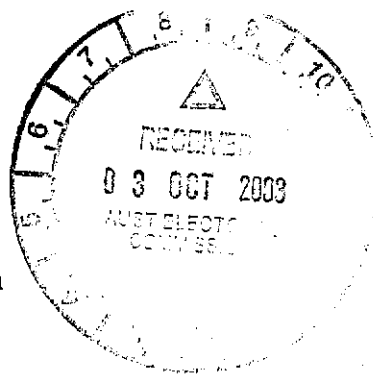




Public Objection number 9

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6 pages



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Australian Electoral Commission
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PROPOSED REDISTRIBUTION OF SOUTH AUSTRALIA OBJECTION

I am writing to lodge an objection to the Redistribution Committee's proposal for South Australia.

I deal first with the more important topic of divisional boundaries and then with the subject of divisional names. As I argued in my submission of comments on suggestions to the Redistribution Committee, the selection of names should be subordinated to the determination of boundaries. Electoral boundaries are an important feature of the electoral system and can have a significant effect on the operation of representative democracy. Divisional names, on the other hand, will have at most a marginal effect, but since they may have some effect they are still worth getting 'right'. I lack the knowledge to offer specific comments on electoral boundaries and my objection to this part of the Committee's proposal deals with general procedures. My objection to the Committee's proposal for names assumes the adoption of the proposed boundaries. I do not take an absolute and unqualified position on divisional names because, as I have said, names should be subordinated to boundaries. If the boundaries are to be as proposed by the Committee, I shall argue, then the names should be different. If the Augmented Electoral Commission varies the proposed boundaries, my specific objection to the proposed names may lose its basis, although I would still contend in favour of the same underlying general principles.

My objection to the way in which the Redistribution Committee has approached the redistribution of boundaries adopts in part the logic of the objection lodged by the Hon Arch Bevis, MP for Brisbane, to the current (Commonwealth) redistribution of Queensland. Mr Bevis notes that the legislation provides for a Redistribution Committee to give reasons for its proposed redistribution. He argues that the Redistribution Committee for Queensland, in large parts of its report, has only described the changes to boundaries that it proposes and that a description is not a reason. I agree, and I suggest that a similar point applies to the proposal of the Redistribution Committee for South Australia. There may be good reasons for the proposal, but I do not find them in the report. The report recites the relevant legislative provisions and asserts that they have been taken into account, but this alone cannot constitute a statement of reasons for a specific proposed redistribution, because the same recitals could be affixed to any proposal. The report does give reasons for some specific key decisions, but the general reasons for main features are incomplete. The general compliance of the proposal with the numerical constraints and the extent to which existing divisional boundaries have been followed are covered. However, in a distribution that complies with the legislative criteria, each proposed division should have some generally characteristic communities of interest, means of travel and communications, or physical features, or some combination of these. Only some examples are given in the report, such as the Murray Valley community of interest (included in proposed division no. 2), the characterisation of proposed division no. 5 as 'coastal' (a physical feature), and the reference to the community of interest in proposed division no. 1 deriving from proximity to the Adelaide city centre.

Mr Bevis also refers in his objection to the lack of discussion, by the Redistribution Committee for Queensland, of 'strategic approach'. I find a similar omission in the report of the Redistribution Committee for South Australia. The report's general discussion of strategy describes some important principles which the Committee says it has applied, but the specific proposals are not explicitly linked to these principles. In the comments I submitted on the public suggestions made to the Redistribution Committee, I supported basing a general strategic approach on a division of the State, on the basis of community of interest, travel and communications, and physical features (the qualitative criteria specified by the legislation),

into rural and urban areas. It is more precise to refer to the metropolitan area (namely, the Adelaide area) and the regional (that is, non-metropolitan) area. This basic approach has been the normal one not only in previous Commonwealth electoral distributions of South Australia but also in previous Commonwealth electoral distributions of other States. The only instance I am aware of in which it has been challenged was when the Northern Territory was distributed into two divisions. Most suggestions to that Redistribution Committee assumed that the appropriate approach was to create one division entirely in the Darwin metropolitan area and one division including the whole of the predominantly rural non-metropolitan areas. However, one suggestion was submitted arguing that, in the specific circumstances of the Northern Territory, such an approach was not the most appropriate one and that, instead, both metropolitan and regional areas should be divided between two divisions that would both consequently have a similarly mixed character. In the result, this alternative suggested approach was not adopted. Although I think it is important to make allowance in principle for challenges to the assumption that there is a basic distinction between urban and rural areas, I accept it as the normal approach and will follow it here. It need not be applied rigidly. The Redistribution Committee took the view that the Gawler area can be linked with both areas (metropolitan and regional) and this should be regarded as an important element of the reasons for its decisions. I assume this view is based on considerations of community of interest, travel and communications, and physical features (or some of them), although this could be made clearer in detail.

Implicitly at least, the Redistribution Committee for Queensland has taken such a general strategic approach, although it has not detailed the reasons for it. The sub-headings in its report divide the State into five areas described as 'rural and provincial Queensland', 'Sunshine Coast', 'Gold Coast', 'greater metropolitan area', and 'outer metropolitan area'. The report of the Redistribution Committee for South Australia, in contrast, is subdivided only in an unsystematic way.

The suggestions to the Redistribution Committee included one (from Christopher Connolly) proposing a distribution with two rural divisions (and nine metropolitan ones) and one (from One Nation) proposing a distribution with three rural divisions (and eight metropolitan ones). The Committee's proposal takes a third approach, with seven essentially metropolitan divisions (proposed divisions no. 1, no. 3, no. 5, no. 6, no. 7, no. 9, and no. 10), two essentially rural ones (proposed divisions no. 2 and no. 4), and two divisions with a mixed urban and rural character (proposed divisions no. 8 and no. 11). This is a basic feature of the proposal (although the idiosyncratic ordering of the Committee's presentation obscures this fact) and merits some explanation. Did the Committee disagree with the categorisation of areas as rural and urban (or metropolitan) in the suggestions? Even if the Committee found that, within the numerical constraints, it was impossible to find a satisfactory 'two-rural-division' or 'three-rural-division' model, there is at least one more alternative to the approach adopted. In the current distribution there is just one 'mixed' division (Mayo), rather than the proposed two. What were the reasons for preferring a 'two-mixed-divisions' model to a 'one-mixed-division' model?

The division of the State between metropolitan and regional areas may be the largest strategic issue for the redistribution, but it is not the only one. Reasons need similarly to be given for the way in which the others are dealt with.

Of all the decisions about divisional names, the one the report canvasses in most detail is the choice of 'Wakefield' (in preference to 'Bonython') for proposed division no. 11. I object to this decision. If the proposed boundaries are adopted, proposed division no. 11 should not be called 'Wakefield' (although it need not be called 'Bonython', either, and the use of 'Wakefield' as the name for another division could be an acceptable alternative). My grounds for this objection follow.

The Redistribution Committee refers selectively to the guidelines for naming divisions in its discussion of proposed division no. 11. It notes that one of the guidelines is that 'every effort' should be made to preserve the names of 'Federation divisions'. This term is nowhere defined, but the committee presumes that in the case of South Australia it should be taken to include 'Wakefield' and that therefore this name should be preferred to 'Bonython'. However, the committee omits reference to the guideline that a division created by partially combining existing divisions should normally take the name of whichever of those divisions provides the largest number of its electors. Applying that guideline to this case leads to the conclusion that,

because proposed division no. 11 has more electors from the existing 'Bonython' than from the existing 'Wakefield' (or any other existing division), it should be called 'Bonython' (in preference to 'Wakefield'). Without referring to the terms of the guidelines, the Redistribution Committee remarks that proposed division no. 11 has more of the population of the existing 'Bonython' but more of the area of the existing 'Wakefield'. The guidelines for naming divisions take no account of the area of divisions. If the choice depends on balancing these two factors, it is germane to note that the legislation clearly makes population more important than area in determining divisional boundaries, which may be an argument in favour of making it more important also in determining divisional names.

Some selectivity in the application of the existing guidelines is unavoidable, because as a set they are internally inconsistent. Application of the two guidelines already discussed would mean giving the name of 'Bonython' to proposed division no. 11 but preserving the name of 'Wakefield' by some other means. However, another guideline goes against moving a divisional name to a different part of the State. It is logically impossible to follow all three of these guidelines.

The naming guidelines are in no way binding. The Commission has the power to disregard them and has done so in the past. The guideline on 'Federation' names, for example, has been disregarded in the past, as (for example) when the names of Balaclava and Darling Downs were dropped in redistributions of Victoria and Queensland respectively in 1984.

There are no official reasons for the guidelines and, in at least some instances, they seem to reflect idiosyncrasies of individual members who have made up the Joint Standing Committee on Electoral Matters (JSCEM) from time to time. One guideline states that 'qualifying names' (such as Port Adelaide and Melbourne Ports) can be used 'where appropriate'. This is because an earlier version of the guidelines suggested that such names should not be used, presumably because they conflicted with the aesthetic preferences of some past members of the JSCEM, preferences which more recent members have not shared. An earlier guideline against using rhyming names has similarly been dropped, and presumably for the same reasons.

I am going to argue for an approach to naming that incorporates some of the existing guidelines and is based on explicit reasons that are more than arbitrary aesthetic preferences. I shall use the Redistribution Committee's proposal to give specific illustrations, but I stress that it is the general approach I am advocating.

My starting point is that the choice of divisional names should not arbitrarily bias election results. The probable effect on election results is small, but appropriate principles can be sought for small decisions as well as large ones, and in this case they are easy to find and apply.

The most important principle is that names should not be assigned in a way that identifies one division with another when they are not substantially the same division. I shall explain the importance of this principle first, using the current redistribution as an example, and then discuss the details of implementation.

In its proposal, the Redistribution Committee has given proposed division no. 11 the name of 'Wakefield', in preference to the name of 'Bonython'. In its own terms, and also in the way redistributions are typically interpreted, the existing division of Bonython has been abolished while the existing division of Wakefield continues, with changed boundaries. This is the impression that the Redistribution Committee's proposal fosters, even if some people do choose to see things differently.

If the sitting member for the existing division of Wakefield seeks re-election to Parliament as the member for the Redistribution Committee's proposed division no. 11, he may be seen as contesting the same seat as the one for which he is currently the member. If he seeks re-election to Parliament as the member for another of the proposed divisions, he may be seen as seeking to change from his current seat to a new one. Conversely, if the sitting member for the existing division of Bonython seeks re-election to Parliament, he may be seen as challenging the sitting member for the seat in question, whether that be proposed division no. 11 or another, as a result of having had his current seat abolished.

If, to take one possible example, the sitting members for both Bonython and Wakefield both seek re-election to Parliament as members for the proposed division no. 11, which one will be the 'sitting' member for that seat? I do not know whether being seen in that light would be an

advantage or a disadvantage, nor do I know how many people would be influenced in their interpretation by the detail of naming. It may not matter very much, but it does matter. If anybody doubts that the point is a serious one, I direct their attention to the events of the 1977 Federal redistribution in Queensland, which were the subject of a subsequent Royal Commission. The Royal Commission found that there had been an improper intervention in that case. The motive for this was the belief that the sitting member for the existing seat of McPherson would be seen as the sitting member for whichever of two post-redistribution seats was assigned the name of McPherson and that this would be electorally significant.

There is one clearly objective and impartial method of deciding such questions which avoids any arbitrarily subjective interpretation. This is the strictly numerical criterion of the guideline for naming 'partial combinations' of divisions. This criterion is also consonant with the spirit of the legislation, which makes numerical constraints the overriding ones in determining divisional boundaries.

A strictly numerical criterion rejects the interpretation that the Redistribution Committee's proposal abolishes 'Bonython' while retaining 'Wakefield'. Considering these two alone, the more acceptable interpretations would be either that 'Wakefield' has been abolished and 'Bonython' retained or that both have been abolished and substantially merged into a new division. However, looking at the whole redistribution proposal, it appears that proposed division no. 2 includes more voters from the existing 'Wakefield' than does the proposed division no. 11 (or any other of the proposed divisions). This suggests other interpretations: that the proposal abolishes 'Barker' and 'Wakefield' and substantially merges them into a new division; that 'Wakefield' is abolished and substantially absorbed into 'Barker' and 'Bonython' (in that order); or that 'Barker', 'Bonython', and 'Wakefield' are all abolished and two new divisions created in their place.

It is not essential to choose between these various interpretations. I regard none of them as definitive. The essential point is that, if the Redistribution Committee's proposed boundaries are adopted, proposed division no. 11 should not be called 'Wakefield'. My objection is not to the name in itself. For whatever it may be worth, my personal preference is in favour of retaining the name. The role of EG Wakefield in the history of South Australia is unique, even if South Australia's development diverged rapidly from Wakefield's plan. By contrast, there are plenty of names that are just as worthy of commemoration as 'Bonython' and I have no reason to advocate its retention. I do not denigrate the contribution of JL Bonython. I am only saying that it is paralleled by contributions of the same type and comparable significance by other people. I do not particularly recommend 'Bonython' as a name for proposed division no. 11. I recommend that it be given either the name of 'Bonython' or some entirely new name. However, if the divisional name of 'Wakefield' is to be retained it should be given to a different division. Proposed division no. 2 has more voters from the existing Wakefield than does proposed division no. 11, but proposed division no. 2 has more voters from the existing Barker than from the existing Wakefield. By the logic already given, it should not be called 'Wakefield', and the same applies to proposed division no. 4. If the name is to be retained, it should be given to a division in another part of the State.

I have already noted that an existing guideline opposes the transfer of divisional names to a different part of the State. Firstly, the guideline allows for exceptions where there is a 'good reason'. It gives no suggestion of what might constitute a 'good reason'. I submit that the reasons I offer here are good ones. Secondly, I see no non-arbitrary basis for the guideline. I have discussed how some uses of divisional names might create confusion about the identity of divisions. However, if a divisional name is moved to a different part of the State, no such confusion should be created. The name of 'Cook' has been used for a division in one part of New South Wales from 1906 to 1955 and for a division in another part of the State since 1969. The name of 'Moreton' has been incrementally moved away from the part of Queensland in which it was originally located to another one. In Victoria, the divisional names of 'Isaacs' and 'Scullin' were both transferred directly from one part of the State to another in 1969. Where the different parts of the State are quite distinct, there is no reason for any confusion to arise.

If the divisional name of 'Wakefield' is to be applied to one of the proposed divisions, but not no. 11 (or no. 2 or no. 4), then which? My suggestion would be based on one of the existing guidelines, which I think does have a sound non-arbitrary reason behind it, although not as important as the argument I have given in favour of the 'partial combination' guideline. This

is the guideline against the use of geographical names. The problem with the use of geographical names is that divisional boundaries change and (unless existing practice is radically altered) they change more rapidly than divisional names. A geographical name may be a good match with the boundaries of a division, but the division's boundaries may then change significantly so that the name becomes a source of confusion.

The existing guideline suggests that retention of geographical names may be appropriate in some cases, but this seems to be another instance of personal idiosyncrasies of JSCEM members. Earlier versions of the guideline mentioned Eden-Monaro and Riverina (both in New South Wales) as examples of appropriate exceptions, without any explanation of what makes them different from other geographical names. The current version substitutes mention of Kalgoorlie and Perth (both in Western Australia) as examples of appropriate exceptions, still without any explanation of what makes them different from other geographical names. In my view, the argument against the use of geographical names is exactly the same in every case and there should be no exceptions.

There are currently two geographical divisional names in South Australia, Adelaide and Port Adelaide. I suggest that, if the divisional name of 'Wakefield' is to be retained, the opportunity should be taken to drop one of these and give the name of 'Wakefield' either to proposed division no. 1 or to proposed division no. 9.

Some of the original public suggestions to the Redistribution Committee discussed the suitability of either or both of the divisional names of Adelaide and Port Adelaide. I did so in my own original suggestion and in the comments I submitted to the Redistribution Committee on other public suggestions. I refer the Commission to those remarks again and do not repeat them here. However, I shall take this opportunity to discuss the comments submitted to the Redistribution Committee by Quentin Black, who dealt with my suggestion among others.

Quentin Black noted that Port Adelaide has a more distinctive named local identity than other parts of the Adelaide metropolitan area, implying that this is an argument in favour of retaining the name. The reverse implication is the correct one. Given the changes in divisional boundaries over the years, it is unlikely that the boundaries of the electoral division now coincide with the boundaries of the 'natural' community that identifies with the name 'Port Adelaide'. Even if, improbably, it does, it is close to certain that it will not continue to do so after the next redistribution. The use of the name 'Port Adelaide' for an electoral division may foster a sense of identification by those who already regard themselves as part of the Port Adelaide community, but it may have the opposite effect on those who do not but nevertheless find themselves assigned to the electoral division so named.

The division of Adelaide is probably a converse case. If there is a natural community identifying with the name 'Adelaide', it probably includes the whole of the division of Adelaide, but it probably includes a much larger area covering several other electoral divisions. I do subjectively identify myself as living in 'Sydney', but no more so now that I live in the electoral division of Sydney than previously when I lived in the electoral division of Wentworth. I doubt that the electoral boundary of Sydney is perceived as the boundary of Sydney for any other purpose, and my guess would be that much the same is true for Adelaide.

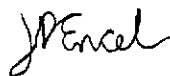
From this point of view, 'Adelaide' and 'Port Adelaide' are similarly questionable as divisional names. The reasons are contrasting in detail but based on the same fundamental consideration.

I have already made my own suggestions of names that might be considered if new divisional names are to be found, whether for proposed division no. 11, proposed division no. 9, proposed division no. 1, or any other, in my original submission to the Redistribution Committee and in my comments on other public suggestions. I shall not cover the same ground again here. Once again, I shall take this opportunity to discuss the comments submitted by Quentin Black. I was not aware of the publication that he refers to, which lists 169 distinguished South Australians. This would be a good source of possible divisional names. Most if not all of the people in it would be suitable for commemoration in this way. Quentin Black's personal preference for commemorating John Connell Black is as valid as any other, but I hope it is understandable if I do not share it and continue to adhere to my own previously expressed ones.

In any case, past history and the Redistribution Committee's report suggest that changes to divisional naming on a large scale are unlikely to be favoured. I can find no objective reason for this preference, although subjectively I happen to share it. I shall therefore restrict myself to recommending only the limited change following from the basic principles I have argued for.

In summary, the preferred position I advocate is as follows. If the Redistribution Committee's proposed boundaries are adopted, proposed division no. 11 should not be given the name 'Wakefield' but should instead be given either the name 'Bonython' or some entirely new name. If the Commission wishes to retain the name 'Wakefield', it should be given either to proposed division no. 1 or to proposed division no. 9. If the Redistribution Committee's proposed boundaries are not adopted, I advocate the same basic principles but not necessarily the same specific choices of names, depending on the boundaries.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'J Encel'.

John Daniel Encel