

15 July 2020

Coorey

The NSW Electoral Commission
GPO Box 832
Sydney NSW 2000

Dear Panel Members

Re Proposed Boundary Changes to 93 Electoral Districts

We refer to the abovementioned and in this regard make comment on the Liberal Party and Labor Party submissions in relation to the State Seats of Canterbury and Lakemba as follows:

1. Liberal Party Proposal

The rationale for the suggestions appear to be encapsulated in the following statement as follows:

..the contentious council amalgamation debate elsewhere served to highlight the very strong, continuing identity of the older and smaller local government areas such as Burwood, Canada Bay, Hunters Hill, Ku-ring-Gai, Mosman, Strathfield, Waverley and Woollahra. It was indicative of an explicit community of interest and valued in these communities.

In summary we feel less inclined to overlook LGA boundaries when considering metropolitan electoral districts in these council areas that maintained their opposition to amalgamation (page 14 of the submission)

Plainly there needs to be an abolition and we suggest the existing district of Canterbury.(page 27 of the submission)

There are no reasons proffered for the above 'suggestion' to abolish Canterbury other than an inference from the statement in bold above that the former Canterbury Council residents had no strong community interest and did not resist the merger process therefore paving the way for the abolition of the State Seat of Canterbury.

Canterbury Residents and Ratepayers Opposition to Merger

By way of background it is to be noted that the writer together with hundreds of residents attended a public hearing at the Bankstown Sport Club before Mr John Roseth (the

Ministerial Delegate appointed to oversee the Council Boundary Review for our area) on 2 February 2016 to articulate concerns and vehement opposition in relation to the planned merger of Canterbury and Bankstown Councils.

Over 99 per cent of persons who attended objected to the merger. It is of concern that Mr Roseth's report to the NSW Government was never made public.

Attached and marked as Annexure A is copy of the writer's submission dated 25 February 2016 to Mr Roseth.

Of concern is that on the evening of 2 February 2016 was the non disclosure of a meeting which had taken place at a former Councillor's home (being a main witness at the Operation Dasha ICAC inquiry into the former Canterbury Council which commenced public hearings in 2018) which was attended by Councillors, Mayors, senior council officers from both councils, property developers and party officials in August 2015 in relation to the merger of Canterbury and Bankstown Councils.

This meeting was not reported to the former Canterbury and Bankstown Council elected bodies but was reported in the press. No information exists as to who and why the meeting was called.

Also of concern is a statement by the former General Secretary of the NSW Labor Party to the SMH in November 2015 stating that the merger was in the party's best interests.

Attached and marked as Annexure B is a copy of the SMH article dated 18 November 2015 in relation to this.

It is to be noted that both Councils were dismissed on 12 May 2016 and a newly merged mega council was formed being the Canterbury Bankstown Council against the wishes of the majority of the residents and at odds with the IPART recommendations.

ICAC Raids and Liberal Member Daryl Maguire

It is further noted that on 22 June 2016 ICAC officers executed search warrants on the chambers and offices of the former Canterbury Council removing truck loads of files and also executing search warrants at former Councillors, senior officers, and architects homes and work places.

In July 2018, the Liberal Member of Parliament for Wagga Wagga, Daryl Maguire, was drawn into the ICAC Operation Dasha public inquiry into the former Canterbury Council regarding possible corruption through his association with former Liberal councillor Hawatt.

It was alleged that Maguire had acted on behalf of a "mega big" Chinese client, asking for help in buying into development-approved projects (in the Canterbury Local Government Area), in return for a commission from the developer for both himself and Hawatt.

Mr Maguire resigned from the Liberal Party, and from his roles as Parliamentary Secretary for the Centenary of ANZAC, Counter Terrorism, Corrections and Veterans. After initially refusing to resign from Parliament, Maguire resigned from Parliament on 3 August 2018.

Attached and marked as Annexure C is a copy of SMH article dated 13 July 2018 in relation to this.

It is alleged that Mr Maguire called Mr Hawatt on May 9, 2016 soon after they had both returned from China and this call was recorded by ICAC Investigators. **It is to be noted that the Canterbury Council was dismissed by former Premier Mike Baird on 12 May 2016.**

It is nonsensical to say the least that the residents and ratepayers did not oppose the merger of the councils particularly against the backdrop of the shenanigans of ALP and Liberal Councillors, senior Council officers, property developers and party officials who were organising meetings behind closed doors and not disclosing to the elected bodies.

Of concern also is the involvement of the former Liberal MP for Wagga Wagga in the Canterbury area.

Lack of Procedural Fairness, Due Process and Transparency in Merger Process

The public consultation process for the merger of Canterbury and Bankstown councils was heavily tainted in light of the above sequence of events. It is apparent that there was a lack of procedural fairness, due process and transparency leading to the creation of a very large council that meets mainly at the Bankstown Chambers and which struggles to maintain and upgrade roads, footpaths and major infrastructure works.

It would be against the public interest to abolish the seat of Canterbury as has been envisaged by the Liberal Party proposal. It defies logic and attempts to ignore the very concerning and contentious events surrounding the forced and highly opposed merger of Canterbury and Bankstown Councils.

Proposed Seat of Earlwood and Abolition of the State Seat of Canterbury

The District of Canterbury has sent members to the Legislative Assembly since 1859 with the exception of three elections in the 1920's.

The writer is opposed to the proposed seat of Earlwood being created to take into suburbs in the former local government area of Hurstville (now the newly created Georges River Council) It crosses the M5 which and creates a seat where the residents have no common boundary of roads, community interests (being economic social and regional)

The suburb of Earlwood is in the newly formed Canterbury Bankstown Council and identifies as such. Canterbury Hospital which is accessed by Earlwood residents is part of the Sydney

Local Area Health Service whereas the proposed southern boundary change to the Hurstville section belongs in the South East Local Area Health District.

The creation of the seat of Earlwood is clearly at odds with the following statement from the Liberal Party Proposal :

The 2004 Commissioners expressed a preference for major roads, motorways, railways and significant geographical features to achieve clear boundaries in metropolitan areas.

The Liberal Party agrees that this is an approach with considerable merit. We also favour utilizing locality boundaries, including whole suburbs in electoral districts where possible as residents know which suburb they live in. Boundaries drawn that have regard to these considerations assist in reducing confusion to electors about their representational arrangements. (page 14 of the proposal)

The State Seat of Canterbury has a very percentage of persons from Non English Speaking Backgrounds. It also records a high percentage of informal votes at each election due to many persons unable to register a correct vote. To dislocate the seat as proposed and move persons into the new seat of Earlwood and into the seats of Lakemba and Summerhill will be catastrophic in terms of voter confusion for voters who already experience confusion at the ballot box due to their poor English skills.

The case has not been made out to abolish the seat of Canterbury and transfer it to 2 existing seats and a newly created seat.

It defies logic to extend the seat of Summerhill into Canterbury. There is no link with the LGA's either former or current. The Cooks River may be the possible boundary if such a boundary is required. To include the Canterbury Racecourse in the State Seat of Summerhill and the streets of the Suburb of Canterbury at a time of serious community opposition to overdevelopment is a very poor outcome for the residents.

There are proposals to virtually demolish/raze the suburbs of Canterbury, Campsie and Belmore to the ground with the Sydenham to Bankstown Urban Renewal Strategy revamped/ rebirthed by the current Canterbury Bankstown Council to build over 7000 units for Campsie and 2500 for Canterbury and Belmore whereby single dwellings will be upzoned for high rise tower units to cater for the housing targets.

The Canterbury Racecourse's future is also very unclear with the owners eager to build high rise residential towers on the land which is listed as a heritage item and zoned private open space recreational on the current Canterbury Local Environmental Plan 2012.

It is imperative that these suburbs all remain intact in the same state seat due to the very serious issues that are being faced and also due to the number of dwellings that have been constructed along Canterbury Road in the adjoining side streets which have persons yet to register on the roll.

It is to be noted that the Canterbury Local Environmental Plan 2012 upzoned properties in the former LGA for up to 44,000 dwellings. We are seeing much of that upzoning along Canterbury Road and in the side streets. We believe that many of these person who are eligible to be on the roll have not availed themselves of this.

2. Labor Party Proposal

Name and Boundary Changes re Canterbury, Earlwood , Summerhill and Lakemba.

It is somewhat of a concern that the Labor Party submission proposes that long standing District Names are to be altered. Of significance is the change of the name of SummerHill to Canterbury whilst acknowledging the following:

As Canterbury is an 1859 electoral name we rename Summerhill to Canterbury. (page 7 of proposal)

However this statement is highly defective in that the majority of the suburbs to be included in the newly named state seat of Canterbury have absolutely no connection to the name of Canterbury at all. The history of the state seat of Canterbury has very little to do with the majority of the suburbs of the State seat of Summerhill (formally the State Seat of Marrickville)

Suburbs such as Ashfield, Dulwich Hill, Haberfield, Lewisham, Marrickville, Petersham and Summerhill are in the local government area of Innerwest Council and not the Canterbury Bankstown Council – there is no connection to Canterbury.

The writer notes that in the 2013 redistribution the former state seat of Marrickville was altered to the now Summerhill name. It is alarming and somewhat strange that some 7 years on a further name change is envisaged which does little to reflect the nature of the seat.

Of further concern is the proposed renaming of the current seat of Canterbury (together with altered boundary changes) to the name of Earlwood.

The state seat of Earlwood was abolished in a redistribution in 1988 and it is curious that both political parties seem intent on resurrecting this name without any solid argument.

The extended boundaries of the proposed seat of Earlwood extend too far to the west and not enough to the east.

Attached and marked as Annexure D is the writer's opinion as to how the new seat is to be extended and or cut back as indicated in blue.

It is imperative that the Canterbury Racecourse remain within the current borders of the seat of Canterbury together with the current eastern boundary.

The seat as proposed by the ALP map extends too far to the west and should be cut back to Bonds Road Riverwood as the border as indicated in **Annexure D**

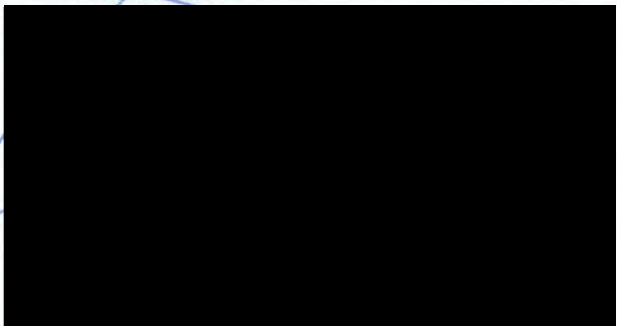
Of further concern is the renaming of Lakemba to Bankstown when the majority of the suburbs have very little in common with the suburb. The loss of the name is also a loss for the community that traditionally identify with the seat for religious and cultural reasons.



Conclusion

In conclusion the writer wishes to express alarm and disappointment at both the Liberal and Labor party proposals in relation to the current mooted boundary and name changes for the seats of Canterbury and Lakemba. Many of the changes proposed by both sides of politics appear on face value purely driven by political gain and political jockeying at the expense of the electorate. It comes at a time that the former Local Government Area of Canterbury is expecting a report from the Operation Dasha ICAC Inquiry which should shed some light on some of the activities of the former council. The residents of this LGA have suffered tremendously as a result of the alleged corrupt activities of these former councillors and executive staff. There is no evidence that they did not fight the merger process at the time. To use this as an excuse to calve up the electorate appears to be nothing short of political deceitfulness.

The residents are continuing to suffer tremendously with the newly merged Canterbury Bankstown Council whereby the eastern end of the LGA is being overlooked and has no council meetings at the former chamber site. Political representation at the state level is critical and a significant change in the boundary and or name change is going to further elevate the hardship and disenfranchisement being experienced by many of the residents at present. Confusion will reign supreme with further change particularly in an area that has a high percentage of its population from a Non English Speaking Background. Areas of concern which are in the current boundaries ie the overdevelopment in the area particularly along Canterbury Road and proposed development in the Canterbury Racecourse and the proposed razing to the ground of the suburbs of Canterbury Campsie and Belmore should all be kept together to fight. Canterbury Hospital services the suburbs of Canterbury, Earlwood Campsie, Belmore, Lakemba, Wiley Park, Belfield, Croydon Park, Ashbury, Hurlstone Park Clemton Park and Kingsgrove. The hospital should remain within the Canterbury electoral boundary in order to achieve funding and prominence in future funding debates and redevelopment/expansion

The writer wishes to thank the Commission for being given the opportunity of providing this submission.





Dear Sir

Re Proposed Merger of Canterbury and Bankstown Councils

I refer to the abovementioned and state the following:-

I am writing to you in my capacity as a former Deputy Mayor of Canterbury Council and a Councillor of 8 year duration from 1991 to 1999.

Population

First and foremost may I say from the outset how disappointed I am that the scale and capacity criteria as set for the merger process for Canterbury appears to have been grossly underestimated and flawed in nature.

From all the documents that I have perused there is an omission of the population growth expected from the Canterbury Local Environmental Plan 2012 gazetted on 1 January 2013 which has zoned properties to allow for the development of 44,000 dwellings. One then has to add the projected unit development earmarked as part of the Sydenham to Bankstown Urban Renewal for 24,000 units then brings a total of 66,000 dwellings bringing in over 123,000 persons.

The members of the Sydney East Joint Regional Planning Panel(JRPP) particularly have seen a proliferation of Development Applications since August 2012 for the value of \$20m plus which have all been deliberated upon by the JRPP.

The Canterbury Council population as at 2011 was 145,100. It is predicted to grow to 181,850 by 2031 by natural growth. Then one would have to add the 123,000 persons from the combined Sydenham to Bankstown Urban renewal strategy and CLEP 2012 bringing the population to a staggering 304,850 as a stand alone council.

In terms of the merged councils proposed the figures of the merged populations of Canterbury and Bankstown are quite staggering. It will become the largest council in the Sydney metropolitan area – It will have a population of 350,000 increasing to 422,000 by 2031.

This figure does not take into account the CLEP 2012 and the projected population increase from the Sydenham to Bankstown Urban Renewal which will add a further 123,000 persons from the Canterbury side taking the population to 545,000.

This will represent a population larger than the ACT (which was 390,900 as of 2015) and larger than the state of Tasmania which was 516,600 as of 2015) These 2 areas are not expected to experience the growth that is expected in Canterbury Bankstown.

Coupled with this massive population increase is the fact that the area concerned represents one of the highest percentage of persons from Non English Speaking Backgrounds who will be further disenfranchised and underrepresented by having 1 councillor per 23,333 persons and reducing to 1 councillor per 36,333 persons by 2031.

One only has to glance the level of informal voting patterns in Canterbury for the elections in 2012 to see figures of 12.9%, 10.4% and 13 % in the respective wards and this pattern has been consistent in previous elections of 2008, 2004 and 1999.

Local councils are supposed to be just that – local – the proposal for our areas is to make this a super regional council without the proper analysis borders on sheer madness.

No commonality of the areas or identification by residents with Bankstown

The Canterbury Local Government Area is a historically war services homes area – whereby homes were built from post war and inter war years – many of the street names mirror battles and leaders –

The first war services home built in Australia and financed by the War Services Commission was constructed at 32 Kennedy Avenue Belmore in 1919 for private Frederick Baxter and his English wife Nellie.

The war services homes commission acquired large areas of land including estates at Belmore, Belfield and Lakemba.

Merging Canterbury with Bankstown will mean the loss of our military history as the council has advocated and protected many of these areas. The street signs in Canterbury reflect military battles, military leaders – the most significant being Tobruk Avenue Belmore.

The Canterbury Local Government area has areas such as Ashbury which have been classified as conservation areas and parts of Belmore, Campsie Belfield Earlwood and Kingsgrove have been classified as conservation zones by the National Trust.

The survey conducted by Canterbury Council revealed that the overwhelming majority did not favour a merger with Bankstown – preferred a St George merger –

On a practical note the title deeds of the Canterbury Local Government are from the parish of St George –

Financial savings

Canterbury was found as part of the IPART Fit for the future classification fit financially but not fit on scale and capacity.

The Government sponsored KMPG report – the technical report which underpins the reasoning for the merger has not been released in full and continues to be suppressed – I urge the Delegate to seek a full copy of this report for perusal prior to the finalising of the report to the Boundaries Commission.

It is curious to say the least why the IPART and Professor Sansom's recommendation are not being advocated – The IPART report states that a merger with the St George councils will save \$280 million over 20 years which included the government grants (this was based on the business case submitted by the council) and was an analysis of this model.

IPART further state that in addition to these net savings the Independent consultants engaged by IPART – Ernest and Young estimated net savings of \$172 m over 20 yrs (not including the government grant) **This represented total savings of \$452m with this merger option.**

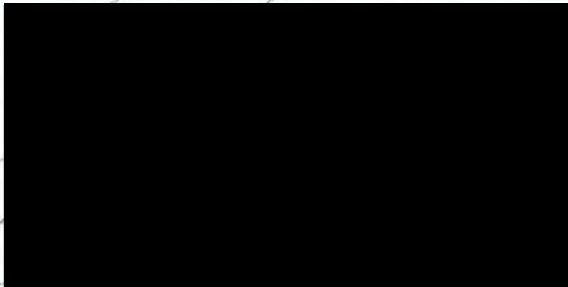
The savings from the Bankstown merger would net savings of \$86 m over 20 yrs.

The non release of the KMPG report is of concern and should be a concern to all the delegates. This technical report underpins the rationale for the various merger decisions which have been made which many are diametrically opposed to the IPART recommendations.

IPART recommendations were based on Ernst and Young analysis. If the KMPG report advocates the same savings as Ernst and Young for the St George mergers then one must come to the conclusion that the whole process has been tainted with political interference and has not been done in a transparent fashion.

My position is that Canterbury Council should be allowed to remain as a stand alone council as it has been found to be fit financially and on scale and capacity on current dwelling construction will have a population in excess of 320,000 given the CLEP 2012 and the Draft Urban Renewal Strategy as proposed.

I would ask that my comments be taken into account in the finalisation of the Delegate report to the Government on this current merger proposal.



The Sydney Morning Herald

NATIONAL NSW

This was published 4 years ago

Council merger deadline sparks battle for turf

By James Robertson

Updated November 18, 2015 – 5.53pm, first published at 4.10pm



The countdown to the deadline for NSW councils to nominate mergers has been marked by protests, Alan Jones, accusations of intimidation from the state government, and an old-fashioned ALP stoush over political territory and whispers of dirty deal making.

Sydney's roughly 40 councils were given until Wednesday night by the state government to merge themselves into smaller groupings.

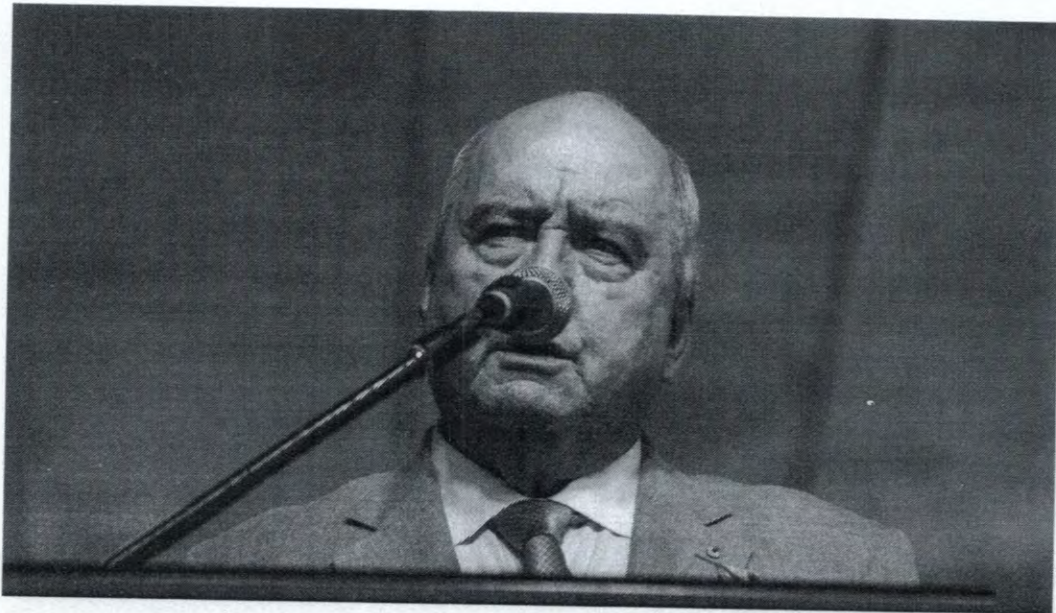


A rally in Martin Place on Wednesday against amalgamation of local councils JESSICA HROMAS

On Tuesday night, Bankstown Council was one of the last councils to respond to that request. The council voted to ask the state government to remain independent, but listed a second and third preference of merging with Strathfield and Canterbury councils.

The vote to list merger preferences passed only because two Labor councillors split from their colleagues, who advocated a hardline stance and not declaring any

preference other than independence. (Bankstown was one of the only Sydney councils to pass the state government's onerous tests for future "fitness" as an independent entity.)



TV and radio presenter Alan Jones speaks at the rally in Martin Place. JESSICA HROMAS

A merger with Strathfield, likely to be mashed up with three other inner-city councils, is considered highly unlikely.

But the merger vote exposed a split within the Labor Right over territory. NSW party boss Jamie Clements supported the push to create a Canterbury-Bankstown super council, telling Fairfax Media it was in the party's best interest.

On the other side is Bankstown powerbroker, former mayor and Labor right state MP Tania Mihailuk, who accuses Mr Clements of running a behind-the-scenes campaign to stitch together a merger. "I'm shocked by the actions of our general secretary: the future of our council must be determined in an open and transparent manner".

A merger between Canterbury and Bankstown would create close-to Sydney's largest council, and an area with a population the size of the ACT.

But, perhaps more critically, it would potentially redraw political turf, on which up to seven MPs' preselections are decided.

Bankstown mayor Khal Asfour, one of those to leave his colleagues behind and back the merger option, says his vote represented simple political pragmatism, after local government minister Paul Toole "put a gun [to his] head" and threatened councils that didn't offer merger options with the sack.

Some of Ms Mihailuk's critics say her interest in an independent Bankstown council is more about the maintenance of her own political fiefdom (husband Alex Kuskoff is a local councillor). Her camp dismisses the idea that a merger would threaten her political position.

The ALP controls only half of the seats on Bankstown Council. In Canterbury it has a one-seat majority.

Others say the deal-making process has been greased with some unsavoury promises.

Canterbury council first publicly advocated a merger with Bankstown in September, after a long period of outright opposition to mergers altogether.

Not long before, Canterbury councillor and part-time taxi driver Pierre Azzi hosted a lunch at his house.

On the invitation list were a host of political powerbrokers, including Mr Clements, union boss Graeme Kelly, the "development consultant", Labor fixer Bechara Khouri and a variety of Bankstown and Canterbury councillors.

Labor's deputy leader, Linda Burney, called for greater transparency from ALP head office about any negotiations about council mergers. "You would have thought there would be proper consultation," she said.

Mr Clements is understood to have supported the merger before that lunch.

Mr Montague, in the weeks following, was heard to boast that he would receive a job as an "emeritus general manager" in any new super council, with a handsome pay check.

"That was just tongue in cheek," Mr Montague said, while adding that he did not back any particular merger option.

About 600 people gathered in Martin Place to oppose the government's merger plans. Talkback radio king Alan Jones addressed the crowd.

Mr Toole says councils will know their future by year's end.

The Sydney Morning Herald

NATIONAL NSW STATE PARLIAMENT

This was published 2 years ago

'My client is mega big': ICAC plays secret recording of Lib MP

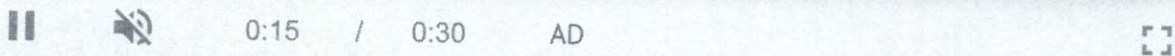
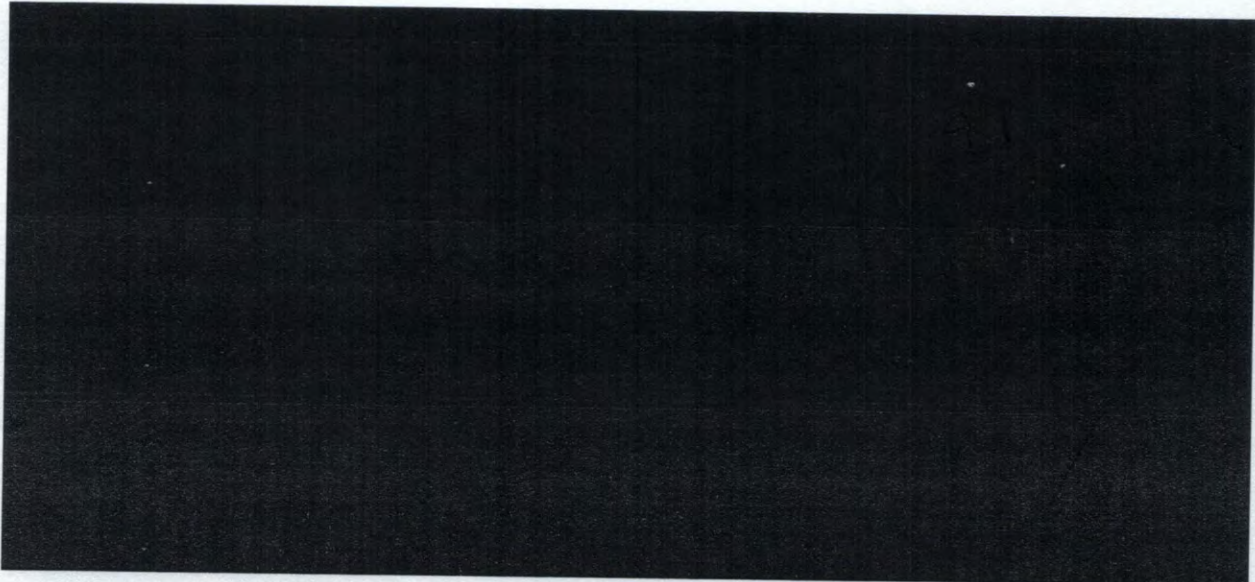
By Jacob Sautwick

July 13, 2018 – 3.05pm



The state Liberal MP for Wagga Wagga, Daryl Maguire, was trying to organise a "quick" sale for a "mega big" client, according to a secret recording played at a corruption inquiry on Friday.

Mr Maguire has been drawn into the Independent Commission Against Corruption's inquiry into the former Canterbury Council through his links to former councillor Michael Hawatt.



Veteran NSW government MP Daryl Maguire admitted he sought a dividend from the sale of a multimillion dollar Sydney property from Chinese developers.

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Woman's body found in Mill Park home

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Mr Maguire called Mr Hawatt on May 9, 2016, soon after both had returned from trips to China. The call was recorded by ICAC investigators.

"Joe and I have a couple of deals before a big developer," Mr Maguire told Mr Hawatt. "A couple of ones we want to kick on."

Mr Maguire, the parliamentary secretary for the Centenary of Anzac, counter-terrorism, corrections and veterans, asked for anything that was DA, or development application, approved.

"What I want ... I just don't want to f--- around," he told Mr Hawatt. "Have you got plans? Have you got the whole thing already done?"

"My client is mega big, OK.

"If he's interested my client is mega big and has got mega money and wants two or three DA approved projects right now. Today."

The conversation then turned to the commission that Mr Hawatt, who is under investigation for dishonestly exercising his functions as a councillor, might receive.

"If he's going to give you 1.5 per cent that's not enough," Mr Maguire told Mr Hawatt.

"1.5 per cent isn't enough divided by two if you know what I'm talking about."

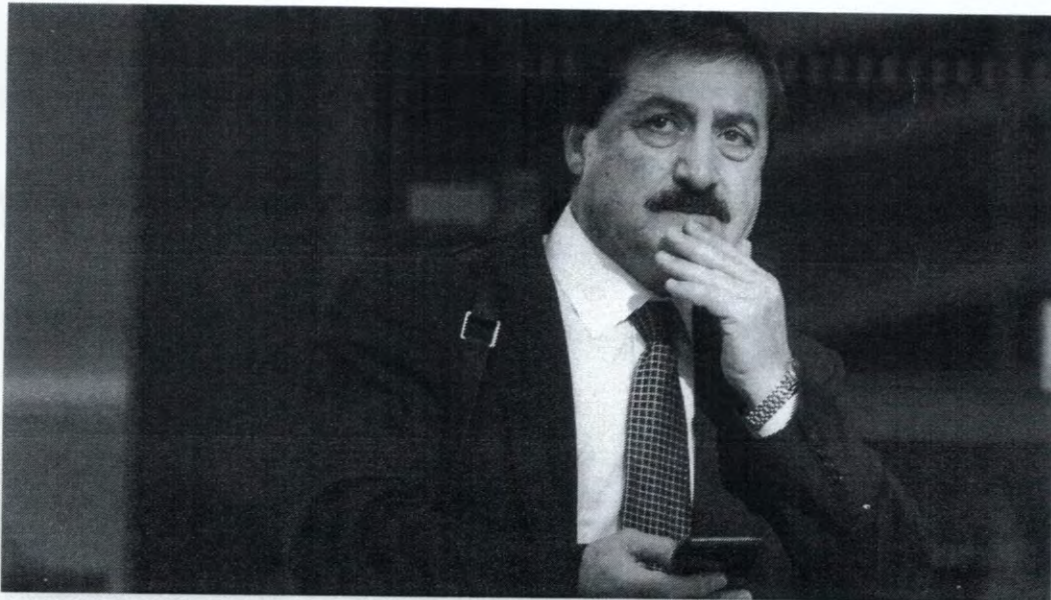
The Independent Commission Against Corruption has aired a phone conversation between Wagga Wagga MP Daryl Maguire and former Canterbury councillor Michael Hawatt.

He went on to say that 3 per cent commission was better.

After the recording was played, Mr Maguire was asked if he could explain what he was talking about in saying that 1.5 per cent divided by two was not good enough.

Mr Maguire said it appeared an interested person would have to share in a dividend.

"Who was the interested person?" Mr Maguire was asked by counsel assisting the commission, David Buchanan, SC.



Sydney developer Charbel Demian on Thursday. JANIE BARRETT

"Well I suspect it was me," Mr Maguire said.

Mr Maguire had earlier told the commission he had known Mr Hawatt since about 2008, when Mr Hawatt ran as the Liberal candidate for Lakemba.

Mr Maguire said he had approached Mr Hawatt about potential property opportunities for friends of his in the Chinese community. In particular, he was seeking opportunities for the Australian branch of the Chinese firm Country Garden. But he said he did not have an interest himself in making money.

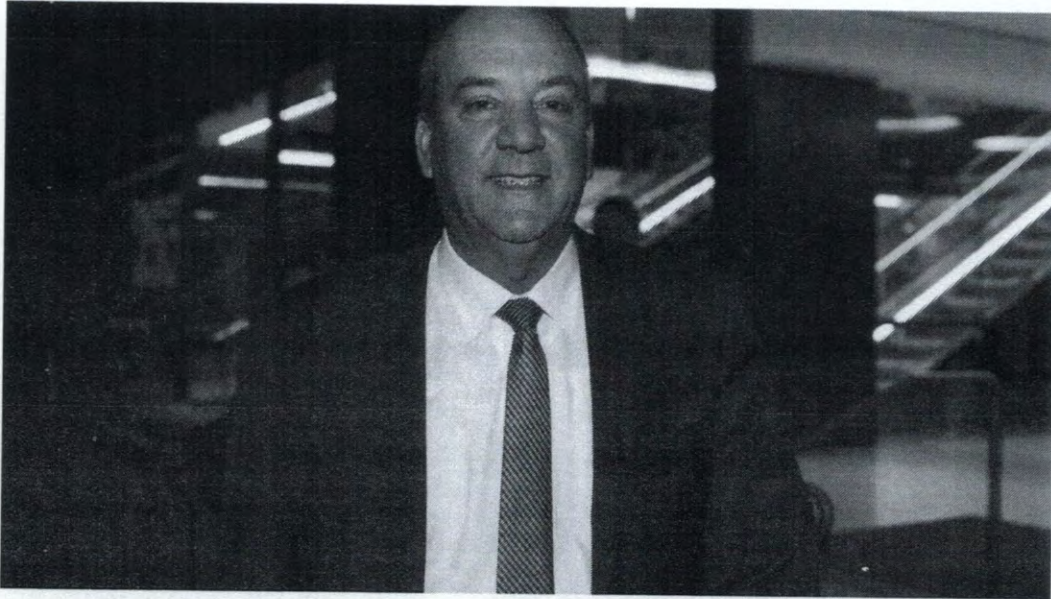


Daryl Maguire, left, with Charbel Demian, (second from left with back to camera), an unknown male referred to as Ron (white shirt) and Michael Hawatt (right, back to camera) at a Sydney

café. ICAC

"The approach wasn't for me to do business, it was for others," Mr Maguire told Mr Buchanan. Mr Maguire said that at the "back of his mind" was the idea that, if Country Garden could establish itself in Australia, it might look to develop in Wagga Wagga.

The ICAC heard on Thursday that Sydney developer Charbel Demian went on to meet Mr Maguire on multiple occasions. On one occasion, ICAC investigators photographed them with Mr Hawatt.



Liberal MP for Wagga Wagga Daryl Maguire outside ICAC. JANIE BARRETT

On Thursday, Mr Demian told the ICAC he had met Mr Maguire through Mr Hawatt's introduction. Mr Demian provided Mr Maguire a list of his potential development sites, including properties at Parramatta, Canterbury and Camellia.

Mr Maguire's evidence before Commissioner Patricia McDonald, SC, has not concluded.

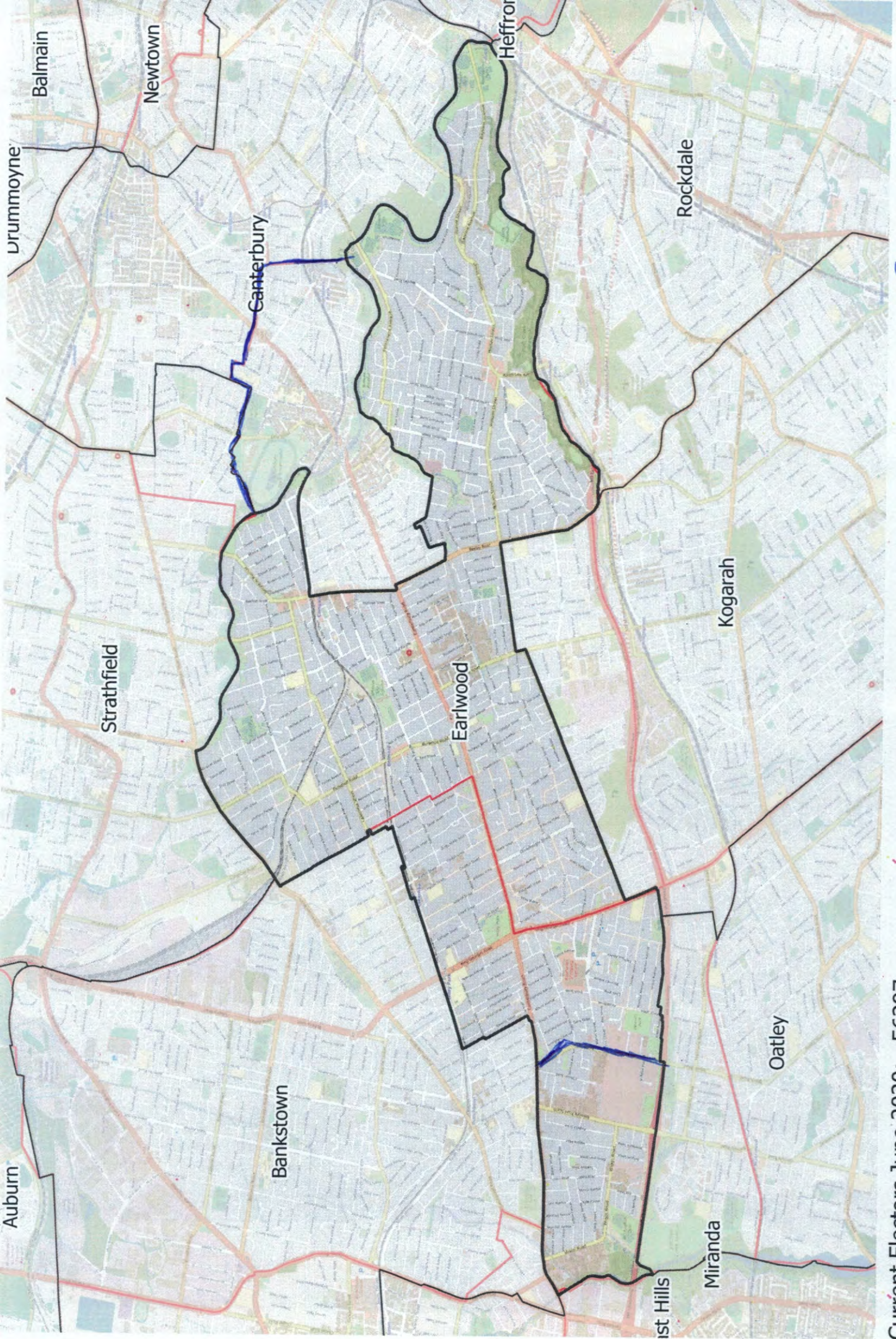
More to come



Jacob Saulwick



Jacob Saulwick is City Editor at The Sydney Morning Herald.



Current Electors June 2020: 56297
Estimated Electors 2023: 58049

Earlowood



Proposed Boundary