name of Moreton, and that the name of Moreton be given to proposed division no. 2, for which the Redistribution Committee proposed the name of Bonner. In the comments I submitted on the public suggestions made to the Redistribution Committee, I agreed with the suggestion by Christopher Connolly that the family's views on the use of the name Bonner should be considered. I do not know to what extent Kenneth Bonner's views may be shared by other close relatives, but I do urge the commission to make every effort to find a solution acceptable to all of the late Neville Bonner's family. For myself, I can see no objection to assigning the name of Bonner to proposed division no. 23. If the proposed boundaries or similar ones are adopted, however, I would object to the name of Moreton being given to proposed division no. 2. This division, and I am still assuming for the sake of this objection the adoption of the proposed boundaries, should be given an entirely new name, not the name of any existing division. If, in the final outcome, the divisional name of Moreton is dropped, I suggest that this might even be a desirable result.

One of the guidelines for naming divisions is that a division created by partially combining existing divisions should normally take the name of whichever of those divisions provides the largest number of its electors. Some selectivity in the application of the existing naming guidelines is unavoidable, because as a set they are internally inconsistent. In this instance, proposed division no. 12 has more electors from the existing division of Griffith than from any other existing division, and so, by the guideline, should be called Griffith. However, proposed division no. 2 also has more electors from the existing division of Griffith than from any other existing division, and so, by the guideline, should be called Griffith. Yet they cannot both be called Griffith. Although the guidelines are silent on such cases, the Redistribution Committee's approach reflects the natural extension of them by assigning the name of Griffith to proposed division no. 12 because it includes more electors from the existing Griffith than does proposed division no. 2. By a similarly natural extension of the guideline, neither of these divisions should in any event be called Moreton.

The naming guidelines are in no way binding. The Commission has the power to disregard them and has done so in the past. The guideline on 'Federation' names, for example, has been disregarded in the past, as (for example) when the names of Balaclava and Darling Downs were dropped in redistributions of Victoria and Queensland respectively in 1984.

There are no official reasons for the guidelines and, in at least some instances, they seem to reflect idiosyncrasies of individual members who have made up the Joint Standing Committee on Electoral Matters (JSCEM) from time to time. One guideline states that 'qualifying names' (such as Port Adelaide and Melbourne Ports) can be used 'where appropriate'. This is because an earlier version of the guidelines suggested that such names should not be used, presumably because they conflicted with the aesthetic preferences of some past members of the JSCEM, preferences which more recent members have not shared. An earlier guideline against using rhyming names has similarly been dropped, and presumably for the same reasons.

I am going to argue for an approach to naming that incorporates some of the existing guidelines and is based on explicit reasons that are more than arbitrary aesthetic preferences. My starting point is that the choice of divisional names should not arbitrarily bias election results. The probable effect on election results is small, but appropriate principles can be sought for small decisions as well as large ones, and in this case they are easy to find and apply. The most important principle is that names should not be assigned in a way that identifies one division with another when they are not substantially the same division. I shall explain the importance of this principle first, using Kenneth Bonner's suggestion as an example, and then discuss the details of implementation.

If Kenneth Bonner's suggestion were adopted, it would foster the impression that proposed division no. 2 is 'the same' division as the existing division of Moreton, while proposed division no. 23 is a 'new' division. If the sitting member for Moreton then sought re-election to Parliament as the member for the Redistribution Committee's proposed division no. 2 (with the name of Moreton), he might be seen as contesting the same seat as the one for which he is currently the member. If he sought re-election to Parliament as the member for proposed

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division no. 23 (with the name of Bonner), he might be seen as abandoning his existing seat for a new one. Meanwhile, if the sitting member for some other seat sought re-election to Parliament as the member for proposed division no. 2 (with the name of Moreton), that member might be seen as leaving the seat currently held to challenge the sitting member for Moreton. If the sitting member for Moreton and the sitting member for another division both contested proposed division no. 23 (with the name of Bonner), it might be considered that both were equally abandoning their existing seats to contest a new one. These are the impressions that the adoption of Kenneth Bonner's suggestion would foster, even if some people chose to interpret the situation differently.

I do not know whether being seen as a sitting member is an advantage or a disadvantage, nor do I know how many people would be influenced in their interpretation by the detail of naming. It may not matter very much, but it does matter. If anybody doubts that the point is a serious one, I direct their attention to the events of the 1977 Federal redistribution in Queensland, which were the subject of a subsequent Royal Commission. The Royal Commission found that there had been an improper intervention in that case. The motive for this was the belief that the sitting member for the existing seat of McPherson would be seen as the sitting member for whichever of two post-redistribution seats was assigned the name of McPherson and that this would be electorally significant.

There is one clearly objective and impartial method of deciding such questions which avoids any arbitrarily subjective interpretation. This is the strictly numerical criterion of the guideline for naming 'partial combinations' of divisions. This criterion is also consonant with the spirit of the legislation, which makes numerical constraints the overriding ones in determining divisional boundaries. On this basis, if the proposed boundaries are adopted, proposed division no. 2 should not be given the name of Moreton. I am not, however, arguing for this specific result, but rather for the general principle, which might apply differently if different boundaries are adopted in the final determination.

There is another reason, however, why the discontinuation of the use of the name Moreton might be an appropriate outcome. This is connected with one of the existing naming guidelines, which I think does have a sound non-arbitrary reason behind it, although not as important as the argument I have given in favour of the 'partial combination' guideline. This is the guideline against the use of geographical names. The problem with the use of geographical names is that divisional boundaries change and (unless existing practice is radically altered) they change more rapidly than divisional names. A geographical name may be a good match with the boundaries of a division, but the division's boundaries may then change significantly so that the name becomes a source of confusion. Moreton is a particularly strong example. The existing division of Moreton has nothing in common geographically with the original division of Moreton. If 'Moreton' was a geographically appropriate name for the area covered by the division of Moreton as constituted in 1901, it can hardly be equally appropriate for the area covered by the division of that name now.

The existing guideline suggests that retention of geographical names may be appropriate in some cases, but this seems to be another instance of personal idiosyncrasies of JSCEM members. Earlier versions of the guideline mentioned Eden-Monaro and Riverina (both in New South Wales) as examples of appropriate exceptions, without any explanation of what makes them different from other geographical names. The current version substitutes mention of Kalgoorlie and Perth (both in Western Australia) as examples of appropriate exceptions, still without any explanation of what makes them different from other geographical names. In my view, the argument against the use of geographical names is exactly the same in every case and there should be no exceptions.

It may be urged against my line of reasoning that the name of 'Moreton' should be retained because of the existing guideline in favour of 'Federation' names. I have already noted that this guideline has been disregarded in the past, and the specific instances I mentioned also involved the discontinuation of use of geographical names ('Balaclava' and 'Darling Downs'). In any case, this guideline does not have reasons behind it in the way that the other guidelines I have discussed do.

In addition to Moreton, there are five other divisions in Queensland with geographical names, Brisbane, Capricornia, Maranoa, McPherson, and Wide Bay. Of these, McPherson is the one that is not an original divisional name. Objection no. 3, from Aaron Barrett, suggests that use

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of this name might be discontinued. The existing division of McPherson is so named because the McPherson Ranges used to lie on its southwestern boundary. Indeed, one might say that the existing division of McPherson is so called because the McPherson Ranges used to lie on the southwestern boundary of a different division, with which the existing division has a real but tenuous historical connection. This is hardly a strong reason for retaining the name.

If the redistribution discontinues the use of McPherson, Moreton, or any other divisional name(s), there will be a need for more than one new divisional name. I discussed some possibilities in the comments I submitted on the public suggestions to the Redistribution Committee. I refer the commission to those comments and will not repeat them here. There is one additional name that has, in a sense, become 'available', with the recent death of its bearer, since the original suggestions were submitted, and which I suggest should be considered in addition to (not instead of) the other names put forward. I mean the name 'Whitrod', after the distinguished police officer Ray Whitrod. I believe no existing divisions are named after police officers and I think that the name 'Whitrod' would commemorate a suitable representative.

Yours faithfully

John Daniel Encel