



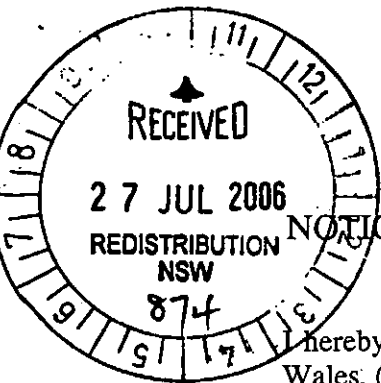
The Federal Redistribution 2006
NEW SOUTH WALES



Public Objection Number: 874

Name: Mr Bryan PAPE

Page(s): 6



COMMONWEALTH OF AUSTRALIA
Commonwealth Electoral Act 1918 ("the Act")

NOTICE OF OBJECTION AGAINST PROPOSED REDISTRIBUTION

I hereby object against the proposal of the Redistribution Committee for New South Wales, ("the Committee"), to redivide New South Wales into 49 electoral divisions as notified in the *Gazette* on Friday 30 June 2006, and in particular to the proposal to abolish the electoral division of Gwydir, with about 60% of its electors being included in an enlarged electoral division of Parkes, and the remainder being transferred to adjacent electoral divisions of Calare, Hunter, Macquarie and New England.

I rely on the following grounds:

1. Contrary to s. 51 (xxxvi) and (xxxix) of the *Australian Constitution* (the *Constitution*), Parliament improperly abdicated its legislative power to the Executive, to supposedly allow the Committee to make a statistical forecast called the *average divisional enrolment* at the *projection time* under s. 66 (3) of the Act, and for this reason the section is invalid.

2. The provisions of s.66(3) of the Act, referable to the statistical forecast of the *average divisional enrolment* at the *projection time* as defined by s. 63A of the Act are hypothetical and are not authorised by s.51 (xxxvi) and (xxxix) of the *Constitution*.

3. The redistribution process is inconsistent and flawed, for the reason that the *projection time* of 31 May 2010, as determined under s. 63A of the Act is not at the same time, as the population statistics as at 31 March 2005¹ used to fix as at 17 November 2005, the number of members of the House of Representatives under s.48 of the Act.

4. The redistribution process is flawed because the *projection time* of 31 May 2010 was a guess, and was unable to be fixed, because the *augmented Electoral Commission* had not been established nor had any determination been made under s. 73(4) of the Act so as to fix the *starting time for the projection* of the *projection time*, 3 years and 6 months afterwards, as provided by s.63A of the Act.

5. Alternatively to the above paragraphs, the Committee's proposed redistribution of New South Wales into 49 electoral divisions miscarried when it determined to abolish the seat of Gwydir for the following reasons:

(i) it was an improper and capricious exercise of the power conferred by s. 66 of the Act;

(ii) it was an exercise of power that was so extreme and unreasonable that no reasonable person could have so exercised the power;

¹ Note 1, Commonwealth of Australia Gazette, No. S201 Thursday 17 November 2005.

(iii) it was an exercise of a discretionary power in accordance with a rule or policy, (including a policy, that *the number of electors in a single member electorate shall be as nearly equal as is practicable* as identified in paragraph 61 of the Committee's Report), without regard to the merits of retaining the seat of Gwydir, and correspondingly retaining the present seats by area of Parkes, New England, Calare, Riverina and Farrer;

(iv) the Committee irrelevantly and capriciously took into consideration the announcement by the sitting Member for Gwydir, the Hon John Anderson MP, of his proposed retirement from the House of Representatives when the present Parliament is dissolved;

(v) the Committee improperly ignored the principle of law that there is no guarantee under Part III of Chapter 1 of the *Constitution*, that electoral divisions would so far as practicable, contain an equal number of electors;

(vi) the Committee preferred and pursued a policy of *one vote, one value* and erroneously excluded due consideration of the factors which it was required to take into account under s.66(3)(b)(i)(ii)(iv) and (v) of the Act;

(vii) the Committee in making its determination gave undue preference to the community of interest of electoral divisions in the Sydney metropolitan and coastal regions to that given by it (if any) to the community of interest in the electoral divisions, west of the Great Dividing Range;

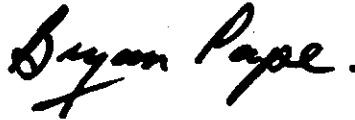
(viii) the Committee in proposing to expand the seat of Parkes to represent by area, *nearly half of New South Wales*, failed to give due and proper consideration to the significant harm to the community of interest, including economic, social and regional interests as required by s. 66(3)(b)(i) of the Act, to which further particulars are given in Annexure 'A';

(ix) the Committee in proposing to expand the seat of Parkes to represent by area, nearly half of New South Wales, failed to give due and proper consideration to the significant costs of time, travel and accommodation and general inconvenience to constituents with respect to the means of communication and travel as required by s 66 (3)(b)(ii) of the Act, to which further particulars are given in Annexure 'B';

(x) the Committee in proposing to expand the seat of Parkes to represent by area, nearly half of New South Wales, failed to give due and proper consideration to the area to be serviced by the member and the cost of establishing an abnormal number of offices and hiring of additional staff to provide a service consistent with that enjoyed by metropolitan constituents as required by s 66(3)(b)(iv) of the Act, to which further particulars are given in Annexure 'C';

(xi) the Committee in proposing to expand the seat of Parkes, failed to give any or alternatively, due and proper consideration to the costs of the Australian Electoral Commission in administering the new electorate, when such costs might reasonably be expected to be significantly less if the seat of Blaxland had been abolished instead of Gwydir.

For the above reasons it is respectfully submitted that the augmented Electoral Commission allow the objection by reinstating the seat of Gwydir or alternatively hold an inquiry into this objection in accordance with s. 72 of the Act, and after hearing further submissions, quash the proposed redistribution and issue a new proposed redistribution which reinstates the electoral division of Gwydir.



21 July 2006

Bryan Pape,
Objector,
Registered on the Electoral Roll for New England.

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Augmented Electoral Commission,
C/o The Redistribution Committee for New South Wales
PO Box 20014,
World Square, NSW 2002

Lack of Community of Interest of *New Parkes*

(a) Economic

There is no common economic interest between the two major agricultural and related service areas of Moree and Dubbo

(b) Social

There is no common intercourse between the major population centres and the surrounding areas of Moree and Dubbo in respect of religious, sporting and cultural activities.

(c) Regional

There is little, if any, common interest between the local government areas in the present Electoral Division of Gwydir, namely Bourke, Brewarrina, Coonamble, Gilgandra, Gunnedah, Gwydir, Moree Plains, Narrabri, Warren and Warrumbungle with the local government areas in the present Electoral Division of Parkes, namely Bogan, Central Darling, Cobar, Dubbo Lachlan and Narromine.

The excessive number of local government areas in *New Parkes* puts an unreasonable burden on the Member of Parliament to consult with so many Councils. In particular, the increased financing by the Commonwealth of Local Government responsibilities such as the *Roads to Recovery* and *Regional Partnerships* programmes is a useful illustration of this task.

The inclusion of Dubbo, with a population of 40,000 is likely to act as vortex in drawing to it people from other centres. The 'hollowing out' of the electorate is likely to be accelerated by the inclusion of Dubbo as the principal centre

Lack of Communication and Travel in *New Parkes*

(a) Media –Newspapers, Radio and Television

There is no overall coverage by any media for the new electorate. The result would be a jumble of media organizations providing services to discrete areas.

(b) Travel and Transport

The main disadvantage is the excessive distance and costs both in time and money of travelling to consult with the Member of Parliament.

Physical Features and Area of *New Parkes*

(a) Physical Features

The area of the Pilliga Nature Reserve (80,240 ha) and the Pilliga State Forest which in total consist of (126,415 ha) are major features which divide the proposed electoral division. This area is a geographical boundary between the main economic regions of the proposed electoral division.

(b) Area

The area of the proposed electoral division represents 47 % of New South Wales. By area it is six times the size of Tasmania. This State had an enrolment of 342,809 for the last election to return five members of the House of Representatives and twelve Senators. The average number of electors for each House of Representatives seat was 68,562 compared with the average enrolment at the projection time of 31 May 2010 of 93,508 under the present proposal for *new Parkes*. Essentially there are 27% less Tasmanian electors per seat than *new Parkes* which is only permitted a variation of 3.5%

Germany (357,034 sq. km)² is less by area than *new Parkes* (379,474 sq. km.). *New Parkes* is 150% of the area of the United Kingdom (243,073 sq km)³ and is nearly the same size as California (403,932 sq km)⁴

The proper deduction to be made from these comparisons alone, is that the present proposal to create *New Parkes* is unworkable and unreasonable.

² Barry Turner (ed), *The Statesman's Yearbook 2006*, (142nd ed), 2005, p 690.

³ *Ibid*, p.1648

⁴ *Ibid*, p.1820