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TRANSCRIPT OF PROCEEDINGS

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**LEGISLATIVE COUNCIL ELECTORAL BOUNDARIES
REDISTRIBUTION TRIBUNAL**

CHAIRPERSON M. BLAKE, Presiding

TRIBUNAL HEARING

**TASMANIAN ELECTORAL COMMISSION OFFICES
169 MAIN ROAD, MOONAH, TASMANIA**

10.09 AM, WEDNESDAY, 1 MARCH 2017

MR BLAKE: Well, we are a few minutes early, so we might make a start. I will make just a couple of introductory comments before you get going. So welcome to this hearing of the Redistribution Tribunal regarding the Legislative Council boundary redistribution and thank you for making your submission based on the
5 initial redistribution proposal. My name is Mike Blake, and I chair the Redistribution Tribunal. I will not introduce you to my colleagues because their names are relatively clear from their name tags. I hope they're clear. The initial redistribution proposal was prepared by the Legislative Council Electoral Boundaries
10 Redistribution Committee in accordance with the Legislative Council Electoral Boundaries Act 1995. And I would like to place on record my thanks to them and the Electoral Commission staff and others who supported them.

The initial proposal was advertised and comments, suggestions or objections for the proposal were sought. Twenty-nine submissions were received by the due date of 27
15 February 2017. This tribunal has an obligation to bring to bring an independent and unbiased perspective to its consideration of the committee's proposal and to do so in a timely manner. The tribunal is also obliged to apply the same principles as did the Redistribution Committee. The first priority is to ensure, as far as practical, that the number of electors in each council division would not, in four and a half years time,
20 vary more than plus or minus 10 per cent of the average council division enrolment.

The second priority is to take into account the community's interest within each council division. After taking into account the priorities noted above, the tribunal must consider the following matter in the case of each electoral division: the means
25 of communication and travel within the division; the physical features and areas of the division; existing electoral boundaries and distinct national boundaries. For this redistribution the average division enrolment or quota is 24,998, which was determined at 30 September 2016, and in no case is any variation from the council division quoted to exceed 10 per cent. Each objector has a right to be heard in this
30 inquiry. So far as the procedure today is concerned, it is not a court of law and for the most part the tribunal can determine its own procedures. We will deal with these matters as informally as possible, noting only that this is required to be a public inquiry and the tribunal has the power, if it thinks it is in the public interest to do so, to hold parts of the inquiry in private.
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You are invited to indicate whether there's any part of the material information you want to provide to us you believe should be heard in private. We will consider such an application if and when it is made. Although the tribunal has the power to do so,
40 we will not be swearing people in to give evidence because we are dealing, essentially, with matters of opinion rather than contested fact. But we do reserve the right to require you to give sworn evidence, if necessary. Also, the Act requires that any evidence which is given by way of written statement must be tendered and verified by oath. So if you will be tendering any written statement, we will need to administer an oath to them for purposes of verifying your statement.
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Subject to these matters, the intention is that you are invited to outline the nature of your objection to, or indeed your support for, the proposal uninterrupted. We will provide an opportunity for discussion and comment and questioning from members of the tribunal and then an opportunity for a closing statement from you. As you can
5 tell, today's proceedings are being recorded. Following today's inquiries and those in Launceston on Friday, the tribunal is going to deliberate, which we will do on 14 March. We will not make any immediate response to anything that is put to us today. Do you have any questions on those procedures?

10 MR McQUESTIN: No, I don't think so.

MR BLAKE: Okay. Please proceed.

MR McQUESTIN: Thank you, Chair. Firstly, our submission is quite extensive,
15 and I don't intend to read it, but just, really, to draw the commission's – sorry – the committee's attention to a couple of key components within it and then happy to take any questions, if that's acceptable to you with regard to it. I think it's important – this is a rather unique situation that we find ourselves in because of external factors, in my view, because of Federal redistributions which are ongoing and because of the
20 proximity that this redistribution is, in terms of timing, towards the Legislative Council elections in May this year. And I realise that that has happened in previous years; however, given the extensive nature of the proposal, I believe – or it's the parties' belief that there will be some confusion and some dislocation created to constituents within those divisions that go to election this year. It's our belief that
25 there is a case for a delay to this redistribution to allow an understanding of what the federal redistribution results will be.

I think it's important, obviously, given that the state boundaries in the House of
30 Assembly are likely to be the same as the federal boundaries, that it's understood where Legislative Council boundaries fit within those, if they do, in fact, fit within those. It's not an exclusive practice, but it's common that Legislative Council boundaries are within House of Assembly boundaries. This is something that community groups tell us is important in terms of their engagement with their elected
35 members so that they understand who they have to deal with. And it makes it easier for, certainly, groups to engage with one House of Assembly member, where possible, and one Legislative Council member rather than having to deal across boundaries, given that we have Hare Clark and multi-member representation in the Lower House where boundaries straddle – where boundaries straddle other
40 boundaries, you can have 10 elected members represented rather than five in a discussion with a community group, and that's, I think, that's far from ideal, and it's not possible to fully consider that until it's understood what the outcome of the federal redistribution will be.

45 So where the Act asks that we consider existing boundaries, I believe the committee should consider both the existing boundaries of the Legislative Council but also the existing boundaries of the Lower House and what implication that will have. I realise it will not always entirely be possible for the boundaries to remain exclusively

- within a House of Assembly boundary, but where possible I think it should be considered desirable and strived for. In terms of – we have received significant feedback within our office and within some of our members’ offices that there is confusion within the community about this process, contributed to by the Federal redistribution process having – well, still being underway and I think it’s fair to say that the community is a little disengaged because – in part because advertising for this process occurred over the summer break, albeit completely within the advertised timelines when people were not engaged with the political process.
- 5
- 10 And, as we’ve said in the submission, that the method of advertising, whilst completely appropriate within what’s stipulated, is something that should be considered again because we see the community taking their information and their news from a very different range of sources now. And when you look at what the commission itself does in terms of advertising other activities that it does, its focus is not solely on paid media in news print like this appears to have been. So I think there may well be a case for additional consultation, given that a number of constituents have raised with us surprise that the process is underway, notwithstanding the fact that it has been advertised.
- 15
- 20 When the process is conducted, I think it’s important – or the party believes it’s important that it be approached from the perspective of minimum change to minimise this location of existing constituents with their existing members of the Legislative Council, and as well as to minimise the amount of confusion. I think that we believe that minimum change both applies to what the physical appearance of the Legislative Council boundaries may be but also the names of division. The people, where they are aware of what the Legislative Council boundary division name is, I believe – we believe the idea of changing that unnecessarily would just create more confusion.
- 25
- 30 In terms of community as an interest, the proposal that the commission have put together, whilst interesting, is a fairly radical departure from what people are currently familiar with, and to give one example, the splitting of Apsley into two separate divisions between the north and the south, if you like, does certainly dislocate on the east coast what is a – aside from being an agricultural area – a substantial tourism area who have taken great steps to market themselves as a whole from, if you like, from south right up to the northern point of the Bay of Fires. Dislocating that area into two separate divisions, I think, is a retrograde step, we feel is a retrograde step for those efforts which have been very successful. And talking to community members in places like St Helen’s, they believe that being able to stay together within that is very important.
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- 40
- I also would make the observation that the changes to – that are proposed to the division of Launceston are also considered to be – by the party, to be a retrograde step, given that the community of Perth and those areas around it really are semi-rural communities and don’t, I believe, have – we believe – have a great deal of connection to the metropolitan areas of Launceston, whereas Hadspen, which is a community – is a commuter community really does have quite a connection, and I
- 45

5 make that observation having been a candidate in that division six years ago and having doorknocked it extensively. I couldn't imagine having the same feedback that we received in Hadspen from the community of Perth. Finally, in terms of the balance of representation, something that has been reported quite extensively in the northern press, Tasmania is a regional centre, a centre that is somewhat – what's the word – proud of their particular regions, and the effect of the proposed set of boundaries is to remove representation from the northern communities and to allocate a greater weight of representation to the Greater Hobart area.

10 Whilst I note that the Australian Labor Party, who are very familiar with the area of Hobart but not prepared to do anything for regional Tasmania, are supportive of that. It's certainly not something that the Liberal Party can support, given that the whole of Tasmania, in our belief, is worthy of strong representation, and that's, obviously, something that the Liberal Party seeks to provide. So in closing, when a
15 redistribution is undertaken, it's the party's belief that incremental change is the preferred model, and we believe that, where possible, as little as possible change should be undertaken. So I think that will be enough from me.

20 MR BLAKE: All right. Thank you for those observations. Open for any questions, members of the tribunal. Michael.

MR GIUDICI: Michael Giudici. Sam, thanks for those comments and explanations. In terms of the concept of incremental change, one of the – there's pros and cons around incremental change and longer-term change. In terms of what you believe
25 the views of your constituents might be, incremental change may have the effect of another change over the next period, another change. Is that likely to be more disruptive to those constituents rather than something that may be a significant departure but nevertheless might remain settled for a considerable time?

30 MR McQUESTIN: Well, it's a bit of a crystal ball exercise, what you – what we're talking about there. But our view is that incremental change to remain under the 10 per cent divergence that you referred to in your opening comments, Chair, given the growth that we're seeing in regional areas in the last three years since the change of government, we believe may well present a situation where no further change is
35 required, and whilst we acknowledge that Rumney does require, under the Act – Rumney will require some adjustment to remain within those parameters, it's our belief that that's the only change that's currently required

40 MR GIUDICI: Thanks.

MR BLAKE: You mentioned that a number of constituents had contacted you. Can you give me a feel for how many they were, what the sort of – are they reflected in your views here?

45 MR McQUESTIN: Yes.

MR BLAKE: I haven't got a feel for numbers or scale.

MR McQUESTIN: Sure. So I've attended a number of electorate meetings within our membership and had a raised with me in Bass on Friday night by a meeting that was 45 people strong. But we've also had representation by way of email and phone contact with my office, and I've had report from a number of other electorate offices which I would suggest would number in the 20 to 30 in terms of additional contact. It's something that is a bit of a barbeque discussion point, I suppose, if you like. So, therefore, a little hard to quantify on top of that.

MR BLAKE: And have all of the observations been in the same manner? Has anybody come up and said, "This is a really good idea"?

MR McQUESTIN: Look, as is normal in a political party, there's a broad church of views.

MR BLAKE: Sure.

MR McQUESTIN: However, our submission is reflective of the views that we've received, and one of the points that is strongly made, especially by our members in the north, is that they feel there is a – to quote one member – a power grab for the south. And, of course, that's something that we would expect our political opponents to advocate for. So they're, obviously, eager to see that not happen.

MR BLAKE: Okay. No other questions. All right. Sam, I think that's all there is. Thank you very much again for your submission and for your time today.

MR McQUESTIN: My pleasure. Thank you.

MR BLAKE: All right, then. I propose that we adjourn now until 11.30. Make it 11.25. I beg your pardon. Let's make it to 10.50. Okay. Thank you.

ADJOURNED **[10.25 am]**

RESUMED **[10.43 am]**

MR BLAKE: Welcome, Steve. Can I just make a quick statement of welcome. So welcome to this hearing of the Redistribution Tribunal regarding the Legislative Council boundary redistribution, and thank you for making a submission based on the initial redistribution proposal. My name is Mike Blake and I chair the Redistribution Tribunal. I will not introduce you to my colleagues because their names and roles are clear from their name badges.

MR MAV: I can't see very well, but - - -

MR BLAKE: They're all members.

MR MAV: Great. Thank you.

MR BLAKE: The initial redistribution proposal was prepared by the Legislative Council Electoral Boundaries Redistribution Committee in accordance with the
5 Legislative Council Electoral Boundaries Act 1995. And I would like to place on record my thanks to them and the Electoral Commission staff and others who supported them. The submission proposal was advertised and commenced suggestions or objections for the proposal were sought. Twenty-nine submissions were received by the due date of 27 February 2017. The tribunal has an obligation to
10 bring an independent and unbiased perspective to this consideration of the committee's proposal and to do so in a timely manner. The tribunal is also obliged to apply the same priorities as did the Distribution Committee. The first priority is to ensure, as far as practical, that the number of electors in each council division would not in four and a half years time vary more than plus or minus 10 per cent of the
15 average council division enrolment.

The second priority is to take into account the community of interest within each council division. After taking into account the priorities noted above, the tribunal must consider the following matter in the case of each electoral division: the means
20 of communication and travel within the division; the physical features and area of the division; existing electoral boundaries and distinct natural boundaries. For this redistribution, the average divisional enrolment is – or quota is 24,998, which was determined at 30 September 2016, and in no case is any variation from the council division quota 10 per cent. Every objector has a right to be heard in this inquiry. So
25 far as the procedure today is concerned, it is not a court of law, and for the most part the tribunal can determine its own procedures. We will deal with these matters as informally as possible, noting only that this is required to be a public inquiry and the tribunal has the power, if it thinks it's in the public interest to do so, to hold parts of the inquiry in private.

30 You are invited to indicate whether there is any part of the material or information you want to provide to us today you believe should be heard in private. We will consider such an application if and when it's made. Although the tribunal has the power to do so, we will not be swearing people in to give evidence because we are
35 dealing, essentially, with matters of opinion rather than contested fact. But we do reserve the right to require you to give sworn evidence, if necessary. Also, the Act requires that any evidence which is given by way of written statement must be tendered and verified by oath. So if you will be tendering any written statement, we will need to administer an oath to them for the purposes of verifying your statement.

40 Subject to these matters, the intention is that you are invited to outline the nature of our objection to, or indeed support for, the proposal uninterrupted. We will provide an opportunity for discussion and comment and questioning from members of the tribunal and then an opportunity for a closing statement from you. As you can tell,
45 today's proceedings are being recorded. Following today's inquiries and those in Launceston on Friday, the tribunal is going to deliberate, which we will do on 14

March. We will not make any immediate responses to anything that is put to us today. Do you have any questions regarding these procedures?

MR MAV: No, Mr Chairman.

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MR BLAKE: So please proceed.

MR MAV: Thank you, Mr Chairman. And I thank the tribunal for allowing me to make my presentation today further to my written submission. I would like to state from the outset that my comments and opinions in no way should reflect criticism or be interpreted as being critical of the work of the Redistribution Committee, the process and, obviously, the ongoing process in accordance with the legislation. I am an interested party because I am an independent candidate for the division of Rumney. The election is scheduled to be held on 6 May 2017, and I believe I can make a contribution, hopefully a positive and constructive one, as part of your deliberations. I made an objection and put it in writing and submitted it to you, sir, because the division of Rumney, of all the 15 divisions, in my opinion, has the most to lose if the initial proposal is to be accepted.

As the tribunal is aware, the legal requirement of 10 per cent plus or minus from the quota is non-negotiable, and that is understood. However, there are different approaches and that was noted in the initial proposal. And I would like to maybe make reference to that because I do believe I can put forward an alternative proposal which is a minimalist proposal, as I am calling it. And it's consistent, Mr Chairman and members of the tribunal, with proposals or suggestions and opinions put forward by other people who have made submissions. So – and I understand that's consistent with the views of the Member for Rattray – the members for Apsley, I should say, the Honourable Tania Rattray, and also the Member for Western Tiers, the Honourable Greg Hall. Now, on page 11 of the initial proposal, the committee recognise that minimal adjustments could be made, and I will just quote the relevant part. It says here:

One option was to develop boundaries with the minimal adjustments required to comply with the legislative criteria. This model made minimal boundary movements in the north-west which then required Western Tiers to take in new areas south of the current boundaries.

It says:

While meeting the criteria –

so the committee accepted that the criteria would be satisfied by this approach, it then added:

The committee held concerns that these boundaries would only stay within the 10 per cent tolerance levels in the short-term.

Now, I would like to address this question of what constitutes short term because the initial proposal provided information as to the actuals as of last year, the end of last year, and the projected figures in 2021. And both tables – and I’m referring to page 18, the appendix 1, the Existing Divisional Enrolment Trends, I’m referring to that page. And what that information shows, Mr Chairman, is that the only division that exceeds the 10 per cent threshold, as you are aware, is the Division of Rumney. And the only division that is expected to continue to exceed the 10 per cent threshold, if all things remained equal, is the Division of Rumney in 2021.

10 Now, this is the only information that has been provided in the initial report. So, when reference is made to the short term, I do believe that we need to put that in context. So we’re really, in my view, Mr Chairman, talking about one division that will be materially affected and, depending on the direction the tribunal takes, will affect the other 14 seats, particularly the seat of Apsley – the Division of Apsley and the Division of Western Tiers. So under a minimalist approach, Mr Chairman – and this is the crux of my argument – under a minimalist approach there would be minimum disruption to the electoral boundaries. There would be a minimum level of inconvenience, a minimum level of uncertainty and, importantly – importantly, Mr Chairman – the democratic principles of ensuring that the will of the people prevails in terms of this forthcoming election, Division of Rumney.

And I will elaborate on what I mean by that because I did make reference to it in my submission. The Division of Rumney exceeds the quota by 13 per cent presently. The election is being held on 6 May. So the election is being held on 6 May. It’s compulsory to vote. So electors don’t have the choice to say, “I don’t want to participate in the process.” Yet if the initial proposal was accepted, 36 per cent of current electors would no longer be in the Division of Rumney after the transitional arrangements – after the election and after the transitional arrangements, whether that’s a few weeks or someone suggested by the end of the year. Now, Mr Chairman, I think that raises some significant issues of equity and questions about whether electors’ rights would be disenfranchised because if you put it in a practical sense, there are three candidates – three declared candidates – at this point in time. I expect there will be more as we approach the election. But those three candidates right now are out there canvassing for votes, right now are door-knocking, introducing themselves, putting forward their ideas, their visions, making pledges.

In my case, I’m actively door-knocking. I am introducing myself to people in the Sorell municipality, the Tasman municipality, and as part of normal campaigning, normal engagement in the political process, I’m asking them what their concerns are. They’re raising their concerns. I’m taking note of their concerns and I’m making certain undertakings. For example, something – a local road is not up to scratch. The residents would like to get State Government funding. And, as a candidate, I’m committed to pursuing that on their behalf. Now, that’s a very small example. Something a little bit more complex might be having a second causeway linking the Sorell municipality with the Clarence municipality. The point I’m trying to make here is, as a candidate, I’m canvassing for votes in the entire electorate, including in

the Sorell and Tasman municipalities which under this proposal would no longer exist, if they were to be accepted by the tribunal.

5 It raises some serious ethical questions. As a candidate, how can I be making commitments that I do not know I can, at the minimum, pursue as the member. On a deeper level – and I think this is where the tribunal needs to take this into account, notwithstanding the candidates’ ethical concerns, how does the voter feel if he or she, effectively, is being told, “You have to vote on 6 May. You have to turn up to vote for our candidate, but our candidate may not represent us after the election because we won’t be in the electorate.” Or put it differently, “Steve, why should I vote for you? My vote won’t count”, in the case of Sorell, Dodges Ferry, Carlton, Primrose Stands, Nubeena, Dunalley. So I do believe that the initial proposal, while well-intended and very much cognisant of the complexities of the proposed changes, I think has not taken into account the material significant disruption to the division of Rumney.

20 And because it is Rumney that stands to have the most significant impact, because there is an election presently, the other seats have to accommodate this proposed new Division of Prosser and, in turn, the seat of Prosser has to then accommodate the new seat of McEwen – it’s McEwen.

MR BLAKE: No, McIntyre.

25 MR MAV: McIntyre, sorry. McIntyre. And, therefore, the map has been redrawn, Mr Chairman, to try to accommodate, from what I can understand, the initial proposal’s comments to, quote:

The committee held the view –

30 again, on page 11 –

The committee held the view that it was preferable to develop boundaries that enabled a long-term consistent association between elector base and their representatives.

35 But, Mr Chairman, with the greatest respect, the long-term association can continue with the counter boundaries making minimal adjustments. And when we look at the appendix 1 on page 18 of the initial proposal, it’s clear that the other divisions would, on the current projected numbers – so the current divisions, fast forward to 2021 – after Rumney, which would deviate at 13.54 per cent. The closest division that comes to the deviation after that is the division of Derwent, 8.07. After that, they all seem to fall by significant numbers. So it seems to me that a minimalist approach would ensure the integrity of the existing 15 boundaries; would enable the long-term association that the electors have with each of those divisions to continue, and, importantly, would avoid significant confusion disruption, and in the case of Rumney, will not raise serious ethical concerns about the legitimacy of the election. And I am not proposing the legitimacies in terms of the procedural legislative

statutory requirements. I am – as I mention in my submission, I said, in part I said – I said:

5 *If the proposal was accepted and after the traditional arrangements expired, 9850 and current electors would be denied being represented by the new Member for Rumney –*

that could be the existing member, of course –

10 *And their democratic rights impinged. Put differently, removing 36 per cent of current electors from the division of Rumney is material.*

It's not small. It's a material change:

15 *Is material to the credibility of the current election in terms of the legitimacy and mandate –*

mandate, I emphasise now –

20 *For the new member of Rumney.*

So if I made certain commitments in my case that I would do X, Y, Z for the people of Sorell and after the transitional arrangements I'm no longer the Member for Sorell – or maybe a more relevant issue, it has been in the news today, the issues at
25 Lewisham and the erosion issues. There's a big public meeting on Saturday and I believe all the candidates will be there. Mr Mulder, the current Member for Rumney myself, and I believe the Labor candidate, Ms Lovell. So we're going to be there as the candidates, and we're going to be, obviously, listening to the angst and the frustrations that the locals want done in terms of getting funding from the State
30 Government. No doubt, we are all going to make similar pledges. In my case, I've already made those commitments to many of the residents of Lewisham but I'm going to do it at a public forum. So I'm out there as a candidate, doing what a candidate does, putting forward his or her best case, trying to persuade.

35 And, after the election, as little as a few weeks, as long as maybe a few months, I won't be the member. So a person from Lewisham will ring me up and say, "Steve, but you promised me. You said you would be there to fight for us." "Well, I'm sorry, but I don't represent you any more. Speak to the Member for Prosser, if it is Prosser." So these are the practical issues and I fully accept, Mr Chairman, that
40 when the modelling was being done there was, from what I understood and I stand corrected, an attempt to try to cater for the ongoing growth of the south-east corner. And I understand through my limited knowledge that that is also being explored at the federal level with potential changes to the federal seats.

45 But, in my view, that is not relevant to the job at hand by the tribunal. There are – the 15 divisions do spread into multiple federal seats and multiple state seats, so I don't think that's a relevant factor. What I do believe is that, as you are mandated to

do under section 13, and one is, obviously, the deviation levels. So that's clearly non-negotiable, and I would defer to the tribunal in relation to how they believe that should be reduced in relation to Rumney. It is not for me to make that change or proposed change because I am a candidate and I want to be ethical and I want to be able to door-knock in the entire electorate and put my hand on my heart and say, "I have not attempted or put forward an alternative to exclude one suburb or another suburb if even a minimalist approach takes place." I don't think that would be ethical. Certainly not ethical to put a proposal in paper suggesting that change and then knocking on someone's door and saying, "Please vote for me." So I would like the tribunal, please, to place disproportionate weight in a favourable manner – I think it's to section 13(3)(c) which would be the existing electoral boundaries.

That's one of the things that you can take into account. And I understand it is at your discretion as to what weight you place on that. So my humble submission to the tribunal is a minimalist approach. I would like to state for the record that, while I recognise other competing drivers to adopt the initial proposal, based on the information that the public has had access to, I don't believe an overwhelmingly persuasive case has been put forward to create this disruption. And, for the record, Mr Chairman, I would like to endorse and support the thrust of the submission made by the Launceston Chamber of Commerce which concluded by saying that their approach to this, or their suggestion to this, is for a completely new proposal to be put forward. So I would respectfully urge the tribunal to hold another inquiry on the basis that there is another proposal, hopefully a minimalist one.

I would also like to, for the record – having read the 29 submissions only last night – I would like to agree with Mr Tony Grey who was one of the parties that made an objection, and he made the point that he objected to the proposed McIntyre and Prosser electorates, and he made the obvious point that Sorell is a commuter suburb of Hobart, to argue for the status quo. I would also like to place on record, Mr Chairman – and I'm trying not to be political here but I do have to make a few things for the record – that I do not accept or agree with the Australian Labor Party's submission, and, namely – quote, unquote:

The Tasmanian branch of the Australian Labor Party supports the Tasmanian Electoral Commission's proposals in regard to these five southern legislative divisions of Rumney, Pembroke, Huon, Prosser and Hobart.

For the reasons I've outlined. And, finally, I would like it also noted that I do not agree with the sitting member's position, Mr Mulder's position, with his two alternative scenarios for the reasons I've outlined to the tribunal. And in relation to the electoral names, while I welcome in principle having Aboriginal names and if there was to be a new seat created, I would urge the tribunal to give serious consideration to an Aboriginal name. However, for the reasons outlined in the proposal by the Liberal Party of Australia Tasmanian Division, I would agree with them that changing the names of existing electorates would create unnecessary confusion and disruption. Apart from that, Mr Chairman, I welcome any questions,

queries, clarifications, or anything else but I thank the tribunal for letting me make my presentation.

5 MR BLAKE: Thank you, Steve. So I open up to the members of the tribunal. Any questions on my right?

10 MR GIUDICI: I might just make a question, Steve. Thanks for your comments and presentation. As you alluded, there are pros and cons with incremental change versus substantial change. One of the consequences of incremental change is that there may be ongoing changes over time. What's your view in terms of the way you feel the electors would be responsive to subsequent changes in the short term, however that is defined – short to medium term, you know, changing boundaries again and again and again, potentially depending, you know, if the population projections are consistent?

15 MR MAV: Yes. Well, if the initial proposal was accepted in the case of Rumney, Sorell municipality, except Midway Point, a very small part, would go into the new division of Prosser. And, arguably, those electors would have to go to the polls as early as the following year if Mr Mulder's proposal was accepted for the Member for Western Tiers. I believe he suggested take over the seat of Prosser. Western Tiers is up for re-election next year. And that Mrs Rattray take over the seat of McEwen, given that she was elected only 12 months ago. So there is also that issue that needs to be taken into account. How would the electors feel? Not only have they been, arguably, disenfranchised by not being able to have elected their – chosen their Member for Rumney, but now they're going to have to go to the polls 12 months later and vote for the Member for Prosser.

30 There's something else which I did make mention in my submission and, again, it's an ethical question I just want to raise more than anything else. But, hypothetically, as much as I am, for example, trying to canvass votes across the whole electorate, and Mr Mulder, I would assume, and Ms Lovell, arguably, I might end up getting a lot more votes in the Tasman Peninsula or the Sorell Peninsula and become the Member for Rumney – arguably – or someone else. And then those electors are removed after the election, the transitional arrangements. So there's a little bit of a legitimacy – I did allude to it – the legitimacy question. Well, I've been elected, but have I been elected in a way that I can actually fight for the electorate because I've lost my support base where most of my votes came from?

40 That's, obviously, an ethical question. But in terms of your question, I think that needs to be – the short term – the boundary adjustment, as I understand – again, fast forward this to four and a half years. There wouldn't be any need to have any boundary adjustment, except for Rumney, and that would, arguably, be done now. But, given that the next review wouldn't be for nine years, unless, I think, the 25 per cent threshold was met, which is very, very unlikely, unless we have a huge influx of migration to the state. So I just think that it is more likely that is in nine years time if that was the next scheduled review, there would be more – there would be a better indicator of where the population movements were required to take place. And I

think, if I recall, in Ms Rattray's submission, she actually sort of alluded to that and said something to that effect, that even if you take the forward projections, most of the electorates still stay in the deviation range plus or minus without there being too much of – being skewed away to the 10 per cent. I think it's still – in fact, under the proposed changes Rumney ends up going to the minus territory. So I hope I've been able to give you a response.

MR GIUDICI: Yes, thanks. Lisa.

10 MS WARDLAW-KELLY: No, thanks.

MR BLAKE: Nothing. Andrew. And you've put forward a number of observations to us, but you haven't actually suggested an alternative. If we were to take your point of view and keep – deal with Rumney – what would it look like?

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MR MAV: Yes.

MR BLAKE: Or what might it look like?

20 MR MAV: Yes. Yes, I understand the questions, Mr Chairman. Well, I, as a candidate, do not want to advocate for a specific locality. Mr Mulder has made a couple of recommendations, including in both his scenarios Cambridge and Richmond not being part of it. I live in Cambridge, so, obviously, I wouldn't want that to happen. One of the scenarios was to take Rokeby and Harrow Gardens out and move it around that way. My response to that question would be I would defer to the judgment of the tribunal to reduce the projected 13.54 per cent to under 10 per cent. So that would only require, if it was a very minimalist approach, 3.5 per cent of projected electors in Rumney currently, in projection terms, being moved into either the seat of Pembroke – so I think you could either move people into the seat of Pembroke or move people into the seat of Apsley because they border.

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You could move people from – and I say this from a purely observational point of view. I don't speak as an authority on this because I've not done the modelling – but there is room, Mr Chairman, from what I have seen in the mapping, to put people in Derwent – Derwent seems the second highest deviation after Rumney – into Apsley. So you could, arguably, have Apsley, a more southern seat, by putting in areas that are currently in the seat of Derwent. And you could move Pembroke more into the seat of Rumney. You could also move the seat of Hobart further south, Mr Chairman, because Nelson is underrepresented, and Nelson could be moved into Huon. So if you went in a southwards direction, you would have Huon satisfied. You would have more of the seat of Hobart into Sandy Bay, which is part of the Hobart City Council and then you would have the seat of Elwick more into the seat of Hobart.

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45 And you have already – the committee, I should say – has already made reference to that by suggesting parts of Lenah Valley go into – from Glenorchy go into Hobart. And so you could push everything down because, in fact, this is an important point, I

should say, the seat of Nelson of all the southern seats was the only division that was in minus territory. So there is actually room. Now, you could be very audacious and do something quite significant, which I don't suggest, but you could always abolish the seat of Nelson and push the seats further down to factor in long-term growth. I don't suggest that. But I do believe that there is room under the existing 15 boundaries to take pressure off Rumney and to take pressure off Derwent. And by doing that, beef up Apsley because they're in negative territory. Make it more the southern seat. The current member of Apsley already is representing the area. She has been re-elected, Mr Chairman, to a third term. So she is a known quantity.

So she has been there for almost 13 years, and she has at least another five years to go, all things being equal. So, again, I don't see the urgency. If there were three or four or five divisions that deviated past the 10 per cent plus or minus, I think my argument would be a lot more weaker. But, in the absence of just one – just one, Rumney – and given that they are going to the election, it might have been a different situation if Rumney did not have to face an election for another two years. So that would be my view.

MR BLAKE: Okay. Thank you.

MR HAWKEY: Can I raise one other thing.

MR BLAKE: Yes, sure.

MR HAWKEY: Just on the comments you're making there, Mr Mav, as was in the reasons there, it talks about Rumney as a particular case. It has increased from minus 7.6 in '98 through to what was projected as 13.54. So, obviously, it's the division that has had the most growth over a long period of time.

MR MAV: Yes. Yes.

MR HAWKEY: What you're proposing there is maybe a 10 per cent reduction in Rumney at this process, which will get just under the – inside that margin of error, the 10 per cent. On this trend, assuming this trend continues - - -

MR MAV: Yes.

MR HAWKEY: - - - we would probably be looking at a similar or greater, then, need to change in nine years time. What you're then proposing is that the election we have this year, and in the following election and in the following election we are looking at different boundaries, probably a 10 and maybe a 15, as minimal adjustments between each of those elections. So what your proposal looks to be doing is to have the incremental change. That would be an impact in relation to these elections that you're, effectively, then moving those boundaries. Do you see that as a preferable thing, then, to what the initial proposal is doing?

MR MAV: You raise valid points, firstly, if I may say so. The 13 per cent deviation is, obviously, a problem – a big problem – to satisfy the electoral requirements under the Act. What I am suggesting is that we know for a fact that in four and a half years – not a fact. We know based on projections in four and a half years time – so the
5 next reviews in in nine years time – so it’s halfway – that only one division will still deviate under the current projections: Rumney. So if Rumney was reduced at the minimum by three and a half per cent, but you may choose to do much more than three and a half. I don’t want to advocate for that, for obvious reasons. But if you did do that, I still think that, in itself, is nowhere as disruptive and as problematic on
10 a number of fronts, including an ethical front, as taking 36 per cent of the electors literally a few weeks after.

So the danger here, sir, is that as early as a few weeks after the 6 May election, a final determination is made and potentially 36 per cent of the electors are no longer
15 in the election immediately following the election that you would have thought the Member for Rumney would be there for six years. And it’s a long time. So I would urge the tribunal, if it did adopt the minimalist approach, to take into account the Electoral Commissioner’s observations to ensure that in nine years time the likelihood of the division of Rumney, or indeed any other division, was very unlikely
20 to deviate past the 10 per cent. But that would be very much a technical – the minimalist approach that I’m advocating, essentially, would require you to make minor adjustments in the whole scheme of things with the existing boundaries. So it would come down to your modelling and mapping of your technical people.

25 MR BLAKE: I think I might draw it to a close. Thank you Steve. Were there any final comments you wanted to make?

MR MAV: I just wanted to stay that I appreciate the opportunity. I fully support the process. I understand this is part of the process. And the process will continue. And
30 I just wanted to faithfully put forward my view and concerns that have been raised by the electors of Rumney in my capacity as a candidate during this current election campaign.

MR BLAKE: Thank you very much.
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MR MAV: Thank you very much. Thank you. Thanks Michelle

MS FROST: Karen.

40 MR MAV: Karen. Sorry, Karen. Thank you very much. Thanks very much.

ADJOURNED

[11.23 am]

45

RESUMED

[12.08 pm]

MR BLAKE: Welcome, Josh. I might start with just an initial statement of welcome, if that's okay. So welcome to this hearing of the Redistribution Tribunal regarding the Legislative Council boundary redistribution and thank you for you, or the Labor Party, for making a submission based on the initial redistribution proposal.
5 My name is Mike Blake and I chair the Redistribution Tribunal. I will not introduce each of my colleagues because their names and roles are clear from their name tags, if you can see them from there. The initial redistribution proposal was prepared by the Legislative Council Electoral Boundaries Redistribution Committee in accordance with the Legislative Council Electoral Boundaries Act 1995. I would
10 like to place on record my thanks to them and the Electoral Commission staff and others who supported them.

The initial proposal was advertised and comments, suggestions or objections and support for the proposals were sought. Twenty-nine submissions were received by
15 the due date, which was 27 February 2017. This tribunal has an obligation to bring an independent and unbiased perspective to its consideration of the committee's proposal and to do so in a timely manner. The tribunal is also obliged to apply the same priorities as did the Redistribution Committee. Our first priority is to ensure, as far as practical, that the number of electors in each council division would not in four
20 and a half years time vary more than plus or minus 10 per cent of the average council division enrolment. The second priority is to take into account the community interest within each council division. After taking into account the priorities noted, the tribunal must consider the following matter in the case of each electoral division: the means of communication and travel within the division; the physical features and
25 area of the division; existing electoral boundaries and distinct natural boundaries. For this redistribution, the average divisional enrolment or quota is 24,998 which was determined at 30 September 2016. And in no case is any variation from a council division quota to exceed 10 per cent.

Each objector has a right to be heard at this inquiry. So far as the procedure today is
30 concerned, it is not a court of law, and for the most part the tribunal can determine its own procedures. We will deal with these matters as informally as possible, noting only that this is required to be a public inquiry and the tribunal has the power, if it thinks it's in the public interest to do so, to hold parts of the inquiry in private. You
35 are invited to indicate whether there is any part of the material or information you want to provide to us you believe should be heard in private. We will consider such an application if and when it's made. Although the tribunal has the power to do so, we will not be swearing people in to give evidence because we are dealing, essentially, with matters of opinion rather than contested fact. But we do reserve the
40 right to require you to give sworn evidence, if necessary.

Also, the Act requires that any evidence which is given by way of written statement must be tendered and verified by oath. So if you will be tendering any written
45 statement, we will need to administer an oath to them for the purposes of verifying your statement. Subject to these matters, the intention is that you are invited to outline the nature of your objection to, and indeed support for, the proposal uninterrupted. We will provide an opportunity for discussion and comment and

questioning from members of the tribunal and then an opportunity for a closing statement from you. As you can see, today's proceedings are being recorded. Following today's inquiry and those in Launceston on Friday, the tribunal is going to deliberate, which we will do on 14 March. We will not make any immediate
5 response to anything that is put to us today. Do you have any questions about the process?

MR WILLIE: No.

10 MR BLAKE: Please proceed.

MR WILLIE: Okay. Well, firstly, I will preface my opening statement by thanking the committee for the work that you have done. No doubt it's a thankless task, and, obviously, there has been commentary made about the initial proposal. The Labor
15 Party understands that there needs to be change, and I think late last year we had a briefing in Parliament, and Andrew was very informative in regards to the population and where that was migrating to in Tasmania. So we understand that significant changes have to happen. So the submission from Labor is written with that premise. We accept a lot of the changes. I'm here today to speak specifically about Elwick,
20 my experiences during the campaign, and the suggestions in our submission. I do so with the support of my colleague, Craig Farrell, who is the Member for Derwent, and, given the boundary of the two electorates, we have talked extensively about this and, being members of the Labor Party, we support the submission.

25 In regards to Elwick, I understand that there has to be change and accept that moving into the city is part of that change because of the migration of the population south-east across the State. Obviously, a lot of the boundaries have had to move that way across the state. In regard to the northern end of Elwick, it makes sense for Claremont, which is split in half currently, to move into Derwent. During my
30 campaign, there was a lot of confusion amongst voters on whether they were in Elwick or Derwent. And I think the railway line as the boundary was particularly confusing. It was not only voters that were confused about that. I did attend a community lunch, and I think the member at the time was confused about where the boundary was too. So I think moving that into – sorry – the member at the time had
35 relayed that information to people at the community lunch.

So I think moving that part of Claremont into Elwick – sorry – into Derwent, makes complete sense and will avoid that confusion. Where our proposal is a little bit different to the TECs proposal is that we feel that Collinsvale is a better fit for
40 Derwent, given Derwent's expansive geographical boundary and the fact that Derwent takes in a number of rural towns and population centres. Currently, Derwent takes in Molesworth and it makes sense to shift that boundary across to encompass Collinsvale. Likewise, it makes sense to keep Chigwell and Berriedale in Elwick, which is an urban electorate, and those communities would be better served
45 in an urban electorate, rather than the expansive Derwent electorate. I believe that they've had a long history being associated with the northern suburbs, and I feel that

it would be very confusing for the people in Berriedale and Chigwell to then be moved into Derwent. I worked extensively in those suburbs during my campaign.

5 People in those suburbs are, obviously, part of the Glenorchy municipality, and I feel it would be a disservice to those people in those communities to move them into a more expansive rural electorate in Derwent. I've got a question, actually, for the committee in regard to the boundaries moving south. Whilst we completely accept that movement, and I'm sure the committee has considered this, but there are a number of proposed subdivisions in that area, and I'm wondering whether that was
10 taken into account with the projections. I believe there's Garrington Park and Parkwood Gardens, and I think if you probably added up the blocks that are proposed or even for sale in those areas or being built on, there would be significant population movement there. Was that considered?

15 MR BLAKE: In general, yes, it was. Our research officer with our lands area, is – provides support in looking at some of those, the lands areas across where some of those new developments are. So I believe that we – in general consideration, yes. Not in specific population numbers.

20 MR WILLIE: Okay.

MR BLAKE: facts as supplied by ABS

MR WILLIE: Okay. Well, that leads me to the next thing, is that in our proposal,
25 Derwent is very close to the quota but not quite there. But it's my understanding that a number of electorates in the TECs proposal don't quite make the quota as well. And we feel that the community interest here is better served with Collinsvale and Claremont being moved into Derwent rather than Chigwell and Berriedale. Are there any questions for me?

30 MR BLAKE: That's the end of your - - -

MR WILLIE: Yes, my opening statement.

35 MR BLAKE: All right. Thank you. So I will open it up to questions from the tribunal. Start from my left this time. Nothing from you, Karen?

MS FROST: No.

40 MR GIUDICI No. I think you've answered all the questions I was going to ask.

MR BLAKE: Lisa?

45 MS WARDLAW-KELLY: No. Look, it's an interesting question around the subdivisions and how much those have been factored in to intrastate migration assumptions. We can look into that.

MR BLAKE: Yes, I think we're going to do that. We need to look at subdivisions, not just in that part of state, yes.

5 MR WILLIE: Well, in regards to Garrington Park, that's more in the Newtown area. I think it comes off Foster Street. So - - -

MR BLAKE: That's near the old brickworks.

10 MR WILLIE: Yes, in the old brickworks there. So potentially you may need to shift that around to miss that. There would be a number of options that you could explore, I think.

MR BLAKE: And your observations around Berriedale and Chigwell interesting. Thank you.

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MR WILLIE: Is there any further questions on that?

MR BLAKE: No, not on those. Thank you. You are pretty clear. So I don't have any questions. So any final sentence you wanted to make, Josh?

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MR WILLIE: No. Just to reiterate that the Labor Party generally supports the TECs proposal, and we understand that change needs to happen, and, obviously, we respect the process and think that that is sound. And that members and members of the public will get to have their say and this will evolve through that process. So, again, I thank you for your time and no doubt it's a thankless task at times.

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MR BLAKE: Sorry, if you wouldn't mind, I might just explore one thing with you.

MR WILLIE: Yes.

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MR BLAKE: So the submissions, if you've read them all, I don't know but - - -

MR WILLIE: I haven't had a chance to read all of them yet.

35 MR BLAKE: No. And some of the comments we've had so far today have been around minimal rather than a big change. Do you have a view about that?

MR WILLIE: Well, I think one vote one value is incredibly important as a principle. And that needs to be at the forefront of thinking.

40

MR BLAKE: Sure.

MR WILLIE: And I understand that there may need to be a drastic change for that to occur. We don't want to go back to some of the old Legislative Council boundaries and having mismatches amongst electorates. So I think that's an important principle to maintain. The other thing I would say too is that community interest is an important principle to maintain as well. Obviously, there's a

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commentary running at the moment, and there are various views around how electorates will be best served. But I think if you stick to those two principles in the long run, the community of Tasmania will be best served.

5 MR BLAKE: Thank you.

MR GIUDICI: Mike, can I just have a late question, sorry.

MR BLAKE: Yes. Go ahead.

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MR GIUDICI: Just in terms of the submission, you mentioned that you had had some discussions with your colleague, Greg Farrell.

MR WILLIE: Yes.

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MR GIUDICI: Have you also canvassed constituents in your constituency, and do you have a sense of what their views are or in terms of the way you've proposed some of these realignments?

20 MR WILLIE: Yes. No doubt. Being in the community all the time, you're talking to constituents. We've had stalls at Northgate recently, not about this proposal, but it does come up and you do talk to people about it. And I think that the statement I made about Chigwell and Berriedale is reflected with people in the community. They do feel part of Elwick. They are in an urban centre, and they would be best served with an urban electorate rather than an expansive rural electorate.

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MR BLAKE: Thank you.

MS WARDLAW-KELLY: Can I just ask one, another late question?

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MR WILLIE: Go ahead.

35 MS WARDLAW-KELLY: We've been interested in getting people's views on the relative merits of an incremental approach to change where you may actually need to make boundary adjustments more frequently in successive restrictions or whether take a forward-looking view and making a slightly more, you know - - -

MR WILLIE: Bold.

40 MS WARDLAW-KELLY: - - - bold readjustment as we've proposed - - -

MR WILLIE: Yes.

45 MS WARDLAW-KELLY: - - - which is sort of future-proofed to the best of our ability and allows for the electorate to get some stability over time. Where - if you are aware of the ALP position on it or, if not, your own reflections, where do you think the relative merits of those are?

5 MR WILLIE: I think, as a relatively new parliamentarian, there's a lot of apathy with these sorts of processes. I think if you're going to change things, do it for a longer timeframe, people get tired of these sorts of things being discussed, and I think it will avoid confusion having boundaries moved frequently and will allow people to identify with the electorate that they're within. So I think that if you're going to make changes, given where the population is heading, it's unavoidable to make drastic changes. And, as the submission from the Labor Party suggests, we accept a lot of that.

10 MS WARDLAW-KELLY: Thank you.

MR BLAKE: Any other late takers? No. All right. Josh, thank you again for your time.

15 MR WILLIE: Thanks for your time. Okay.

MR BLAKE: So for the purpose of the record can we formally conclude this morning's proceedings. Thank you for coming along and other interested parties, and we will have a short break now and then have a look at some mapping. Thank
20 you.

MATTER ADJOURNED at 12.25 pm UNTIL FRIDAY, 3 MARCH 2017