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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-785209

**LEGISLATIVE COUNCIL ELECTORAL BOUNDARIES
REDISTRIBUTION TRIBUNAL**

CHAIRPERSON M. BLAKE, Presiding

TRIBUNAL HEARING

LEVEL 3, TASWATER BUILDING, 169 MAIN ROAD, MOONAH, TASMANIA

9.32 AM, THURSDAY, 8 JUNE 2017

MR BLAKE: Welcome, Tony, and could I just start off by making an initial statement. So welcome to this hearing of the Redistribution Tribunal into transition arrangements related to implementation of the redistribution of the State's legislative council boundaries. My name is Mike Blake and I chair the Redistribution Tribunal.

5 I will not introduce my colleagues, because their names and roles are clear from their nametags. So the tribunal's first – final redistribution determination and its reasonings were advertised on the 20th of May 2017. However, the redistribution does not take effect until the tribunal has determined the transition arrangements to implement the redistribution. This hearing is the first step in providing the

10 community with the opportunity to provide input into this process. Hearings are being held in Hobart today and Launceston tomorrow.

The document in front of you outlines the powers and obligations of the tribunal in determining transition arrangements under the Legislative Council Electoral

15 Boundaries Act 1995. This tribunal has an obligation to bring an independent and unbiased perspective to its consideration of the transition arrangements, and to do so in a timely manner. Every person has the right to be heard at this inquiry. So far as the procedure today is concerned, the hearing must be held in public. The tribunal is not bound by the rules of evidence and may regulate and conduct the proceedings as

20 it thinks fit. We will deal with these matters as informally as possible, noting only that 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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25 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 right to require you to give sworn evidence if necessary. Also, the Act requires that

30 any evidence which is given by way of a 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.

Subject to these matters, the intention is that you are invited to outline your views or

35 proposals about the transition arrangements uninterrupted. We will provide an opportunity for discussion and comment and questioning from the members of the tribunal and then an opportunity for a closing statement from you. As you can tell, today's proceedings are being recorded. Following today's inquiry and those in Launceston tomorrow, the tribunal must make an initial transition determination as

40 soon as practicable after completion of its deliberations.

In this respect, the tribunal plans on meeting to deliberate following the hearing tomorrow, publish the initial transition determination in a public place, public notice. By a public notice, invite any person or organisation within 14 days after publication

45 to lodge a written comment, suggestion or objection in relation to the initial transition determination; consider and hold a transition inquiry into the matters raised in any comments, suggestions and objections; make a final determination of

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5 you have any questions regarding these procedures?

MR MULDER: Just one thing, Mike, and that was you said that if I was going to make any statement or anything like that, that it need written – my submission. Does that - - -
10

MR BLAKE: No.

MR MULDER: No. Okay.

15 MR BLAKE: If there's anything you want – if you wanted to make a written statement, though - - -

MR MULDER: If I wanted to make another okay.

20 MR BLAKE: So before asking you to proceed, could I just clarify in your written – you mentioned McIntosh. We presume that's meant to be McIntyre.

MR MULDER: McIntyre. Yes.

25 MR BLAKE: Thank you.

MR MULDER: I also – there are some other spelling mistakes in there. That's what happens when you take away – an old man away from a nice big keyboard and force him onto a little telephone.
30

MR BLAKE: Okay. What do you - - -

MR MULDER: And that's not on oath either. Okay. So I think I can basically just go through my submission, and that is that – I would if I could find it.
35

MR BLAKE: There's a copy there for you.

MR MULDER: Thank you. Okay. So my main submission is I think that the – that McIntyre should be allocated to the Member for Apsley rather than the Member for
40 Western Tiers, because clearly the new seat will have to be allocated to someone. I also think that Prosser should be allocated to the current member for Western Tiers, and that Prosser replace Western Tiers in the election cycle. In other words, Prosser would go to the polls in 2018 as a direct replacement of Western Tiers. I also note that the reasons for this is McIntosh is predominantly based on the seat of Apsley.
45 That member is based in the northeast in Scottsdale, who was elected and was elected in 2016. And I can vouch for the fact that the eastern – the southern part of the old Apsley seat which abuts the seat of Rumney that I held for a while, that was –

I spent a lot of time dealing with constituent issues from the east coast and from the southern midlands and those areas there, because those people tend to come through Sorell and they see themselves as part of what you're going to now call the new seat of Prosser.

5

So, I mean, I provided those services because the alternative was for the member to go – for them to go, you know, from Campania to Scottsdale and places like that, so that was something that I think shows that the southern part isn't really part of Apsley, but is a part of the new tier. So if you're going to allocate the member for Apsley down into a part of the electorate, that she really hasn't been, you know, technically representing them but the electoral work is actually being done by the Member for Rumney and Sorell, you know, when I was based in Sorell, that I think it's a bit unfair to allocate her basically into a different seat. And I make the point that Ms Rattray is actually – I think she's – she won't mind me saying so – she's 59 years of age and is really, you know, intent on continuing on her parliamentary career.

And although that, I guess, is slightly outside the terms of the inquiry and the matter, but I think it's an important matter to take about the fact that here is a member who only last year went to an election and was re-elected to a seat based on the northeast where there's a community of interest between that and the new McIntosh – McIntyre, sorry. I'm into Mcs, aren't I? That there's a community of interest in the – between the old electorates of Western Tiers and the northeast that doesn't, I would argue, connect to the new Prosser. You know, parts of the northern midlands would be part of that community of interest, but the east coast and the southeast is a different community of interest altogether, and that's evidenced by the fact that these people were coming to me in Sorell, in Rumney, because they saw themselves as part of that.

So I think that to take the member for Apsley out of the north and plonk her into the south I think is – has an impact – and I know there's one of the – the issue of the continuity of a member six-year term. So if you took her out of her home electorate where she was only elected two years ago, plonked her into Prosser and then sent her to the people in two or four years time – next year or in four years time, there's actually not a continuity of her term. So I think that's – that would be the – my main point with that one. I think the Prosser should be allocated I think to the member for Western Tiers and go to the polls in 2018 because it's a direct replacement. One seat is coming out and a new seat is being created, and I think that that's an appropriate thing, to put Prosser back into that thing.

40

As I said, it's a different community of interest, and I think therefore it should be given another crack at the polls. I think they should be given the earliest opportunity. I think the other thing is that the member for Western Tiers has often stated – and, once again, this is an opinion, and he's entitled to change his mind, but he's often said that he wouldn't recontest the seat of the Western Tiers, and I think that's a point of retirement, and if that's the case, then I think that's an appropriate time to say, well, you know, we'll allocate the Prosser to a new member, send it to the polls

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in 2018, and then, you know, we will have the next continuity of the member six-year terms.

5 I think that's about all I really need to say. I just reiterate the point, I think, that there's a community of interest between the old Apsley and Western Tiers as mentioned in – with the creation of the new seat – with the creation of the new northern seat, and I think that there's a different community of interest in the bulk of the southern – the new southern seat where the bulk of the population will be based on Sorell and that whole issue is at issue, and I think that that – those people should probably be prepared to have a new member that they elect next year.

MR BLAKE: Thank you. Any questions of Tony?

15 MR GUIDICI: No.

MS: No.

MR GUIDICI: Not from me.

20 MR BLAKE: I don't have any, Tony. You were very clear. Thank you.

MR MULDER: Thank you.

25 MR BLAKE: Anything final you wanted to say?

MR MULDER: No.

MR BLAKE: No.

30 MR MULDER: Except that I'm starting to come to terms with retirement.

MR BLAKE: Enjoy it.

35 MR GUIDICI: Not all bad.

MR MULDER: I think my wife is starting to regret the fact that she has been hanging onto for saying why don't you retire, come on, spend some time at home, but she might be starting to regret that. Okay, guys. Thank you very much. Just before I go, so when are we likely to get the determination? The next process I think 40 is that you put out a decision and we get a chance to make objections and - - -

MR BLAKE: That's right.

45 MR MULDER: Yes.

MR BLAKE: So I don't read that out. So the next step is to – for us to deliberate after tomorrow.

MR MULDER: Yes.

MR BLAKE: Then make a proposed determination, and then you will have another chance to comment then.

5

MR MULDER: Yes. Okay. So that's - - -

MR BLAKE: Timing?

10 MR MULDER: Timeframe?

MR HAWKEY: Look, hopefully in the next few weeks.

15 MR MULDER: Hate to tie you down.

MR HAWKEY: There's al so 14 days for people making lodgements, so I think two to three weeks hopefully we will have the next part of the initial proposal – transition proposal out, so yes.

20 MR BLAKE: It shouldn't take that long.

MR MULDER: Okay.

25 MR BLAKE: Thank you.

MR MULDER: Thank you guys. See you later.

30 **ADJOURNED** **[9.43 am]**

RESUMED **[10.02 am]**

35 MR HAWKEY: Welcome. Grab a chair.

MS DE WILLIAMS: Thank you. Hi.

40 MR BLAKE: Hi.

MR HAWKEY: Welcome.

45 MS DE WILLIAMS: Hi, my name is Councillor Deborah De Williams. I'm a councillor from the Sorell municipality, so obviously this has a great impact on my electorate and my community.

MR BLAKE: So before we start, can I just read a few things out to you - - -

MS DE WILLIAMS: Yes, sure.

MR BLAKE: - - - and just – in front of you there’s a few documents there you may want to have a look at while I’m reading things out.

5

MS DE WILLIAMS: Yes.

MR BLAKE: Welcome to this hearing of the Redistribution Tribunal into transitional arrangements related to implementation of the redistribution of the state’s legislative council boundaries. 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 tags. The tribunal’s final redistribution determination and its reasons were advertised on 20 May 2017. However, the redistribution does not take effect until the tribunal has determined the transition arrangements to implement the redistribution. This hearing is the first step in providing the community with the opportunity to provide input into this process. Hearings are being held in Hobart today and Launceston tomorrow. The document in front of you outlines the powers and obligations of the tribunal in determining transition arrangements under the Legislative Council Boundaries Act.

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45

publish the initial transition determination in a public notice; by public notice invite any person or organisation within 14 days after publication to lodge a written comment, suggestion or objection in relation to the initial transition determination, which means you get a second bite ; consider and hold a transition inquiry into the matters raised in any comments, suggestions and determinations – sorry, and objections; make a final determination of transition arrangements. Any such determination takes effect on the date of its publication in the gazette. Please note that any determination made by the tribunal is final and conclusive and may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any court or tribunal on any grounds. Do you have any questions about the process?

MS DE WILLIAMS: No.

MR BLAKE: Over to you.

MS DE WILLIAMS: Hi. So as I was saying, I'm Councillor Deborah de Williams, and I sit as councillor in Sorell municipality, so this obviously affects us greatly. I sit here today because, being out in my own community, that being, you know, Sorell, Southern Beaches and there was a concern within the community – and I just wanted to clarify this – that – because usually with a redistribution of boundaries the existing sitting member just gets – redistributes. But because we're kind of creating two new electorates, there is concern that it wouldn't go to the proper democratic process of an election, and that was the main concern. So I thought, well, I would come along today and see what actually is the process with that. Will we get – because we've just voted, so it's a bit, you know, difficult down there because people are getting – “Well, we've just voted for someone, and it looks like we might get someone who we haven't voted for.” So they – I just wanted to sit here so I can go out in my community and say, well, “You know, this is actually what's going to happen.” So that was my question: is it going to go to a – with this creating of these two new – well, up north and Prosser. Is it going to go to an election, or will it be redistributed from the current - - -

MR BLAKE: So at this point in time we don't have an answer to that - - -

MS DE WILLIAMS: Okay.

MR BLAKE: - - - so we're listening to – we're receiving submissions. We're getting input from people like you. You give us a point of view. We will hear what others have to say. We will then sit round the table and take all that into account and look at some of the empirical information about how many electors are moved and how many electors remained within these two new electorates, and then make a call.

MS DE WILLIAMS: Yes, well, Prosser, of course, is – because Rumney is being split, and that's – a large proportion of Rumney is now gone, if you know what I mean, and – so they're concerned that, you know, they might get, you know, Gavin Morse, Tony Mulder or someone they don't want there, you know, that – or someone from the north. And that's – so I thought I will sit here and - - -

MR BLAKE: Yes, so your point has been heard - - -

MS DE WILLIAMS: Yes.

5 MR BLAKE: - - - and we will take those into account.

MS DE WILLIAMS: Yes. So that – but that was really, mainly, what I sat here for.

MR HAWKEY: So what do you – what would be your preference?

10

MS DE WILLIAMS: I think going to a new electorate – election to give everyone within that new area a chance, so that gives people from Bicheno – they – you know, I’m sure they have the same concerns too. They just have a sitting member exist and – and what happens if someone from the – you know. So I suppose - - -

15

MR BLAKE: So – sorry, just to clarify, you’re talking about the new seat of – Prosser.

MS DE WILLIAMS: No, Prosser.

20

MR BLAKE: Yes, I understand.

MS DE WILLIAMS: Yes. So because it’s such – it’s now – you know. And I suppose, as a councillor on that municipality – and I know Tasman feel the same – we’re kind of like the southeast there, we’re ignored anyway. So I think it’s a good idea because we get two bites of the cherry, we get two sitting members, in the end, but I think I believe it would be better to go to an election. Yes, because that is the democratic process and that gives everyone the opportunity to have a voice and to say, “Well, this is who would like there.” Yes. she’s not. Anyway, that’s all I wanted to ask, and I can now go to the community and say, “Well, we really don’t know.”

25

30

MR HAWKEY: Okay.

35 MR BLAKE: Yes.

MR GUIDICI: Well, we certainly take those considerations into account.

MS DE WILLIAMS: Yes.

40

MR GUIDICI: Yes.

MS DE WILLIAMS: Yes.

45 MR GUIDICI: We have a whole lot of criteria which we assess in terms of how the transition arrangements are made.

MS DE WILLIAMS: Yes, and I suppose it's an unusual situation, because I know – I've spoken to that – in the community to say that, well, when there's a redistribution it's not just a little boundary line. Usually you have a sitting – the sitting member takes it up. But because it's creating two new, I think people are going, well,
5 shouldn't that be going to an election?

MR GUIDICI: We will be making, as Mike said, a determination within a few weeks, so the community will see, and then they have the opportunity straightaway to make an objection or indicate support at that time.
10

MS DE WILLIAMS: Yes, and can I just ask – the timeline. Do you know – it's sort of not – that's sort of in limbo too. When would this sort of evolve? Would it be this year or next year or - - -

MR BLAKE: No, so we will meet, as I said in my opening statement – we will meet tomorrow to think about what we've heard, make an initial determination probably within three weeks, did you say, Andrew?
15

MR HAWKEY: Yes.
20

MR BLAKE: Three weeks. So you will then be given two weeks after that to make a further comment if you want to.

MS DE WILLIAMS: Okay. Yes, okay.
25

MS FROST: And as far as when things happen, that's part of what this process is, to determine when those changes that we are considering come into effect.

MS DE WILLIAMS: Because I'm also aware that we've just gone through the election process, and people get probably election fatigue by the – you know. So I was just saying, you know, for fairness of the candidates, if there is an election, I suppose – but that's another question.
30

MR BLAKE: All right. Thank you.
35

MS DE WILLIAMS: Sorry for bringing the major distraction along.

MR BLAKE: No other questions from the tribunal?

MR GUIDICI: No, nothing further from me.
40

MS DE WILLIAMS: I think - - -

MR BLAKE: That's all you wanted to say?
45

MS DE WILLIAMS: Yes, it is, thank you.

MR BLAKE: Well, thank you very much for coming along.

MS FROST: Thank you both.

5 MR GUIDICI: Yes, thank you.

MS DE WILLIAMS: Thank you.

10 **ADJOURNED** **[10.11 am]**

RESUMED **[10.18 am]**

15 MR BLAKE: So I'm going to start with an initial statement and then hand over to you after that.

MR HALL: Yes.

20 MR BLAKE: So welcome to the sharing of the Redistribution Tribunal into transition arrangements related to implementation of the redistribution of the state's legislative council boundaries. My name is Mike Blake, and I chair the Redistribution Tribunal. I will not introduce my colleagues because their names and
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15 initial transition determination in a public notice, by public notice, invite any person or organisation within 14 days after publication to lodge a written comment, suggestion or objection in relation to the initial transition determination, consider and hold a transition inquiry into the matters raised in any comments, suggestions and objections, make a final determination of transition arrangements, and any such
20 determination takes effect on the date of this publication in a gazette.

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MR HALL: No.

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MR BLAKE: Please proceed.

35

MR HALL: Yes. Thank you, Mr Chair. Look it seems to be a pretty extrapolated sort of a process but anyway but that's the way – that's the way it is and quite frankly I haven't any – I'm not tendering any written documents at all and, really, I've just got a couple of points to make in regard to it. I didn't see any point in going any
further down the track at this stage. The boundaries have been determined. As you say, it's just a matter of – or somewhere that, you know, your – the tribunal have to allocate who goes where and why and when elections are held and I understand that.

40

So that's it and I suppose that, really, I can say only from my point of view is that I've been serving in the last – for the last probably too long some people would say, I'm just trying to think how many years now since 2001 – the electorate of Western Tiers or the old electorate of Western Tiers or the still current electorate of Western Tiers for something like 16 years – 15-plus years. And so I've only got – I got a five-year term to start off because at that time the numbers of the house were reduced
45 and so I stood in the first instance for Rowallan, as it was called then, so that, you know, we've had name changes since then.

And so essentially, my service has been to, you know, that Kentish part of the – and of the area and but principally Meander Valley and then Northern Midlands, you know, the most populated part of the Northern Midlands including Perth, Longford, Cressy, Poatina, all those sorts of areas. And so I've got a great affinity with that
5 area and all that rural area so I actually live, I suppose, on the cusp of the north-west coast because I live near Elizabeth Town, if you know where that is on the highway. So when you cross the Rubicon, so to speak, just over the road, that's basically the north-west coast and we – our – my family and farming business – that's where I was
10 born and raised and everything and that's where we still are, just next to that in that area.

So in terms of the proposed new Prosser electorate I suppose when I have a look at it in that regard I really have no affinity with that electorate because I think there are – I think maybe there is someone like only 12 electors. What I've got, you know, at
15 the moment – there's – in the new one there's – in the proposed one if you're trying to understand – I'm not explaining that very well but there are very few electors in that Prosser that I've ever – I've ever had anything to do with or any affinity with. And if I – I suppose if I look at – from where I live if I had to, you know, to travel into Sorell, I mean, that's the way it is. It's probably getting towards three hours in
20 terms of the drive and the Tasman Peninsula is further but anyway.

So then there's that aspect of it and I suppose that the election cycle, as we know, how that sits and I suppose that's something that the tribunal will have to determine given these changes of boundaries but I would say that I suppose that, yes, the old
25 Western – or Western Tiers is due next year in May 2018. And if – I would have thought my view would be that McIntyre or that – if an election is not held for McIntyre in May 2018 then that – quite a significant part of the population of the new electorate of McIntyre would not then have an election for something like 11 years or thereabouts. So that creates a bit of an issue for a lot of people living out
30 there so I suppose basically, yes, whether there is an election for both of those electorates or whether it's just McIntyre, I mean, that's something that the tribunal will have to consider with the way that the cycle is going.

You know, that's a little bit of a split between north and south and I, you know, and I
35 can always – I presume there's flexibility to change that and there's – but I don't – you know, that's something which is beyond my purview, I think. But I do think that, yes, it would be unfair for a lot of those people in the existing if there wasn't. They would expect to have an election again that time. So basically, Mr Chair, that's about – I don't think there's much else I can add to that at this stage.
40 Yes. Thank you.

MR BLAKE: Any questions from the tribunal?

MR GUIDICI: No questions. I think you've - - -
45

MR BLAKE: Yes.

MR GUIDICI: - - - articulated the things we have to take into account.

MR BLAKE: Yes.

5 MS WARDLAW-KELLY: Thank you.

MR HALL: Thank you.

10 MS FROST: Thank you for your suggestions.

MR HALL: Thank you. So I'm just having a look. I made a couple of little notes here. Yes. No, I think that those are the main points to cover, as I see it at this stage and I can't really – I can't really add any more to that to be quite frank so – yes.

15 MR BLAKE: So for the purposes of – just for your information, so yes, so we will take into account what you said - - -

MR HALL: Sorry, I - - -

20 MR BLAKE: We will take into account what you have told us and, yes, you've valid issues that we need to address. We're planning to get an initial determination out in about three weeks' time so you will then have another chance to comment once we've done that.

25 MR HALL: Okay. Yes.

MR BLAKE: Okay.

30 MR HALL: Yes. Okay.

MR BLAKE: All right.

MR HALL: Thank you. All right, well - - -

35 MR BLAKE: No more from you?

MR HALL: Short and sweet.

40 MR BLAKE: Thank you. The best way.

MR HALL: Okay. Thank you. Right. That should be it.

MR GUIDICI: Right. Thank you.

45 MR HALL: That's all right. See you all. Shake hands as I go back out again.

ADJOURNED

[10.29 am]