

The Secretariat
Electoral Districts Redistribution Panel
By email to: redistribution@elections.nsw.gov.au

14 July 2020

To Whom It May Concern,

I write to outline my personal comments on suggestions currently before the Electoral Districts Redistribution Panel (Redistribution Panel). My comments are directed at a number of suggestions made in relation to the Sutherland Shire by residents of the 2234 postcode (2234 Suggestions).¹

The criteria for distributions is primarily outlined in the *Electoral Act 2017* (NSW) (*Act*). My comments are focused on ensuring that any boundary change is consistent with the considerations set out in the *Act*.

I SUMMARY

The 2234 postcode encompasses the suburbs of Alford's Point, Bangor, Barden Ridge, Illawong, Lucas Heights and Menai (2234 Suburbs). Currently, these suburbs are divided between the electoral districts of Heathcote, Holsworthy and Miranda. It is clear from the 2234 Suggestions that there is considerable community concern about the division of this community between three electoral districts.²

The 2234 Suggestions are best addressed by ensuring that the electoral district of Heathcote encompasses all the 2234 Suburbs. This change would address the community concerns outlined in the 2234 Suggestions and would also be consistent with the statutory considerations set out in section 21 of the *Act*.

In order to meet the statutory requirement that each electoral district must have an equal number of electors, Heathcote would move northwards and cede as much of the northern Illawarra to the electoral district of Keira as is necessary to accommodate this change. Moving Heathcote northward is consistent with the statutory considerations set out in section 21 of the *Act*.

II THE DISTRIBUTION CRITERIA

Section 21 of the *Act* provides criteria for the distribution of district boundaries. Section 21(1)(a) of the *Act* requires the Redistribution Panel to have regard to demographic trends and act to ensure that '...the number of electors enrolled in each electoral district will be equal (within a margin of allowance of 10 per cent more or less of the average enrolment in electoral districts at that future time)...'.

Section 21(1)(b) of the *Act* requires the Redistribution Panel to give due consideration to:

- (i) community of interests within the electoral district, including economic, social and regional interests, and
- (ii) means of communication and travel within the electoral district, and
- (iii) the physical features and area of the electoral district, and
- (iv) mountain and other natural boundaries, and
- (v) the boundaries of the existing electoral districts.

Neither Second Reading Speech for the *Electoral Bill 2017* discusses the interpretation of these

1 NSW200629/12, NSW200629/13, NSW200629/14, NSW200629/15, NSW200629/16.

2 Ibid.

considerations in detail.³

III APPLICATION OF THE STATUTE

The suburbs of Menai and Bangor are already within the electoral district of Heathcote. The inclusion of the remaining 2234 Suburbs within the electoral district of Heathcote is consistent with the considerations set out in the *Act*.

A Demographic Trends

The *Act* makes clear that ensuring electoral districts have an equal number of enrolled electors is a primary concern for the Redistribution Panel.⁴ The primary demographic trends that will influence the redistribution of electoral districts in southern Sydney is the rapid population growth taking place in the Camden and Liverpool Local Government Areas.⁵ The general movement of the Sutherland Shire electoral districts should be north-west as the districts move towards these growth areas.

B The Five Statutory Considerations

The 2234 Suggestions demonstrate that there is a widespread community belief that the current division of the 2234 Suburbs between the electoral districts of Heathcote, Holsworthy and Miranda does not have proper regard to the five criteria for distributions outlined in section 21(1)(b) of the *Act*.

1 Communities of Interest

The *Act* requires that due consideration be given to 'community of interests within the electoral district, including economic, social and regional interests...'.⁶ The 2234 Suburbs share many economic, social and regional interests.

Education is an important social interest shared by the residents of the 2234 Suburbs. Many of the children living in the 2234 Suburbs attend the same local schools such as Menai High School, Aquinas Catholic College, Menai Primary School and the Shire Christian School.

In the 2016 Census Primary Education was the top industry of employment for residents of the 2234 Suburbs and Secondary Education was the fourth most common industry of employment.⁷ The percentage of residents of the 2234 Suburbs employed in the Primary and Secondary education sectors is higher than the New South Wales average.⁸ The delivery of education services is a key responsibility of the New South Wales Government.

Infrastructure has important economic and social consequences for the residents of the 2234 Suburbs. The residents of the 2234 Suburbs regularly use Menai Road, New Illawarra Road and the Bangor Bypass. Congestion and the availability of parking on local roads are important issues shared by the residents of the 2234 Suburbs.

Political accountability is an important way that the community can ensure that the education services and infrastructure that the residents of the 2234 Suburbs share are properly delivered.

3 New South Wales, *Parliamentary Debates*, Legislative Assembly, 17 October 2017, 379-381 (Anthony Roberts); New South Wales, *Parliamentary Debates*, Legislative Council, 15 November 2017, 56-58 (Ben Franklin).

4 *Electoral Act 2017* (NSW) section 21(1)(a). See also, *Constitution Act 1902* (NSW) sections 28, 28A.

5 NSW200701/34 page 24, NSW200701/39 pages 2, 16-17.

6 *Electoral Act 2017* (NSW) section 21(b)(i).

7 Australian Bureau of Statistics, '2016 Census QuickStats', *Postal Area 2234* (Web Page, 12 July 2019) <https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/POA2234?opendocument>.

8 *Ibid*.

Dividing the community between three districts reduces their capacity to act together in relation to these important shared interests.

(a) The Sutherland Shire and Illawarra Communities

The electoral district of Heathcote is primarily based in the Sutherland Shire but it also includes a limited number of northern Illawarra suburbs. The Sutherland Shire and the Illawarra are two important and vibrant communities. However, they have distinct economic, social and regional interests.

The Sutherland Shire is part of Sydney and has an economy based on light manufacturing, commercial and service industries. The suburbs of Sutherland, Cronulla and Miranda are important commercial and social hubs for the Sutherland Shire community. The Sutherland Shire is also home to passionate supporters of the Cronulla-Sutherland Sharks.

The Illawarra is a regional area. Wollongong is the commercial centre of the Illawarra and tertiary education, steel production and coal mining are important parts of the economy of the region. The St. George Illawarra Dragons play at the Wollongong Showground, known as WIN Stadium.

These differences mean that it would be appropriate to remove the northern Illawarra suburbs from Heathcote in order to ensure that each community has a State representative that can focus on the distinct economic, social and regional interests of each community.

(b) Federal and Local Government Boundaries

The 2234 Suburbs are all within the Electoral Division of Hughes at the Federal level. I note that the *Commonwealth Electoral Act 1918* (Cth) sets out a similar requirement that a Redistribution Committee must give due consideration to economic, social and regional interests within a proposed Electoral Division.⁹

The *Local Government Act 1993* (NSW) requires that communities of interest be considered when considering matters that relate to the boundaries or the areas of operations of councils.¹⁰ The *Local Government Act* also requires that as far as practicable the boundaries of wards 'correspond to the boundaries of appropriate districts (within the meaning of the *Electoral Act 2017*) and census districts...'.¹¹ The 2234 Suburbs are all within the boundary of the Sutherland Shire Council. In particular, all the 2234 Suburbs are contained within Ward E of Sutherland Shire Council.

The fact that the 2234 Suburbs are all located within the same Federal Division and Local Government Ward is not a decisive consideration. The primary focus must be the considerations set out in section 21 of the *Act*. However, it is important to note that the community is not divided at the Federal level nor at the Local Government level. The 2234 Suggestions indicate that community members are concerned by their division at the State level.

2 Means of Communication and Travel

The 2234 Suburbs are in close proximity and enjoy strong communication and travel links. In addition to car travel the 2234 Suburbs are connected by a number of bus routes including the 961, 962, 963 and M92.¹² These public transport routes are indicative of strong communication and

⁹ *Commonwealth Electoral Act 1918* (Cth) section 66(3)(b)(i).

¹⁰ *Local Government Act 1993* (NSW) section 263(3)(b).

¹¹ *Local Government Act 1993* (NSW) section 210A(1)(a). Further, the 2234 Suburbs are all within the Sutherland-Menai-Heathcote Census Statistical Area: Australian Bureau of Statistics, 'Sutherland-Menai-Heathcote', *Code 12802 (SA3)* (Web Page, 12 July 2019) <https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/communityprofile/12802?opendocument>.

¹² For the details of each route see, Transport for New South Wales, 'Routes and Timetables', *Bus* (Web Page) <<https://transportnsw.info/routes/bus>>.

travel links between the 2234 Suburbs.¹³

3 Physical Features

The 2234 Suburbs share numerous physical features. The residents of the 2234 Suburbs share the same shopping facilities, including Illawong Shopping Village, Menai Marketplace and Menai Central Shopping Plaza. The residents also share important recreational areas such as Akuna Oval, Bangor, and Menai Skate Park, Menai.

4 Natural Boundaries

Currently, the electoral district of Heathcote is divided by the Heathcote National Park and the Royal National Park. Heathcote is an electoral district in two parts, straddling the outer southern suburbs of Sydney and a limited number of northern Illawarra suburbs. Moving the electoral district northwards would consolidate the district in the southern Sydney suburbs and allow other districts to move towards the growth areas of Camden and Liverpool.

5 Existing Boundaries

Heathcote's existing northern boundary already includes the suburbs of Menai and Bangor. The 2234 Suggestions indicate that there are a number of local residents who are passionate about keeping the community of the 2234 Suburbs in one electoral district. Including the remaining 2234 Suburbs in the electoral district of Heathcote would not be a major change since Heathcote already includes Menai and Bangor.

IV CONCLUSION

My comment is that having regard to the requirements of the *Act* the simplest way to address the 2234 Suggestions is to consolidate the 2234 Suburbs in the electoral district of Heathcote. This proposed change is a minimal one that would be consistent with the considerations that the *Act* requires the Redistribution Panel to have regard to.

Regards,
■ Bail,