



2016 -17 LEGISLATIVE COUNCIL ELECTORAL BOUNDARIES

Redistribution

2016-17 Redistribution of Legislative Council Electoral Boundaries

Initial Transition Proposal

Published by the Legislative Council Electoral Boundaries Redistribution Committee in accordance with the *Legislative Council Electoral Boundaries Act 1995*.

8 July 2017



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Note:

The Redistribution Committee and Tribunal are statutory bodies independent of the Tasmanian Electoral Commission (TEC). The TEC provides secretarial and administrative support to the Committee and Tribunal.

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Summary of the New Divisions — Determined 20 May 2017

NAME	ELECTORS		AVERAGE DEVIATION		AREA SQ KM
	CURRENT	PROJECTED	CURRENT	PROJECTED	
Derwent	24,824	25,208	-0.70%	-1.63%	12,183.98
Elwick	23,889	24,692	-4.44%	-3.65%	98.37
Hobart	24,455	25,222	-2.17%	-1.58%	62.29
Huon	24,199	25,134	-3.20%	-1.92%	6,213.80
Launceston	24,171	24,936	-3.31 %	-2.70%	146.32
McIntyre	27,264	27,517	+9.07%	+7.38%	15,338.91
Mersey	26,809	27,241	+7.24%	+6.30%	732.43
Montgomery	27,360	27,619	+9.45%	+7.77%	2,456.53
Murchison	27,111	26,746	+8.45%	+4.37%	19,391.43
Nelson	24,123	24,791	-3.50%	-3.26%	74.51
Pembroke	22,771	24,016	-8.91%	-6.29%	31.56
Prosser	22,543	23,713	-9.82%	-7.47%	8,592.80
Rosevears	26,208	26,892	+4.84%	+4.94%	801.52
Rumney	23,377	24,755	-6.48%	-3.40%	433.93
Windermere	25,865	25,920	+3.47%	+1.14%	2,047.45
Total	374,969	384,402	-9.82% - +9.45	-7.47% - +7.77	68,605.82
Average	24,998	25,627			4,573.72

*Quota = Average Council Divisional Enrolment as at 30 September 2016,
rounded to the nearest integer (24,998)



Background

The Redistribution Tribunal determined the names and boundaries of the 15 Legislative Council divisions on 20 May 2017.

Following this determination, the Tribunal is required under the *Legislative Council Electoral Boundaries Act 1995* to determine the allocation of members to the new Legislative Council divisions, the periodical cycle of elections, and other matters, if any, associated with the implementation of the redistribution.

The Tribunal invited any person to make a written submission, or to appear before the Tribunal at a public hearing in relation to the transition arrangements. Five persons lodged written submissions, and five persons appeared before the Tribunal at hearings into transition arrangements held in Hobart and Launceston on 8 and 9 June respectively.

Following its deliberations, the Tribunal now publishes its Initial Transition Proposal in accordance with Section 29F(1) of the *Legislative Council Electoral Boundaries Act 1995*.

The Redistribution Tribunal invites public attention to its Initial Transition Proposal as shown on the following pages. Further copies are available at the redistribution website (www.lcredistribution.tas.gov.au), from our designated public offices (Service Tasmania) or by contacting the Executive Officer on 1800 801 701.

Comments, suggestions or objections

Within the period of 14 days after this publication, a person or organisation may lodge with the Redistribution Tribunal (no later than 5:00PM on Monday 24 July 2017) a written comment, suggestion or objection in relation to the Initial Transition Proposal.

Written submissions can be lodged online at the redistribution website, or sent to the Redistribution Tribunal by email, post, or facsimile at the addresses shown on the inside cover of this booklet.

Following the close of the period to lodge submissions, all submissions will be available on the Redistribution website: www.lcredistribution.tas.gov.au.

Final steps in the process

The Redistribution Tribunal must consider the comments, suggestions or objections received in relation to the Initial Transition Proposal relating to transition arrangements to implement the redistribution of the State in respect of the Legislative Council and may hold a public inquiry into these matters.

The Redistribution Tribunal must make a determination of the transitional arrangements as soon as practicable after the completion of its deliberations.

Under section 29 of the Act the new division boundaries and names will come into effect on and from the date of the determination of the transitional arrangements under section 29A.

Mike Blake Chairperson of the Redistribution Tribunal 8 July 2017



Initial Transition Proposal—Reasons

Transition arrangements for 13 members

Section 29A of the Act outlines the arrangements to implement a redistribution of the State in respect of the Legislative Council. The Tribunal must determine the transition arrangements to implement the redistribution of divisions and boundaries determined on 20 May 2017. The Act requires the Tribunal to ensure the annual periodical cycle of elections takes effect as soon as practicable after its determination. Section 29A(11) of the Act states:

If each new division contains at least 75 per cent of the electors from a member's current division, the Tribunal may make a determination that allocates each member to the new division that contains at least 75 per cent of the electors from the member's current division.

The Tribunal chose to allocate members to new divisions that met the 75% principle contained in section 29A(11) (refer to Appendix D). Under this approach, twelve of the fifteen members are able to be allocated to a division. For the three unallocated members, the table shows:

- The majority of Rumney electors (64.4%) are allocated to the new division of Rumney.
- The majority of Western Tiers electors (60.1%) are allocated to the new division of McIntyre.
- The majority of Apsley electors (51.9%) are also allocated to the new division of McIntyre.

In examining the composition of the new divisions of McIntyre, Prosser and Rumney, the Tribunal noted:

- For the new division of Rumney, 75.8% of electors are currently Rumney electors.
- For the new division of McIntyre, 54.9% of electors are currently Western Tiers electors and 45.1% of electors are currently Apsley electors.
- For the new division of Prosser, the largest group (43.5%) is current Rumney electors.

The Tribunal took the view that it was appropriate that the member for the current division of Rumney be allocated to the new division of Rumney. The allocation of the two members whose divisions have been abolished requires greater consideration.



Transition arrangements from Apsley and Western Tiers to McIntyre and Prosser

Under section 29A of the Act, in performing its functions, the Redistribution Tribunal is to take into consideration and give such weight as it considers necessary to the following matters:

(number and letter refer to subsection of section 29A)

- 9(a) the continuity of members' 6-year terms;
- 9(b) the continuity of representation in respect of both members and electors;
- 9(c) the periodical cycle of concurrent elections in Council divisions not generally sharing a common boundary;
- 9(d) the principle that a member will generally be allocated to a new Council division where the electors from the member's current division comprise the greater number of electors in the new division;
- 9(e) fairness and equity;
- 9(f) any other matters that the Tribunal considers relevant.

In relation to other matters and fairness and equity:

- 10(a) the extent of the reduction of a member's term;
- 10(b) the effect of the reduction on the superannuation entitlements of a member.

The Tribunal gave significant weight to the importance of the continuity of members' 6-year terms and the continuity of representation in respect of both members and electors. The six-year term is the mandate given by the electors to their local member of the Council.

Summary of the evidence

During its inquiry, the Tribunal heard three arguments put forward in regard to the allocation of current members to the divisions of McIntyre and Prosser:

- The member for Apsley should be allocated to McIntyre.
- The member for Western Tiers should be allocated to McIntyre.
- The electors of the new division of Prosser should be able to choose a new member.

The Tribunal noted the following strong arguments for the member for Apsley to be allocated to the division of McIntyre:

- The majority of Apsley electors will be located within McIntyre.
- The majority of the geographical area for McIntyre is currently within Apsley.
- Through written submissions and at the public hearings, the following further arguments were made:
 - The member for Apsley has served the North-East area for over 13 years, developing strong relationships with the communities within the municipal areas of Dorset, Flinders, Break O'Day, Northern Midlands, Glamorgan-Spring Bay, Southern Midlands and Launceston City. Most of these communities will be located within McIntyre.



- The member for Apsley is fully based (including office and support staff) in the North-East region of the State which will be located within McIntyre.
- Allocating the member for Apsley to McIntyre would enable her to continue to serve the majority of Apsley electors for the remaining 5 years of her term.
- Allocating the member for Apsley to McIntyre and the member for Western Tiers to Prosser would enable Prosser electors to elect their own member at the 2018 periodic elections.

The Tribunal noted the following strong arguments for the member for Western Tiers to be allocated to the division of McIntyre:

- The majority of Western Tiers electors will be located within McIntyre.
- The majority of McIntyre electors are currently Western Tiers electors.
- Over 40% of Apsley electors will be located within Prosser, creating a justification for allocating the member for Apsley to Prosser.
- Through written submission and at the public hearings, the following further arguments were made:
 - The member for Western Tiers has served the Bass Highway area east of Devonport for 15 years, developing a strong relationship with the communities within the municipal areas of Kentish, Meander Valley and Northern Midlands. Most of these communities will be located within McIntyre.
 - The member for Western Tiers is fully based (including office and support staff) in the Meander Valley region which will be located within McIntyre.
 - The member for Western Tiers has no affinity with the division of Prosser as only 26 current Western Tiers electors will be located within Prosser.
 - If the member for Apsley is allocated to McIntyre then Western Tiers electors located within McIntyre would have a 10-year gap between Legislative Council elections.

The Tribunal noted the following strong arguments for a 2018 election in Prosser:

- 59.3% of electors within Prosser do not have a continuity of representation with either the member for Apsley or the member for Western Tiers.
- In May 2017, 43.5% of electors within Prosser provided an electoral mandate to the current member for Rumney.
- One verbal submission argued that severing of the continuity of representation between current Rumney electors and the member for Rumney is contrary to democratic principles and these electors should be able to choose a new member.



Considerations of the Tribunal

In its deliberations of these arguments the Tribunal took the view that:

The **allocation of the member for Western Tiers to McIntyre and the member for Apsley to Prosser** can be justified on the basis that the majority of McIntyre electors were from Western Tiers and that 38.7% of Apsley electors have been allocated to Prosser. However, these allocations would sever the continuity of representation between the majority of Apsley electors and the member for Apsley whose term expires in 2022; and would not enable the electors of Prosser to elect their own member until 2022.

The **allocation of the member for Apsley to McIntyre and the member for Western Tiers to Prosser** can be justified on the basis that it enables the member for Apsley to maintain the continuity of representation with the majority of Apsley electors and enables Prosser electors to elect a new member in 2018. However, this allocation would sever the continuity of representation between the majority of Western Tiers electors and the member for Western Tiers — although the Western Tiers continuity of representation is set to expire in 2018.

In considering these opposing arguments, on balance, the Tribunal formed the view that the benefits in allocating the member for Apsley to McIntyre outweigh the benefits in allocating the member for Apsley to Prosser. Having McIntyre replace Apsley, and Prosser replace Western Tiers in the periodic election cycle enables Prosser to go to election in 2018.

While the Tribunal recognised that this allocation would increase the period between elections for Western Tiers electors allocated to McIntyre, it also noted that:

- boundary changes of Houses of Parliament with a periodic election cycle will always have an impact on the period between elections for electors who change divisions;
- the 2016-17 redistribution will reallocate over 80,000 Tasmanian electors and it seems almost inevitable that there will be a period of incongruence between sitting members allocated to new divisions and with electors of that division; and
- as Western Tiers electors are to be allocated across six divisions the period between elections for these electors will vary from six to 11 years regardless of when an election is conducted for the division of McIntyre.

The Tribunal also recognised the remaining significant issue that the allocation of the member for Western Tiers to Prosser is strongly counter to 9(b) considerations and the weighting given to it by the Tribunal as mentioned earlier.

This led the Tribunal to consider the possibility of allocating both the member for Apsley and the member for Western Tiers to the new division of McIntyre.

From the provisions contained in the *Constitution Act 1934* and *Electoral Act 2004*, emerge the essential constitutional features of the Legislative Council. There must be:

- 15 members, each of whom holds office for 6 years;
- 15 divisions;
- periodical elections conducted in accordance with the *Constitution Act 1934* and the *Electoral Act 2004*.



The Tribunal formed the view that, while continuous representation in all divisions is highly desirable, it is not a mandatory requirement for the Legislative Council to function. The Tribunal noted that section 66 of the *Electoral Act 2004* contemplates that where a Legislative Council vacancy occurs on, or after 1 January in any year, there may be a hiatus of representation in a division as the writs for a by-election are not required to be issued until the day on which the writs for those Council periodic elections are issued.

Furthermore, there is a precedent for allocating two Legislative Council members to the same division.

1996 Report of the Board of Inquiry

In 1995, the first redistribution under the *Legislative Council Electoral Boundaries Act 1995* was conducted with the primary objective of implementing the principle of one vote-one value on Tasmanian Legislative Council electoral boundaries. The 1995 redistribution included merging the West Coast division of Gordon and the North-West division of Russell into the division of Murchison. The 1996 Board of Inquiry was charged with the responsibility of implementing transitional arrangements. A consequence of the new divisions was that the member for Gordon (Mr Schulze) could not be easily allocated to a division and no member could be easily allocated to the new division of Rumney. In their initial proposal, the Board noted:

We considered submissions pertinent to the electors in the current division of Gordon made both to this Board of Inquiry, to the media and to the Redistribution Tribunal. Submissions were made that a member elected for a six-year term had an entitlement to serve that term... We also had regard to the expectations of the electors in the current division of Gordon including those contained in their submissions, that they would continue to be represented by their elected representative.

...

We took into consideration that the electors of the new southern electorate of Rumney had not participated in the election of Mr Schulze. The electors enrolled in the new division of Rumney might well have an expectation that they should have an opportunity to elect a representative.

The determination of transitional arrangements made by the 1996 Board resulted in the division of Rumney replacing the division of Gordon in the periodic election cycle and two current members being allocated to the division of Murchison until 2000. Under that determination, Rumney electors would be represented by the members for Monmouth and Pembroke until the 2000 elections.



Decision of the Tribunal

Under the *Legislative Council Electoral Boundaries Act 1995*, in determining the transitional arrangements, the powers of Tribunal include:

- allocating a member to a Council division;
- establishing the periodical cycle of elections for Council divisions;
- reducing or extending the term of a member of the Legislative Council;
- determining the year of the periodical election at which a member is to retire;
- for the purposes of establishing a periodical cycle of elections for Council divisions, specifying a term of less than 6 years in respect of a member for a Council division.

Further, the Tribunal has the power to do anything necessary or convenient to enable it to determine the transition arrangements except require simultaneous elections for all Council divisions.

The Tribunal proposes that in regard to establishing the periodic election cycle:

- The new division of Prosser will replace Western Tiers.
- The new division of McIntyre will replace Apsley.

Regarding the allocation of members, the Tribunal proposes that:

- Mr Hall (member for Western Tiers) is allocated to the division of McIntyre for the remainder of his current term (expires 2018).
- Ms Rattray (member for Apsley) is allocated to the division of McIntyre for the remainder of her current term (expires 2022).

Having two members allocated to McIntyre enables both members to continue to represent the majority of their current electors for the remainder of their current terms. It also provides a more reasonable transition period for the staff of the member for Western Tiers. Having Prosser replace Western Tiers in the periodic election cycle enables Prosser to go to election next year without reducing the term of any member of the Legislative Council.

Other considerations made by the Tribunal

The Tribunal considered the possible impact the changes to the election cycle will have on the spread of elections. The Tribunal took the view that the differences were negligible, as Prosser would go to election with either Hobart or Elwick and neither of these divisions share a boundary with the division of Prosser.

In addition, the Tribunal considered the argument that both new divisions should go to election in 2018. Doing so would significantly reduce the current term for the member for Apsley. Further, one submission expressed the importance of maintaining the periodic election cycle and the Tribunal agrees with this position.



Appendix A – List of submissions and persons appearing at hearings

Written submissions in relation to initial transition arrangements

20 May 2017	Mr Kim Peart
29 May 2017	Hon Tania Rattray MLC
29 May 2017	Hon Rosemary Armitage MLC
30 May 2017	Mr Tony Mulder
8 June 2017	Hon Greg Hall MLC

Hearings in relation to initial transition arrangements

Hobart session, Level 3, TasWater Building, 169 Main Road, Moonah

8 June 2017

Appearing before Tribunal: Mr Tony Mulder
Ms Deborah De Williams
Hon Greg Hall MLC

Launceston session, Tram Room 4, Tramsheds Function Centre, 4 Invermay Road, Invermay

9 June 2017

Appearing before Tribunal: Hon Tania Rattray MLC
Hon Rosemary Armitage MLC



Appendix B – New periodic cycle of elections

A periodical election is to be held for a Council division in the year of the first periodical election specified in the following table and thereafter in each sixth year after the last periodical election for that Council division:

Council division	Year of first periodical election
Hobart	2018
Prosser	2018
Montgomery	2019
Nelson	2019
Pembroke	2019
Huon	2020
Rosevears	2020
Derwent	2021
Mersey	2021
Windermere	2021
McIntyre	2022
Elwick	2022
Launceston	2023
Murchison	2023
Rumney	2023



Appendix C – Allocation of members

Allocated member (term expires)	Council division (in alphabetical order)
Hon CM Farrell (2021)	Derwent
Hon JB Willie (2022)	Elwick
Hon RHF Valentine (2018)	Hobart
Hon RH Armstrong (2020)	Huon
Hon RL Armitage (2023)	Launceston
Hon GR Hall (2018)	McIntyre
Hon TV Rattray (2022)	McIntyre
Hon MV Gaffney (2021)	Mersey
Hon LA Hiscutt (2019)	Montgomery
Hon RJ Forrest (2023)	Murchison
Hon JS Wilkinson (2019)	Nelson
Dr Hon V Goodwin (2019)	Pembroke
Hon K Finch (2020)	Rosevears
Hon SE Lovell (2023)	Rumney
Hon IN Dean (2021)	Windermere

Note: *The initial transition proposal allocates both Mr Hall and Ms Rattray to the division of McIntyre and no member to the division of Prosser. A member for Prosser will be elected at the 2018 periodic elections, which coincides with the expiry of Mr Hall's current term.*

Appendix D – Tribunal analysis tables

The following tables identifies the overlap of current and new divisions: (shown in order of magnitude):

Current division	Elector distribution to new divisions				
	New division	Actual	%	Projected	%
Murchison	Murchison	24 228	100.0%	23 946	100.0%
	Totals	24 228		23 946	
Rosevears	Rosevears	25 435	100.0%	26 117	100.0%
	Totals	25 435		26 117	
Windermere	Windermere	23 647	100.0%	23 754	100.0%
	Totals	23 647		23 754	
Launceston	Launceston	23 405	96.8%	24 156	96.9%
	Rosevears	773	3.2%	775	3.1%
	Totals	24 178		24 931	
Nelson	Nelson	22 020	93.8%	22 607	93.6%
	Hobart	1 465	6.2%	1 554	6.4%
	Totals	23 485		24 161	
Huon	Huon	24 199	92.0%	25 134	92.0%
	Nelson	2 103	8.0%	2 184	8.0%
	Totals	26 302		27 318	
Hobart	Hobart	22 990	91.7%	23 668	91.8%
	Elwick	2 076	8.3%	2 108	8.2%
	Totals	25 066		25 776	
Mersey	Mersey	21 886	90.1%	22 131	90.1%
	Montgomery	2 399	9.9%	2 420	9.9%
	Totals	24 285		24 551	
Pembroke	Pembroke	22 757	88.6%	23 959	88.7%
	Rumney	2 933	11.4%	3 046	11.3%
	Totals	25 690		27 005	

Current division	Elector distribution to new divisions				
	New division	Actual	%	Projected	%
Montgomery	Montgomery	21 379	88.1%	21 529	88.5%
	Murchison	2 883	11.9%	2 800	11.5%
	Totals	24 262		24 329	
Elwick	Elwick	21 813	85.3%	22 584	85.6%
	Derwent	3 763	14.7%	3 789	14.4%
	Totals	25 576		26 373	
Derwent	Derwent	20 406	76.5%	20 760	75.0%
	Prosser	3 533	13.3%	3 847	13.9%
	Rumney	2 725	10.2%	3 089	11.2%
	Totals	26 664		27 696	
Rumney	Rumney	17 719	64.4%	18 620	64.0%
	Pembroke	14	0.1%	57	0.2%
	Prosser	9 802	35.6%	10 418	35.8%
	Totals	27 535		29 095	
Western Tiers	McIntyre	14 962	60.1%	15 095	59.6%
	Mersey	4 923	19.8%	5 110	20.2%
	Montgomery	3 582	14.4%	3 670	14.5%
	Launceston	766	3.1%	780	3.1%
	Derwent	655	2.6%	659	2.6%
	Prosser	26	0.1%	26	0.1%
	Totals	24 914		25 340	
Apsley	McIntyre	12 302	51.9%	12 422	51.7%
	Prosser	9 182	38.7%	9 422	39.2%
	Windermere	2 218	9.4%	2 166	9.0%
	Totals	23 702		24 010	

The following table details the composition of the new divisions of McIntyre, Prosser and Rumney:

New division	Elector source from current divisions				
	Current division	Actual	%	Projected	%
Rumney	Rumney	17 719	75.8%	18 620	75.2%
	Derwent	2 725	11.7%	3 089	12.5%
	Pembroke	2 933	12.5%	3 046	12.3%
	Totals	23 377		24 755	
McIntyre	Western Tiers	14 962	54.9%	15 095	54.9%
	Apsley	12 302	45.1%	12 422	45.1%
	Totals	27 264		27 517	
Prosser	Rumney	9 802	43.5%	10 418	110.6%
	Apsley	9 182	40.7%	9 422	39.7%
	Derwent	3 533	15.7%	3 847	16.2%
	Western Tiers	26	0.1%	26	0.1%
	Totals	22 543		23 713	

Appendix E – Public offices for the redistribution

The following locations have been designated as Public Offices for the purposes of the *Legislative Council Electoral Boundaries Act 1995*.

ServiceTas Offices		Hours of Operation
Beaconsfield	Council Chambers, West St	9:30 - 4:30, T/Th: Closed
Bridgewater	Bridgewater LINC, Green Point Rd	9:00 - 4:30
Burnie	Reece House, 48 Cattley St	8:45 - 4:45
Campbell Town	Council Chambers, High St	11:00 - 4:00
Currie	15 George St, Currie, King Island	11:00 - 4:00, Wed: Closed
Deloraine	8 Emu Bay Rd	9:30 - 1:00, 1:30 - 4:30
Devonport	21 Oldaker St	8:45 - 4:45
George Town	12 Elizabeth Street	10:00 - 4:30
Glenorchy	4 Terry St	9:00 - 5:00
Hobart	Ground Floor, 134 Macquarie St	9:00 - 5:00
Huonville	1 Skinner Drive	9:00 - 4:30
Kingston	87A Channel Court	9:00 - 4:30
Launceston	Henty House, 1 Civic Square	8:30 - 4:30
Longford	Shop 6, 9 Wellington St	9:00 - 4:30
New Norfolk	14 Bathurst St	9:00 - 4:30
Oatlands	71 High St	11:00 - 4:00
Queenstown	9 - 13 Driffield St	9:30 - 4:30
Rosny	46 Bligh St	9:00 - 5:00
Scottsdale	51 King St	10:00 - 4:30
Sheffield	64 High St	9:30 - 12:30, 1:00 - 4:00
Smithton	134 Nelson St	9:00 - 4:30
Sorell	Shop 3, 5 Fitzroy St	9:00 - 4:30
St Helens	65 Cecilia St	10:00 - 4:30
Triabunna	17 Vicary St	10:00 - 4:00
Ulverstone	54 - 56 King Edward St	9:00 - 4:30
Whitemark	2 Lagoon Rd	M/T/W: 11:00 - 3:00
Wynyard	72 Goldie St	9:30 - 4:00
Tasmanian Electoral Commission Office		Hours of Operation
Moonah	Level 3, 169 Main Rd	9:00 - 5:00