

NSW Electoral Commission, Electoral Districts Review 2020
Written Comments in Response to Submission NSW200701/34
In Relation to the Proposed Abolition of the Seat of Davidson
Lodged 15 July 2020

Introduction

1. The signatories of this *Response* to the *Submission* are concerned members of the community who do not purport to represent any organisation or political organisation.

Grounds

2. (i) *Electoral Act 2017 (NSW)* s 21 should be construed as representing the Parliament's intention to balance the need to comply with equal distribution requirements, against the desirability of maintaining the status quo.

(ii) On the proper construction of s 21, if electoral distributions (as projected in the relevant time frame under s 21(2)) are projected to comply with the mandated allowable margin, then a compelling reason would be required to change an electoral boundary which otherwise complies with that margin.

(iii) The status quo is a desirable reflection of community interests and those legislated in s 21(1)(b).

(iv) The 'building blocks' approach favoured by the *Submission* would not constitute a compelling reason for the abolition of a seat, when balanced with the desirability of maintaining the status quo.

(v) The abolition of the seat of an incumbent Speaker - an independent figure in the Westminster system - should be avoided without a compelling reason to do so.

Submissions

Ground (i), (ii), (iv)

3. At face value, s 21 is one that *limits* the ability of the Panel to carry out distributions, balanced with the important public interest in having fair distributions. For example, s 21(2) specifically limits the time horizon for distributions - Parliament would not have included this qualification unless it viewed distributions as a 'necessary evil'. A longer time horizon, for instance, could allow the Panel to fetishise the 'building blocks' principle to ensure fairer distributions across periods that were unpredictable.
4. By limiting the discretion of the Panel in its time horizon, the Parliament wishes to limit the discretion of the Panel in making value-judgments which might be beneficial to the State's long-term distribution patterns, but detrimental to contemporary community interests.
5. By applying the 'building blocks' principle too strictly, the Panel would be vitiating the intent of Parliament as described above. That is: arbitrarily grouping Sydney metropolitan seats could lead to the diminishing of local community interests, and the exposure of the redistribution system to gerrymandering claims, contrary to

Parliament's intentions.

6. Removing local representation for the collective benefit of the State could undermine the community's trust in our political processes and the Redistribution process.
7. The *Submission's* reference to the "presumption of minimising change" would support the above principles, but not the drastic move of abolishing a Seat where many others are more severely malapportioned.

Ground (iii)

8. Davidson was established in 1971 and has served community interests since then through strong representation at the highest levels, including most recently the Speakership. The local government areas within Davidson seem an odd exception to the *Submission's* reference to the "very strong, continuing community identity of the older and smaller local government areas."
9. Dissolving the seat of Davidson would have the effect of removing the seat's representation as a unique area between metropolitan Sydney, the bush, and the beaches. These economic, social and regional interests cannot be replicated through representation through a new or pre-existing seat which lacks this unique identity.
10. The status quo appears to have successfully reflected the interests in s 21(b)(ii), (iii) and (iv).
11. The *Submission's* suggestion to abolish Davidson is overly complicated. It affects seats including Manly, Pittwater, Wakehurst & Willoughby. The proposal only further complicated confusion regarding Local, State & Federal districts.
12. Davidson is not expected to be malapportioned (within the statutory definition) according to official *NSW Electoral Commission* data in either 2020 or 2023. An expected decline in population should not be extrapolated beyond 2023. Such would be contrary to the spirit of s 21(2), while also failing to consider increased local development which may not cause material population increase until well after 2023.
13. Davidson is only the seventh least populous district, based on 2023 projections.
14. Other electorates are significantly more malapportioned: including eight seats projected to have a margin outside of the statutory limits. These seats would be more deserving of the Panel's immediate attention. Failing this, the public could lose faith in our political processes and distribution processes.
15. The standard deviation of all electoral distribution predictions in 2023 is 8.33%. The mean is ~0. Meanwhile, Davidson's projected margin is projected at -7.12%. Therefore, Davidson's margin is well within one standard deviation of the mean projected population malapportionment. This should not be viewed as a result with enormous statistical significance: on a normal distribution, Davidson's margin falls within only the bottom 19% of data accumulation.

Ground (v)

16. Although the NSW Speaker does have the slightly unusual capacity to cast a tie-breaking vote, this does not abridge the important independent role that the Speaker plays. The Speaker is the House's "independent and impartial representative": *Constitution Act 1902 (NSW) s 31(1)*.
17. The Incumbent Speaker has not publicly announced whether or not he seeks to contest the 2023 Election.
18. Abolishing the seat of the Incumbent Speaker (who may wish to contest the next State election and maintain his Appointment), could significantly prejudice the Speaker's ability to act independently and impartially between the time of the redistribution process and the 2023 Election. This is because of the political pressure inherent to the need of contesting a new seat afresh, with community interests different to those of the electorate which he has served for 13 years.

Proposed Course of Action

19. If it is nonetheless determined that a redistribution is necessary with respect to the seat of Davidson and its surrounding seats, then adjustments to relevant boundaries should be considered favourable to the abolition of the seat and the creation of another seat (Dural) merely two seats away.

Signatories

