Comment # 9
On Public Suggestions

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REDISTRIBUTION OF SOUTH AUSTRALIA
COMMENTS ON PUBLIC SUGGESTIONS

I am writing to comment on several of the public suggestions offered to the Redistribution Committee.

Some of the suggestions start from the assumption that the central issue for the redistribution is to decide which one of the existing divisions should be abolished. This assumption is the basis for Suggestions 1 and 17 and also seems to be for Suggestion 7, as well as influencing Suggestion 16 and possibly Suggestions 9 and 22. It seems to be inconsistent with the best interpretation of the applicable legislative provisions. Practical considerations naturally lead to a result where proposed boundaries are described very largely by reference to the existing boundaries. However, as a matter of principle, the existing divisions are not a mandatory starting point. In principle, the legislative provisions describe a procedure that starts from a blank sheet. The boundaries of existing divisions are one factor to be taken into account, but the legislation explicitly subordinates them to other criteria. In principle, at least, all the existing divisions could be abolished and a completely new set established. In practice, no redistribution has ever been so drastic, for good reasons. However, redistributions of New South Wales and Victoria, on a number of occasions, have seen the abolition and creation of multiple divisions, regardless of whether the total number of divisions was to be increased, decreased, or held steady. This has never happened in South Australia and is less likely to, but that is because of the demography of South Australia, not because of the legislated requirements of the redistribution methodology. The Redistribution Committee may be likely to end its work with a result that can reasonably be described in terms of the abolition of just one of the existing divisions, but I suggest that its starting point should not be the automatic assumption of such an ending point. The legislation provides that, subject to stated criteria the quota should be the 'basis' for the distribution. Whatever else this provision may mean, it excludes the use of something else, such as the existing boundaries, as the basis for the redistribution.

If the existing divisions are not the proper basis for the redistribution, still less so are the existing divisional names, as some of the suggestions assume (Suggestion 1 and, at least in part, Suggestion 7). My own original suggestion (Suggestion 4) dealt only with divisional names, not with divisional boundaries, but this was not because I think that the names are more important. On the contrary, it was because less detailed information is necessary to make suggestions of potential value about the less important subject of names. The Australian Electoral Commission's practice of making available information about the guidelines for naming divisions is commendable, but it may have misled some people into thinking that those guidelines are the fundamental principles for redistribution of boundaries. The guidelines for naming divisions are not binding, while the legislation governing the drawing of boundaries is, so the guidelines must be subordinated to the legislative provisions. Perhaps the public information needs to be clearer on this point. The boundaries should guide the names, not the other way around.

One of the guidelines for naming divisions is that 'every effort' should be made to retain the names of 'original Federation divisions'. The intended meaning of this expression is not clear. I guess that it must include the divisions into which New South Wales, Victoria, Queensland, and Western Australia were divided, under legislation of the respective (State) Parliaments for the first election after Federation in 1901. It is less clear that it includes the first divisions created for Commonwealth electoral purposes in South Australia and Tasmania, under Commonwealth legislation in 1903. In any case, the guideline, like all of the other guidelines, is not binding, and the Committee has the power to disregard it. It 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. In my view, those were good decisions, and the precedent they set should be followed by subordinating the guideline on preserving 'Federation' names to the other naming guidelines. I do not know what reason is supposed to support the retention of 'Federation' names, and would personally be happy to see this guideline dropped. In any event, the guideline supports retaining the names, not the divisions to which they refer. New South Wales has examples such as Werriwa where the original name has been preserved but has been shifted around the map so that the division that now carries the name bears no relation to the division that carried it in 1901. South Australia has no example so drastic, but it is arguable that the division now called Hindmarsh is not the same division as the one that had that name in 1903. Suggestion 13, from Neil Andrew MP, appears to confuse this point, arguing from the desirability of retaining the name 'Wakefield' (among other things) to the desirability of retaining the existing division of Wakefield. Suggestion 17, from One Nation, makes more general use of the same line of argument, which I suggest is a misunderstanding.

Suggestion 1, from Glynn Evans, begins from the two assumptions that the starting point for the redistribution should be the selection of a division to be abolished and that the division to be abolished should be selected on the basis of its name, both assumptions that I have argued against above. It goes on to state that it has been the policy to retain the names of 'Federation' divisions in past redistributions. As I have pointed out, although this policy is recommended by the naming guidelines, it has not always been followed in past redistributions, and I have suggested that the precedent drawn from actual past practice is a good one that should be followed. Glynn Evans also treats the fact that 'Port Adelaide' is a clearly geographical name as something in its favour, whereas under the naming guidelines it should be regarded as a point against it. I must also argue against his suggestion that a seat (Mayo) should not be abolished because the person who holds it is currently a 'very senior' minister. It would be dead against the non-partisan spirit of Australia's electoral system, which has now seen electoral redistributions deliberately placed beyond any possibility of official intervention by the elected politicians themselves, to give any weight to such a consideration. The redistribution should proceed strictly on the basis laid down by law. I have no reason to suggest that the seat of Mayo should be abolished, but if an impartial consideration of the legislative provisions should lead to that result, the sitting member who is a senior minister should be as liable to that result as any other sitting member. The seat of Phillip, in New South Wales, was abolished when the sitting member was a minister. She was able, as it happens, to find another seat, but that was not a factor to be taken account of in the determination of boundaries. She was not a 'very senior' minister, but it would also be quite inappropriate for the Redistribution Committee to be determining whether ministers were 'senior enough' for their electoral divisions to be protected from abolition. Glynn Evans also states that 'past redistributions ... have rejected suggestions to include Yorke Peninsula in Grey'. It may be relevant to recall that Yorke Peninsula was included in Grey from 1934 to 1949, although (given the time that has elapsed) it may be that the considerations that made that appropriate at the time no longer apply.

Suggestion 1 also includes two specific comments on division names. One is the suggestion that the name 'Sturt' is less appropriate for the seat to which it currently applies because that seat includes neither the suburb of Sturt nor the Sturt Football Club. The Committee may find other reasons to drop the name of Sturt, depending partly on its proposals for boundaries, but not, I suggest, the ones stated. The division is named for Sturt (the explorer) himself, not for any of the other places or institutions that are also independently named after him. The other proposal is for consideration of the use of the name 'Dunstan', after former Premier Don Dunstan. Of South Australian Premiers in my own living memory, Don Dunstan has a better claim to be regarded as a prominent national (and not just South Australian) historical figure than any other, and on this basis I agree that his name has a claim to consideration. There may be other Premiers from earlier periods who also have a good claim, and I also stand by my original suggestions (of the names of Florey and Unaipon) as at least two examples of South Australians whose prominence as national figures merits consideration of their names.

Suggestion 7, from Martin Gordon, seems to suggest at several points that decisions about whether or not to abolish a seat should be influenced by its name and thus also (indirectly) to adopt the assumption that the redistribution should be shaped by the selection of one seat (only) to be abolished. I have already stated my arguments against both these assumptions.

Martin Gordon also states that there are divisions named after each of the mainland State capitals, that it is difficult to imagine the circumstances in which any of these would be abolished, and that it would be inappropriate to abolish the division of Adelaide. In fact, Suggestion 7 effectively does propose the abolition of the division of Adelaide as presently constituted, but also proposes the retention of the name for a division substantially differently constituted. The guidelines for the naming of divisions do not favour the use of geographical names, and on this basis Hindmarsh ought to be considered a better name than Port Adelaide (agreeing with Suggestion 7), but also than Adelaide (differing from Suggestion 7). As for the suggestion that the prominence of the mainland State capitals justifies special treatment, I do not see the principle that warrants a distinction between them and Hobart. Since the ACT has been distributed into separate divisions, one of them has been named Canberra, but on the other hand, when the Northern Territory was distributed into separate divisions, the name of Darwin was not used. I have no particular reason to advocate the abandonment of the name of Adelaide, but I also see no reason to treat it as a unique special case for retention. It should depend on the boundaries. On the boundaries proposed by Martin Gordon, the division he proposes calling Adelaide has more voters from the current Hindmarsh than from the current Adelaide. In my view, therefore, if those boundaries were adopted, it should either be called Hindmarsh or else be given some new name.

Suggestion 21, from Michael Hedger, is generally supportive of moving away from the use of geographical names for divisions in favour of the names of prominent people. However, Michael Hedger would make an exception for capital cities and for Newcastle. No reason is given for this exception in favour of what is called in the text of Suggestion 21 itself a 'curiosity' and an 'anomaly'. It is all the more curious and anomalous in that it does not currently apply to all capitals, as I have already noted. There is no explanation either for Michael Hedger's inclusion of Newcastle with the capitals. He makes it clear that he would not treat in the same way such other existing names as Ballarat and Bendigo. I do agree with him that there is no particular reason to retain the name of 'Port Adelaide'. Suggestion 21 also refers to Prime Ministers coming from New South Wales and Victoria, which is largely true but not exclusively so. Michael Hedger suggests that this creates difficulties in finding prominent people after whom to name divisions in other States, but this seems beside the point. The majority of the prominent people who have divisions named after them now are not Prime Ministers, even in New South Wales and Victoria, and there is no shortage of people in any State of at least equal prominence with those after whom divisions are already named. In addition to the names already discussed, at least one more name has in a sense become 'available' since the original round of comments, with the death of the distinguished former police officer, Ray Whitrod. It might possibly be objected that 'Whitrod' would more suitably be used as a name for a division in Queensland, and I can see some force in this. I would certainly suggest the name to the Redistribution Committee for Queensland if the time for doing so had not already passed, but I note that Ray Whitrod was associated with both States.

Suggestions 3, 5, 6, 8, 11, 13, 14, 15, 19, and 20 each make useful points about parts of the State. The extent to which the Committee can take account of these depends on its approach to the redistribution of the State as a whole.

Suggestion 16, from the Liberal Party of Australia (SA Division), makes useful points about all parts of the State, but, as the Liberal Party itself acknowledges, the final redistribution will not be able to take account of all of them. It also assumes that eleven of the twelve existing names will continue in use, but gives no reason for this. Suggestion 18, from the Australian Labor Party (SA Branch), adopts the same view that there is 'no need' to change any names. I suggest that this is something that cannot be determined without reference to the actual shape of the new boundaries.

Suggestion 10, from Christopher Connolly, is of particular interest. Although Christopher Connolly does not draw this connection himself, I suggest that his approach gives meaning to the legislative provision that the quota should be the 'basis' for the redistribution. It is hard to be sure that his approach is, in fact, what this provision means, but it is even harder to see what other meaning it could have. I suggest that the Committee is obliged to give some meaning to this provision if it can, and that the general methodology adopted in Suggestion 10 appears to be the only one available for this purpose. To make this clear, I should distinguish what I think are the general methodological features of the approach, which I endorse, as opposed to the detailed application, on which I have no comment one way or another.

The starting point for Christopher Connolly's suggestion is the proportion of the voting population in each part of the State. In particular, he calculates a voting population of 2.04 quotas in the rural part of the State, 2.74 quotas in the outer metropolitan part, and 6.21 in the metropolitan part. On this basis he proposes two seats in the rural part, three in the outer metropolitan part, and six in the metropolitan part. In other words, the central principle of his suggestion is that the number of seats in each part of the State should equate to the number of quotas in that part of the State, rounding as necessary. I endorse this principle and suggest that it represents the only reasonable way of interpreting the legislative requirement that the quota be, subject to the other stated considerations, the 'basis' for the redistribution. When the Act says this, it is referring to the present quota, struck at the time that the redistribution commenced. Christopher Connolly's calculations use a quota calculated for the 'relevant future date', 2007 in this case. This is one feature of his procedure that I therefore suggest should be modified. Using a 2003 quota would presumably produce results different in detail from those in Suggestion 10, but the general method could be maintained.

In order to apply this method, it is necessary to have some basis for dividing the State into parts and calculating or estimating the voting population of each part. I suggest that the basis for this should be the qualitative criteria in the Act, since the use of the quota as the basis for the redistribution is stated to be subject to those criteria. In other words, the parts of the State should be distinguished on the basis of the major variations in community of interest, communications and travel, and physical features. Probably in all States, the biggest division on all of these criteria would be between the rural and urban areas. However, this is not an essential feature of the method. It is interesting to note that it is supported, at least implicitly, by some of the other suggestions. Suggestion 2, from the Town of Gawler, wants Gawler to be included in a rural division, implying that the most important distinction is between rural and metropolitan/urban. Suggestion 17, from One Nation, makes a virtue of eliminating divisions that combine urban and rural areas, which it calls 'hybrid'. Suggestion 24, from the Australian Democrats (SA Division), also distinguishes between rural and metropolitan/urban divisions. Returning to Suggestion 10, Christopher Connolly treats South Australia as falling into three parts, rural, outer metropolitan, and metropolitan. I have no particular comment on this specific classification. If the Committee considers that the major subdivisions of the State are different from this on the basis of community of interest, communications and travel, and physical features, the same general method can still be applied, and in my view should be. Suggestion 10 also delineates exact boundaries between the different parts of the State before calculating the number of quotas in each. In my view, this is not strictly an essential feature of the method, but only one of two options. The other option would be to distinguish roughly between the parts of the State and then to estimate rough numbers of quotas in each part on that basis. The number of quotas, in each instance, will need to be rounded to a whole number of seats, so approximate estimates should be sufficient. Another observation I would like to make is that it may be possible to apply this method repeatedly. By this I mean that a part of the State with a large number of quotas, and therefore seats, could be subdivided using the same principles. Taking Christopher Connolly's specific suggestions as a hypothetical example only, it would be possible to draw the boundaries for the two rural divisions first, then for the three outer metropolitan divisions, and then to subdivide the remaining metropolitan area into parts on the basis of the criteria of community of interest, communications and travel, and physical features, allocating numbers of seats to those parts on the basis of numbers of quotas before completing the final stages in the drawing of boundaries. I have no specific comments on the further details of Suggestion 10 except on the question of divisional names. Christopher Connolly has provisionally assigned each of his proposed divisions an existing divisional name, but has noted reasons why it might be better to give some of them new names. If his boundary suggestions were to be adopted, I would support renaming the divisions. As I do not know to what extent his boundary suggestions may (or should) be followed, and as naming should depend on boundaries, I will reserve any detailed comment on this point for a later stage in the process.

Suggestion 9, from the National Party of Australia (SA), also supports the view that the most important distinction among divisions is between rural and metropolitan/urban ones. The arguments it offers in favour of maintaining three rural divisions are generally based on criteria that, however important they are, are not embodied in the legislation that covers this redistribution. The present redistribution is and must be governed by the existing legislation and the criteria it defines. The only one of these criteria considered by the National Party's

suggestion is the area of divisions, and this is not put in the context of the other criteria as set out by the legislation. In particular, Suggestion 9 does not consider the implications of the strictly binding numerical criteria. It may be possible, or even preferable, to maintain three rural divisions within the existing criteria, but Suggestion 9 does not show that this is the case or consider whether it might be. The total number of divisions must be reduced by one. If rural representation is to be maintained, urban representation must be reduced; if urban representation is to be maintained, rural representation must be reduced. Within the framework of the existing legislation, it is clear that the choice must be governed primarily by numerical considerations and the arguments advanced by the National Party are not to the point. The National Party points out that South Australia has lower rural representation than other States, but fails to recognise that this is a result of the use of numerical criteria and the fact that South Australia has a lower rural population than other States. The National Party may have good arguments to advance in favour of an approach that varies from the one required by existing legislation, but these arguments should be directed to the Parliament, which has the power to alter the legislation. I suggest that the Redistribution Committee can only set them aside. Interestingly, Suggestion 17, from One Nation, appears to show that it is possible to achieve the sort of result desired by the National Party within the binding numerical criteria. I have no comment one way or the other on the relative desirability of this particular approach. I take no view on the outcome sought by the National Party but reject the arguments they offer in support of it.

Suggestion 23, from the Electoral Reform Society of South Australia, also advances arguments that, however powerful they may be, the Redistribution Committee cannot consider. It is clear that the Committee has no power under the Act to make a proposal of the kind recommended in Suggestion 23. If the Society finds itself unable to influence Parliament with its arguments, I doubt that it will advance its purposes at all by putting them to the Committee, no matter how good the arguments are.

Suggestion 14, from Andrew Southcott MP, describes the role of William Robinson Boothby in the development of the system of voting by secret ballot. While there are many electorates named, for example, after parliamentarians, Boothby is the only one I know of to be named for a distinguished electoral official. For this reason I support the argument in favour of retaining the name if possible. It should be clear from the points I have made already that this should not influence the drawing of boundaries.

Yours faithfully

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