



The Federal Redistribution 2009
QUEENSLAND



Objection Number 457

Hon Arch Bevis MP

10 pages

From: Bevis, Arch (MP) [Arch.Bevis.MP@aph.gov.au]
Sent: Thursday, 20 August 2009 5:20 PM
To: QLD Redistribution
Subject: Objection to Proposed boundaries
Attachments: objection bevis final.docx

Importance: High

Attached please find my objection to the 2009 Proposed Redistribution of Queensland into Electoral Divisions.

<<objection bevis final.docx>>

I would appreciate the opportunity to appear before the Augmented Commission in support of my objection.

Regards

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Introduction

The proposed redistribution creates a new electorate, Wright south west of the city of Brisbane. A number of submissions to the redistribution committee proposed a new seat in this general area to accommodate the population growth to the south and west of Brisbane city. This decision of the committee is therefore not surprising.

It is reasonable to assume that the creation of a new electorate will cause substantial boundary changes and voter dislocation in the areas surrounding the new electorate with a lesser effect on electorates further away.

However, the Committee's proposal makes dramatic changes to boundaries on the north side of Brisbane.

The redistribution committee's primary and overriding responsibility is to ensure the numerical quota requirements of the act are applied to create an additional electorate in Queensland to accommodate the growing voter population in the state.

Whilst the new division is located in the growth areas identified by the Committee and others, the report of the Committee says **'As a result of Ryan being moved wholly to the north of the Brisbane River, the redrawing of divisions south of the Brisbane River allowed for the creation of the Division of Wright'**¹ (emphasis added). Giving priority to the River as a boundary, rather than consideration of population growth centres raises serious issues of compliance with the Act. The Act makes no provision for the Committee to give such a priority to one factor which at most is a consideration in applying the community of interest test.

Community of interest Criteria

Subject to complying with the quota requirements, community of interest factors must be taken into account. Any analysis of past redistributions will clearly demonstrate that community of interest can and has been defined in different and sometimes mutually exclusive ways from one redistribution to the next.

Perhaps the clearest example of this in 2009 is the dominant and overriding consideration of the use of the River by the Committee.

Given that community of interest has been a requirement in the Act for many years, it is fair to assume that existing and past boundaries reflect that community of interest. Yet every year since 1976 at least one Division has crossed the Brisbane River. Either Griffith crossed the River to take in parts of what is now Brisbane, or Brisbane crossed the River to take in parts of what is now Griffith or Ryan crossed the River to take in areas south of the River as it does now. In fact for the last fifty years, the River has been the boundary for only eight years between 1969 -1977.

Not only has the Committee varied from this practice adopted by all previous Committees for the last twenty years and more, it has used the River as its starting point, making it the dominant factor in this redistribution.

¹ par7 page 1

Having decided to make the River the principal determining feature of this redistribution, the Committee then went even further and undertook a major restructure of divisions on the north side of Brisbane that are far more extensive than the south side where the new Division is created.

Brisbane

It seems that the committee took the view that in 2009 it would completely restructure the divisions on the north side of the Brisbane River - a goal which of itself is not required by the Act.

The current and projected enrolments for Brisbane complied with the Act. There was no need for any changes to be made to Brisbane in order to meet the requirements of the Act. Of course, the creation of a new division will always produce a ripple effect impacting on many other divisions. However, the proposal generates the most dramatic and substantial changes in exactly those divisions which did not require any change at all.

Whilst moderate changes are likely and unavoidable in most divisions, the magnitude of the changes impacting on Brisbane seem to be driven not by the need to create a new division of Wright, but by a separate desire of the Committee to restructure the north side divisions and/or the absolute priority given to the Brisbane River as a boundary. Neither of these reasons is supported by the Act.

The average percentage of electors moved to another division in the proposal is 14.43%. For Brisbane that figure is double the average at 29.2%. In an electorate that required no change to comply with the quota that is a remarkable statistic.

This radical change to Brisbane is supported by just two sentences at paragraph 67. Neither sentence remotely explains, much less justifies the radical changes proposed.

If a submission or objection were to propose such a dramatic change based on no more than the words in paragraph 67, it would be given little if any consideration by any Redistribution Committee or Augmented Commission.

In fact the proposal results in 27,299 electors being transferred from the Brisbane Division. Only four existing Divisions have a greater transfer of electors. Understandably two of those are adjacent to the new Wright - Forde and Blair. The other two are Petrie and Lilley on Brisbane's north.

Of the five divisions with the greatest number of electors transferred, three are on the north side of Brisbane. Only two are in the area where the new division is created.

Brisbane boundaries

The Committee correctly noted that 'it is highly desirable that electoral boundaries be readily recognisable.... main roads, railways, (and) waterways' guided the Committee where appropriate.²

For the proposed Division of Brisbane, that principal has been applied selectively.

The Committee proposes that Bellevue Ave be the boundary. Bellevue Ave is a narrow dead end street. It fails to meet any of the stated preferred criteria for a boundary.

Similarly, the Committee proposes that the eastern boundary of Enoggera Army barracks become the Division boundary, winding around back streets.

In the south east corner, the Committee proposes to transfer 2,344 electors in the Toowong area from Ryan to Brisbane. The new boundary is a twisting line through backstreets that have no identifying characteristics.

In each of these cases the Committee has not adopted its own preferred principles as stated in paragraph 57 of the report.

Toowong

Not only does the proposed transfer of 2,344 electors from Ryan to Brisbane fail to create a meaningful boundary, it serves no purpose whatsoever in meeting the quota requirements of the Act.

If the proposed transfer does not occur, both Ryan and Brisbane remain within quota. It is difficult to identify any criteria in the Act which this change complies with.

There is no community of interest case that can be mounted to claim this area of Ryan has any greater link to the part of Brisbane to its east, than it does to the area to its immediate west in Ryan. No such evidence is advanced in the report.

If the Augmented Commission is of the view that such reasons exist, they should be made public to enable comment on them. In the absence of such a statement, no case exists for this proposed transfer.

The transfer of these 2,344 electors is not supported by any consideration of the means of communication or by any defining physical features.

In addition, retaining this area in Ryan reduces the number of electors dislocated from their existing division better meeting the requirements of Section 66(3) (b) (v).

Recommendation 1

That the proposed transfer of 2,344 electors from Ryan to Brisbane not proceed and that these electors remain in Ryan. This will result in the following CCDs remaining in Ryan: 3191111, 3191108, 3231306, 3231401, 3231402, 3231403, 3231406, 3231407 and 3231408.

² par 57 page 15

Park Rd

The existing boundary of Brisbane at Milton runs along small backstreets that have no identity as a natural boundary.

The only major road linking Milton Rd with the River in that area is Park Road. It is a clearly identifiable and well known location that should be used as the boundary.

Only two CCDs are affected by this change, CCDs 3190606 and 3190604 with 342 electors (346 projected).

Recommendation 2

That CCDs 3190606 and 3190604 be moved from Brisbane to Ryan, making Park Rd the new boundary.

Keperra and adjacent areas north of Samford Road

Samford Road is the major road in the north west part of the Division. If there is to be a major transfer of electors from the north west area of Brisbane to Ryan, Samford Road should be the boundary.

Those areas north of Samford Road within the current Brisbane Division should remain in Brisbane. This would comply with the Committee's stated aim of using main roads.

The proposed use of Bellevue Ave is inappropriate. As a narrow dead end street it is not a desirable dividing boundary.

The use of Samford Road would provide a clear landmark division that is easily recognisable to all.

At the western end of Samford Road, it also better defines the community of interest.

Keperra, on the north side of Samford Road has a closer community of interest with the areas to its east than those on the south side of Samford Road.

The area opposite Keperra on the south side of Samford Road, Kings Park, was developed many years after Keperra. Many Keperra residents recall Kings Park as the old drive-in theatre, rather than a neighbouring suburb with which they share a common interest.

In fact when Kings Park estate was first released it was advertised as 'Kings Park via The Gap', to unequivocally distinguish it from Keperra.

Kings Park has a closer community of interest with Ferny Grove and even The Gap than it has with Keperra. This fact has been acknowledged by a previous Augmented Commission. In 1991, the Augmented Electoral Commission noted:

'The Kings Park development bordered by Settlement and Samford Roads was in the Brisbane Division proposed by the Redistribution Committee. Objections to this area were based on the community of interests between Kings Park and The Gap. The

Commission upheld those objections and proposes to add Kings Park to the proposed Ryan.'

Moreover, Keperra and the adjacent areas on the north side of Samford Road such as Grovely and Oxford Park have absolutely no links or community of interest with the major parts of Ryan in the proposal.

Ryan constituents in Moggill, Kenmore, Pullenvale or even Toowong would be unlikely to even know where Oxford Park is much less share any community of interest with them.

Samford Road has been used as the boundary of Brisbane by successive redistribution committees in the past. For eighteen years, between 1977 and 1995 this was the boundary of the Brisbane division.

This area is also bordered by Kedron Brook, a landmark which the Committee uses further to the east. Its use as a boundary in this area is consistent with the principles which the Committee identified for use in determining boundaries.

That part of Kedron Brook proposed by me as the division boundary (i.e. from Keperra to Pullen Rd) is also the boundary between the Brisbane City Council and the Moreton Bay Regional Council, further enhancing its use as a divisional boundary.

To maintain the existing community of interest in the area, I also propose that the area between Kedron Brook and Pullen Road remain in Brisbane. Pullen Rd is a major road that is adjacent to Kedron Brook at the point where it ceases to be the local government boundary. A small section of Osborne Rd links the creek to Pullen Road. This affects CCDs 3220808, 3220815, 3220809 and 3220816 with 1,247 electors and projected enrolment of 1,274.

My proposal provides a more suitable boundary, easily recognisable, that better maintains community of interest considerations than the Committee's draft proposal. It also accords with decisions of a previous Augmented Commission, whilst the Committee's proposal does not.

Adopting these changes retains 7,115 electors in Brisbane (7,258 projected).

Recommendation 3

That the areas north of Samford Road remain in the Division of Brisbane. That Samford Road becomes the boundary between Brisbane and Ryan. This will result in the following CCDs remaining in Brisbane: 3230311, 3230308, 3230307, 3230306, 3230305, 3230304, 3230303, 3230404, 3230405, 3230406, 3230505, 3230301, 3230302, 3230401, 3230402, 3230403, 3220808, 3220809, 3220815, and 3230816.

Ashgrove Areas West of Wardell St, Stewarts Rd and Jubilee Tce

Wardell Street which becomes Stewarts Road to the south is the major road running in a north/south direction in the western part of the Brisbane Division. As a four lane thoroughfare it is a logical boundary, given the Committee's decision to remove such a large portion of the western part of the existing Brisbane division.

The Committee proposes that the Enoggera Army barracks be the boundary. This ignores the reality that the houses between Wardell Street and the Army barracks have common interests.

The activities on base have a daily impact on the adjacent homes. This area also includes the fire brigade station that services the Army base.

Construction work at Enoggera is now a standard activity. This increases the range and depth of issues that connect electors in these streets with the Enoggera base. From a community of interest perspective, it is desirable that electors in these streets be in the same division as the base.

South of Waterworks Rd, the major road that traffic takes from Stewarts Rd is Jubilee Tce. I propose that the area of Ashgrove to the west of Jubilee Tce also be transferred to Ryan. This would make Ithaca Creek the boundary running west from Jubilee Tce to Coopers Camp Rd. From there the proposed boundary would be used.

Again, this change uses a clear landmark as the division boundary. A major road (Jubilee Tce) and an established waterway (Ithaca Ck) become the boundary, rather than the Committee's proposal which winds around backstreets.

This part of Ithaca Ck proposed by me as the boundary is also the boundary between the State electorates of Ashgrove and Mt Coot-tha. In addition it is the suburb boundary between Ashgrove and Bardon.

In urban areas it is not often that it is possible to use suburb boundaries that are also significant landmarks and in this case, also a state electoral boundary. Its use as proposed by me, given the major changes included in the Committee's proposal is desirable and better meets the criteria set out in the report and the Act.

My proposal requires a few CCDs that cross these major roads to be split. They are:

- CCD 3230508. An estimated 88 electors and projected 104 will remain in Brisbane. 210 electors and 220 projected go to Ryan.
- CCD 3230511. An estimated 150 electors and projected 152 will remain in Brisbane. 140 electors and 141 projected go to Ryan.
- CCD 3230512. An estimated 220 electors and projected 222 will remain in Brisbane. 244 electors and 246 projected go to Ryan, and
- CCD 3230712. An estimated 100 electors and projected 109 will remain in Brisbane. 155 electors and 160 projected go to Ryan

The Committee has itself proposed a number of CCDs be split. The total number of CCDs to be split in my proposal is in line with many other divisions as proposed by the Committee.

The use of Wardell St, Stewarts Rd, part of Jubilee Tce and part of Ithaca Ck provides a clear well known boundary that is superior to the Committee proposal.

As mentioned earlier, the Committee said 'it is highly desirable that electoral boundaries be readily recognisable.... main roads, railways, (and) waterways' ... The Committee's proposed boundary in this part of Brisbane does not meet that test. The adoption of my objection does meet that test. This change affects 3,731 electors (3,763 projected).

Recommendation 3

That the area of Ashgrove, west of Wardell Street, Stewarts Road and Jubilee Tce and north of Ithaca Ck be included in Ryan. This will result in the following CCDs being included in Ryan: 3230508(part), 3230511(part), 3230512(part), 3230603, 3230605, 3230609, 3230610, 3230611, 3230703, 3230704, 3230705, and 3230712(part).

Splitting CCDS

As noted earlier, my objection involves splitting a few CCDs in order to use major roads as boundaries. This is not unusual. The Committee proposes that CCDs be split for the same reason. A number of divisions proposed by the Committee have more split CCDs than I propose for Brisbane. Notably, the new division of Wright has more than twenty split CCDs.

My proposal to split a few CCDs conforms with the Act and the practice of Committee.

Quota

The one absolute requirement for the redistribution is to ensure elector numbers comply with the Act. There is no gradient of compliance. This is simply a pass or fail test. Either the elector numbers comply or they don't. The Act does not distinguish between levels of compliance.

My objection meets the enrolment requirements of the Act.

Brisbane would have an enrolment of 93,948 with a variation of +6.34% and a projected figure 100,467 with a variation of 3.34%.

The other divisions affected by this objection are as follows:

Ryan with 94,995 electors +7.53% and projected 98,506 +1.31%

Lilley with 93,022 +5.3% and projected 95,766 -1.51%

Having met the enrolment requirements of the Act, the criteria that must be used to distinguish between alternative proposals are set out in the Act:

Sections 66(3) and 66(3A) of the Electoral Act prescribe that:

- (b) subject to paragraph (a), shall give due consideration, in relation to each proposed Electoral Division, to:*
 - (i) community of interests within the proposed Electoral Division, including economic, social and regional interests;*
 - (ii) means of communication and travel within the proposed Electoral Division;*
 - (iv) the physical features and area of the proposed Electoral Division; and*
 - (v) the boundaries of existing Divisions in the State or Territory;*

and subject thereto the quota of electors for the State or Territory shall be the basis for the proposed redistribution, and the Redistribution Committee may adopt a margin of allowance, to be used whenever necessary, but in no case shall the quota be departed from to a greater extent than one-tenth more or one-tenth less.

- (3A) When applying subsection (3), the Redistribution Committee must treat the matter in subparagraph (3)(b)(v) as subordinate to the matters in subparagraphs (3)(b)(i), (ii) and (iv).*

Community of interest, travel, physical features etc

This objection provides a boundary which unquestionably adopts clearer physical features than the Committee's proposal. The Committee's proposal uses main roads and a creek for part of the Brisbane boundary for the east and part of the northern boundary. Where that is the case, no changes are proposed.

However, in the west, the Committee's proposal fails this test. In using the boundary contained in my objection, well recognised major roads and waterways become the boundary at every point. That is a superior outcome and better meets the requirements of the Act.

Moreover, this objection ensures a better compliance with the community of interest test. Keperra has little in common with adjacent parts of Ryan such as The Gap. (This has been agreed by an earlier Augmented Commission.) It has absolutely no community of interest with the major part of Ryan, as set out earlier in this objection.

Means of communication and travel have greater significance in regional and remote localities. To the extent that they apply to an inner city division, this objection meets the criteria at least as well as the Committee proposal. Certainly, all areas of the division have easy and ready access to communications and common transport options.

Dislocating electors

The only objective criterion other than the enrolment quota test is the existing boundaries of divisions. The test for compliance with this is the extent to which electors are displaced or retained in their existing division.

All other criteria are subjective. When comparing alternatives based on these subjective tests, some will clearly be superior to others. However, many alternatives will be so structured that distinguishing between them based on these subjective tests is little more than opinion.

This objection results in 2,344 additional electors being retained in Ryan. It also results in 3,042 additional voters being retained in Brisbane.

In total 5,386 additional electors are retained in their existing divisions by the adoption of this objection.

Whilst the Act clearly makes this a subordinate test, it remains one of only two objective tests. It therefore is important in distinguishing between proposals. Given that this objection better meets this criterion, it is necessary for the Committee's proposal to better meet the other criteria for the boundaries in this objection to be rejected.

In the case of Keperra, such a view would be in conflict with both the community of interest reasons advanced in this objection and decisions of a previous Augmented Commission.

In addition, unlike the Committee proposal which only uses major roads or clearly recognisable waterways for part of the divisional boundary, this objection fulfils that criteria at all points of the boundary. In so doing the objection better complies with the Act.

Conclusion

This objection

- Complies with the elector number requirements of the Act as does the Committee's proposal.
- Better meets the community of interest criterion
- Ensures that the entire boundary of the division is 'recognisable.... main roads, ... (and) waterways', something the Committee proposal fails to do; and
- Recognises existing boundaries better than the Committee proposal, retaining an additional 5,386 electors in their existing divisions.