



Esperance Branch
Liberal Party of Australia -
WA Division
P.O. Box 938
ESPERANCE WA 6450

17 May 2007

The Commissioners
Office of the Electoral Distribution Commissioners
Level 11, 111 St George's Terrace
PERTH WA 6000

Dear Sirs

Re: Redistribution of Boundaries Affecting the Existing District of Roe

I write to comment on the submissions by The Nationals, the Liberal Party, the Australian Labor Party, The Democrats and the Shire of Esperance.

In principle we support the proposition that the shires of Esperance and Ravensthorpe be amalgamated with the shires of Dundas, Coolgardie and the Boulder section of the city of Kalgoorlie and Boulder to form an expanded district that is incorporated into the Mining and Pastoral Region.

Our branch makes comments as follows.

THE NATIONALS AND SHIRE OF ESPERANCE SUBMISSIONS

We are of the view that there are strong reasons as articulated in The Nationals and Shire of Esperance submissions that meet the criteria of clause 16H (1) and clause 16I of the Electoral Act 1907.

In particular the community of interest is paramount with the Shire of Esperance and by extension as a service centre to the Shire of Ravensthorpe having links with the Goldfields. The very existence of the Goldfields Esperance Development Commission (GEDC) is an example of this.

A significant number of government services are headquarters out of the Goldfields. For instance:

- Health Services
- Police Department
- GEDC
- Support Services such as Escare, Mental Health and Disability Services

The Esperance Port is a strong connection to the Goldfields and I support both the Nationals and Shire of Esperance submissions in this respect.

With respect to Local Government boundaries the existing districts separate the city of Kalgoorlie and Boulder and respectfully we submit that the existing delineation continue.

The existence of an interstate transport corridor through Ravensthorpe, Esperance, Norseman, and across the Nullarbor or alternatively Coolgardie, Kambalda (adjacent to) Norseman and across the Nullarbor is an increasingly important linkage point for the new district.

In short we agree with 95 percent of the content the 2 submissions mentioned above with respect to the existing district of Roe.

It seems very clear to us that the Communities of Interest criteria contained in Sections 16H.(1) and 16I. of the Electoral Act 1907 are met, as are most of the other matters referred to in Section 16I.

AUSTRALIAN DEMOCRATS SUBMISSION

The Australian Democrats also support the inclusion of the Shires of Esperance and Ravensthorpe into the Mining and Pastoral Region.

It is worth noting that their submission addresses a declining population in Mining and Pastoral and that the inclusion of Esperance and Ravensthorpe in part compensates for this by adding some 9000 voters (according to 2005 State Election). They also say an increase in voters helps stop the new districts within the Mining and Pastoral Region get even larger and also helps reduce the Large District Allowance (LDA) overall, which we agree with.

AUSTRALIAN LABOR PARTY SUBMISSION

The Labor Party like the Liberal Party proposes that Roe expands to the West. We anticipate that Labor will object to a proposal for Esperance and Ravensthorpe to go into Mining and Pastoral from purely a political perspective so as to enhance their electoral prospects at the next state election. Political considerations of course cannot be a basis for division of the State into regions and districts.

LIBERAL PARTY – LAND USE CRITERIA

The 2007 Liberal Party submission in the first paragraph of the Agricultural Region section states as follows:

“The distinction between pastoral and agricultural land firmly precludes the inclusion of the Shire of Esperance or indeed any other rural shire within the Mining and Pastoral Region.”

We are of the view that the Liberal Party submission has misinterpreted Sections 16H.(1), 16H.(1) (b) and 16H.(1) (c) of the Electoral Act 1907 and as a result the above statement is not supported by the legislation.

For your convenience I have reproduced those sections, they read as follows:

16H. Basis for division of the State into regions

- (1) The Commissioners shall divide the State *into regions* so that those regions *generally reflect the recognised communities of interest and land use patterns in the State* and so that—
 - (a) (Metropolitan Regions, etc)
 - (b) *one region*, to be known as the Mining and Pastoral Region, consists of complete and *contiguous districts that together form an area* that is remote from Perth and in which the *land use is primarily for mining and pastoral purposes*;
 - (c) one region, to be known as the Agricultural Region, consists of complete and contiguous *districts that together form an area* that is generally south, or south and west, of and adjacent to the Mining and Pastoral Region and in which *the land use is primarily for agricultural purposes*: and
 - (d)(South West Region, etc.)

(bold and italics added by myself)

I draw your attention to the bold and italics wording in Section 16H (1) and comment as follows.

Note the word “generally” is used, this indicates that the Commissioners have leeway or room to move in exercising their judgement as to the appropriate division of the State into regions. Had the word “generally” not been included or the word “specifically” included as substitution for “generally” then the Commissioners would need to be more exacting in their deliberations, but this is not the case. In short, the Commissioners can create regions that “generally” reflect the recognised communities of interest and land use patterns, subject to the other criteria contained in Sections 16H. and 16I.

The second point is that section 16H.(1) (b) requires the Commissioners to create one region (Mining and Pastoral) whereby the combined total of the districts that make up that region have a land use that could be described as primarily for Mining and Pastoral purposes (provided the other criteria is met).

With respect to the text of Section 16H.(1) (b) the important words in bold and italics suggest one region of districts that **TOGETHER** form an area in which the land use is primarily Mining and Pastoral. Importantly each district does not have to be predominantly Mining and Pastoral in its own right. It is the combined total (***districts that together form an area***) that must have a land use that is primarily for mining and pastoral purposes.

The issue is whether the Shires of Esperance and Ravensthorpe can be included in a new district in the Mining and Pastoral Region rather than the Agricultural Region. It is worthwhile to consider the difference between Agricultural and Pastoral Land Use.

Agriculture is defined as the occupation of cultivating land and rearing of crops and livestock, whereas a Pastoral Land Use is more akin to grazing livestock on natural vegetation on a large scale, e.g. a sheep station.

We differ with the Nationals with respect to their Land Use definition in their description of South East. This reads...

“While Esperance and Ravensthorpe conduct coastal and hinterland grazing and cropping activities they also share a common and growing interest with the mining and exploration sector. Pastoral, mining and exploration activities co-exist in Esperance, Ravensthorpe, Norseman, Kalgoorlie, and Boulder”.

In our view Esperance and Ravensthorpe are more Agricultural including broad acre farming, cereal cropping, sheep and cattle farming. To describe the Agricultural activities as “...coastal and hinterland grazing and cropping activities...” does not seem entirely fair or do justice to hundreds of farmers in our part of the world.

The expanded district would stretch to the South Australian Border, North to the Goldfields and 100-200 kms East towards Southern Cross in a rectangular shape. The larger part (65-70%) of this area could accurately be described as having a land use of Mining and Pastoral, it therefore seems that the Commissioners are empowered to include the respective Shires referred to into Mining and Pastoral should they wish to do so.

More significantly the total Mining and Pastoral Region as per the attached delineation by the Nationals (including the Shires of Esperance and Ravensthorpe) can accurately be described as generally reflecting one region of complete and contiguous districts in which the land use is primarily for mining and pastoral purposes.

One final point is that the current existence of Agricultural activities in Carnarvon and Kununurra do not preclude those Shires from being part of the Mining and Pastoral Region.

CONCLUSION

As a Branch of the Liberal Party WA Division we disagree with the submission by the Liberal Party of WA with respect to the positioning of the Shires of Esperance and Ravensthorpe.

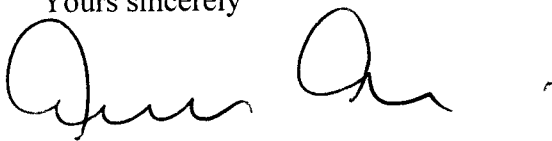
We request that due consideration be given to the inclusion of the Shires of Esperance and Ravensthorpe into an expanded district in the Mining and Pastoral Region aligning these Shires with the Goldfields and Pastoral country.

As to the name of the new district we believe that the suggested name of South-East is too bland and does not properly describe the location of the Goldfields and Nullarbor Pastoral Country that would form part of this new district.

Instead we suggest Roe-Eyre which is in keeping with existing district names, has historical reference to John Septimus Roe and John Eyre who demonstrated considerable endeavour, tenacity and spirit which is synonymous with the people residing in this part of the State.

In closing we take this opportunity to thank the Commissioners and their staff on what must be a difficult and arduous task.

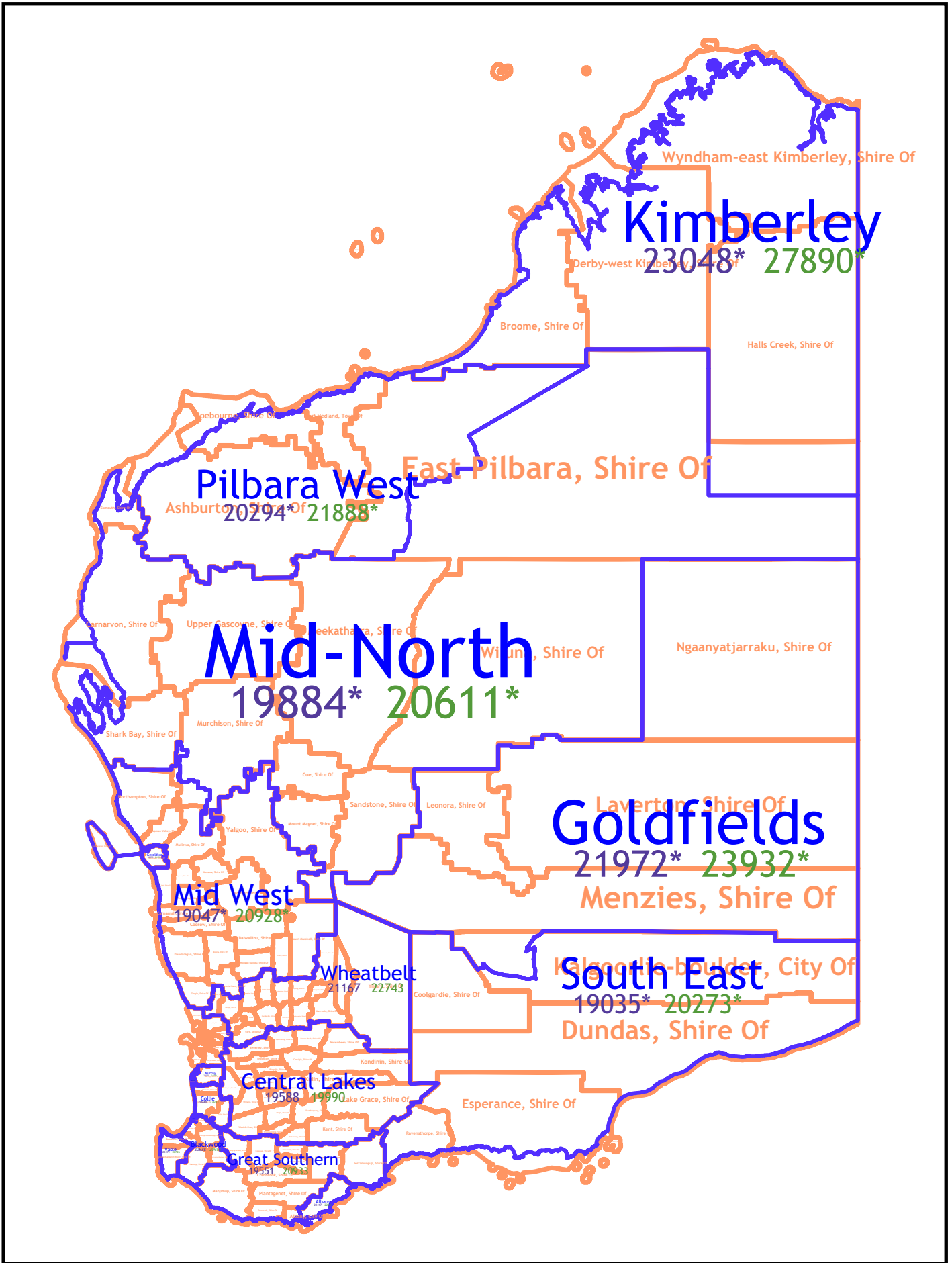
Yours sincerely



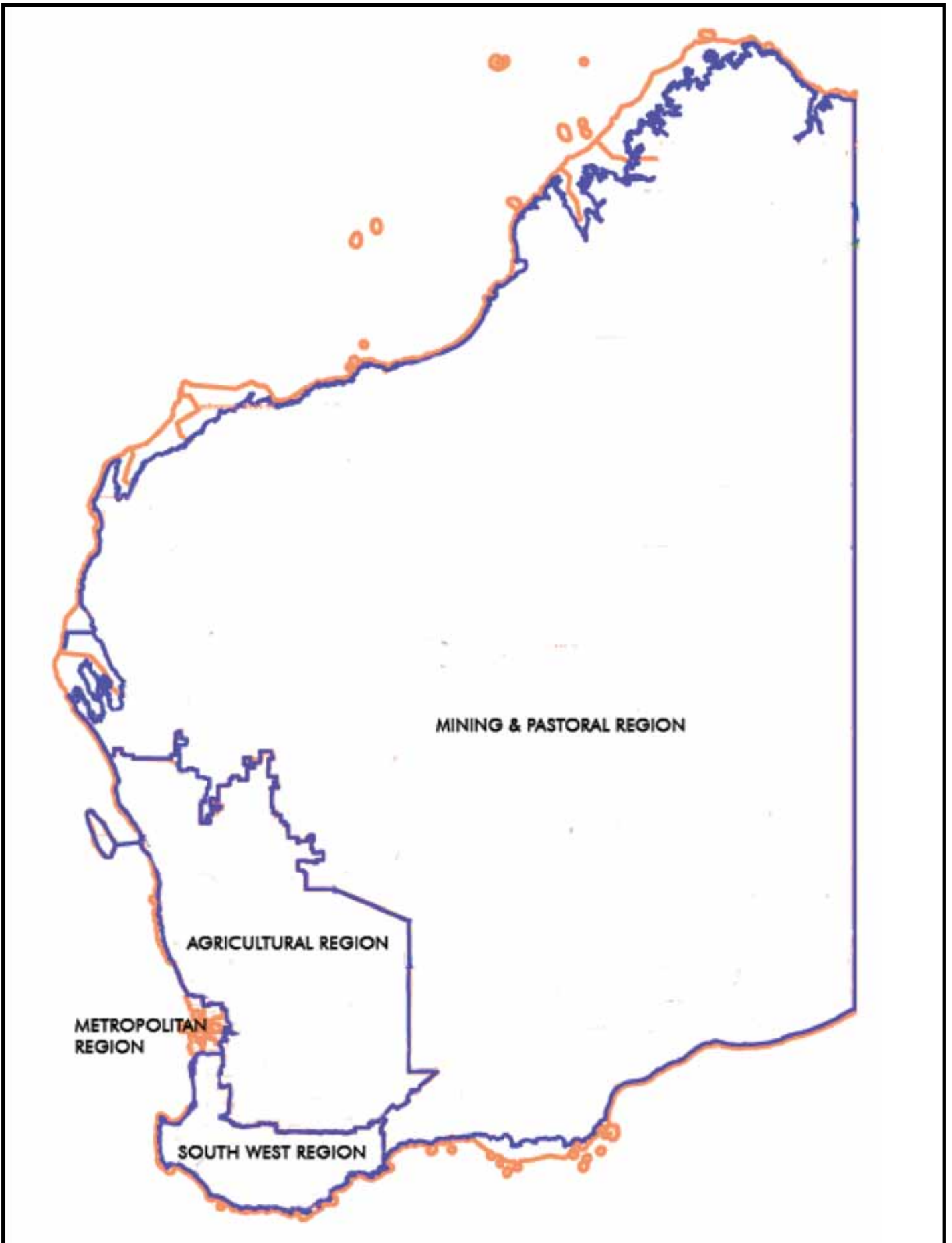
David Dwyer
Acting President
Esperance Branch Liberal Party of Australia- WA Division

Enclosures : 2 Maps reproduced from The Nationals submission

: Sections 16H. and 16I. of the Electoral Act 1907



Map 1: Statewide map indicating proposed 2007 Legislative Assembly electorate boundaries



Map 1(a): Statewide map indicating proposed 2007 Legislative Council regions

- (2) The Commissioners shall divide the State into districts in accordance with the principle that, for each district, the number of electors that the district would have had at the relevant day must not be more than 10% greater, or more than 10% less, than the average district enrolment at the relevant day.
- (3) If a district has an area of 100 000 square kilometres or more, subsection (2) does not apply but the sum of —
- (a) the number of electors that the district would have had at the relevant day; and
 - (b) the large district allowance,
- must not be more than 10% greater, or more than 20% less, than the average district enrolment at the relevant day.
- (4) In subsection (3) —
- “large district allowance”** means 1.5% of the number of square kilometres in the area of the district.

[Section 16G inserted by No. 1 of 2005 s. 4.]

16H. Basis for division of the State into regions

- (1) The Commissioners shall divide the State into regions so that those regions generally reflect the recognised communities of interest and land use patterns in the State and so that —
- (a) 3 contiguous regions, to be known, respectively, as the North Metropolitan Region (being a region that is generally to the north of the Swan River), the South Metropolitan Region (being a region that is generally to the south of the Swan River) and the East Metropolitan Region (being a region that includes the hills and foothills of the Darling Escarpment) —
 - (i) each consist of approximately the same number of complete and contiguous districts; and
 - (ii) together form an area that is generally coextensive with the metropolitan area of Perth;

- (b) one region, to be known as the Mining and Pastoral Region, consists of complete and contiguous districts that together form an area that is remote from Perth and in which the land use is primarily for mining and pastoral purposes;
- (c) one region, to be known as the Agricultural Region, consists of complete and contiguous districts that together form an area that is generally south, or south and west, of and adjacent to the Mining and Pastoral Region and in which the land use is primarily for agricultural purposes; and
- (d) one region, to be known as the South West Region (being a region that includes coastal and forest areas in the south-west of the State), consists of complete and contiguous districts.

(2) In subsection (1) —

“metropolitan area of Perth” means the part of the State that comprises —

- (a) the region that was, as at the relevant day, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*; and
- (b) Rottnest Island.

[Section 16H inserted by No. 1 of 2005 s. 4.]

16I. Matters to be considered in dividing the State into regions and districts

In making the division of the State into regions and districts the Commissioners shall give due consideration to —

- (a) community of interest;
- (b) land use patterns;
- (c) means of communication and distance from the capital;
- (d) physical features;
- (e) existing boundaries of regions and districts;

(f) existing local government boundaries; and

(g) the trend of demographic changes.

[Section 16I inserted by No. 1 of 2005 s. 4.]

16J. Power of Commissioners to modify boundaries of districts

In the exercise of the powers conferred on the Commissioners by this Part, the boundaries of the districts may be modified by the Commissioners by excising portions from them, or by adding other portions to them and the districts may be designated and redesignated.

[Section 16J inserted by No. 1 of 2005 s. 4.]

16K. Effect of notice dividing the State into districts and regions

On and by virtue of a notice being published in the *Gazette* under section 16F(2)(f), the division of the State by the Commissioners into districts and regions as set out in that notice takes effect and has the force of law and applies in respect of —

- (a) elections in districts held after the date of the publication of the notice other than elections held before the first general election for the Assembly held after that date; and
- (b) elections in regions held after the date of the publication of the notice other than elections held before the first general election for the Council held after that date,

unless and until a further division of the State into districts and regions takes effect under this section.

[Section 16K inserted by No. 1 of 2005 s. 4.]

16L. Transitional provisions

- (1) In this section —

“**previous electoral distribution**” means the division of the State into districts and regions for the election of members