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**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

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**All instruments appearing in this gazette are to be considered official, and obeyed as such**

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## STATE GOVERNMENT INSTRUMENTS

### CONSTITUTION ACT 1934

#### *Order Making an Electoral Redistribution*

Notice is hereby given pursuant to Section 86 of the *Constitution Act 1934*, that the Electoral Districts Boundaries Commission has caused an order to be published making an electoral redistribution of the State's 47 House of Assembly electoral districts.

Any elector, as defined under Section 4 of the *Electoral Act 1985*, or the registered officer of any political party registered under Part 6 of the *Electoral Act 1985*, has a right to appeal against this order within 1 month of the publication in the Gazette being Thursday 19 November 2020.

Dated: 18 November 2020

DAVID GULLY  
Secretary  
Electoral Districts Boundaries Commission

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**SOUTH AUSTRALIA**

**2020**

**REPORT OF THE  
ELECTORAL DISTRICTS  
BOUNDARIES COMMISSION**

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### The Order of the Commission

Pursuant to Part 5 of the *Constitution Act 1934* (SA) the Commission now makes and publishes an ORDER making an electoral redistribution, namely, the redistribution delineated and described in the district plans contained in the Schedule to this Order. The names at the top of the plans are the names of the electoral districts. The relationship of the electoral districts to one another is delineated in the three Rack Plans numbered 1502, 1503, and 1504 which are deposited with the Surveyor-General, Adelaide. (Any inconsistencies between the Rack Plans and the district plans are to be resolved in favour of the district plans.)

The Commission DECLARES that the relevant date for the purpose of section 77 of the *Constitution Act* is 30 June 2020. The total number of electors on the electoral roll that day was 1,224,894 so that the quota for each of the 47 House of Assembly districts is 26,062.

This Order shall be published in the Gazette.

Made at Adelaide this 18<sup>th</sup> day of November 2020 by the Electoral Districts Boundaries Commission.

The Honourable Justice P Kelly – Chair



Mr M Sherry – Member



Mr M P Burdett – Member



Mr D Gully – Secretary



### **Preliminary**

The Electoral Districts Boundaries Commission was established by an amendment to the *Constitution Act* in 1975. The Commission is a permanent and independent body. Its statutory members are the senior puisne Judge of the Supreme Court, the Electoral Commissioner and the Surveyor-General. Provision is made for a replacement in the event of a nominated officer not being available. It is the task of the Commission to redistribute the 47 electoral districts comprising the House of Assembly pursuant to the *Constitution Act* whenever a statutory occasion arises. This occurs after the holding of a general election for the House of Assembly. The Commission is required to commence proceedings for the purpose of making an electoral redistribution within 24 months after each polling day and to complete the proceedings with all due diligence.

The present members of the Commission are the Honourable Justice Patricia Kelly (Chair), Mr Mick Sherry (the Electoral Commissioner) and Mr Michael Burdett (the Surveyor-General).

A general election for the House of Assembly took place on 17 March 2018. The Commission commenced its present proceedings in December 2019 after publishing an advertisement in October 2019 in “The Advertiser” newspaper and other metropolitan and regional newspapers inviting representations from interested persons in relation to matters relating to the effect of amendments enacted by the *Constitution (One Vote One Value) Amendment Act 2017 (SA) (Amendment Act)*. The form of the advertisement and a list of all the newspapers in which it was published, with the respective publication dates, are set out in Appendix 1 to this Report. The Commission published a second notice in “The Advertiser” and other metropolitan and regional newspapers in December 2019 inviting representations from interested persons in relation to the proposed redistribution. The form of the advertisement and a list of all the newspapers in which it was published, with the respective publication dates, are set out in Appendix 2. Appendix 3 contains the form of an advertisement relating to the Commission’s regional hearing and a list of newspapers in which it was published in June 2020.

The persons and bodies from whom the Commission received written representations are listed in Appendix 4. The Commission has considered each of these written representations. All of these persons were given the opportunity of appearing before the Commission, in person or by counsel or other representative, and of giving or calling oral evidence. The Commission held public hearings in Adelaide and Port Augusta. They began on 3 December 2019. They were held in the Supreme Court Complex, 1 Gouger Street, Adelaide and the Court House in Port Augusta.

Appendix 5 contains the form of an advertisement, published on Saturday 15 August 2020, advising the Commission's publishing of its Draft Report and calling for written submissions pursuant to section 85 of the *Constitution Act*. A further advertisement advising a public hearing to allow for oral submissions in respect of written submissions, published on Saturday 22 August 2020, is shown in Appendix 6.

A list of persons and bodies making written submissions on the Draft Report, with the dates received, is included as Appendix 7.

Particulars of all public hearings are given in Appendix 8, along with the names of witnesses called before the Commission and the names of persons and bodies who made oral submissions. A list of all exhibits received is presented in Appendix 9.

During the ongoing work of the Commission, the public has had access, via the Commission's website, to the representations lodged, transcripts of hearings and exhibits received by the Commission, as well as advance notice of future hearings. In addition, general information about the Commission, relevant legislation and previous Reports and exhibits dating back to 2003 are all available for viewing. Exhibits referred to in this Report but not reproduced as appendices may be viewed on the website at: <http://edbc.sa.gov.au>.

By early October 2020 about 6,550 unique users had visited the website, many of them more than once. Total visits are currently over 12,553. The large number of visits since May demonstrates a keen interest in the work of the Commission.

During the hearings, the Commission had the valuable assistance of Mr T Besanko, who was instructed by the Commission, as well as Mr T Duggan QC with Mr J Teague for the Liberal Party of Australia (SA Division) (the Liberal Party), Mr B Doyle and Mr A Tisato for the Australian Labor Party (SA Branch) (the Labor Party), and Mr P Black for the Australian Democrats (SA Division) (the Democrats).



## 1. The 2016 Redistribution and the 2018 Election results

The last South Australian election was held on 17 March 2018. Going into that election, the Labor Party held 24 seats and the Liberal Party held 20 seats. There were three independent Members, being Mr Bell, the Member for Mount Gambier, Mr Brock, the Member for Frome and Mr Hamilton-Smith, the Member for Waite. The two-party preferred figures for the 2014 election were 47.0 per cent for Labor and 53.0 per cent for the Liberals. Fisher and Frome were notionally Liberal. After the 2016 redistribution, Frome was notionally Liberal and Fisher, while won by Labor at a by-election in late 2014, was subsequently redrawn and renamed Hurtle Vale as a notional Labor seat. That redistribution also placed Colton, Elder, Mawson and Newland on the Liberal side, giving it notionally 27 seats against 20 for Labor. Accepting that classification, the Liberal Party would be able to form government should it retain a majority of the two-party preferred vote. The Labor Party – relying on the 2016 post redistribution pendulum – achieving a uniform swing to it of 3.2 per cent would gain the seats of Adelaide, Black, Gibson, Mawson and Newland giving it 25 seats and enabling it to form government. The notional Labor Party two-party preferred vote would then have been 50.2 per cent.

To demonstrate this in a more simplified manner, the Commission, at the request of parties making representations to it, prepared a pendulum based on a 50:50 vote with 24 seats on the Liberal side against 23 seats for Labor. The most marginal seats were then Gibson and Mawson on the Liberal side, both with a swing-to-lose figure of 0.2 per cent, and Black on the Labor side at 0.4 per cent (Appendix 13 to the 2016 Report).

At the 2018 election, the Labor Party won 19 seats in its own right and the Liberal Party 25. The seats of Florey, Frome and Mount Gambier were retained by the sitting members, Ms Bedford, Mr Brock and Mr Bell respectively, who had contested their seats as Independents. On a notional two-party preferred basis the Liberal Party won 51.9 per cent of the vote and the Labor Party 48.1 per cent. The swing away from the Liberal Party was not uniform. Again, those figures were reached by conducting a re-throw of the votes of the winning independent

candidates in the seats of Florey, Frome and Mount Gambier, and by doing the same in the seats of Chaffey, Elizabeth, Finniss, Giles, Hammond, Heysen, Kavel, MacKillop, Narungga, Port Adelaide, Ramsay and Taylor in relation to the second placed candidates.

The 2018 election saw a third political party gain considerable support with candidates endorsed by Nick Xenophon's SA-BEST contesting 36 seats and achieving 14.1 per cent of the first preference votes across the State. While not winning a seat, SA-BEST candidates finished second in 12 of the 15 districts where the Labor or Liberal candidate finished third in the final outcome. The Labor Party finished third in nine contests, seven to SA-Best and two to Independents, while the Liberal Party finished third in six contests, five to SA-Best and one to an Independent.

These outcomes were published by the Electoral Commission of South Australia in its publication "Election Statistics". The two-party preferred split is given at page 237 of that publication. That publication was received as Exhibit 4 by the Commission.

The Liberal Party was able to form government on the floor of the House of Assembly in its own right without the support of any Independents.

By-elections for the districts of Cheltenham and Enfield were held on 9 February 2019. Labor candidates won both seats, against a Liberal Democratic Party candidate in Cheltenham and an Independent candidate in Enfield, with no change to the majority on the floor of the House of Assembly.

At the 2018 election, Mr Duluk, the then Member for Davenport, stood for re-election as a Liberal Party candidate for the district of Waite. Subsequent to being re-elected and in February 2020, he suspended his membership with the Liberal Party and took up a position on the cross-bench.

Appendix 10 shows the swing-to-lose figures following the 2018 election. Appendix 11 contains the comparison of the number of electors enrolled at the election, as against the number projected at the 2016 redistribution.

## **2. Particular issues confronting the Commission during this redistribution**

### *2.1 Introduction*

There are two issues that arise for consideration in the current electoral redistribution which the Commission has not had to address previously.

First, the *Constitution Act* has been amended since the Commission conducted its last electoral redistribution. It is therefore necessary for the Commission to consider the effects of amendments made to the *Constitution Act* and what its statutory task is in light of the amendments that have been made by Parliament.

Second, as a consequence of the global COVID-19 pandemic, the State has experienced a sustained period of travel restrictions, amongst other restrictions, which have resulted in international and interstate travel being significantly curtailed for a number of months. It is necessary for the Commission to consider what, if any, effect these restrictions will have on the population projections for each of the electoral districts between the relevant date and the next election.

There is a further matter which the Commission must address. It is a submission made by the Liberal Party that the Commission is not permitted to have regard to certain materials provided by the Labor Party shortly prior to and at the public hearing on 18 May 2020, by reason of section 85(2) and (3) of the *Constitution Act*. The Commission indicated at the hearing on 18 May 2020 that it would consider this submission and determine whether it can and should have regard to this material. This issue is addressed in section 3.1. Each of the first two issues will be considered in turn.

## 2.2 *Amendment to the Constitution Act 1934 (SA)*

The Commission is required by section 82 of the *Constitution Act* to commence proceedings for the purpose of making an electoral redistribution within 24 months after each general election of members of the House of Assembly is held. Division 2 of Part 5 of the *Constitution Act*, in which section 82 appears, governs how each electoral redistribution undertaken by the Commission must be conducted.

The most recent general election for the House of Assembly was held on 17 March 2018. The Commission commenced proceedings for its present redistribution within 24 months after this date, as required by section 82. The Commission's last redistribution was commenced in February 2016 (within 24 months of the general election for the House of Assembly held on 15 March 2014).

Between the Commission completing its last redistribution, and its order being published in the Government Gazette pursuant to section 86(1) of the *Constitution Act*, and the last general election being held on 17 March 2018, the *Constitution Act* was amended by the *Amendment Act*. The *Amendment Act* commenced on 12 December 2017. As a consequence of the *Amendment Act*, the *Constitution Act*, and more specifically section 83, is in different terms to that which was in force at the time the Commission conducted its last redistribution, after the general election held on 15 March 2014. It is therefore necessary for the Commission to consider the effects of the amendments enacted by the *Amendment Act* in its present proceedings for a redistribution.

Prior to the commencement of the *Amendment Act*, section 83 of the *Constitution Act* read as follows:

### **83—Electoral fairness and other criteria**

- (1) In making an electoral redistribution the Commission must ensure, as far as practicable, that the electoral redistribution is fair to prospective candidates and groups of candidates so that, if candidates of a particular group attract more than 50 per cent of the popular vote (determined by aggregating votes cast throughout

the State and allocating preferences to the necessary extent), they will be elected in sufficient numbers to enable a government to be formed.

- (2) In making an electoral redistribution, the Commission must have regard, as far as practicable, to—
- (a) the desirability of making the electoral redistribution so as to reflect communities of interest of an economic, social, regional or other kind;
  - (b) the population of each proposed electoral district;
  - (c) the topography of areas within which new electoral boundaries will be drawn;
  - (d) the feasibility of communication between electors affected by the redistribution and their parliamentary representative in the House of Assembly;
  - (e) the nature of substantial demographic changes that the Commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the date of the expiry of the present term of the House of Assembly,
- and may have regard to any other matters it thinks relevant.
- (3) For the purposes of this section a reference to a group of candidates includes not only candidates endorsed by the same political party but also candidates whose political stance is such that there is reason to believe that they would, if elected in sufficient numbers, be prepared to act in concert to form or support a government.

The *Amendment Act* made three changes to the *Constitution Act*. First, it removed section 83(1). Second, it removed section 83(3). Third, it added a new provision: section 83A.

Section 83A does not impose any requirement or obligation on the Commission. Rather, it provides that the Premier must undertake a review of the operation of section 83, as amended by the *Amendment Act*, with that review to commence within 12 months of the last State election (i.e. by 17 March 2019), and following that review prepare a report, which must be laid before each House of Parliament within 12 days of being prepared. No such report has been brought to the attention of the Commission. In these circumstances, section 83A need not be considered further by the Commission.

What then are the effects of the deletion of section 83(1) and (3) from the *Constitution Act* by the *Amendment Act*?

In light of the deletion of section 83(1) and (3), there is, self-evidently, no longer a requirement on the Commission to ensure, as far as practicable, that the electoral redistribution it is required by section 82 to undertake is fair to prospective candidates and groups of candidates in that if candidates of a particular group attract more than 50 per cent of the State-wide two-party preferred vote they will be elected in sufficient numbers to enable a government to be formed. What has been described as the “fairness clause” or the “electoral fairness clause” has been removed from the *Constitution Act*.

Section 83(2) of the *Constitution Act* was not amended by the *Amendment Act*: it remains in the same form as set out above. The heading of section 83 has changed from “Electoral fairness and other criteria” to “Criteria”. However, since section headings do not form part of the *Constitution Act* by reason of section 19(2) of the *Acts Interpretation Act 1915 (SA)*, this amendment has little, if any, relevance. In any event, the change merely reflects the removal of section 83(1) and (3).

Section 77 of the *Constitution Act* was also not amended by the *Amendment Act*. It continues to read as follows:

**77 – Basis of redistribution**

- (1) Whenever an electoral redistribution is made, the redistribution shall be made upon the principle that the number of electors comprised in each electoral district must not (as at the relevant date) vary from the electoral quota by more than the permissible tolerance.
- (2) In this section –

**electoral quota** means the nearest integral number obtained by dividing the total number of electors for the House of Assembly (as at the relevant date) by the number of electoral districts into which the State is to be divided as at the first polling day for which the order is to be effective;

**permissible tolerance** means a tolerance of ten per centum;

**the relevant date** means a date specified in an order as the relevant date, being a date falling not earlier than six months before the date of the order.

In light of the removal of section 83(1) and (3), the two critical sections that govern the electoral redistribution the Commission is required to undertake are sections 77 and 83(2). Both of these sections were interpreted and ascribed meaning by

the Full Court in *Martin v Electoral Districts Boundaries Commission (Martin)*.<sup>1</sup> The delivery of this decision preceded the introduction of the bill which became the *Amendment Act*. The Commission is bound to apply the interpretation given to sections 77 and 83(2) of the *Constitution Act* by the Court in *Martin*, subject to whatever the effects of the *Amendment Act* are.

The Commission called for and received written submissions about the effect of the *Amendment Act*. It also conducted a public hearing on 3 December 2019 for the purpose of receiving submissions about this issue. At that hearing, Counsel assisting the Commission advanced submissions to the Commission in relation to the issue. Submissions were also advanced on behalf of the Democrats, the Labor Party and the Liberal Party, both in writing prior to the hearing on 3 December 2019 and at that hearing. The Australian Greens SA and the Electoral Reform Society of South Australia made written representations to the Commission about the issue prior to the hearing, but did not appear before the Commission at the hearing. The Commission is grateful to these parties for their submissions, which it has considered. In large measure, the parties that appeared at the hearing on 3 December 2019 did not disagree with the submissions advanced by Counsel assisting the Commission as to the effect of the *Amendment Act*. However, they did advance different submissions at the hearing on 3 December 2019, and subsequently, both in writing and orally, about the methodology that the Commission ought (but was not required) to adopt, including in light of the amendments made by the *Amendment Act*.

Three issues arise for consideration consequent on the passing of the *Amendment Act*.

1. What was the meaning ascribed to sections 77 and 83(2) by the Court in *Martin*, and do those sections continue to bear those meanings notwithstanding the passage of the *Amendment Act*?

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<sup>1</sup> (2017) 127 SASR 362.

2. Can the Commission have regard to the principle that was contained within section 83(1), notwithstanding that section 83(1) was repealed by the *Amendment Act*?
3. Can the Commission have regard to the existing electoral boundaries having regard to the changes effected by the *Amendment Act*?

By way of summary, it is the view of the Commission that sections 77 and 83(2) continue to bear the meanings ascribed to them by the Court in *Martin*, notwithstanding the passage of the *Amendment Act*, and the Commission is bound to undertake the electoral redistribution in accordance with those sections, as interpreted by the Court.

In respect of the second question, it is the Commission's view that, notwithstanding the passage of the *Amendment Act*, it is permitted but not required for it to have regard to the principle that was contained in section 83(1) of the *Constitution Act*. No party submitted to the contrary. The Commission considers that it is appropriate for it to have regard to this principle. The manner in and extent to which it has had regard to the principle is addressed in the section headed "Methodology of the Commission". However, it should be noted at this juncture that the principle is subordinate to section 77 (as was the position prior to the commencement of the *Amendment Act* in any event), and it rises no higher than a consideration to which regard *may* be had by the Commission: it is a discretionary consideration, not a mandatory consideration to which the Commission *must* have regard (see section 83(2)(a)–(e) for the mandatory considerations).

As to the third question, the Commission is of the view that it can have regard to the existing boundaries notwithstanding the passage of the *Amendment Act*. Once again, no party submitted that it was precluded by the *Amendment Act* from doing so. It is also of the view that it will have regard to the existing boundaries, for the reasons explained in the section headed "The Methodology of the Commission". The Commission's reasons follow.



In order to address the effects of the *Amendment Act*, it is necessary to set out what the proper construction of sections 77 and 83 was prior to the passage of the *Amendment Act*.

In *Martin*, both Kourakis CJ and the majority (Kelly, Blue, Bampton and Hinton JJ) rejected the contention that section 77 implicitly required the Commission to pursue the objective of achieving an electoral redistribution in which each electoral district has an equal number of electors.<sup>2</sup>

The majority reasoned that there was nothing in the text, context or purpose of section 77 or section 83 which supported such a contention. Rather, section 77, properly construed, is an “absolute” or “paramount” requirement on the Commission, which focuses on the outcome of the redistribution. The section says nothing about the matters or objectives the Commission is to have regard to when undertaking an electoral redistribution (except to the extent that the Commission is required to make the redistribution on the basis that the number of electors comprised in each electoral district must not vary from the “electoral quota” by more than 10 per cent at “the relevant date”). Section 77 only requires “substantial equality”, in the sense that the number of electors in each electoral district cannot vary by more than 10 per cent from the electoral quota at the relevant date; absolute equality is not required.

By contrast, section 83 set out the matters to which the Commission was to have regard when conducting an electoral redistribution, with the requirement set out in section 83(1) assuming primacy over the criteria set out in section 83(2). In other words, there was in effect a hierarchy between the relevant provisions. Section 77 was paramount – the Commission was required to comply with it. Section 83(1) prescribed a matter that the Commission had to ensure, as far as practicable, within the parameter set by section 77. Section 83(2) contained criteria to which the Commission was required to have regard, within the confines

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<sup>2</sup> *Martin* at [8], [71]-[73], [80] per Kourakis CJ; [184], [195], [200], [202], [207], [208], [209], [212], [214]-[216] per Kelly, Blue, Bampton and Hinton JJ.

of section 77 and the requirement to ensure, as far as practicable, that section 83(1) was complied with.<sup>3</sup>

The Chief Justice held that it was implicit from sections 77 and 83 that the Commission was required to have regard to the desirability of achieving a redistribution in which each electoral district has an equal number of electors on both “the relevant date” and the date of the next election.<sup>4</sup>

However, his Honour rejected the contention that it was implicit that section 77 required the Commission to pursue the objective of achieving numerical equality, essentially for two reasons. First, the asserted implied objective would undermine the principle upon which the objective was said to be based, namely that each vote should have an equal “value” (compare the majority at [189]). Second, the implication of the objective would be inconsistent with the expressly imposed predominant objective contained in section 83(1): the asserted implied objective was inconsistent with section 83(1).

The majority held that it was not necessary to address whether it was implicit in section 77 that the desirability of achieving a redistribution in which each electoral district had an equal number of electors on both “the relevant date” and the date of the next election was a mandatory relevant consideration because it had not been properly raised by the appellant. In any event, it was clear that the Commission did in fact have regard to this desirability, pursuant to its “residual discretion” conferred by section 83(2), in making its last order (which was the subject of the challenge in *Martin*).<sup>5</sup>

The reasoning of the majority in *Martin* is inconsistent with the conclusion that the desirability of achieving numerical equality is an implied mandatory consideration to which the Commission must have regard when conducting an electoral redistribution. The Commission is obliged to follow and apply the reasoning in *Martin*; the reasoning summarised above forms part of the *ratio* of

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<sup>3</sup> *Martin* at [214].

<sup>4</sup> *Martin* at [60]-[70].

<sup>5</sup> *Martin* at [215], [234], [236].

the decision of the majority, the appellant's fundamental contention being that it was an implied requirement that the Commission pursue the objective of achieving a redistribution in which each electoral district has an equal number of electors. Therefore, whilst the majority did not expressly address the contention that the desirability of numerical equality between electoral districts is a mandatory consideration, the reasoning of the majority requires the Commission to reject such a contention.

However, as the majority made clear, the Commission may have regard to the desirability of achieving numerical equality between electoral districts on the relevant date, and indeed on election day, if it thinks this is appropriate to do so, pursuant to section 83(2), along with the matters identified in section 83(2)(a)–(e). It is not required to do so, but it may permissibly do so. This is notwithstanding that section 83(2)(b) and (e) address, in part, the size of electoral districts.

The *Amendment Act* did not effect any amendments to sections 77 or 83(2). Therefore, the only reasons why sections 77 and 83(2) would not continue to bear the meanings given to them by the Court in *Martin* are if the other amendments made by the *Amendment Act*, viewed in context, evidence an intention on the part of Parliament to alter the meanings given to sections 77 and 83(2) by the Court. If the reasoning of the Court in *Martin* as to the proper construction of sections 77 and 83(2) was based upon the existence of sections 83(1) and 83(3) such that by the deletion of sections 83(1) and 83(3) the decision is distinguishable or otherwise of little assistance to the Commission in determining what it is now required by sections 77 and 83(2) to do when conducting an electoral redistribution.

The Commission does not consider that the *Amendment Act* evinces an intention on the part of Parliament to alter the meaning given to section 77 or section 83(2) by the Court in *Martin*. It holds this view for the following reasons.

First, the text of section 77 and section 83(2) was not altered by the *Amendment Act*.

Second, whilst the context in which they appear has altered, in that sections 83(1) and 83(3) have been removed, the absence of section 83(1) or section 83(3) does not lead to any different construction of section 77 to that reached by the majority in *Martin*. Section 83(2) is now no longer subordinate to section 83(1), but whilst the Commission must have regard to the matters prescribed by section 83(2), it can only do so within the confines of section 77, which continues to impose the parameter or mark the boundary within which the Commission must conduct the electoral redistribution. In effect, all that has happened is that the paramount “input” has been removed as the “input” the Commission is required to pursue as far as practicable in preference to the other “inputs” in section 83.

Third, the title of the *Amendment Act*, to the extent that regard may be had to the short title or the long title of the Act,<sup>6</sup> does not assist in the interpretation of Part 5 of the *Constitution Act* in light of the amendments made by the *Amendment Act*. The long title of the *Amendment Act* is simply “An Act to amend the *Constitution Act 1934*”. This provides no insight into the effect of the amendments made by the *Amendment Act*. The short title of the *Amendment Act* is the *Constitution (One Vote One Value) Amendment Act 2017*. This again provides no insight into the intended effect of the *Amendment Act*. This is because the meaning of the words “one vote one value” is “contested”. As Kourakis CJ said in *Martin* at [33], “The meaning of, and fairness of, the catchcry ‘one vote one value’ were, and remain, contested ground”.

<sup>6</sup> The Commission may have regard to the long title of the *Amendment Act* but it is unclear whether it may have regard to the short title: see D C Pearce and R S Geddes, *Statutory Interpretation in Australia* (7<sup>th</sup> ed., 2011) at [4.46] and [4.47] (and the authorities cited therein). As a matter of principle, regard may be had to the short title of an Act when construing it, since the short title is passed by Parliament, and therefore forms part of the Act. Indeed, in the case of the *Amendment Act* s 1 of the Act is the short title. The *Constitution Act* must be read in light of the *Amendment Act*, including s 1. At the very least, the short title and the *Amendment Act* form part of the context in which Part 5 must be construed, the latter being part of the legislative history of Part 5. However, as the short title is frequently a mere statement of identification, it will rarely be of assistance in construing an Act.

The meaning of the statement is also unclear. In *Martin*, Kourakis CJ stated:

- [34] The appellant relies heavily on the aphorism 'one vote one value' in support of its contention that s 77 of the Constitution implies numerical equality of electors as an objective or relevant consideration. Generally the phrase means that electorates should be as close to numerically equal so that each elector's vote carries the same 'value' in electing a representative. In a simplistic, non-party, representative model electors in numerically equal electorates may have votes of equal value if the interests of electors within each electorate are largely homogenous but different to the interests of electors in the other electorates. That might be the case if electorates are constituted solely by communities of interest of the kind referred by s 83(2)(a) of the Constitution Act. However that is not a contemporary political reality.

However, the majority said:

- [189] ...“One vote one value” refers to the value of an individual elector's vote; whereas subsection 77(1) is concerned with substantial equality of numbers of electors across electoral districts. The former encompasses the latter but the reverse is not necessarily the case. In any event, to suggest that a principle of “one vote one value” is embodied in subsection 77(1) begs the question as to its meaning and any implication to be drawn from it.

...

- [224] ...the Commission adopted from the Labor Party's submissions the shorthand term “one vote one value” as designating an objective of numerical equality of electors in each electoral district (although as observed above that slogan in fact refers to a different concept).

Assuming, consistently with the reasons of the majority, that the phrase “one vote one value” refers to the value of an individual elector's vote, the remarks of Gleeson CJ, writing extra-judicially, are pertinent (and indeed consistent with what the majority said at [189]): “[e]xactly how a vote is valued is not clear”.<sup>7</sup> Therefore, whilst it may be inferred from the short title, to the extent that regard may be had to it when construing the effect of the *Amendment Act*, that the purpose of the amendments was to further the objective of achieving equality of value or influence between individual elector's votes, the mere removal of section 83(1) and (3) is on one view consistent with this purpose. Thus, it cannot be inferred from this purpose, arguably expressed in the short title of the Act, that Parliament intended to alter the interpretation given to sections 77 or 83(2) by the majority Court in *Martin*. It is not possible to draw any further conclusions about the purpose of the *Amendment Act* from its short title.

<sup>7</sup> Chief Justice Murray Gleeson, “The Shape of Representative Democracy” (2001) 27 Monash University Law Review 1 at 6.

Fourth, whilst the change to the heading of section 83 is a matter to which regard may be had in construing section 83, and indeed Part 5, as it either was effected by section 3 of the *Amendment Act* (which is not clear) or forms part of the context in which section 83 is to be construed, it does not assist; the change merely reflects the removal of section 83(1) and (3).

Fifth, the Second Reading Speeches for the bill which became the *Amendment Act* do not assist in the interpretation of the effect of the *Amendment Act*. Regard may be had to the Second Reading Speech for an Act to identify the mischief to which the Act is directed, and otherwise its purpose, as such speeches form part of the context in which the text must be construed, and must be construed from the outset, but extrinsic materials cannot be used to identify the meaning the speechmaker attributed to a legislative provision or to displace the clear meaning of the text of the Act.<sup>8</sup>

The Second Reading Speech for the bill in its original form does not assist in identifying the purpose or mischief that the *Amendment Act* was intended to address because the bill as originally proposed was in a materially different form to the *Amendment Act*: it would have replaced section 77 with a very different provision, as well as removed section 83(1) and (3), and would have, by reason of section 88 of the *Constitution Act*, required a referendum in order to receive assent and come into operation (indeed a separate bill dealing with a referendum was proposed).

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<sup>8</sup> *Martin* at [187], [222] per Kelly, Blue, Bampton and Hinton JJ. See also *CIC Insurance Ltd v Bankstown Football Club Ltd* (1997) 187 CLR 384 at 408 per Brennan CJ, Dawson, Toohey and Gummow JJ; *Project Blue Sky Inc v Australian Broadcasting Authority* (1998) 194 CLR 355 at [69]–[71] per McHugh, Gummow, Kirby and Hayne JJ; *Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue* (2009) 239 CLR 27 at [47] per Hayne, Heydon, Crennan and Kiefel JJ; *Certain Lloyd's Underwriters v Cross* (2012) 248 CLR 378 at [23]–[26] per French CJ and Hayne J, at [68]–[70] per Crennan and Bell JJ and at [88]–[89] per Kiefel J; *Commissioner of Taxation (Cth) v Consolidated Media Holdings Ltd* (2012) 250 CLR 503 at [39]; *Thiess v Collector of Customs* (2014) 250 CLR 664 at [22]–[23]; *North Australian Aboriginal Justice Agency Ltd v Northern Territory* (2015) 256 CLR 569 at [11]; *Firebird Global Master Fund II Ltd v Republic of Nauru* (2015) 258 CLR 31 at [173] per Nettle and Gordon JJ; *Military Rehabilitation and Compensation Commission v May* (2016) 257 CLR 468 at [10] per French CJ, Kiefel, Nettle and Gordon JJ; *Tabcorp Holdings Ltd v State of Victoria* (2016) 90 ALJR 376 at [8]; *SZTAL v Minister for Immigration and Border Protection* (2017) 262 CLR 362 at [14] per Kiefel CJ, Nettle and Gordon JJ and at [36]–[38] per Gageler J.

The Second Reading Speech for the bill as passed also does not assist in the identification of the purpose of the *Amendment Act*. In delivering the Speech in the House of Assembly, the then Attorney-General, the Honourable John Rau MP, said, relevantly:

The amendments to section 83 of the Constitution Act bring the task of the Electoral Districts Boundaries Commission more into line with the task of the equivalent bodies in other jurisdictions in Australia. The commission will in future be required to make its redistributions on the basis of the principle in section 77 of the Constitution Act, as well as having regard, as far as practicable, to the factors in section 83(2) of the Constitution Act.

The bill seeks to reinstate the primacy of equality between electorates and acknowledges the obvious political reality in contemporary politics that a notion of voters only directing their minds to one of two parties is transparently not in accordance with reality.

What this means, so far as the intended purpose of the *Amendment Act*, or the mischief it was intended to address, is not immediately apparent. The statement that the bill “seeks to reinstate the primacy of equality between electorates” appears to reflect a misunderstanding as to the meaning of sections 77 and 83, and implicitly the decision in *Martin*. Section 77, as interpreted in *Martin*, provided for equality between electorates, albeit only to the extent that the Commission was required to ensure that the number of electors in each electoral district was within 10 per cent of the electoral quota at the relevant date, and it had “primacy” over section 83(1) and (3), in that it was the parameter in which the Commission was required to operate – the Commission was not required to and could not depart from the requirement contained in section 77 in order to achieve the aim in section 83(1) or in drawing the boundaries by reference to the matters set out in section 83(2). The removal of section 83(1) and (3) does not change this.

The *Amendment Act* was passed following the last electoral redistribution conducted by the Commission. In conducting the last electoral redistribution, the Commission gave full effect to section 83(1), as it was required to do, properly construed, within the context of sections 77 and 83(2). In doing so it departed from the approach it had previously undertaken during prior redistributions, as it noted in its report for that redistribution. It can be inferred from this fact and the statements in the Second Reading Speech that the purpose of the *Amendment*

*Act* was to remove the requirement placed on the Commission by section 83(1). However, it does not follow that the purpose of the *Amendment Act* was to alter the meaning of section 77 in light of the decision in *Martin*. Indeed, there is no reference to the decision in *Martin*, or the interpretation placed on section 77 by the Court, in the Second Reading Speech. Rather, the Second Reading Speech refers to the effect of the amendments being to require the Commission to undertake electoral redistributions on the basis of the “principle in section 77” and the criteria in section 83(2) – i.e. what it is required to do putting aside section 83(1).

The statements that the *Amendment Act* would require the Commission to make its redistributions on the basis of the “principle in section 77...as well as having regard, as far as practicable, to the factors in section 83(2) of the Constitution Act”, and that its purpose was “to reinstate the primacy of equality between electorates and [acknowledge] the obvious political reality in contemporary politics that a notion of voters only directing their minds to one of two parties”, are consistent with the purpose of the *Amendment Act* being simply to remove section 83(1) as a requirement on the Commission when conducting electoral redistributions. The Second Reading Speech does not support the conclusion that the purpose or one of the purposes of the *Amendment Act* was to alter the interpretation of sections 77 or 83(2) of the *Constitution Act*, in light of the decision in *Martin*, or to overcome the decision in *Martin*. The purpose of the *Amendment Act*, as apparent from the text of that Act itself and the Second Reading Speech, was to remove the requirement on the Commission imposed by section 83(1); the “mischief” addressed by the *Amendment Act* was the existence of the requirement imposed on the Commission by section 83(1).

Accordingly, the meaning of sections 77 and 83(2) has not been affected by the *Amendment Act*.

In the Commission’s view the removal of section 83(1) has not affected the majority’s reasoning on the proper construction of section 77 or section 83(2). Even if the decision of *Martin* could be distinguished or was no longer binding on the Commission by reason of the *Amendment Act*, and the process of



construction was to be undertaken without reference to the decision, the Commission is of the view that properly construed sections 77 and 83(2) have the meanings ascribed to them by the majority in *Martin*.

As such, the Commission is required to undertake the current electoral redistribution on the basis that the electoral districts cannot contain a number of electors that varies from the electoral quota at the relevant date by more than 10 per cent. Within that parameter, it is required to have regard to the matters set out in section 83(2)(a)–(e) in conducting the electoral redistribution and drawing the electoral districts. It can also have regard to the desirability of numerical equality between electoral districts at the relevant date, and also at election day, when conducting the electoral redistribution. That said, giving effect to the desirability of achieving numerical equality between electoral districts should not be at the expense of giving consideration and effect to the mandatory considerations listed in section 83(2)(a)–(e). It is a matter of considering and weighing up each factor, and seeking to give effect to each one, in light of the other considerations.

However, this leads to the second and third questions earlier identified. To what extent can the Commission have regard to the desirability of achieving “electoral fairness”, which was enshrined in section 83(1), in light of the repeal of section 83(1), and the existing boundaries, given that they were drawn when section 83(1) was in force?

Turning to the second question, the Commission considers that it can have regard to the desirability of achieving State-wide “electoral fairness” pursuant to section 83(2). This is because the *Amendment Act*, construed in context, does not evidence an intention on the part of Parliament that the Commission is not permitted to have regard to this desirability pursuant to section 83(2), notwithstanding the repeal of section 83(1). The repeal of section 83(1) does not evince an intention on the part of Parliament to reinstate the mischief that Parliament was intending to address by the introduction of section 83(1) in the first place, and that Parliament intended that the Commission would not be

permitted to consider and seek to address this mischief when undertaking an electoral redistribution.

It emerges from the text viewed in context, and in particular by reference to the Second Reading Speech, that Parliament intended to remove the obligation imposed upon the Commission by section 83(1), hence its repeal. It can be inferred that the purpose behind the removal of this requirement was the Commission's previous electoral redistribution, which proceeded on the basis (as required by sections 77, 83(1) and 83(2)) that within the 10 per cent tolerance parameter set by section 77 the Commission was required to ensure as far as practicable that it undertook electoral redistributions upon the principle enunciated in section 83(1), with the matters set out in section 83(2) being mandatory relevant considerations, but subordinate to the overarching requirement contained in section 83(1). But it does not follow from this that the removal of the overarching requirement to pursue "electoral fairness" imposed upon the Commission, that the purpose of the *Amendment Act* was to prevent the Commission from ever having regard to the desirability of achieving State-wide "electoral fairness". Parliament did not say this in the text of the *Amendment Act*, viewed in context, including in the context of the Second Reading Speech for the *Amendment Act*. The concluding words to section 83(2) remain unchanged. It cannot be inferred that Parliament intended to limit those words to exclude the desirability of achieving State-wide "electoral fairness" in the absence of anything express in the *Amendment Act*, or the identification of such a purpose in the *Amendment Act*. This is particularly so in circumstances where there is a difference between being required to pursue as the primary objective State-wide "electoral fairness" and simply having regard to the desirability of State-wide "electoral fairness" as one factor among a number; the mere repeal of the former does not lead to the conclusion that Parliament implicitly intended to limit the very broad words at the conclusion of section 83(2) by excluding the latter from the Commission's consideration. Moreover, such an inference cannot be drawn in circumstances where inequality in the "value" or "influence" of a vote may be caused intentionally (through a gerrymander) or unintentionally by "locking up" votes for one political party, or electors who support it, into one or a handful of electoral districts, as much as the drawing of electoral districts with an

unequal number of electors may create such inequality. Naturally occurring disproportion in the number of electors supporting one political party in particular districts has in the past been an issue in this State. It cannot be inferred that Parliament intended to prevent the Commission from having regard to, and seeking to redress, subject to the express requirements of sections 77 and 83(2)(a)–(e), such naturally occurring disproportion, in these circumstances.

As the Chief Justice pointed out in *Martin* the democratic principle that there should be equality of influence or between votes will be undermined where gerrymandering or naturally occurring disproportion is allowed to occur.

In light of the importance of this democratic principle, which is the same principle that underpins the desirability of numerical equality between electoral districts, Parliament would have used express words if it had intended to prohibit the Commission from having regard to, as a relevant consideration, the desirability of achieving State-wide “electoral fairness”. It has not used express words, and in any event it cannot be inferred from the text of the *Amendment Act*, viewed in context, that it intended this Act to have that effect.

In short, the Commission can have regard to both the desirability of achieving numerical equality between electoral districts and State-wide “electoral fairness” when conducting the present electoral redistribution, pursuant to section 83(2). However, the Commission should not give such consideration or weight to these matters that the mandatory considerations contained in section 83(2)(a)–(e) are ignored or excluded from its redistribution; they should not be considered to the exclusion of the mandatory considerations set out in section 83(2)(a)–(e). Rather, the Commission can consider each of these two matters, along with each of the matters contained in section 83(2)(a)–(e), having regard to the evidence obtained by or placed before the Commission as to each of these 7 matters (and any others the Commission considers relevant), and give effect to each of them, to the extent the Commission deems appropriate.

The third question earlier identified is whether the Commission have regard to the existing boundaries?

It is clear that the Commission is bound to operate within the parameter set by section 77 of the *Constitution Act*. The number of electors in each electoral district cannot vary by more than 10 per cent from the electoral quota as at the relevant date. In the first instance, the Commission must ensure, when conducting the electoral redistribution, that the number of electors in each electoral district is within 10 per cent of what it determines the electoral quota to be (in accordance with the formula contained in section 77) as at the relevant date. Subject to the question of whether the Commission commences with the existing boundaries, this must be its starting point, because this is an outcome that it is required to ensure.

The Commission must then consider each of the matters set out in section 83(2)(a)–(e), and the extent to which the boundaries of each electoral district need to be drawn so as to take into account these matters. The Commission can also take into account both the desirability of achieving numerical equality between electoral districts, at the very least as at the relevant date, and the desirability of achieving State-wide “electoral fairness”.

The Commission must also comply with section 82(5), which provides that except where discontinuous or separate boundaries are necessary for the purpose of including an island within an electoral district, the boundaries of an electoral district must (and “shall” means “must” in the context of section 83(5) – “shall” is imperative and if it meant only “may” the subsection would have no purpose) form an unbroken line.

The Commission is of the view that it is entitled to have regard to the existing boundaries pursuant to section 83(2). They are clearly relevant matters to which the Commission is entitled to have regard, in light of the words appearing at the conclusion of section 83(2). None of the provisions contained in Part 5 of the *Constitution Act* require the Commission to start afresh each time it conducts an electoral redistribution, in that they prohibit the Commission from having regard to the existing boundaries when commencing a redistribution. No such requirement is stated expressly, and it cannot be implied. Parliament has not

said in section 77 or elsewhere that the Commission is to commence each redistribution by dividing the total number of electors in the State into 47 electoral districts without regard to the existing boundaries, and then amending those boundaries to take into account the matters the Commission is required to take into account in section 83(2). The fact that section 77 is expressed in terms of a “principle” supports the conclusion that Parliament intended or at least recognised that the Commission would undertake the redistribution holistically, having regard to and within the limits of the requirements of sections 77 and 83.

In summary, the Commission considers that:

1. Sections 77 and 83(2) continue to bear the meaning ascribed to them by the majority in *Martin*, notwithstanding the passage of the *Amendment Act*.
2. It can have regard to the principle of State-wide “electoral fairness” which was enshrined in section 83(1), notwithstanding the passage of the *Amendment Act*, but it is not required to have regard to it, and it cannot have regard to it to the exclusion of the matters identified in section 83(2)(a)–(e), which are mandatory relevant considerations.
3. It can also have regard to the principle of the desirability of achieving numerical equality between electoral districts but, once again, it is not required to have regard to it, and it cannot have regard to it to the exclusion of the matters identified in section 83(2)(a)–(e).
4. It can have regard to the existing boundaries, notwithstanding that they were drawn at a time when section 83(1) and (3) were in force and the *Amendment Act* has since repealed those provisions.

### 2.3 COVID-19

The Commission conducted a public hearing on 11 February 2020 at which the Commission received evidence in relation to demographic data and projections,

including from Mr Chris Rudd, an experienced demographer who gave evidence before the Commission during its last redistribution.

Subsequently, a global pandemic caused by COVID-19, led to unprecedented travel restrictions, amongst other restrictions, in Australia, culminating in the Commonwealth Government effectively closing Australia's borders and the State Government heavily restricting access to the State from 24 March 2020. Restrictions remain in place.

Following the introduction of these restrictions, a number of parties raised with the Commission in their written representations, received by 24 April 2020, the possibility that the restrictions in place due to the pandemic might have an impact upon the projections that the Commission has undertaken in past redistributions, and proposes to undertake in this redistribution, specifically, the projection of the number of electors in each proposed electoral district as at 30 June 2022 (this projection being used by the Commission to consider what the likely elector numbers will be in each proposed electoral district as at the next election day, in March 2022). The Commission is required by section 83(2)(e) to have regard to the nature of substantial demographic changes that the Commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the date of the expiry of the present term of the House of Assembly. Evidence received by the Commission at the hearing on 11 February 2020 addressed this issue, as did data provided to the Commission by Mr Rudd (which the Commission then made available to interested parties) after the hearing on 11 February 2020.

As a consequence of this issue arising, the Commission recalled Mr Rudd to give evidence about the effect of COVID-19 on the population projections that had been prepared for and received as evidence by the Commission, and in respect of which Mr Rudd had given oral evidence at the public hearing held by the Commission on 11 February 2020. Mr Rudd gave evidence about the impact of COVID-19 on the projected population of the State as at 30 June 2022 on 18 May 2020. At this hearing, Mr Rudd provided a short paper he had prepared

which addressed this issue. That paper was received by the Commission at the hearing on 18 May (as Exhibit 13).

The effect of Mr Rudd's evidence was that it was now anticipated that as a consequence of the travel restrictions in place due to the COVID-19 pandemic South Australia's population was not expected to grow by the amount, or at the rate, previously predicted, because the bulk of South Australia's population growth was expected to come from net overseas migration but it was now anticipated that such migration would effectively cease as a result of the travel restrictions. However, his view was that this would not likely have an effect on elector numbers because most of the anticipated net overseas migration, which would no longer be occurring, was anticipated to occur not from Australian citizens returning home or moving to South Australia from overseas but from foreign citizens moving to South Australia on visas, and most visa holders are ineligible to vote. In other words, South Australia's previously anticipated growth was to be driven by an influx of persons who would not be able to vote and this group of persons was the group that would be affected by the travel restrictions.

The Commission accepts Mr Rudd's evidence. It was not challenged or contradicted. As a consequence, the Commission does not consider that the travel restrictions in place due to the COVID-19 pandemic are likely to affect in any material way the elector projections that have been received by it as evidence.

### **3. Evidence and argument before the Commission**

Following receipt of written representations, the Commission arranged for a public hearing to be held on 18 May 2020 for the purpose of permitting those parties who had made written representations to advance oral representations.

Shortly prior to the public hearing on 18 May 2020, but after 24 April 2020, the Labor Party provided certain documents to the Commission that had not previously been provided by it to the Commission. These documents were a further written submission and a series of maps. Unlike the Liberal Party, the

Labor Party had not provided maps to the Commission with its written representation sent on 24 April 2020. The Democrats also provided further documents to the Commission that had not previously been provided, prior to the hearing on 18 May 2020.

Moreover, both the Labor Party and the Democrats provided further documents at the hearing on 18 May 2020.

### 3.1 *Objection by the Liberal Party to the receipt of late documents*

The Liberal Party objected to the Commission receiving the further documents, including the maps, that the Labor Party had provided to the Commission after 24 April 2020. It did not refer to the further documents that the Democrats had provided.

There were two alternative bases for the Liberal Party's objection. The first was that the Commission was precluded by section 85(2) and (3) of the *Constitution Act* from receiving the documents. The second was that if section 85(2) and (3) did not preclude the Commission from receiving the documents, the Commission had a discretion to receive them, and it should refuse to receive them in the exercise of that discretion.

The Commission does not accept the Liberal Party's submissions in respect of this issue, except that it accepts that it has a discretion whether to receive the documents. It is of the view that it can have regard to the further documents provided by the Labor Party, and it has done so.

In fact, the Commission received further documents from a number of parties after 24 April 2020 including Mr Gordon, Mr Black and the Honourable Dan van Holst Pellekaan, the Member for Stuart, and the Commission has had regard to them all.

The Commission does not accept that section 85(2) and (3) of the *Constitution Act* prevent it from considering further submissions or representations received



after the date specified for the provision of written representations. The relevant provisions of the *Constitution Act* are section 83(2), which has been set out above, and section 85(1)–(3), which state as follows.

**85 – Representations to the Commission**

- (1) Before commencing proceedings for the purpose of making an electoral redistribution the Commission shall, by means of an advertisement published in a newspaper circulating generally throughout the State, invite representations from any person in relation to the proposed electoral redistribution and in any such advertisement a date must be specified as the date before which such representations must be made.
- (2) A person who desires to make representations to the Commission in relation to the proposed electoral redistribution may do so by instrument in writing served personally or by post upon the secretary of the Commission before the date specified in the advertisement.
- (3) The Commission shall consider all representations made in accordance with subsection (2), and may, at its discretion, hear and consider any evidence or arguments submitted to it in support of those representations by or on behalf of any person.

...

It follows that the Commission is *required* to invite representations in the manner specified in subsection (1) and is *required* to consider all representations that are made in accordance with subsection (2). The use of “shall” in subsections (1) and (3) is imperative, particularly when contrasted with the subsequent use of “may” in subsections (2) and (3). Therefore, to the extent that a submission is made in accordance with subsection (2), which includes a requirement that the submission is made by the date specified in the advertisement, the Commission *must* consider it; it has no discretion to ignore it.

However, there is nothing express in the text of these subsections which precludes the Commission from considering other representations or submissions advanced to it, to the extent that it considers this to be appropriate in the circumstances.

The Liberal Party’s submission proceeded on the assumption that subsection (3) prohibited the Commission from considering a representation or submission that was not made in accordance with subsection (2) or which could not be described

as “evidence or [an] argument” within the meaning of those words as used in subsection (3), with it conceding that the Commission had a discretion to hear and consider “evidence or arguments” put to it “in support of” written representations that it received in accordance with subsection (2). However, subsection (3) only addresses submissions that have been received by the Commission in accordance with subsection (2); it says nothing about what the Commission can or cannot do with a submission or representation that does not conform with subsection (2). It does not refer to such submissions or representations.

Whilst it was not put precisely in these terms, the effect of the Liberal Party’s submission was that section 85(1)–(3) was intended by Parliament to be a complete code for the receipt of representations, submissions, documents and arguments by the Commission; that is, the Commission is precluded by section 85(1)–(3) from receiving any document from any interested person (or body) except in accordance with those subsections. There is nothing in the text or structure of the subsections, or the balance of the provisions in section 85, or Division 2 of Part 5 of the *Constitution Act* that supports such a construction. Indeed, the words “and may have regard to any other matters it thinks relevant” at the conclusion of section 83(2) point to the contrary. They are words of wide import that confer a broad discretion on the Commission to consider whatever matters it considers to be relevant to its statutory task of undertaking an electoral redistribution (subject to the balance of section 83(2) and section 77), including submissions and representations made to it. There is no reason to read section 85(1)–(3) as limiting that discretion insofar as representations and submissions to the Commission are concerned. In other words, there is no reason to read down the wide discretion conferred by section 83(2) by reason of section 85(1)–(3). Section 84 is also inconsistent with such a construction. Pursuant to that section, the *Royal Commissions Act 1917 (SA)* (*Royal Commissions Act*) applies to the proceeding conducted by the Commission. Pursuant to section 7 of the *Royal Commissions Act*, the Commission may conduct its proceeding and inform itself in such a manner as it considers appropriate. The conferral of such a power is incongruous with an intention to limit the manner in which the

Commission can call for submissions or representations and consider submissions and representations received by it.

The evident purpose of section 85(1)–(3) is to create a regime whereby the Commission must call for representations, in a prescribed manner, and, importantly, *must* consider those representations that are made in that manner. These subsections set, in effect, minimum requirements on the Commission to call for and consider representations. They strike a balance between affording interested members of the public the opportunity to be heard by the Commission prior to preparing its Draft Report and allowing the Commission to fulfil its statutory task of conducting an electoral redistribution without becoming inhibited by having to consider submissions and evidence that may be presented to it, including on an unsolicited basis, at any stage of the redistribution. Once this is accepted, there is no basis to construe section 85(1)–(3) as providing a complete code for the making of representations to the Commission, or the Commission's consideration of representations made to it.

The words “and may, at its discretion, hear and consider any evidence or arguments submitted to it in support of those representations by or on behalf of any person” clarify that the Commission is not obliged to hear and consider any evidence or arguments in support of the written representations, notwithstanding that it is obliged to consider representations made in accordance with subsection (2); it has a discretion whether to do so, but it can. It may be said that they do not add to the words at the conclusion of section 83(2), but their meaning is, evidently, to make it clear that nothing in subsections (1), (2) and the first part of (3) requires the Commission to consider any evidence or argument advanced to it, beyond a written representation made in accordance with subsection (2).

Subsections (1)–(3), including the words in the second part of subsection (3), delineate the scope of the Commission's duty to afford procedural fairness up to the point that it publishes its Draft Report pursuant to section 85(4), with its obligation to afford procedural fairness from that point onwards defined and confined by section 85(4)–(7). The analogous structure of subsection (6) and in particular subsection (7) support such a conclusion.

For these reasons, the Commission is not precluded from receiving the documents provided by the Labor Party, and the Democrats, after 24 April 2020 by section 85 of the *Constitution Act*.

The Commission does not accept the Liberal Party's submission that it should exercise its discretion to decline to consider the material and has, in the exercise of its discretion, considered the material. The Commission considers it appropriate to consider the material in circumstances where (1) it is relevant to the Commission's task, (2) whilst the material raised new issues and made new submissions, most of it was provided to the Commission and the other parties that appeared at the hearing on 18 May 2020 (including the Liberal Party) several days in advance of that hearing, (3) the hearing on 18 May 2020 occurred prior to the Commission preparing its Draft Report, (4) the material assisted the Labor Party and the Democrats, respectively, in making their oral submissions at the hearing and likely truncated those submissions, (5) the other parties (including the Liberal Party) had the opportunity to address the material at the hearing on 18 May 2020, (6) no party asserted that it would suffer prejudice if the Commission was to consider the material notwithstanding that it had not been received by 24 April 2020 and (7) the Commission has during past redistributions and during this present redistribution called for submissions on specific issues and topics outside of the regime created by section 85(1)–(3), which each of the Labor Party, the Liberal Party and the Democrats have answered, such that it cannot be said that the receipt of material outside of the regime created by section 85(1)–(3) is unprecedented or unusual – the Commission is frequently assisted greatly by the submissions it receives outside of the regime created by section 85(1)–(3).

Notwithstanding that it has exercised its discretion to consider this material, the Commission wishes to state in strong terms the importance of parties adhering to due dates and timetables set down by the Commission. Nothing that the Commission has said or done in relation to this issue should be construed as an invitation to ignore due dates or that the Commission would, in the future, countenance the receipt of material outside of timetables, or past the due dates,

set by the Commission. Each application to rely on material outside of the due dates or timetables set by the Commission falls to be considered by the Commission in the context of the particular circumstances of the application. It may be that in certain circumstances the Commission will not receive late material, or will require an explanation on oath for the failure to comply with the due date.

However, the Commission notes that no other representations as to the issue of splitting Port Augusta were made after the due date by persons who had not already made them by the stipulated date, other than where the Commission itself called for further representations in respect of the proposal to split Port Augusta and the adoption of the new SA2 methodology.

### 3.2 *Methodology of the Commission*

Having concluded that it can but is not required to have regard to the desirability of achieving numerical equality between electoral districts and the State-wide “electoral fairness” principle previously enshrined in section 83(1), as well as the existing boundaries, but that it is required to have regard to the considerations identified in section 83(2)(a)–(e), notwithstanding the passage of the *Amendment Act*, the Commission must determine what methodology it should adopt when conducting this redistribution.

The Commission considers it appropriate to take into account the desirability of achieving numerical equality between electoral districts as at the relevant date, and on election day, along with the other matters to which it is required to have regard pursuant to section 83(2). It holds this view for four reasons.

First, the Commission is permitted to have regard to this matter. It is clearly a relevant matter according to the Court in *Martin*, even if the Commission is not required by the *Constitution Act* to have regard to it.

Second, the Commission has, when conducting previous electoral redistributions, taken the desirability of numerical equality into account, including

during the last electoral redistribution. There is no reason not to take it into account during the present electoral redistribution.

Third, no party that has made an express representation to the Commission has submitted that the Commission should not have regard to the desirability of numerical equality, and the Labor Party has submitted that the Commission should have regard to this desirability (indeed the Labor Party's submissions appear to go further than this – it submits, it would seem, that the Commission should start from the proposition that all electoral districts should be equal and only depart from this to the extent necessary to give effect to section 83(2)). The Commission says express representation because the Liberal Party's submission was that the Commission should only disturb the existing boundaries to the extent necessary to comply with section 77, and it would appear to be implicit in this submission that the Commission should not have regard to the desirability of numerical equality, except perhaps to the extent the existing boundaries reflect the extent to which the Commission had regard to the desirability of numerical equality when drawing the existing boundaries during the last redistribution.

Fourth, and most importantly, numerical equality of electoral districts is a desirable aim, and one consistent with the principles of representative government that are set out in the *Constitution Act*, to the extent that the pursuit of this aim assists in achieving, and does not undermine, voting equality: that is each vote in a representative body (such as the House of Assembly of this State) having the same “value” or “influence”.<sup>9</sup> As Kourakis CJ said in *Martin*:

[61] Moreover, equality of influence in selecting the government is now a generally accepted democratic value in Australia. It is the value underlying the recommendation of the 1990 Select Committee Report to enact s 83(1) of the *Constitution Act*. In a district based electoral system, and save for naturally occurring disproportion and gerrymandering, numerical equality of electors preserves that democratic principle.

<sup>9</sup> *Martin* at [40], [44], [47], [48], [61], [72] per Kourakis CJ.

However, as his Honour also acknowledged, consistently with the remarks of Barwick CJ in *Attorney-General (Cth); Ex rel McKinlay v Commonwealth*<sup>10</sup> and Dawson J in *McGinty v Western Australia*,<sup>11</sup> the pursuit of absolute numerical equality does not necessarily ensure equality in the “value” of votes, or equality in “influence” in selecting the government; indeed its pursuit can, where there is a disproportion in the distribution of a party’s vote throughout the State, in fact lead to inequality.<sup>12</sup>

That said, numerical equality is not a consideration that can exclude consideration of the mandatory relevant considerations set out in section 83(2)(a)–(e); the Commission cannot have regard to it to the exclusion of the mandatory criteria. It is a matter to be taken into account, along with the other matters that section 83(2) requires and permits the Commission to take into account. To hold otherwise would be to, in practical terms, give effect to the implied objective expressly rejected by the Full Court, and place the Commission in a position where it may not consider at all or appropriately, or may not be seen to have considered at all or appropriately, the express mandatory considerations set out in section 83(2)(a)–(e).

The Commission also considers it appropriate to have regard to the principle of “electoral fairness”. In the Commission’s view, the pursuit of numerical equality between electoral districts and State-wide “electoral fairness” are two ways in which the fundamental democratic principle of equality of “influence” or equality between the “value” of each elector’s vote may be achieved. They are frequently inconsistent, indeed in conflict, with each other. Yet they exist to achieve the same ultimate outcome. If either is pursued to the exclusion of the other, it is likely that this outcome will not be achieved. But balanced against each other, with the application of each principle tempering the application of the other, that outcome can be achieved. For this reason, the Commission considers it appropriate to have regard to the desirability of achieving State-wide “electoral

<sup>10</sup> (1975) 135 CLR 1 at 25.

<sup>11</sup> (1996) 186 CLR 140 at 185.

<sup>12</sup> *Martin* at [47]–[48], [61], [72] (Cf the majority at [189], [224]).

fairness” when conducting the present electoral redistribution, pursuant to section 83(2).

The Liberal Party submitted that the Commission ought to have regard, and indeed give primacy to, the principle of minimising the disturbance to the existing boundaries. The Commission is permitted to take into account the desirability of minimising the disturbance to the existing boundaries when conducting the electoral redistribution. The majority observed in *Martin* that this was a matter that the Commission could take into account pursuant to section 83(2), notwithstanding that it was repealed as a mandatory consideration expressly set out in the list of considerations contained in section 83(2) in 1991.<sup>13</sup> It should also be noted that it only appears to have been removed as a mandatory consideration to give effect to the changes enacted in 1991, one of which was the introduction of the now repealed section 83(1).

Whether the Commission should take into account the desirability of minimising disturbances to the existing boundaries in conducting this electoral redistribution, in contradistinction to future electoral redistributions, is a complex question in light of the *Amendment Act*. On the one hand, the existing boundaries were drawn when section 83(1) imposed a requirement on the Commission to pursue State-wide “electoral fairness”, and section 83(1) has been repealed. The pursuit of “electoral fairness” is no longer an overarching objective (within the parameter set by section 77), and so the factors set out in section 83(2)(a)–(e) and indeed the desirability of numerical equality (which was taken into account by the Commission during its last redistribution, as found by all members of the Court in *Martin*) may assume greater significance. If the Commission has regard to the desirability of minimising disturbances to the existing boundaries, it may in effect give paramountcy to the desirability of achieving “electoral fairness”, given the basis upon which the last redistribution was conducted. On the other hand, State-wide “electoral fairness” is a matter that the Commission can have regard to pursuant to section 83(2) when conducting an electoral redistribution, and the

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<sup>13</sup> *Martin* at [215].



Commission had regard to the matters set out in section 83(2)(a)–(e) when drawing the existing boundaries.

While this Commission acknowledges that it is not constrained as was the previous Commission by section 83(1), nevertheless the Commission accepts as the starting point for consideration in this redistribution that the election of 2018 was fought on “fair boundaries” meaning electoral districts that gave effect to “electoral fairness” being the principle that was enshrined in section 83(1).

The results of the 2018 election show that the party which gained 51.9 per cent of the notional two-party preferred vote, in fact won the election and were able to form a majority government.

The Labor Party submitted that whilst the Commission ought not to begin the task of redistribution by treating the existing boundaries as presumptively correct, the outcome of the last redistribution was largely dictated by the application of the compulsory provision in section 83(1) (since removed). It also submitted that the existing boundaries, in any event, require at least some adjustment in order for the Commission to comply with section 77 as a number of seats are already outside of the 10 per cent tolerance.<sup>14</sup>

Accepting that this Commission is bound by the majority reasoning in *Martin*, the Labor Party nevertheless submitted that even the 2016 Commission identified as an appropriate starting point equality of numbers rather than simple compliance with the 10 per cent tolerance requirement, before discussing specific requirements and justifications which compelled it to move away from that starting point.

For that reason, the Labor Party submitted that even though this Commission is not required to adopt that as the appropriate starting point, that is an appropriate

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<sup>14</sup> As at 29 February 2020, on the current data, the following four districts were outside the  $\pm 10$  per cent tolerance: Elizabeth +12.6; Flinders -11.8; MacKillop -10.1; and Stuart -10.7. Additionally, there were another four districts at or above  $\pm 9.5$  per cent: Chaffey -9.5; Frome -9.7; Giles -9.7; and Taylor +9.8. All of these were at or above the 10 per cent figure by the Relevant Date.

and available approach in light of the fact that the 2016 redistribution has, in effect, created another innate imbalance this time against the Labor Party.

The Liberal Party on the other hand submitted that the amendments do not prohibit this Commission from mitigating, within the tolerance allowed by section 77, the effects of any naturally occurring disproportion by which they were referring to the “locking up” of Liberal votes in country regions.

As to that submission, the 2016 Commission concluded that the only way to mitigate the naturally occurring disproportion was to use the tolerance level to the full extent.<sup>15</sup>

Having taken all these matters into account, the Commission has endeavoured to proceed by adopting the following approach.

First, the Commission has started with the existing boundaries. Second, the Commission must and will keep all districts within a 10 per cent tolerance at 30 June 2020, as required by section 77 of the *Constitution Act*. Third, the Commission will set all districts within the 10 per cent tolerance at election day based on its projections. Fourth, the Commission has had regard to the mandatory relevant considerations contained in section 83(2)(a)–(e) and has sought to give effect to those considerations to the extent possible having regard to the requirements of section 77. Fifth, the Commission has had regard to the pendulum to determine the extent to which its proposed boundaries achieve State-wide “electoral fairness” and has made adjustments to the existing boundaries which as set out above gave effect to the now repealed section 83(1) when they were drawn.

To give effect to the desirability of achieving numerical equality between electoral districts, the Commission has approached its task in this redistribution by trying, where possible, to achieve electorates which do not vary by greater than 5

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<sup>15</sup> *Martin* at [159].

per cent to 7 per cent, however the Commission recognises that in some of the country regions this is simply not possible.

### 3.3 *Methodology used by this Commission to calculate the elector to population ratio*

As a consequence of submissions made by a number of parties with respect to the accuracy of past projections made by the Commission during previous redistributions as to the number of electors in each electoral district in the year of the next election, this Commission has decided to adopt a new methodology to calculate the elector to population ratio to make its predictions for the purpose of this report. It considers that this methodology should produce more accurate projections.

At the public hearing held on 18 May 2020 a document described as Exhibit 11 entitled "Process of Calculating the Elector to Population Ratio" was received by the Commission.

This document is similar in part to a document tendered during previous redistributions conducted by the Commission. It addresses the process used in calculating the elector to population ratio.

In the past, the Commission has used projected population data provided to it by the Department of Planning, Transport and Infrastructure (DPTI) in respect of Local Government Areas (LGAs) and data about the number of electors in each LGA available to it through the Electoral Commission to create a ratio for each of the LGAs in the State. The Commission has then applied the ratio calculated for each LGA to arrive at a projected number of electors in an electoral district as at approximately the date of the next election.

It is this projection which has then been used by the Commission when considering whether existing electoral districts are projected to be within 10 per cent of the electoral quota at the date of the next election.

It was this methodology which has been employed by past Commissions, as explained in Exhibit 11.

After submissions made by the parties during the hearings on 11 February 2020 and 18 May 2020, the Commission gave some consideration to what the cause of the discrepancies between its projections and actual elector numbers may be and, importantly, whether there is a more accurate method for projecting the number of electors in each electoral district in the year of the next election having regard to the population projections provided by DPTI.

For example, the point was made that the last projection made by the Commission in the course of its 2016 redistribution for the electoral district of Port Adelaide was significantly under what actual elector enrolments proved to be as at the date of the last election in March 2018.

In fact, since 30 June 2012 the actual elector enrolments in the district of Port Adelaide have been increasing, yet the Commission's projected elector enrolments have continued to fall with the consequence that in first adopting the Commission's current "LGA methodology", the actual enrolments in the current district of Port Adelaide as at 29 February 2020 were 28,139 but the projected enrolments in the district as at 30 June 2022, which is the year of the next election, is only 25,378, a difference of some 2,761 electors.

The Commission considered that the likely cause of the discrepancies between actual enrolments and projected enrolments in some districts (e.g. Port Adelaide) is the fact that there are significant levels of migration populations who are often not on the electoral roll and are concentrated in particular or discrete geographical areas within a very large LGA that covers multiple electoral districts. Therefore, a ratio calculated on the LGA basis may understate the number of electors in one district within that LGA and overstate the number of electors in another district within that LGA.

In light of that the Commission identified a new methodology for calculating the elector to population ratio based upon SA2 population projections. SA2 refers to

the Australian Bureau of Statistics (ABS) "Statistical Area 2". In short, this new methodology involves a process of aggregating the projected 18+ population data and enrolled elector data to each of the 172 separate SA2 areas across the State. That process is considered to provide a finer grain assessment for the ratio of electors to population.

The apportioning of the SA2 ratio to the projected 18+ population for each SA1 within that SA2 thus provides a more geographically specific estimation of enrolled electors. The resulting SA1 elector estimates can then be aggregated or summated by electoral district to provide the number of projected electors for each electoral district.

The new methodology is explained and compared with the old methodology in Exhibit 15 "Revised process for calculating the elector to population ratio", which was tendered at the Commission hearing in Port Augusta on 24 June 2020.

After tender of that document, the Commission gave all of the concerned parties a further period of time within which to make any submissions on the proposed new method.

Four submissions were received acknowledging the Commission's work in proposing the new method. While there was general support for the resulting projection outcomes, some caution was suggested as to placing too much reliance on population projections, given past experience.

The Commission acknowledges that there is a need for caution when it comes to the use of projections. However, pursuant to section 83(2) it is required to have regard to likely demographic changes when conducting the redistribution and it anticipates that the adoption of the "SA2 methodology" will lead to more accurate projections.

### 3.4 *Issues in respect of the north-west country regions*

Successive Commissions have been troubled by the issue of declining population and falling elector numbers in country regions. In some parts of the State, notably Flinders, that trend has continued. As flagged in the 2016 Commission report, it has been necessary for this Commission to consider again splitting Port Augusta between two electoral districts.

Both Flinders and Stuart, on the 2018 boundaries, were outside the 10 per cent tolerance range on 29 February 2020. Hence, it became apparent that substantial changes would be needed in the three electoral districts of Flinders, Giles and Stuart to comply with section 77 of the *Constitution Act*. Specifically, it is necessary to move a substantial number of electors from Giles to Flinders, because of the low numbers of electors in Flinders and to remedy that the only district from which Flinders can draw electors is from Giles. Giles too already has low elector numbers, further compounded by the necessary movement of electors into Flinders, which in turn gives rise to the need to move electors from Stuart to Giles and ultimately to realign the boundaries of Frome.

The Commission received a number of written submissions after announcing it was considering splitting Port Augusta and convened a regional hearing to allow those most affected to address the Commission.

On 24 June 2020 the Commission held a public hearing at Port Augusta and invited oral submissions from interested parties on possible changes to the existing boundaries of Giles, Stuart, Flinders and Frome, likely to affect a material number of electors living in the communities within those districts, in particular, Port Augusta.

Ms Gillian Fennell, on behalf of Livestock SA, expressed strong opposition to any substantial changes to the Giles and Stuart electorates noting, to quote her submission:

We strongly oppose any substantial changes to the electorates of Giles and Stuart. Already the pastoral community is split into the haves and have nots, with those lucky enough to be included in Stuart having an electoral office based in Port Augusta, whereas those in Giles find themselves included with the industrial town of Whyalla, and their local State representative located there as well, a town that provides no services to the pastoral regions and is as strange to us as Adelaide.

Port Augusta is the natural place for any representative of the Far North to be based, given that most pastoralists have strong ties to the Port Augusta community. ...

To a large extent oral submissions made by the Honourable Geoff Brock MP, Member for Frome, echoed the views of both the Port Augusta City Council and Ms Fennell. He made the point that if Port Pirie was joined with Port Augusta people would have to travel too far to see their representative. Mr Brock referred to potential projects about to commence in Port Pirie such as potential renewal energy projects, abattoirs setting up and highway works which may have the effect of bringing further electors into Frome. In Mr Brock's submission now is not the time to be moving electorates around in the manner contemplated by the Commission. For the same reason he expressed a degree of caution about the reliability of any population projections affecting his electorate.

Mr John Banks, on behalf of the Port Augusta City Council, also submitted that any boundary changes which require the division of the city of Port Augusta is not in the best interests of the city.

Mr van Holst Pellekaan MP echoed the view that any splitting of regional centres between electorates is a bad one.

The Labor Party originally proposed three options for redrawing the regional boundaries which it presented in three maps described as Options A, B, and C.

The Labor Party also commissioned and tendered a report by an expert, Dr Scott Cane, as to the likely impact of these various redistribution proposals on Aboriginal Communities within the affected areas. We will return to that particular issue later in the report.

The essential feature of Option A submitted by the Labor Party was to consolidate the regional districts from five to four to overcome low elector numbers in Flinders, Giles and Stuart.

The Commission does not find it appropriate or possible as a matter of practicality to consolidate regional electorates in the manner proposed by the Labor Party on this occasion. Previous Commissions have documented the extent of the problem of the unique geographical features of this State which make redistributions in the regional electorates particularly complex. That complexity is added to by the fact that most of the population is concentrated in a very few regional towns, being Port Lincoln, Whyalla, Port Augusta and Port Pirie.

In the north-west of the State the requirements of section 83(2)(a) to have regard to communities of interest has, in the case of Port Augusta, had to give way to the primacy of the requirements in section 77. This has meant that the Commission sees no alternative but to split the township of Port Augusta into the two electoral districts of Giles and Stuart. The representation of the pastoral lands between the electorates of Giles and Stuart has remained largely unaltered.

The suggestion to simply amalgamate the regional districts into three districts is not as simple as it seems. There is always a cascading effect of moving numbers around which affect all of the other districts. In any event the members for Flinders, Giles and Stuart already have to travel vast distances to support their electorate. As Ms Fennell from Marla pointed out she has not had the opportunity to see her local member out there. To give these members even further distances to travel is in the Commission's view unworkable.

For these reasons, although the Commission has aimed not to deviate from the quota by more than 5 to 7 per cent for the bulk of electorates, in four electorates the quota variance at the projected date is greater than 5 percent and in the case of Flinders, it is above 7 per cent.



### 3.5 *The expert report of Dr Scott Cane*

As part of its submissions the Labor Party presented an opinion from Dr Scott Cane as to the impact of the electoral distribution proposed on Aboriginal Communities in northern South Australia.

Dr Cane's report was presented to the Commission with the intent of assisting the Commission to align electoral boundaries as far as practicable in a manner that accords with the Aboriginal geography and their respective social and economic needs within the affected areas.

The Commission notes that there is already a connection between Port Augusta and the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands, both of which are in different electoral districts currently. In addition, the splitting of the township of Port Augusta will not make any substantial changes to the existing Aboriginal population both in the APY Lands which remains in the electorate of Giles, and the population of Davenport which remains in Stuart. The only other substantial community affected by the change to the electoral boundary of Flinders is the community of Maralinga Tjarutja (Oak Valley) which the Commission considers, given its connection with Yalata and Ceduna, is far more appropriately contained within the electorate of Flinders.

### 3.6 *Broader regional impacts*

As mentioned in section 3.4, there is a cascading effect of moving numbers around which affects all other districts. The methodology used by the Commission and the population changes in the four northern and western electorates of Flinders, Giles, Stuart and Frome have created two factors leading to an ever increasing magnitude of this cascading effect.

First, the population of these electorates is declining whilst the quota has risen by almost 1,000 electors due to the generalised increase in the State's population. Second, where these electorates had enrolments ranging from -8.2 per cent to -11.0 per cent below quota, at the last election, they have had

enrolments increased to bring them nearer the projected quota. The variances against the projected quota for these four electorates now range from -7.8 per cent to +0.6 per cent.

Over these four electorates the cumulative shortfall against quota as at the relevant date was around 7,500 electors, representing slightly less than one third of one electoral quota. The impact of this is significant and has required the Commission to consider cascading changes to electoral boundaries well into the peri-urban areas to the north of the Adelaide metropolitan area, the Adelaide Hills and a number of electorates in the northern and western suburbs.

### *3.7 The Adelaide escarpment*

Previous redistributions have created electorates which incorporate a mix of high density metropolitan suburbs with low density peri-urban localities on the eastern side of the Adelaide Hills' escarpment. Although these peri-urban areas are serviced in part from those suburban centres the Commission has taken the view that the community of interest connection between urban and peri-urban is not strong.

Both Newland and Morialta have been transformed into truly metropolitan electorates with their peri-urban parts transferring to the electorates of Schubert and Heysen.

## **4. Naming of the electoral districts**

In his written submission following the publishing of the Draft Report, Mr Scott Davis suggested the electorate of Light could be considered a suitable candidate for a change of name as it had been significantly altered by removing the township of Gawler. The suggestion was to reinstate the name Napier, after Sir Mellis Napier, a former Supreme Court Chief Justice. However, for reasons that will become clearer later in this report, it will not be necessary to consider a name change for the electorate of Light.

The Commission also notes the submission made by Mr Black, on behalf of the Democrats, to consider renaming the electorate of Frome as its boundaries have been substantially changed with it now more centred around the Clare Valley and lower mid-north.

Mr Black identified that C J Dennis, the famous poet and author, was born in Auburn which is located within the southern part of the Clare and Gilbert Valleys Council. As these were the only suggestions, with no other opinions tendered in support of them, the Commission does not consider that the name of any particular electoral district should be changed during this redistribution. Therefore, the Commission has not considered this issue further.

## **5. The relevant date**

The Commission must specify a relevant date for the purpose of defining the electoral quota under section 77 of the *Constitution Act*. It must be a date falling not earlier than six months before the date of the Commission's final order. It is necessary in specifying the relevant date therefore to have regard to the Commission's timetable and to the state of the joint electoral roll that is used by the Australian Electoral Commission and the Electoral Commission of South Australia within the relevant period. This redistribution is made on the basis that the relevant date is 30 June 2020.

### *5.1 The electoral quota*

The State's enrolled elector population on the relevant date was 1,224,894. The electoral quota, which is the basis of every redistribution, is obtained by dividing the total number of electors at the relevant date by the number of electoral districts and is the nearest integral number which results. The quota for this redistribution is therefore 26,062.

The elector numbers for any electoral district must not diverge from the quota by more than 10 per cent. However, pursuant to the requirement in section 83(2)(e) of the *Constitution Act* the Commission is required to have regard to any

substantial demographic changes that are likely to take place in the proposed electoral districts before the expiry of the present term of the House of Assembly.

The Commission heard some evidence during submissions made in the hearings in Adelaide on 11 February 2020 and 18 May 2020. The Commission was assisted by the evidence of Mr Rudd. There was no challenge to that evidence.

Population projections are formulated by reference to 30 June 2022. The elector population at that time based on the projections is estimated to be 1,241,999. On that basis, the projected quota is 26,426. These figures appear in Appendix 12 "Present and projected enrolments for Assembly Districts before redistribution".

Appendix 13 describes the boundary changes and their impact on electors. It also includes the number of electors affected by the proposed changes.

The total number of electors affected by the redistribution is in the order of 222,000 a reduction of around 18,000 from the draft redistribution. The number of electors moved as a result of the 2016 redistribution was 398,710.

Appendix 14 sets out the present and projected enrolments for each district after the redistribution.

## **6. Final submissions**

Approximately 66 written submissions were received in response to the publication of the Commission's Draft Report on 14 August 2020.

In light of the intimation by several of the interested persons who made submissions that they would like the opportunity to supplement their written submissions orally, the Commission conducted a further public hearing in Adelaide on 21 September 2020 to enable anyone who wished to make oral submissions to do so.

On that date Mr Duggan QC, Mr Doyle, Mr Black, Mr Cregan MP, Member for Kavel, and Ms Ferguson OAM, Mayor of the Mount Barker District Council, made oral submissions.

At the hearing on 21 September 2020 the Commission also received a further report in addition to the two previous reports from Mr Rudd, the demographer, in relation to population growth in and around Mount Barker. Mr Rudd expressed the view that there was a greater level of population growth and new dwelling completions in and around Mount Barker than had been projected in data available at the time when he had prepared his earlier reports. He expressed the view that in light of the housing stimulus package implemented in response to the economic impact of the Covid-19 pandemic, that in the short term this trend is likely to continue.

Ms Ferguson who addressed orally the written submissions of the Mount Barker District Council dated 10 September 2020, made a compelling argument in support of the Council's submission that Mount Barker, Mount Barker Summit and Mount Barker Springs should not be removed from the existing communities of interest in Kavel.

Mr Cregan made oral submissions to the same effect.

Both Mr Duggan and Mr Doyle made detailed submissions in relation to a number of proposed boundary changes in a number of metropolitan and inner country electorates. Mr Duggan queried the necessity to make changes as substantial as those proposed in the Draft Report including, in particular, Adelaide, Newland and Elder. Critically, the Liberal Party's submission was that all of Gawler should be kept in Light and that Schubert should comprise the bulk of the Barossa Valley wine region. A number of the written submissions also addressed the Barossa region and a desire to retain it within the electorate of Schubert. While the Liberal Party acknowledged the need for some far-reaching changes to the northern country regions, Mr Duggan emphasised the Liberal Party's submission that the disturbance to the existing boundaries could be and should be kept minimal.

Mr Doyle submitted, contrary to the Liberal Party's submission, that the Commission should continue to factor the voter numbers on the projected election date as not to do so would ignore the requirements of sections 83(2)(b) and 83(2)(e) of the *Constitution Act* and in any event, as a matter of discretion, the Commission is permitted to do so.

The Labor Party made detailed submissions as to potential adjustments to the draft boundaries, in particular, in relation to Kavel, Light and Stuart. Mr Doyle acknowledged that if the many objections to the moving of Mount Barker into Hammond were upheld, that would consequently involve, to some extent, a redrawing of the boundaries of the seats of Hammond, Chaffey, Kavel, Heysen and Finniss.

Consequent on the submissions made in response to the Draft Report, it is fair to say that in response the Commission has made a number of substantial changes to the boundaries in the Draft Report to accommodate both the arguments put forward by Mr Cregan and Ms Ferguson and, to some extent but not wholly, the submissions made by the major parties in response to some of the adjacent electorates.

The Commission considers that it is appropriate that Mount Barker and surrounding districts remain in Kavel, however to accommodate that it has been necessary to move Hahndorf into Heysen and extend the northern boundary of Heysen almost to Gorge Road. By making that adjustment, Mount Barker remains the "economic centre" for Kavel and Stirling, the equivalent for Heysen.

The Commission has effected substantial changes to the electorate of Schubert in response to those compelling submissions to have it encompass most of the wine region. Crystal Brook is now moved to the electorate of Stuart and the Regional Council of Goyder is now wholly contained in the electorate of Frome.

As a result of the changes to Schubert, the electorate of Light has been subsequently altered by returning the township of Gawler as its hub and including

Gawler Belt which was also a community of interest suggestion within a number of submissions.

To accommodate all of those changes it has been necessary to effect some changes to the proposed boundaries in Elizabeth, King, Ramsay, Playford, Florey, Wright, Newland and Torrens, and to some extent, some of the electorates within the inner western suburbs to keep them within quota.

The Commission has reinstated the previous Adelaide/Enfield boundary and has made adjustments to the boundaries between Elder, Badcoe and Morphett, with the result that Elder will require a 2.0 per cent swing-to-lose. This addresses those submissions which proposed that there should be 24 seats on the Liberal side of the 50:50 pendulum, with Elder positioned at 0.1 per cent should there be a uniform 1.9 per cent swing to the Labor party.

The Commission accepts the oral submission of Mr Black, contrary to the Liberal Party's submission, that Frome is appropriately classified as a notional Liberal seat by applying the two-party preferred vote. As described earlier in section 1 of this report, the notional two-party preferred result for Frome was achieved by conducting a re-throw of the votes of the winning independent candidate, Mr Brock, by reallocating between the Labor and Liberal candidates all of the ballot papers he received. On that basis, Frome is not only classified on the Liberal side of the pendulum, with a notional swing-to-lose figure of 11.2 per cent, but the votes so attributed contribute to the overall Liberal state-wide two-party preferred result of 51.9 percent. In any case, the electorate of Frome, having been significantly moved into the lower mid-north of the State, not only remains on the Liberal side of the pendulum but increases its swing-to-lose margin to 16.4 per cent.

The Commission acknowledges that many of the adjustments made as a result of various submissions has delivered stronger community of interest outcomes as well as a better balancing of projected quota variances between a number of electoral districts with only four projected to be greater than 5.0 per cent from the projected quota.

The Commission appreciates the many strong submissions made that the township of Port Augusta not be split between electorates. Regrettably, it has not been possible to accede to those submissions for the reasons explained in the Draft Report. In short, it has been impossible to keep either Flinders or Giles in quota without splitting one of the major regional centres, the obvious centre being Port Augusta.

In respect of this issue, the Commission has rejected the Labor Party proposal to eliminate one of the country electorates. The Commission notes that while there was a significant shortfall in electors in the Upper Spencer Gulf electorates, the extent of that shortfall was less than one third of an electoral quota.

## **7. Conclusion**

The Commission has in the past, and again in this redistribution, used what has been referred to as the “swing-to-lose pendulum”. We agree with the observations made in the 2016 Report of the Commission that:

... The use of the swing-to-lose pendulum is familiar to those with an interest in the work of the Commission. That familiarity has been assumed for the purposes of this Report. The pendulum is a tool available to the Commission, but its limitations must be acknowledged. ... They include that swings are not uniform and that it is not possible to estimate accurately numbers of swinging voters, that it is not possible to assess precisely the impact of movement of boundaries and that the greater the number of voters moved in or out of a district, the greater the “error” will be.

Appendix 15 represents, in a revised form, the swing-to-lose pendulum depicting the political consequences of this redistribution. It can be seen that the number of districts notionally held by each of the major parties is unchanged from the 2018 election.

Appendix 16 illustrates the district allocation based on a 50:50 split of the two-party preferred vote on the basis of the 2020 redistribution. It can be seen that on that basis the Liberal Party would hold 24 seats and the Labor Party 23 seats.



The Commission notes that while the required swing of 1.9 per cent places 24 seats on the Liberal side of the pendulum, the most marginal seat of Elder at 0.1 per cent reflects a margin of approximately 26 votes. The Commission considers that it has provided a set of boundaries that affords a fair contest.

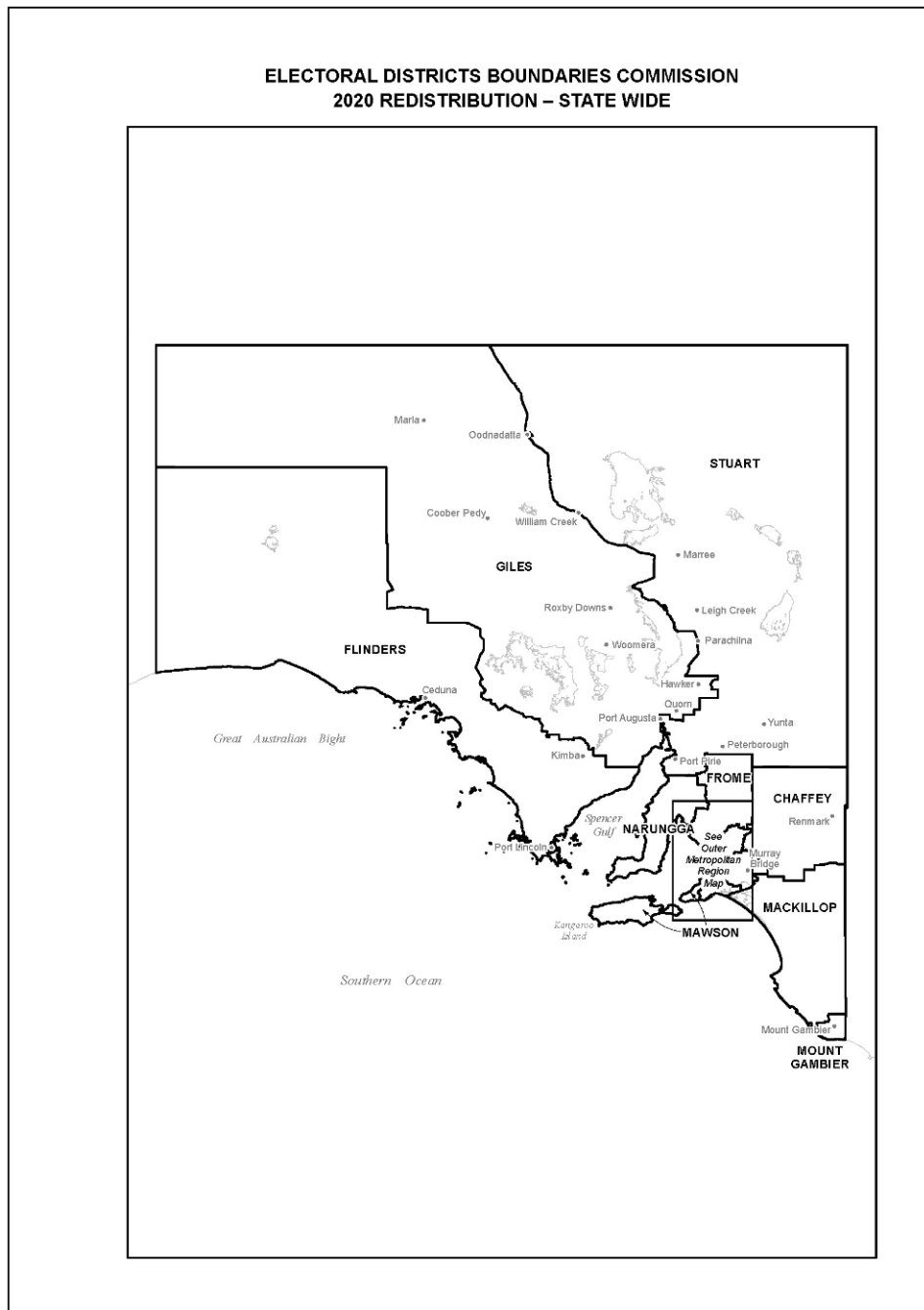
The work of the Commission is always challenging, having to balance the many and often conflicting criteria and then apply them to the unique geography of South Australia.

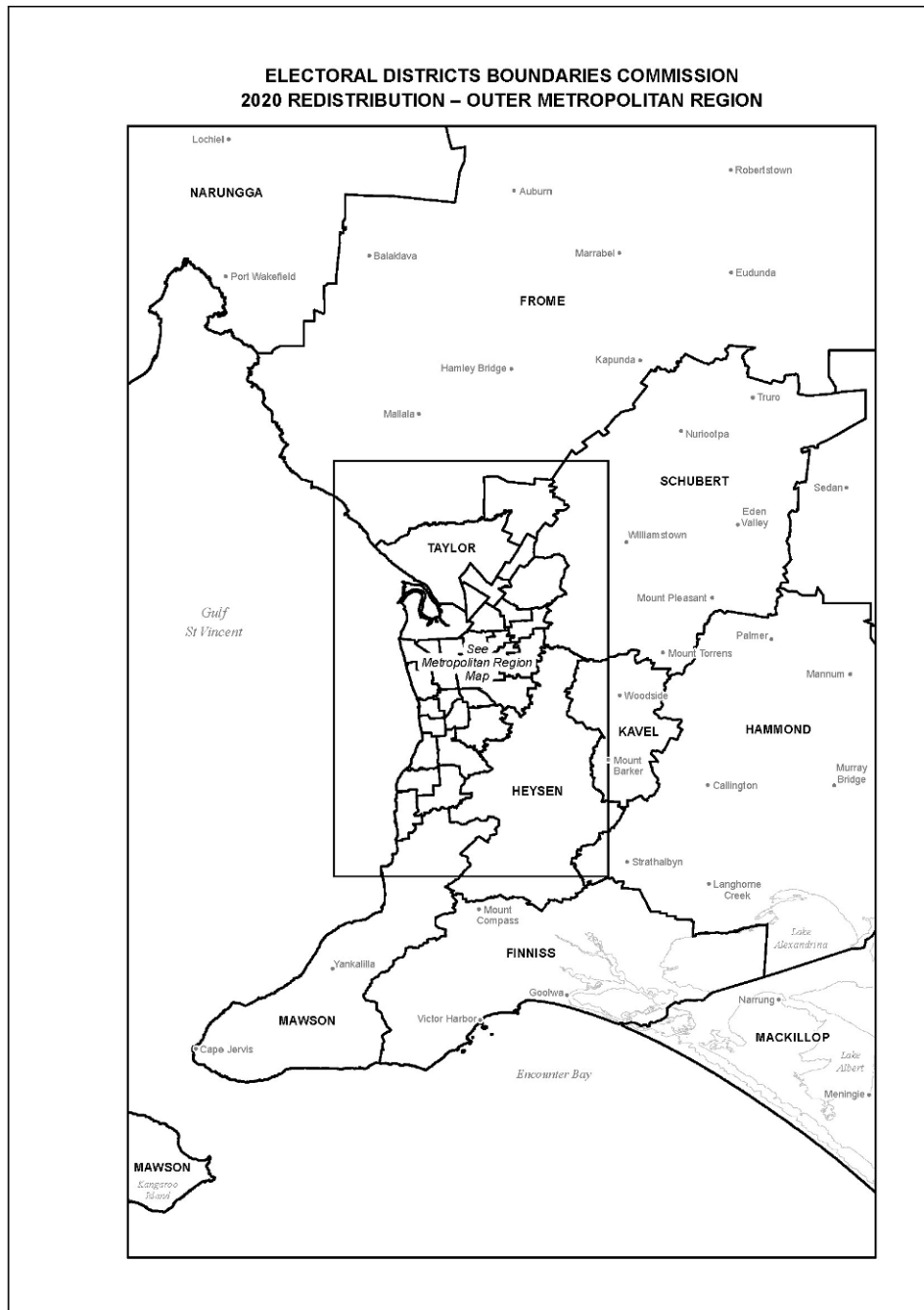
This Commission faced the challenge of another change to the legislation, however was greatly assisted by the analysis of the Full Court decision in *Martin* when considering the implications for the work of the Commission.

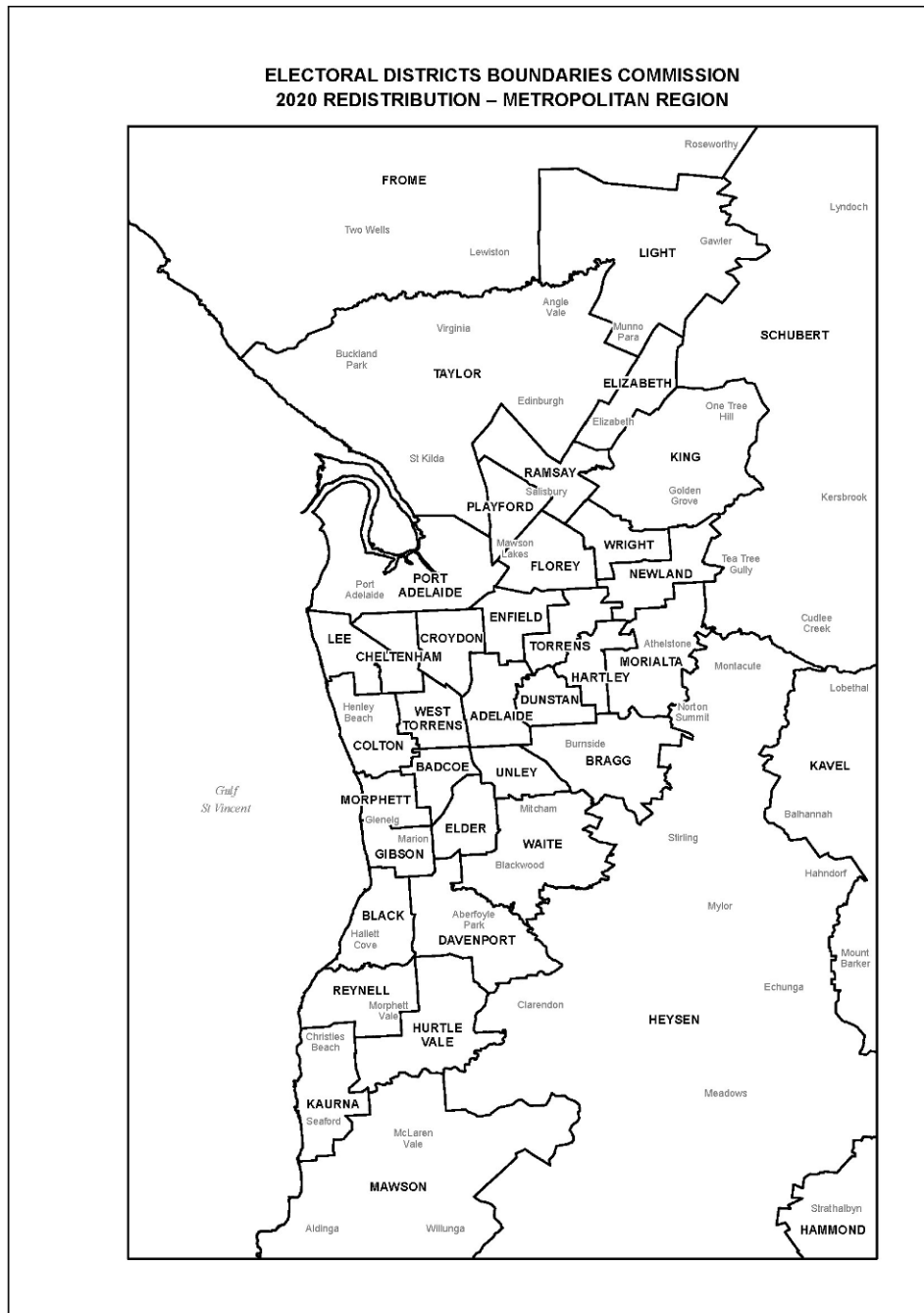
The Commission has not before had a single event arise during the redistribution that could have a significant impact on its work. Although, the impact of the COVID-19 pandemic has not proved to have had any marked impact on this redistribution, the full effect of that pandemic may well impact the work of future commissions.

The Commission cannot work in isolation and has been greatly assisted by the contributions of many including the political parties, democratic followers, individuals who hold dear their representation and the professional legal, administrative, demographic and mapping staff who have assisted the Commission. We also thank the staff of the Commission including, in particular, Mr David Gully (the Commission Secretary), Ms Pam Walker (Research Officer), Mr Tom Besanko (Counsel assisting the Commission) and Ms Monique Bergsma (Personal Assistant). We also thank the Courts Administration Authority for allowing the Commission to use the newly opened Court 6 in the old Supreme Court complex for the public hearings.

The Commission has applied itself to achieving a sound result for the democratic process within our State.

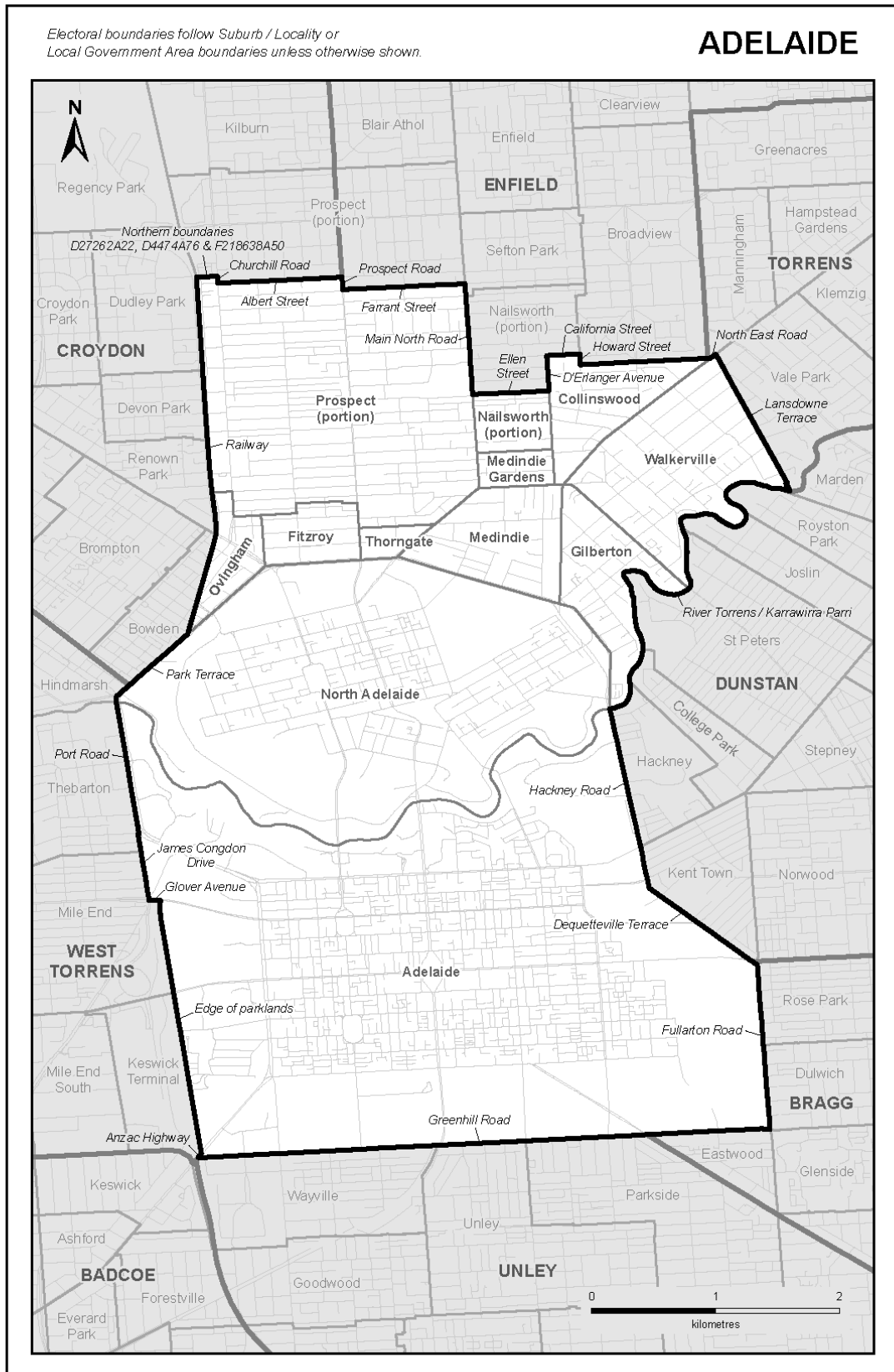




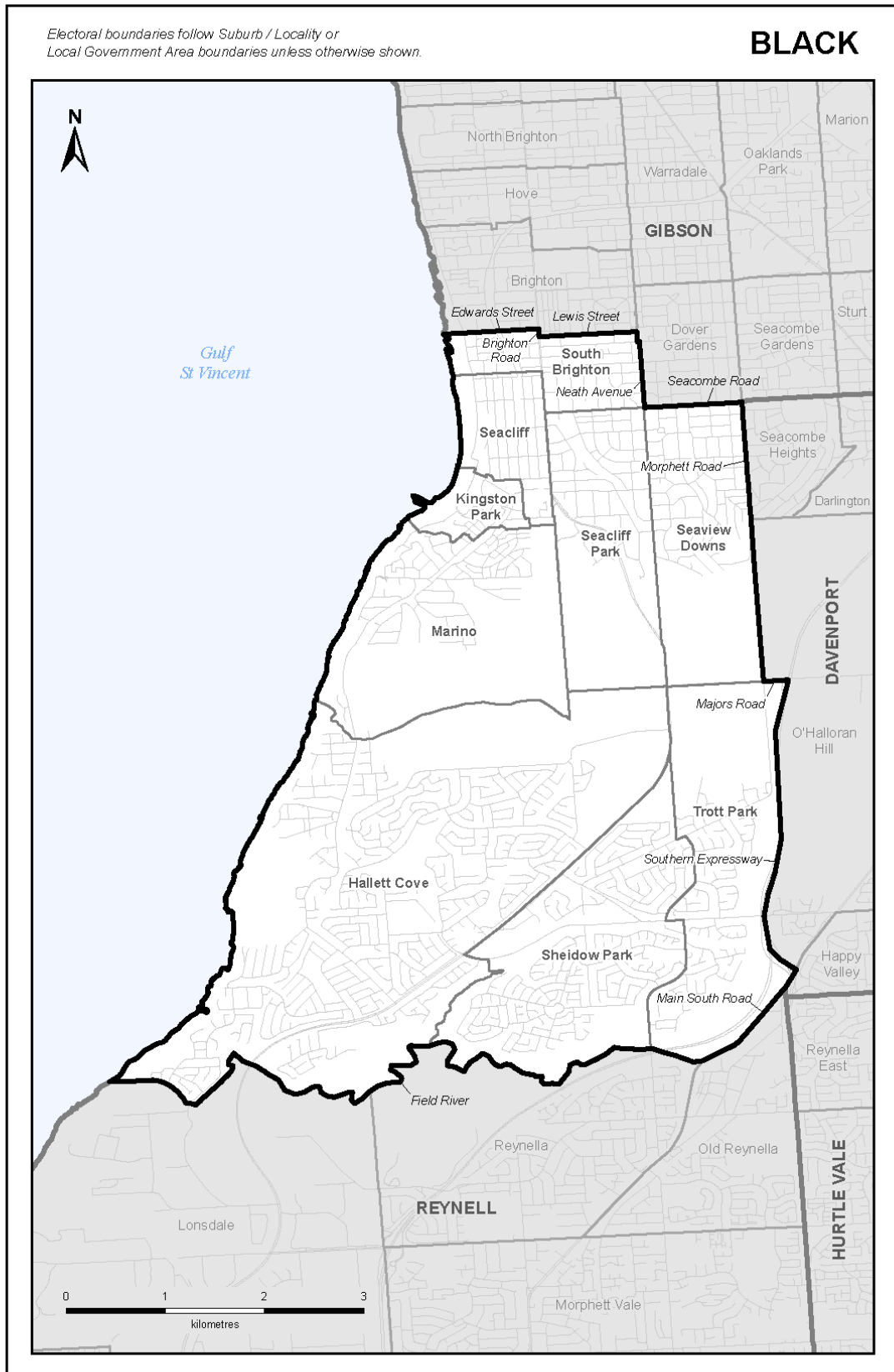


**The Schedule**

The district plans of the 47 electoral districts for the House of Assembly which follow in this Schedule and are named, delineated and described therein, define the boundaries of the electoral districts consequent upon this redistribution.

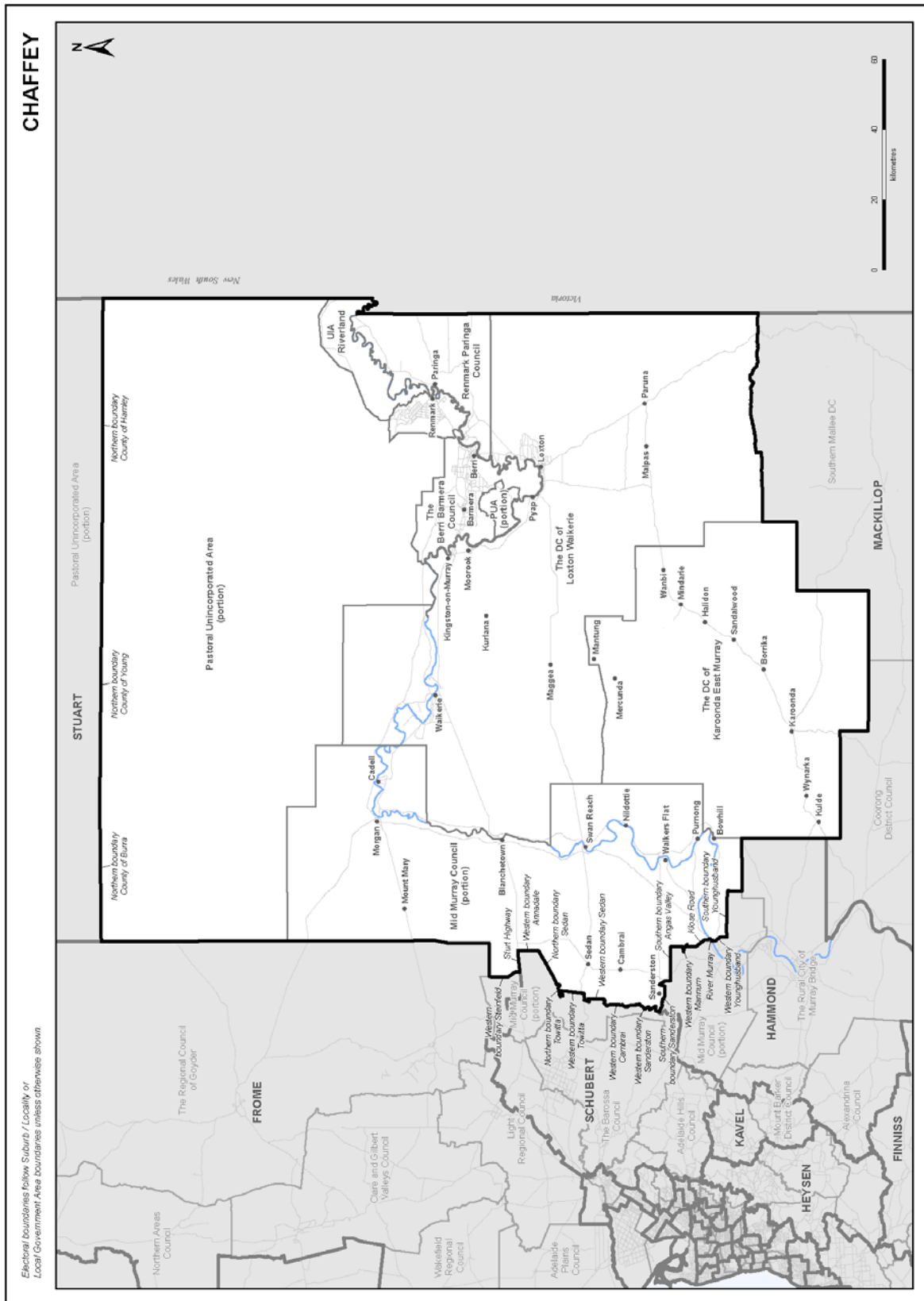


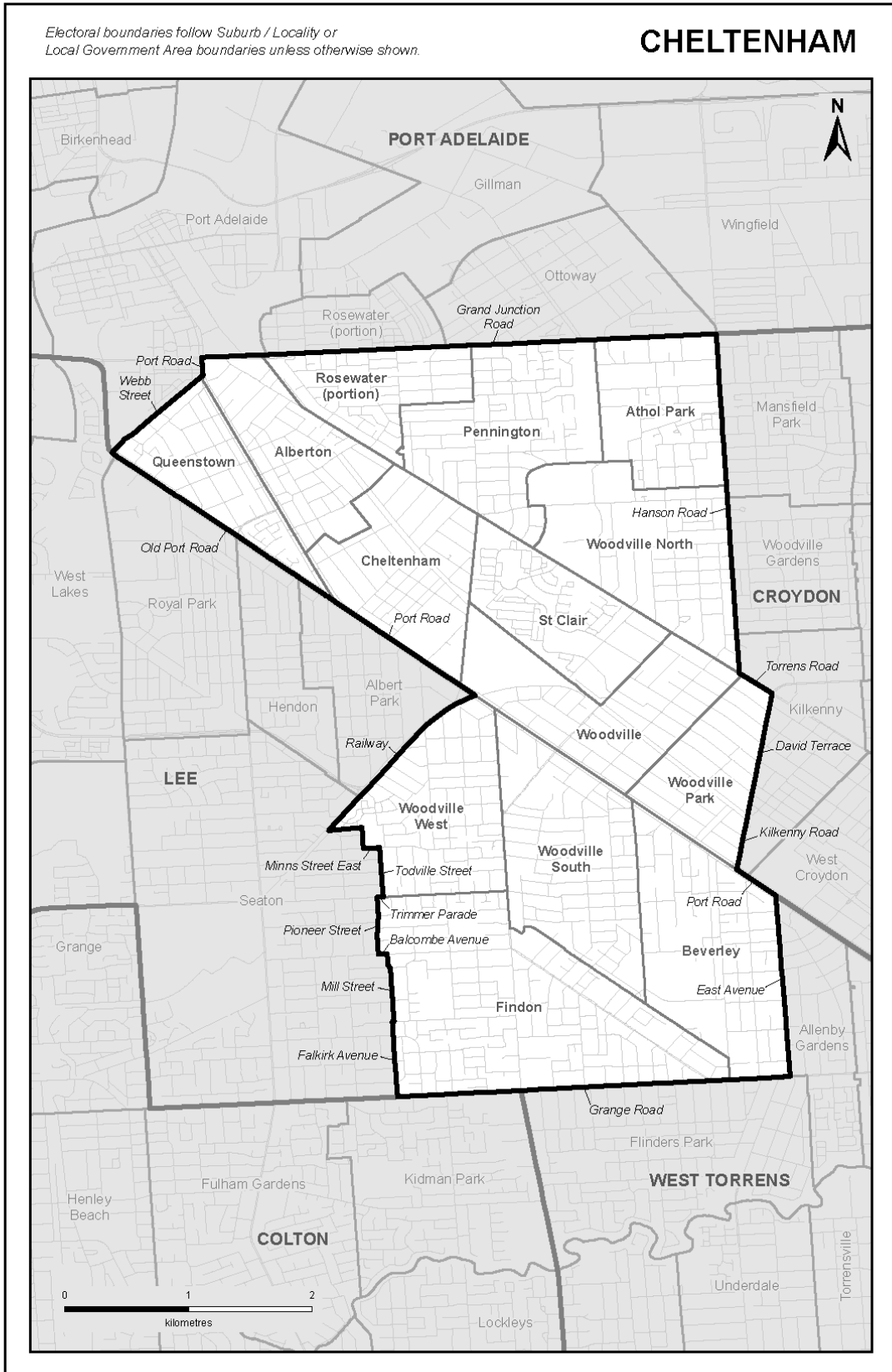


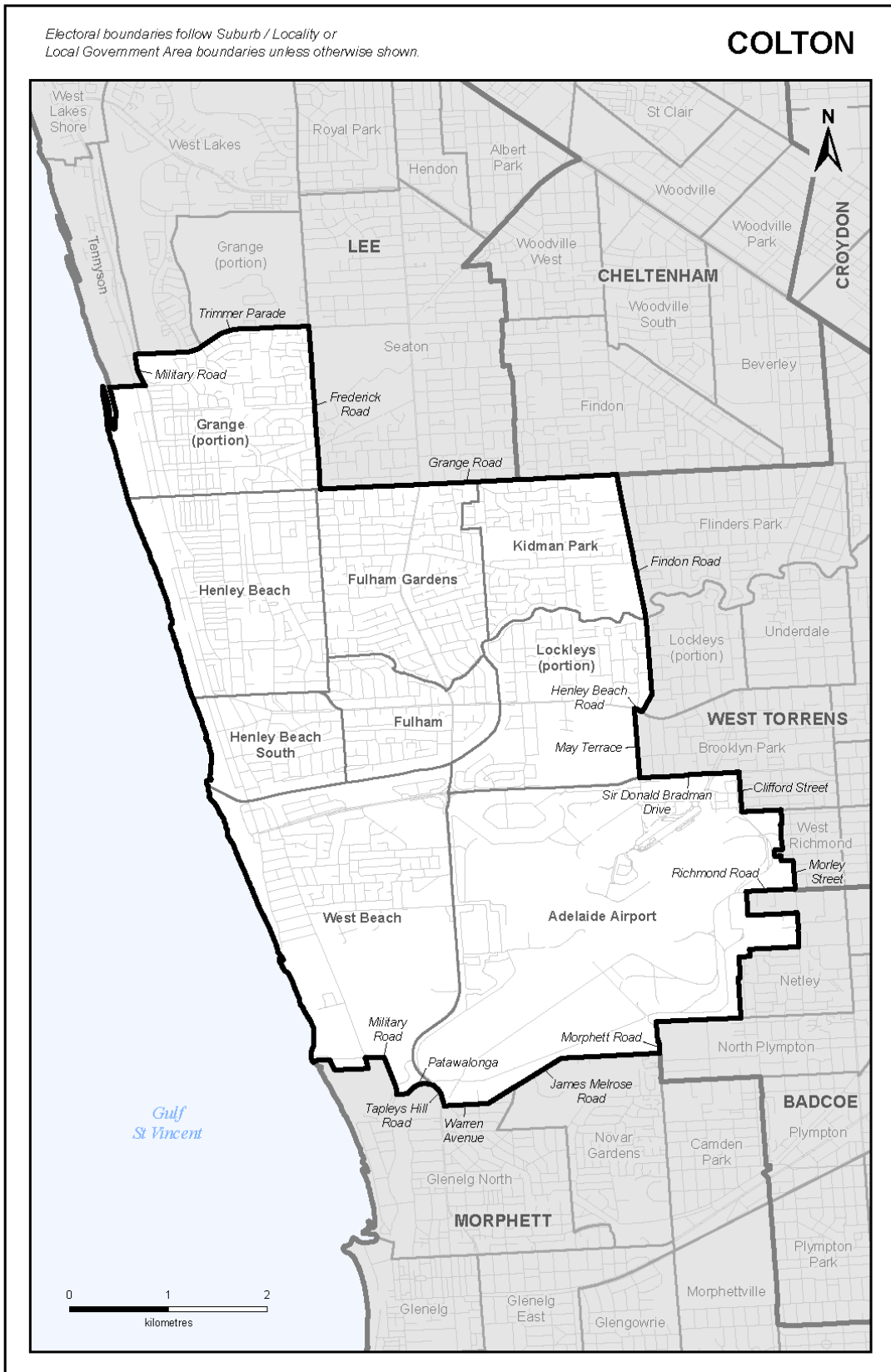


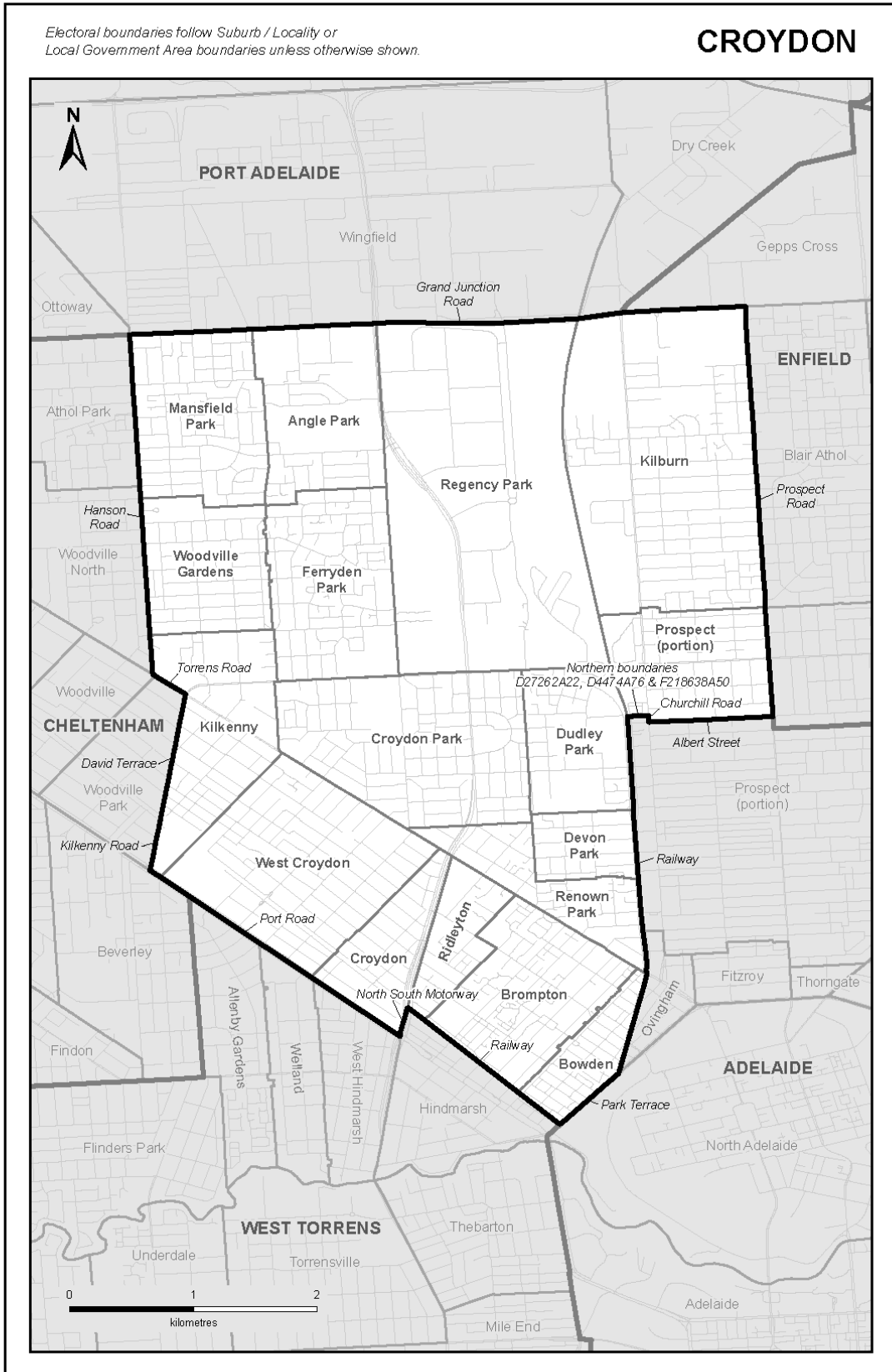




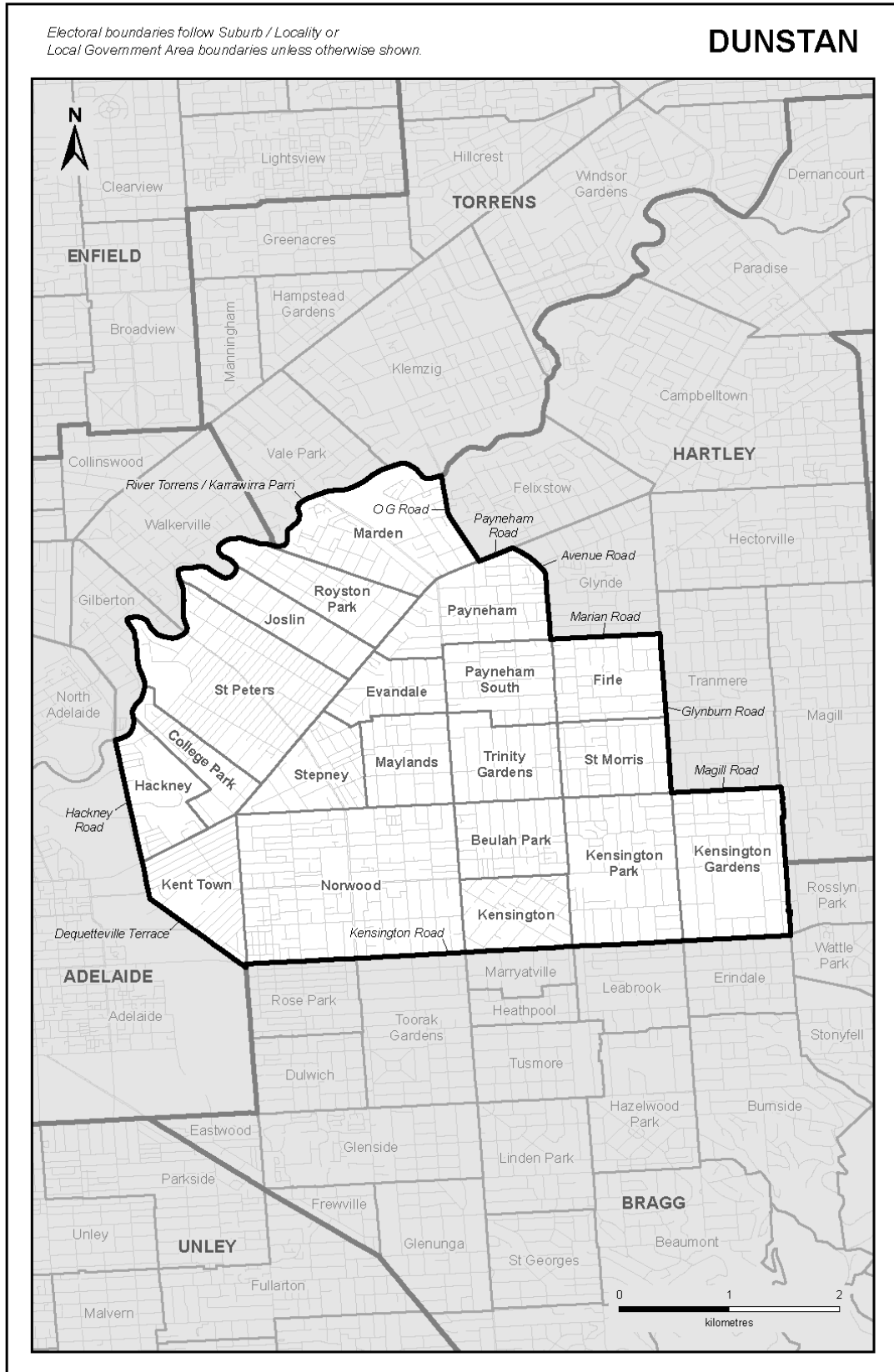


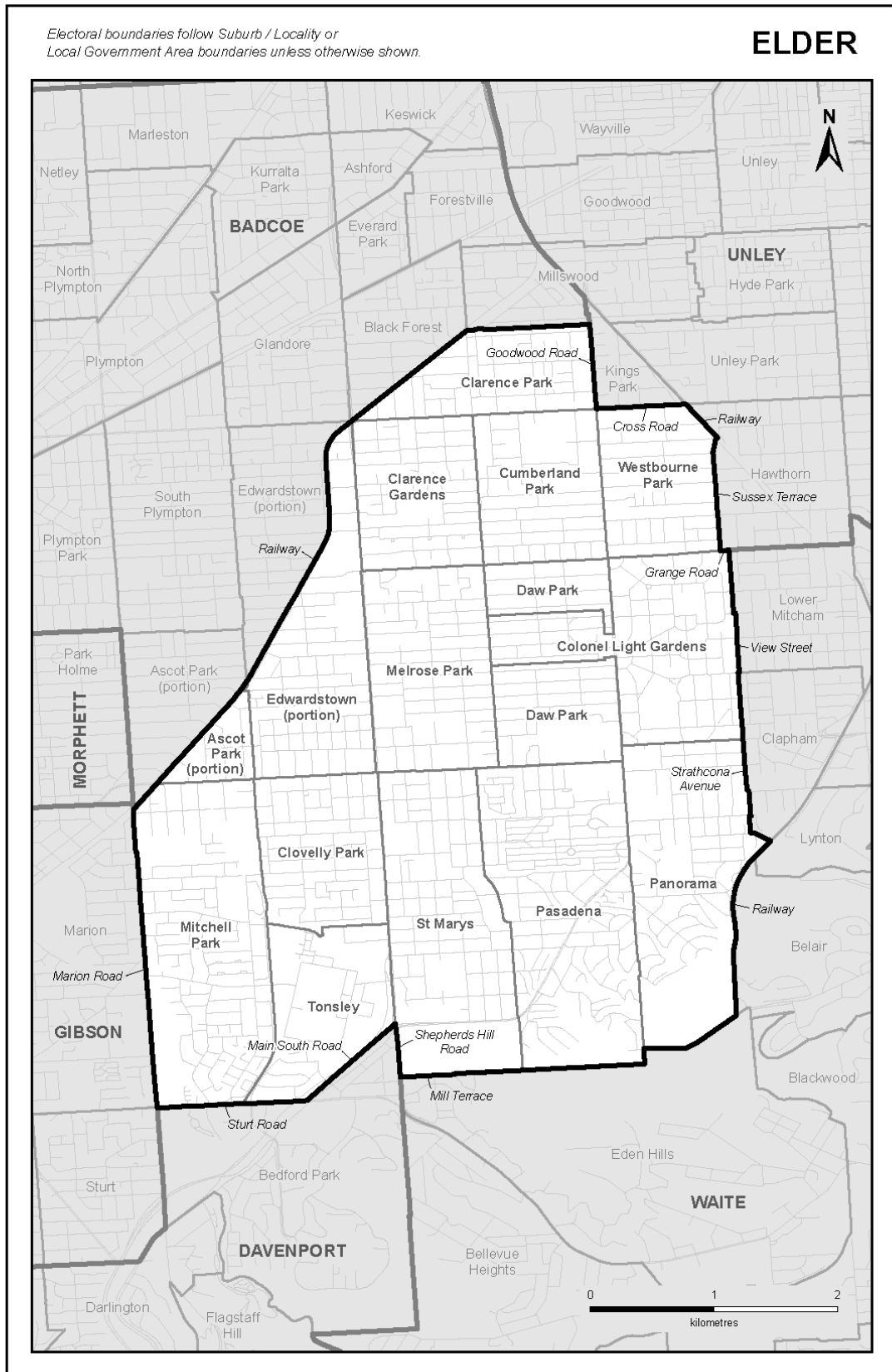




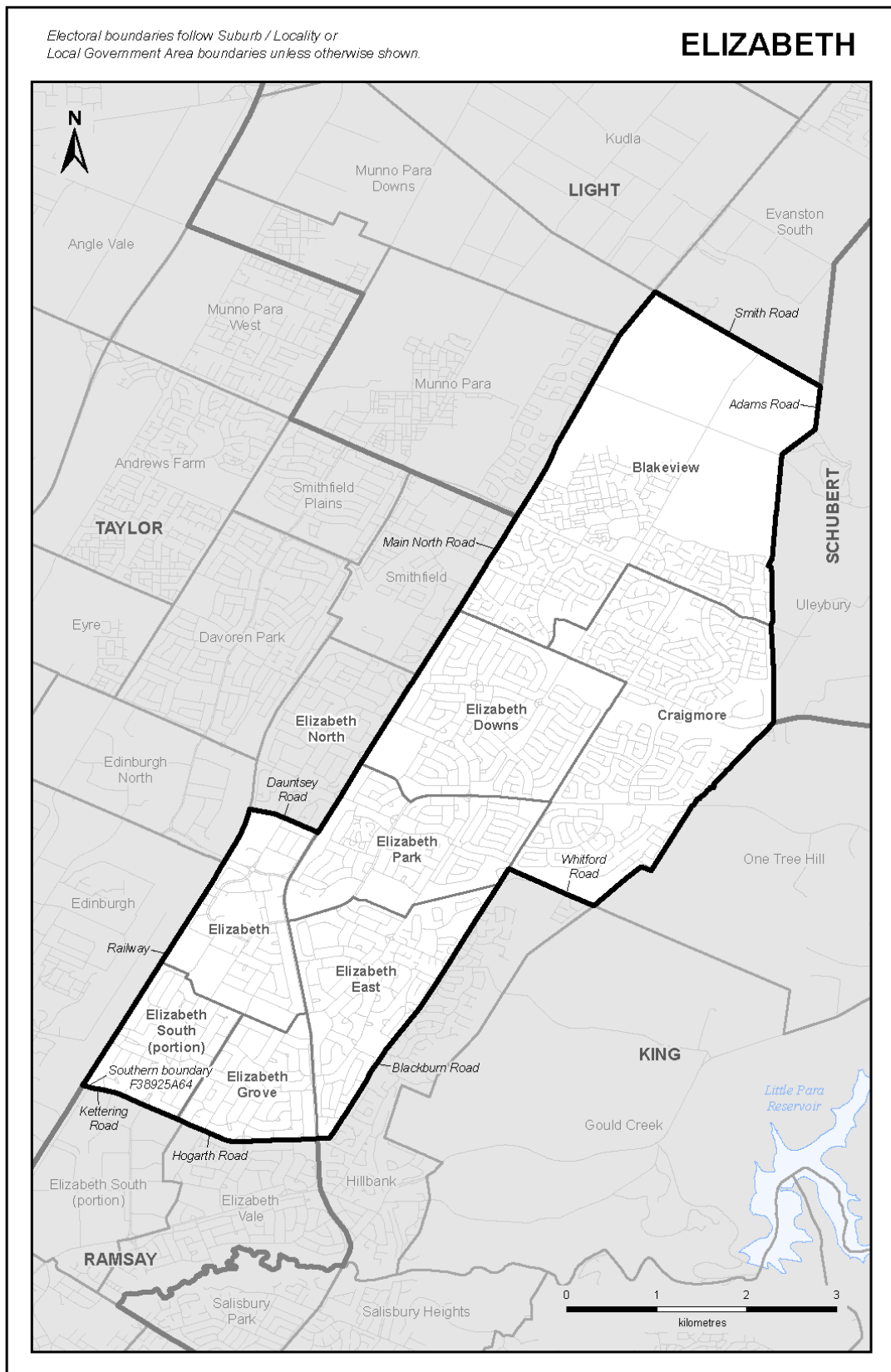








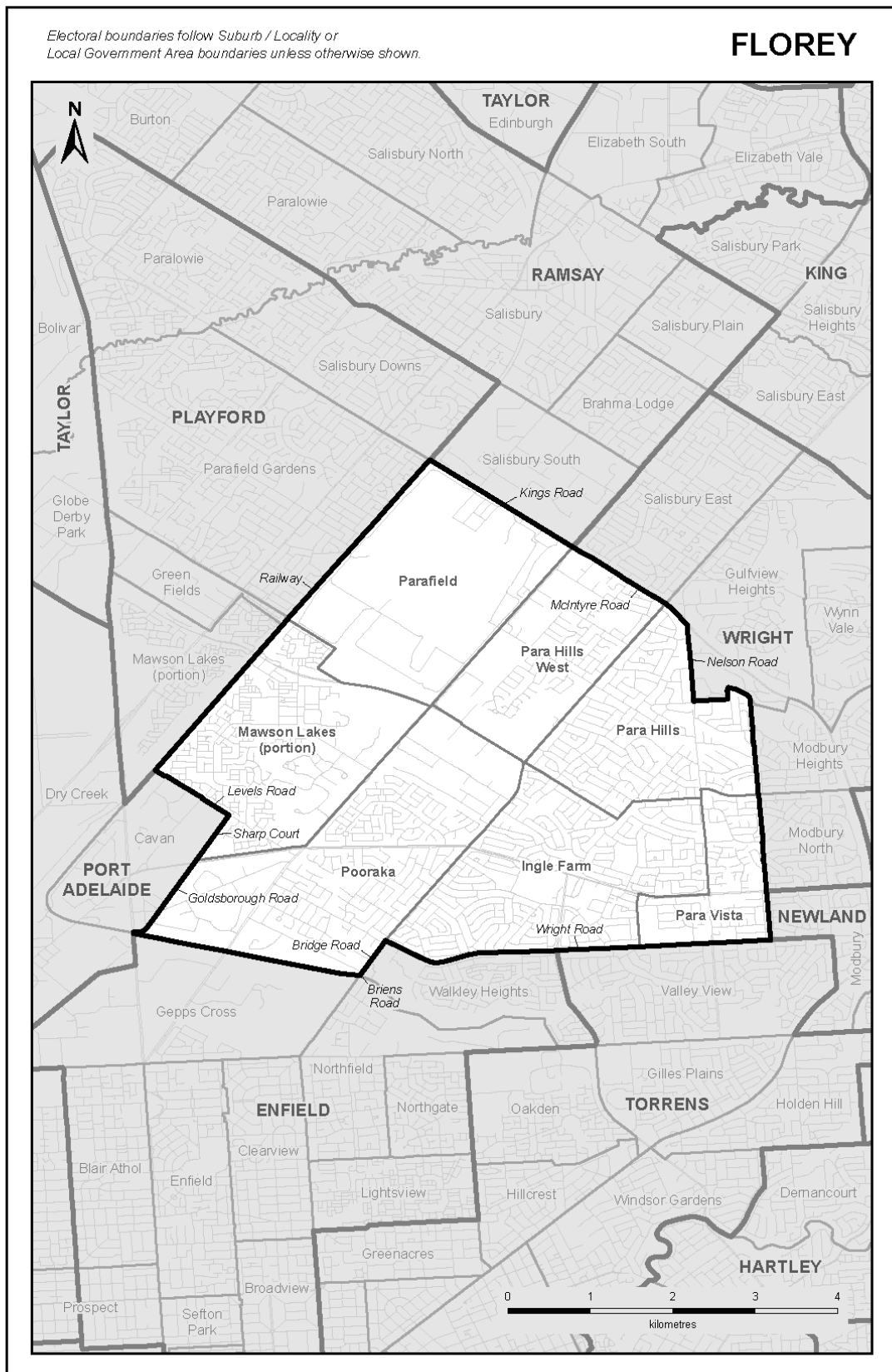




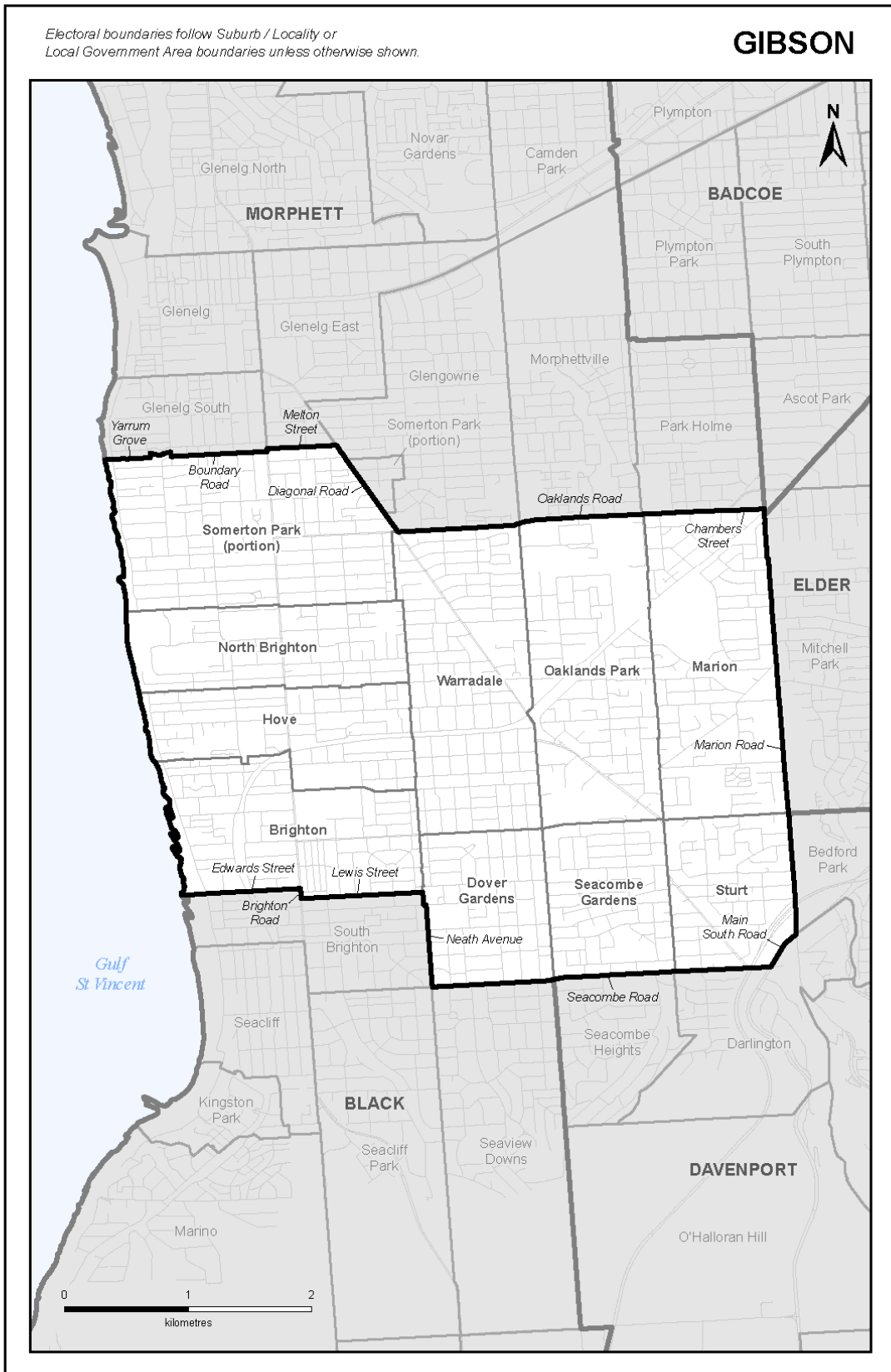








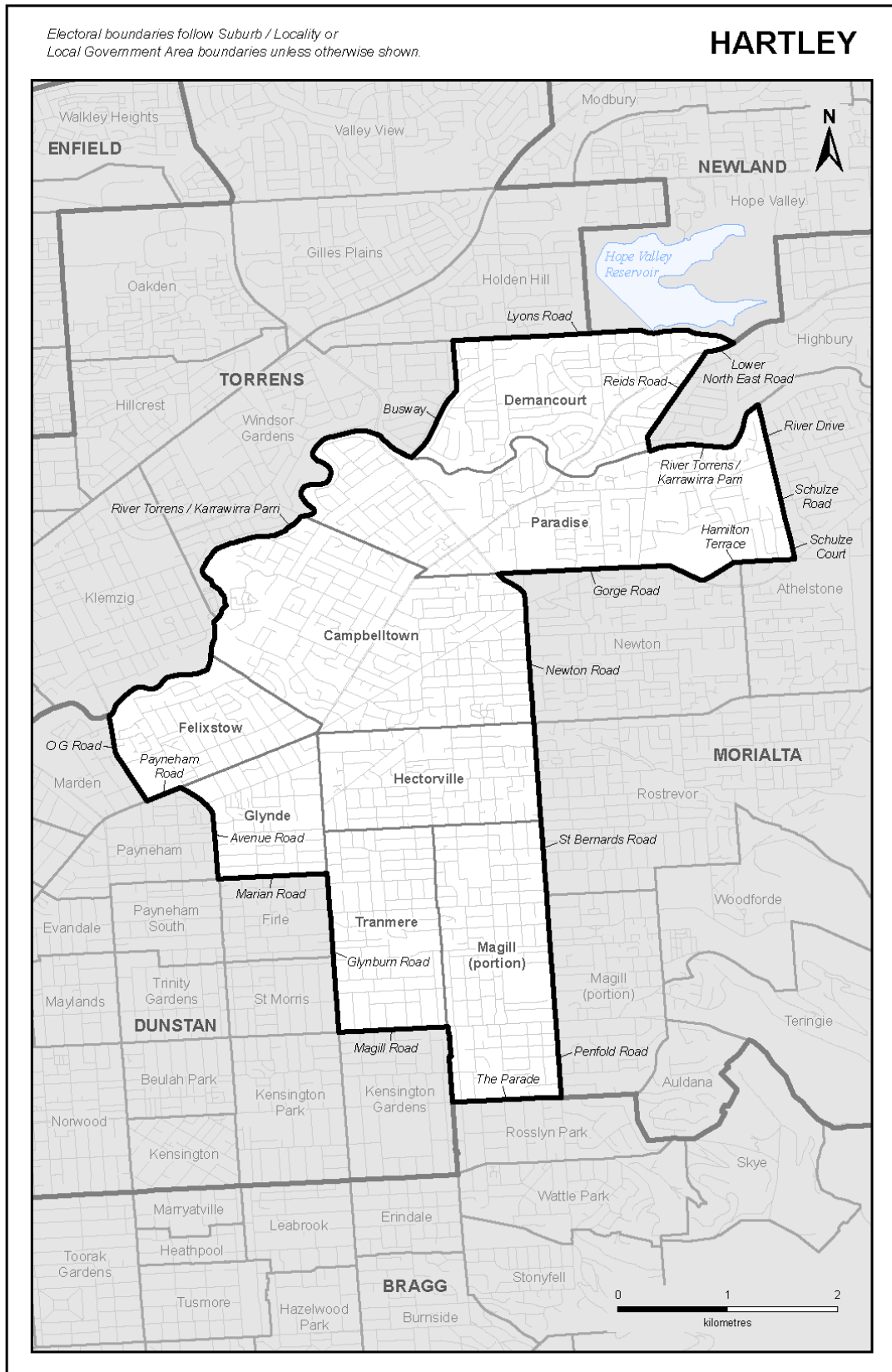


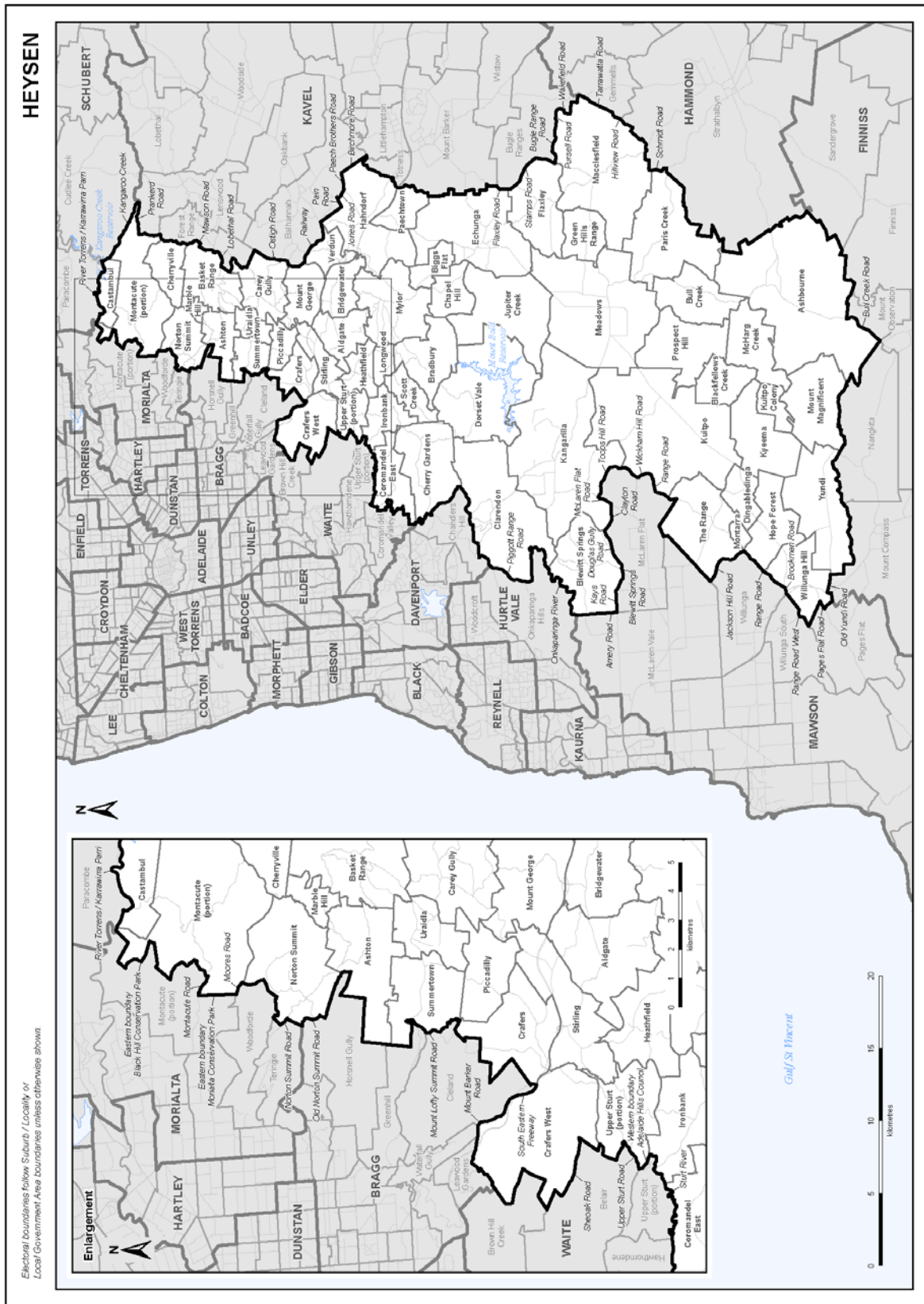




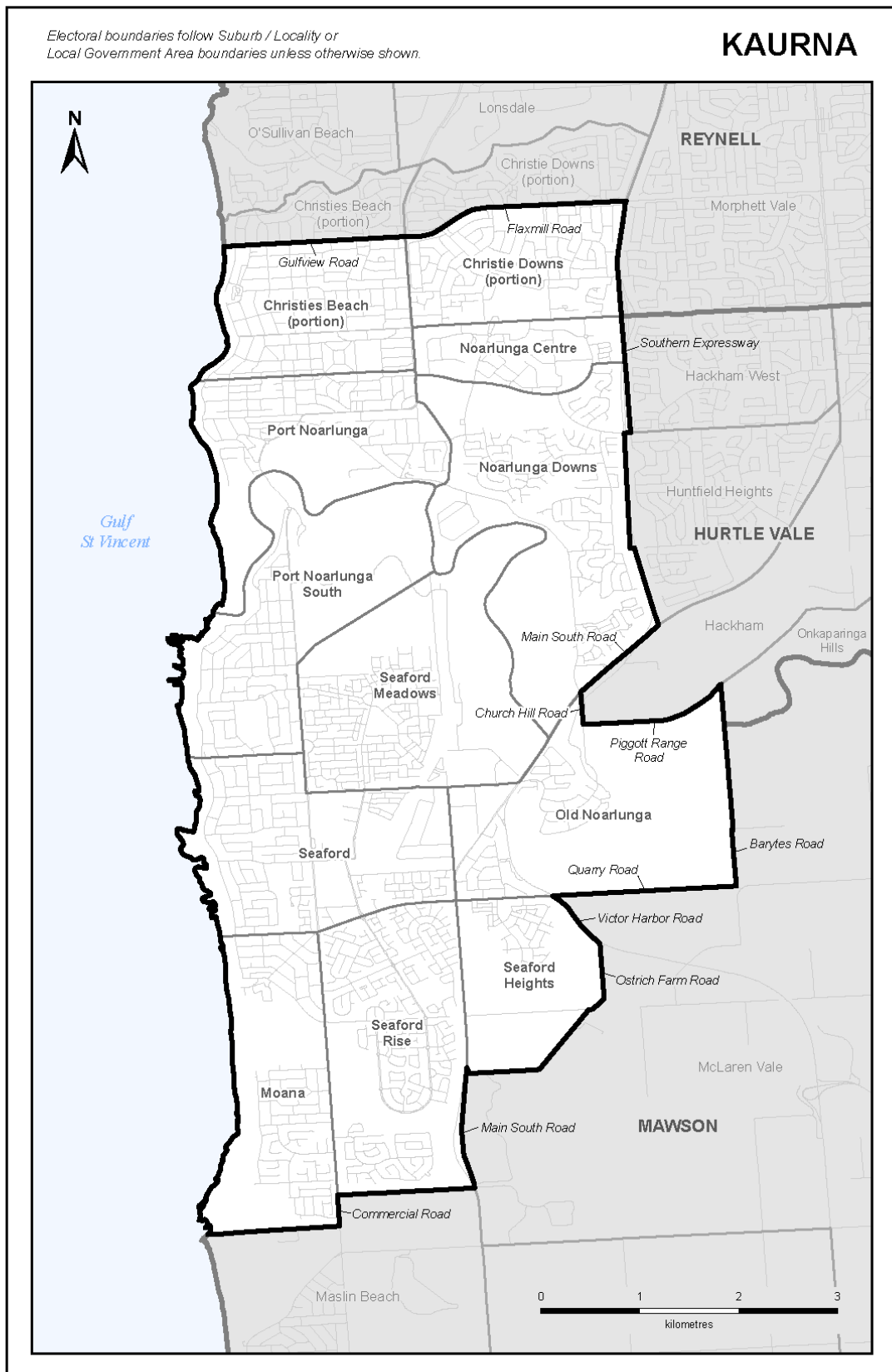


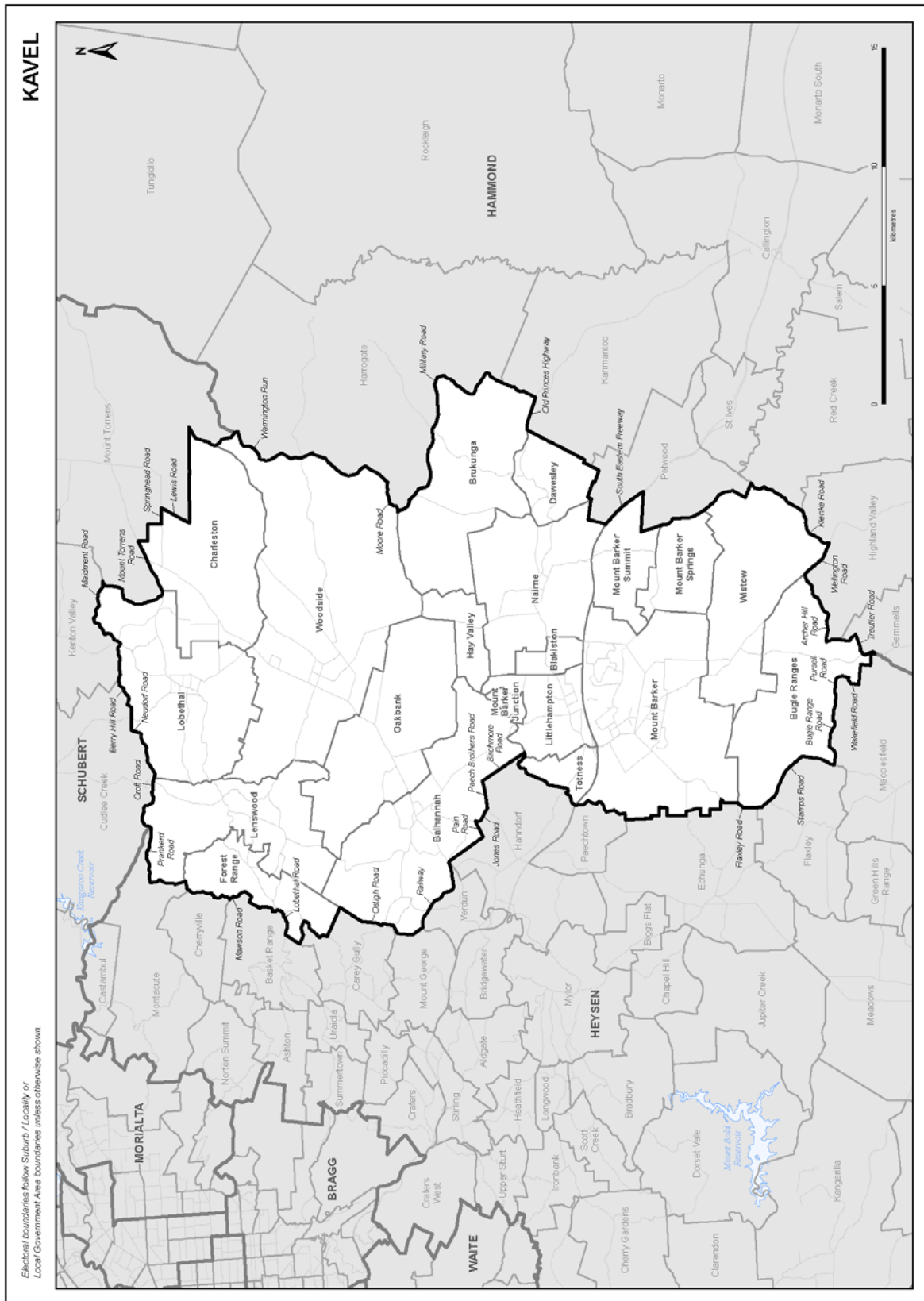




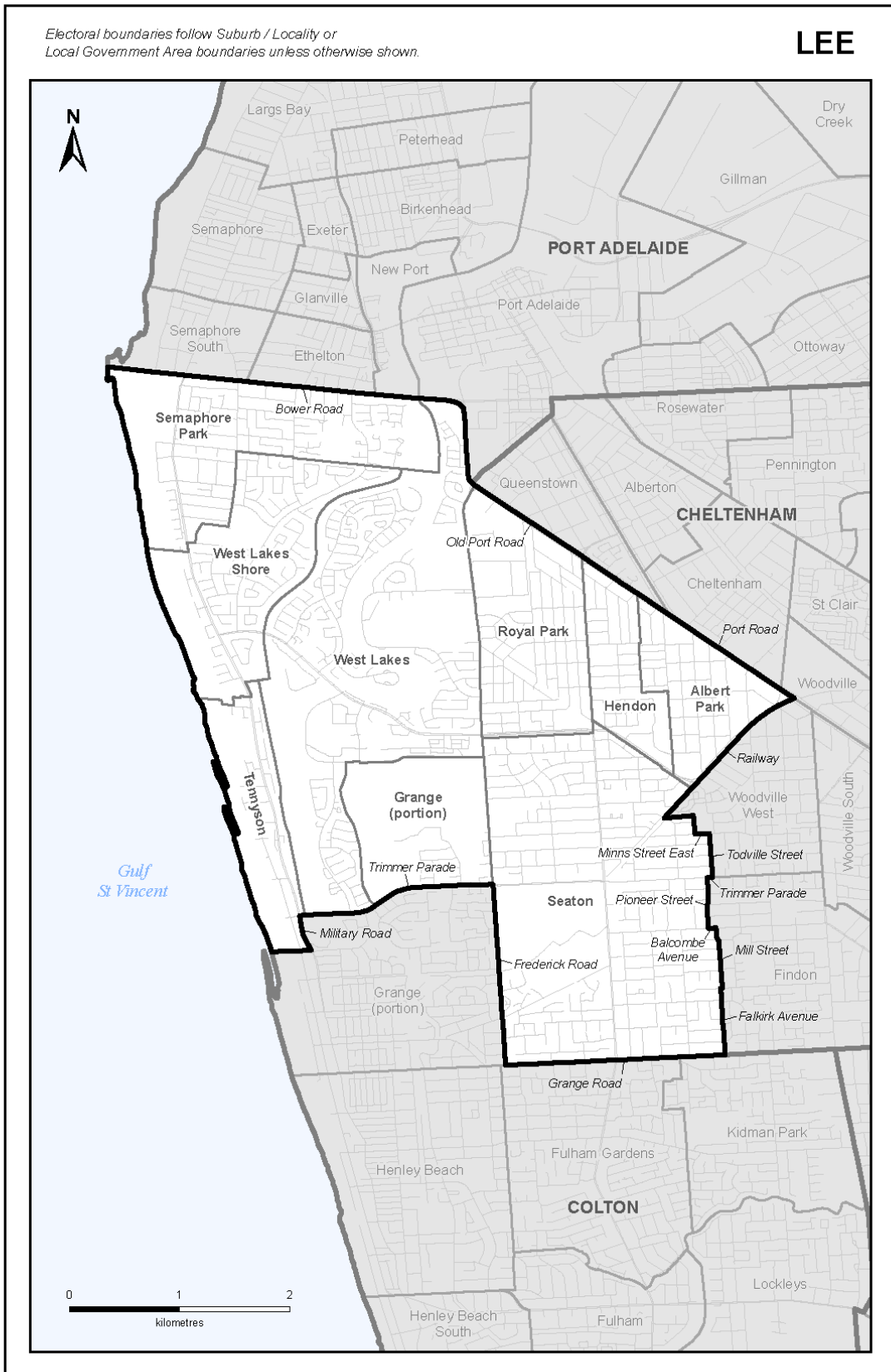




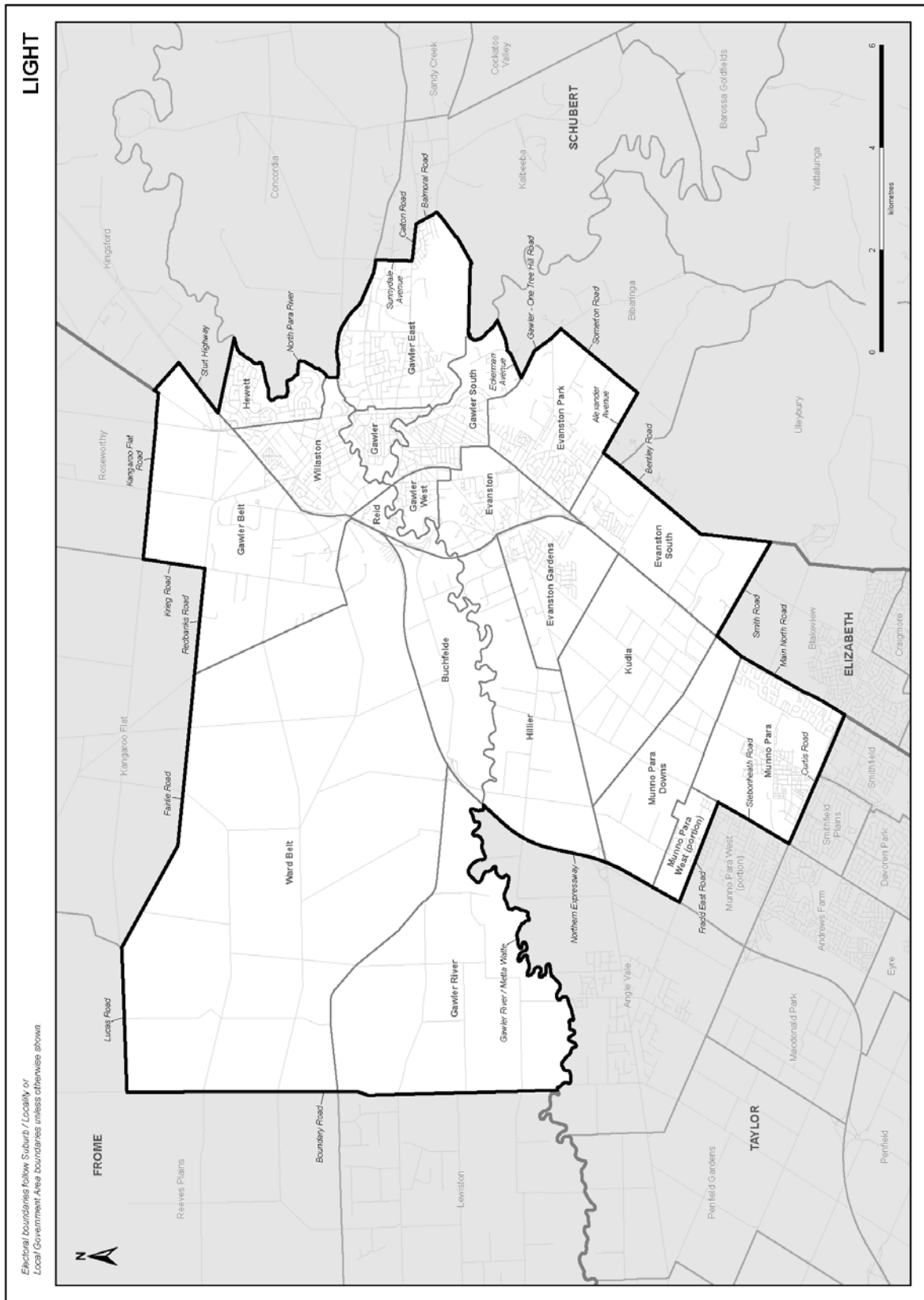


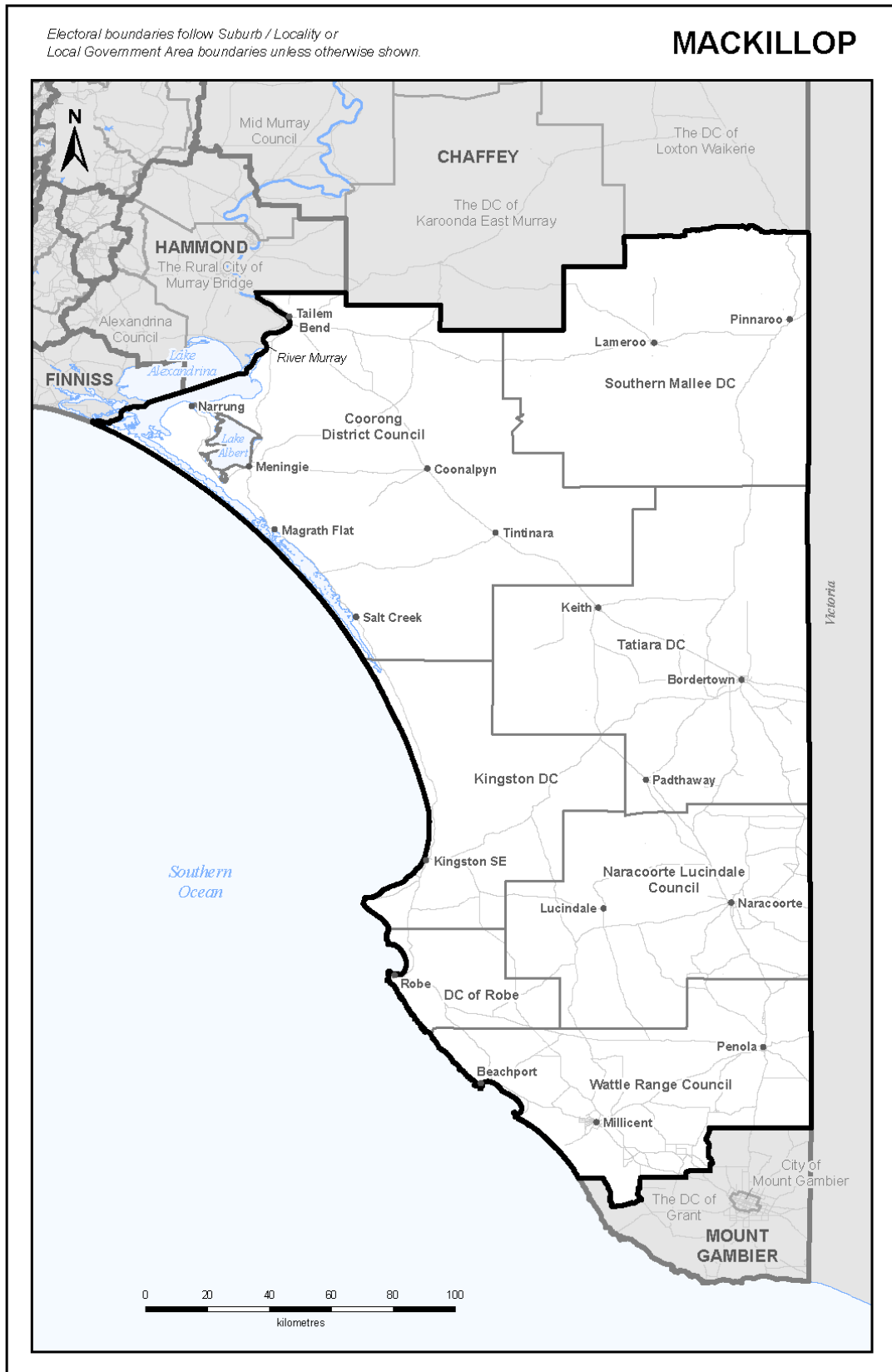




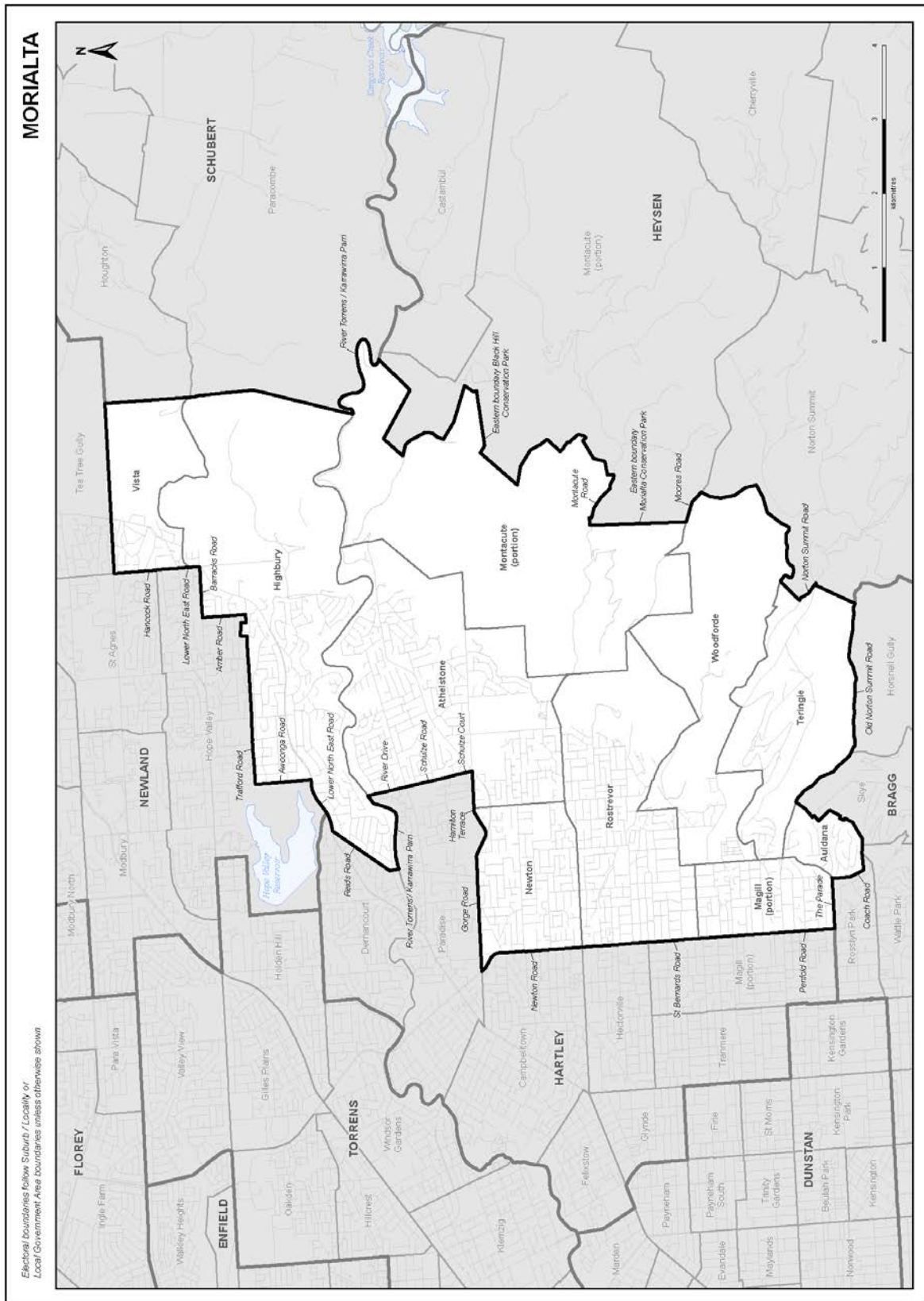


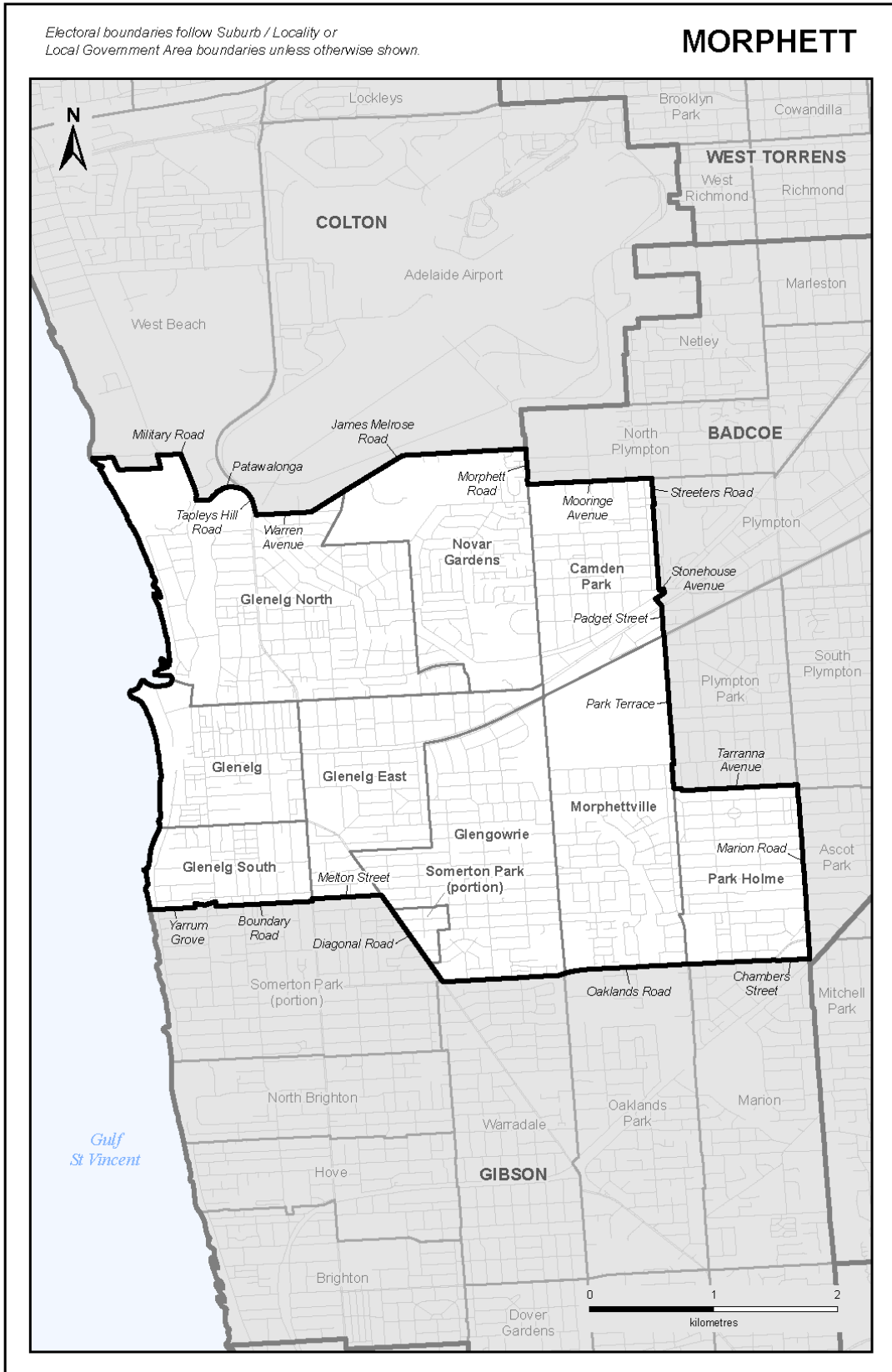


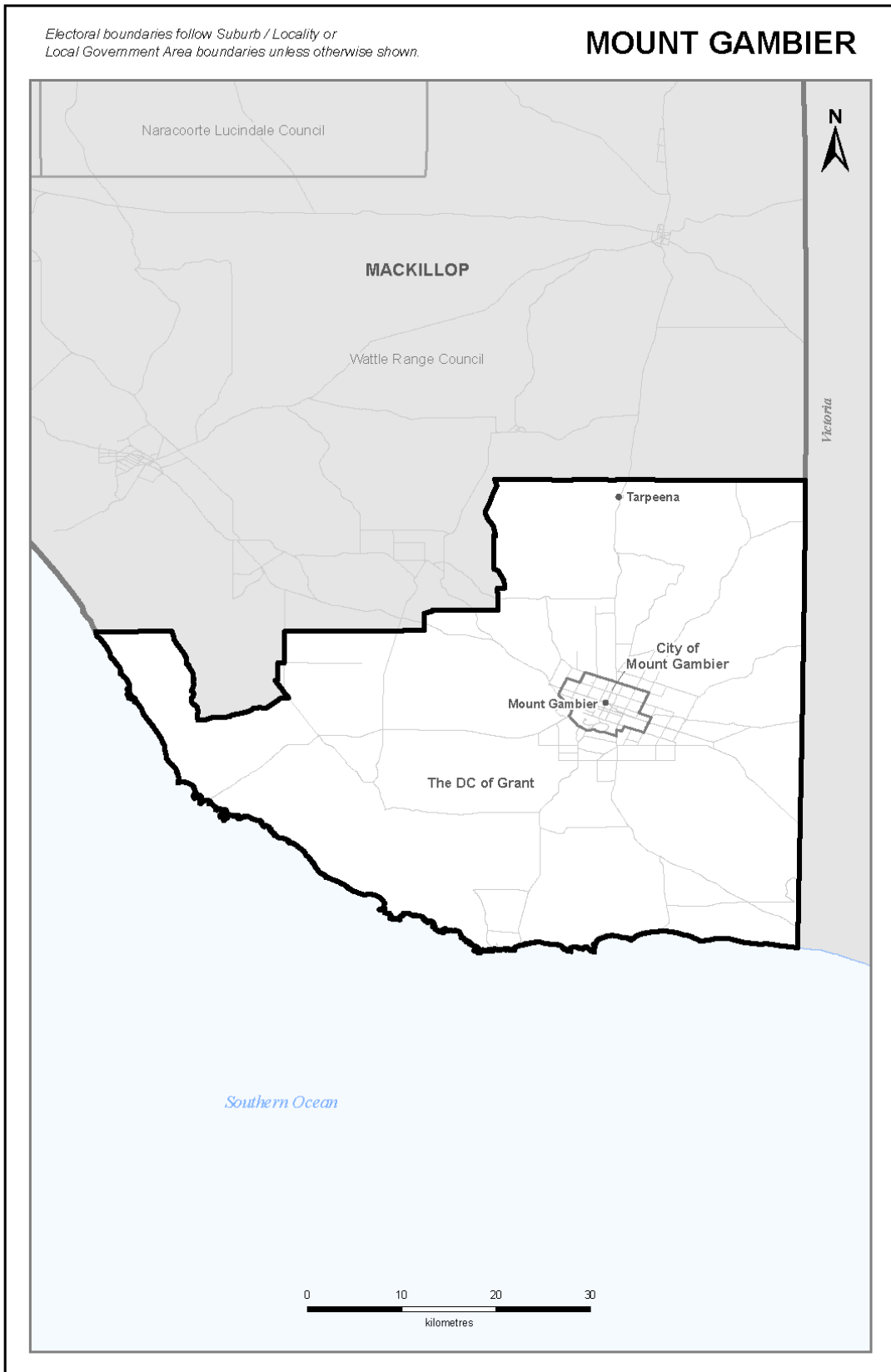


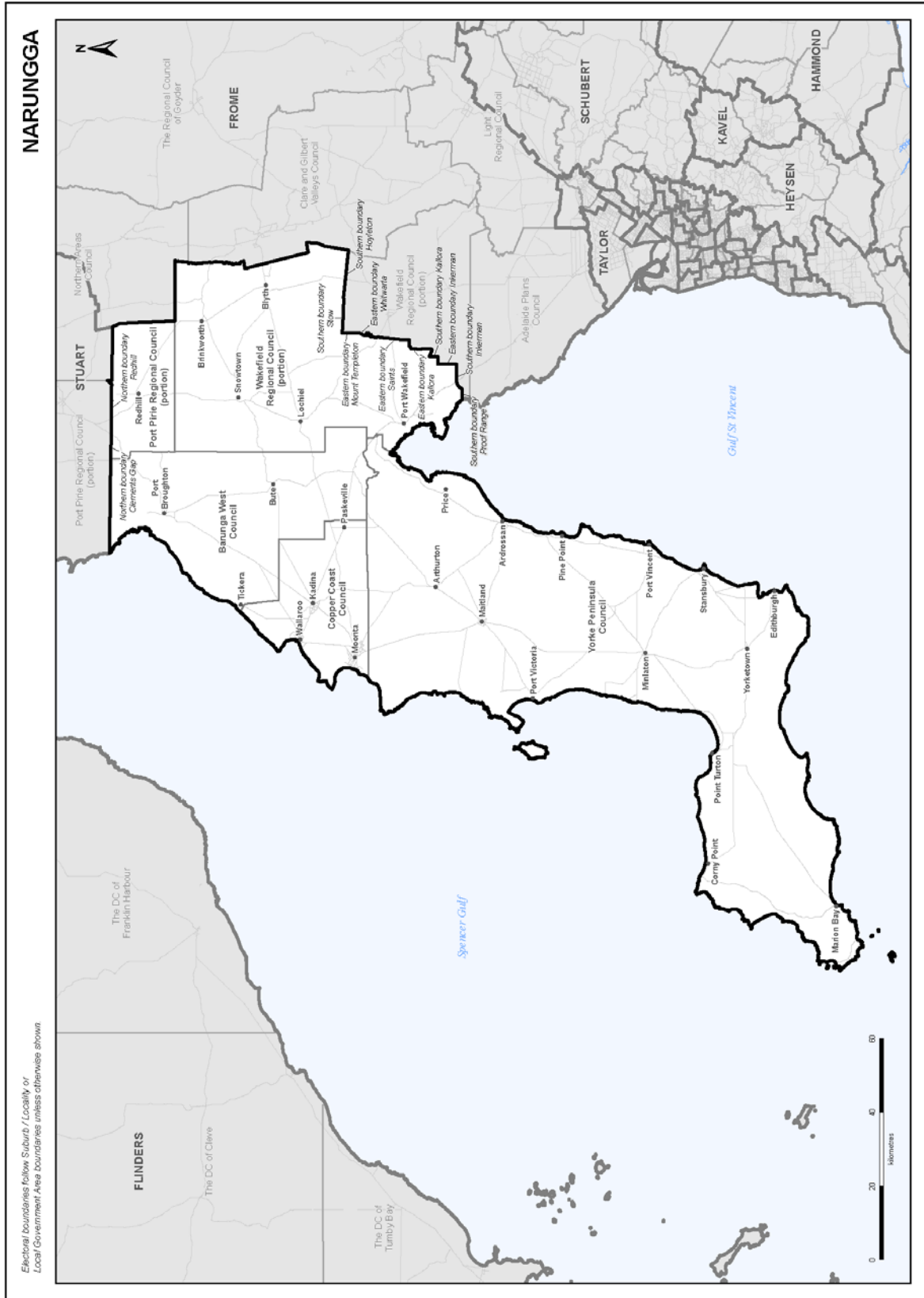






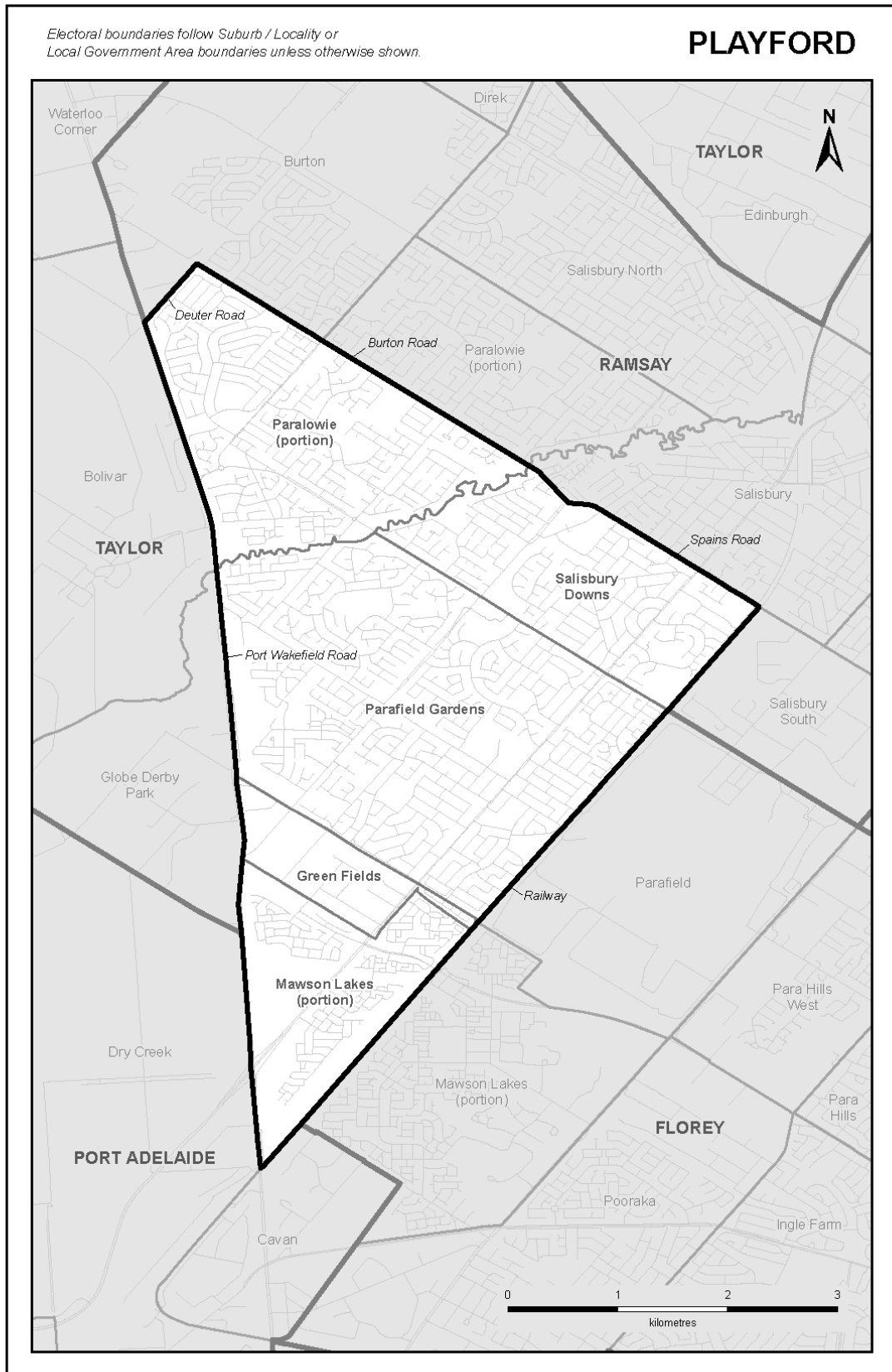






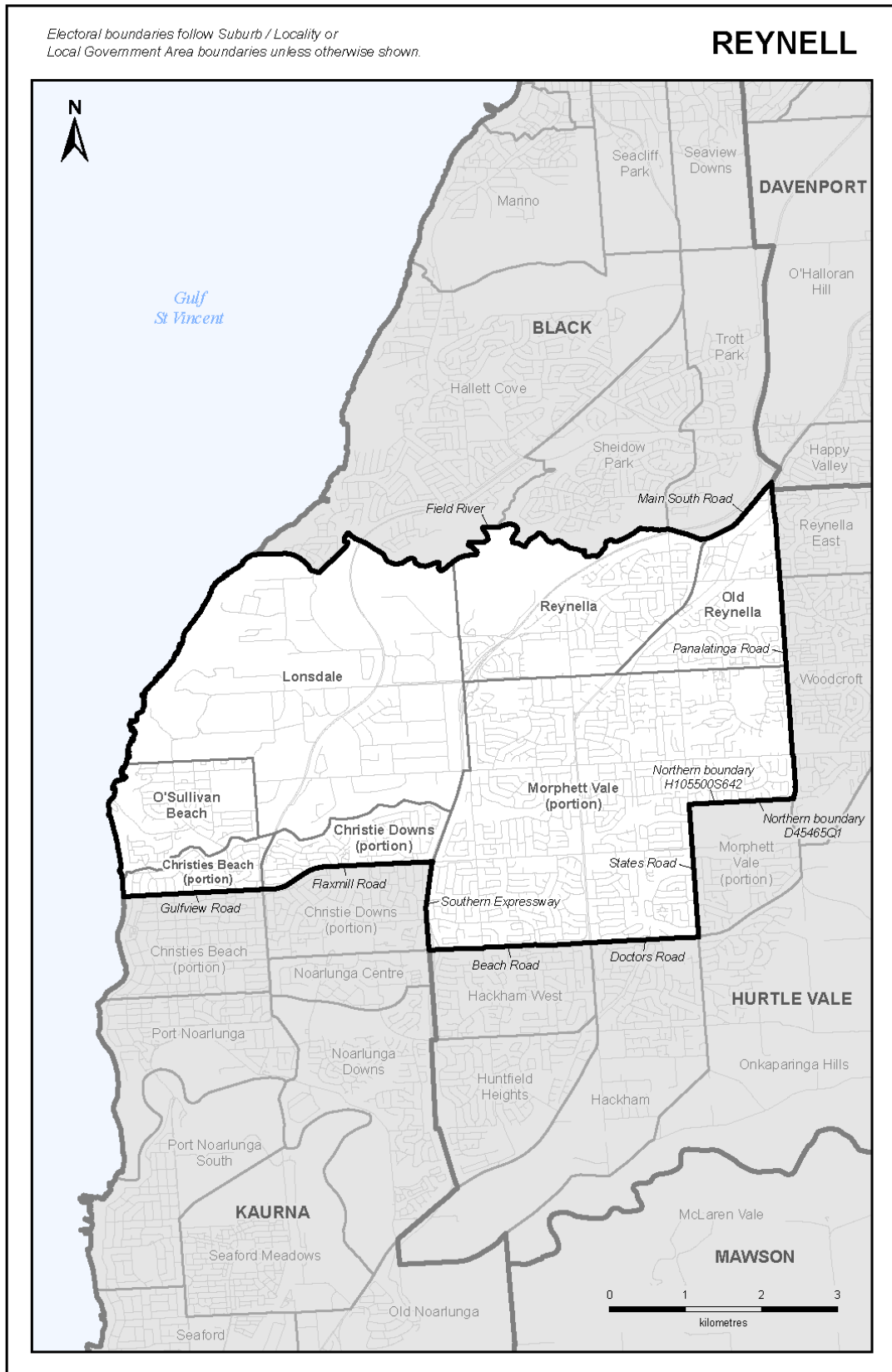








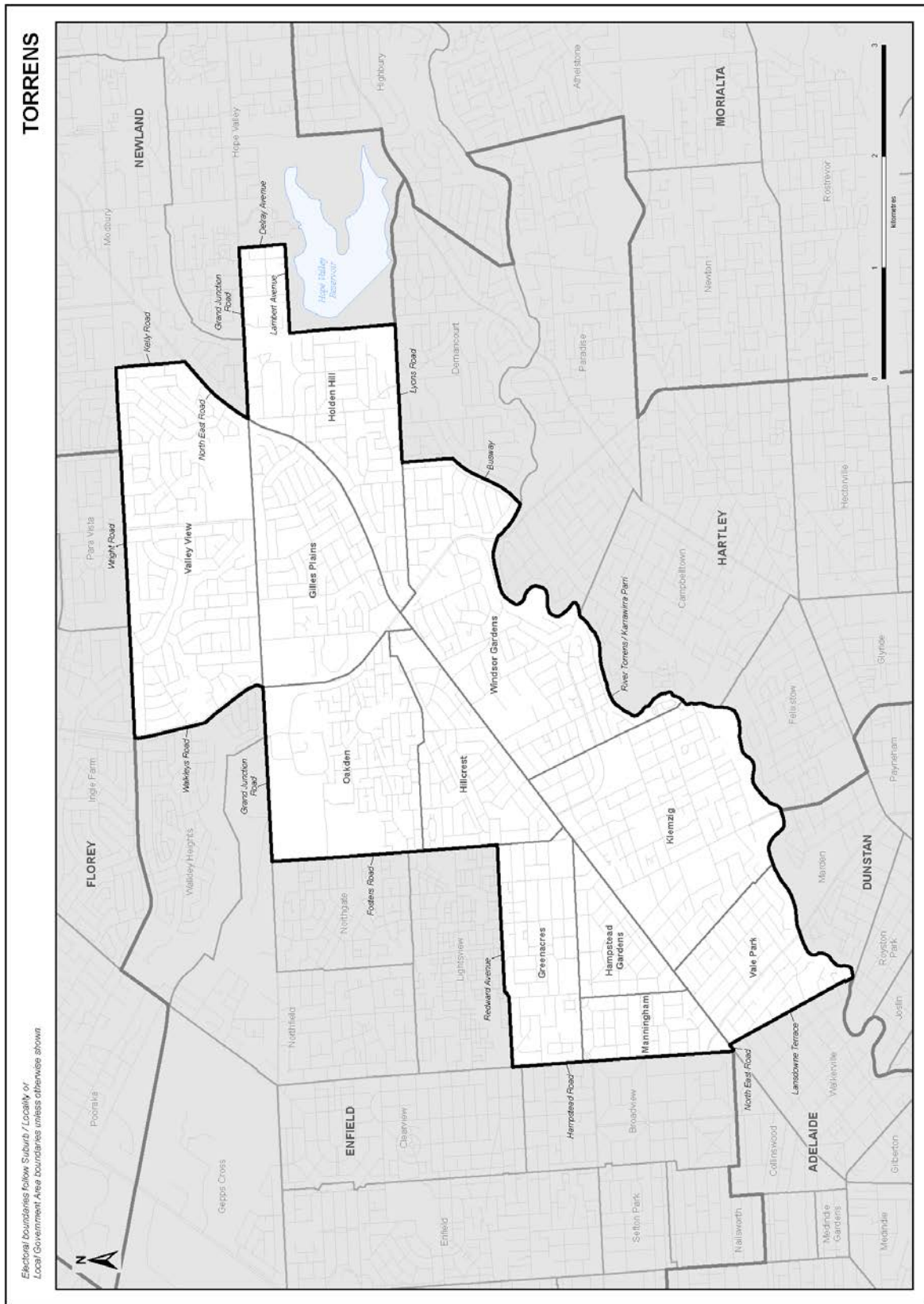




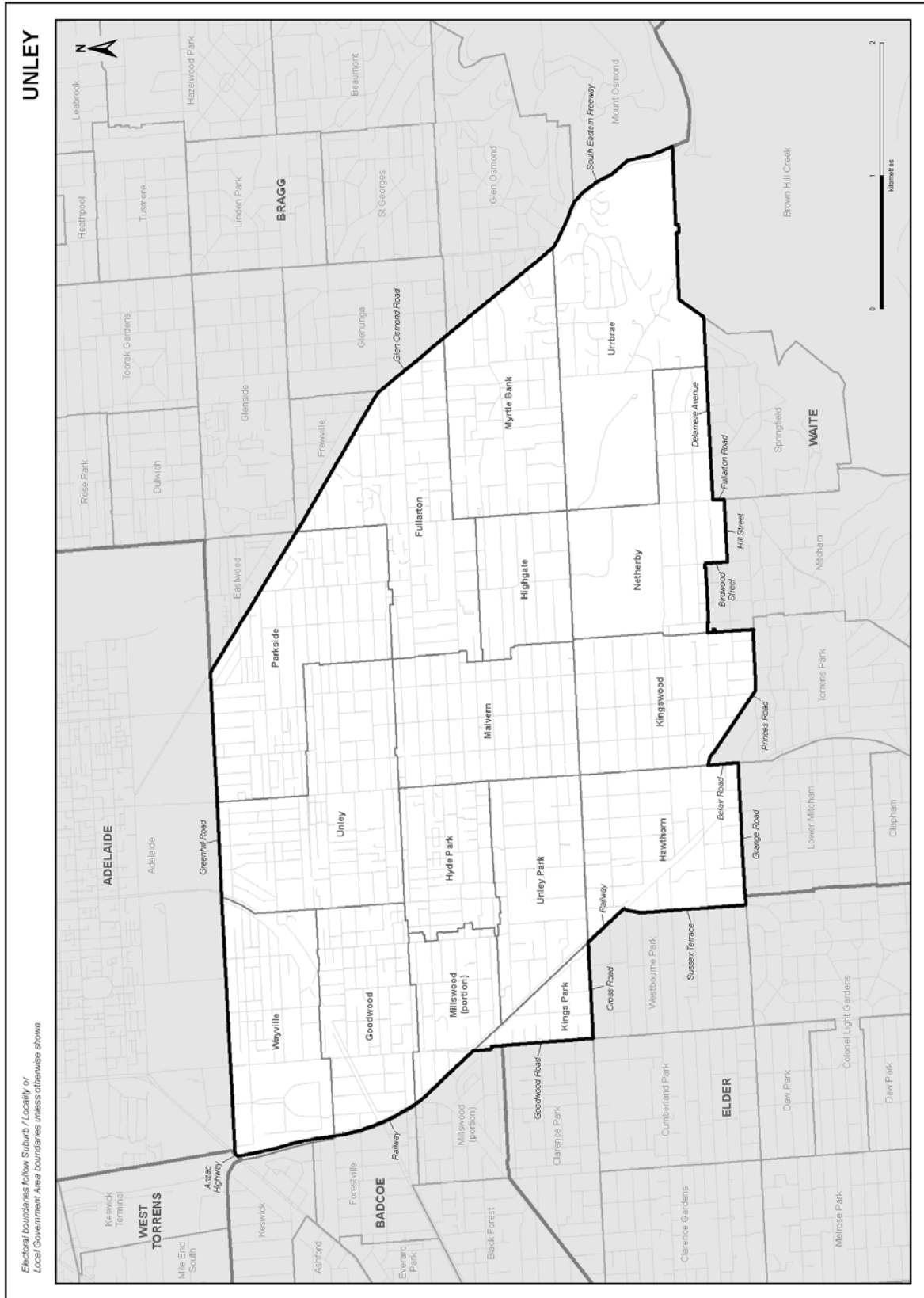




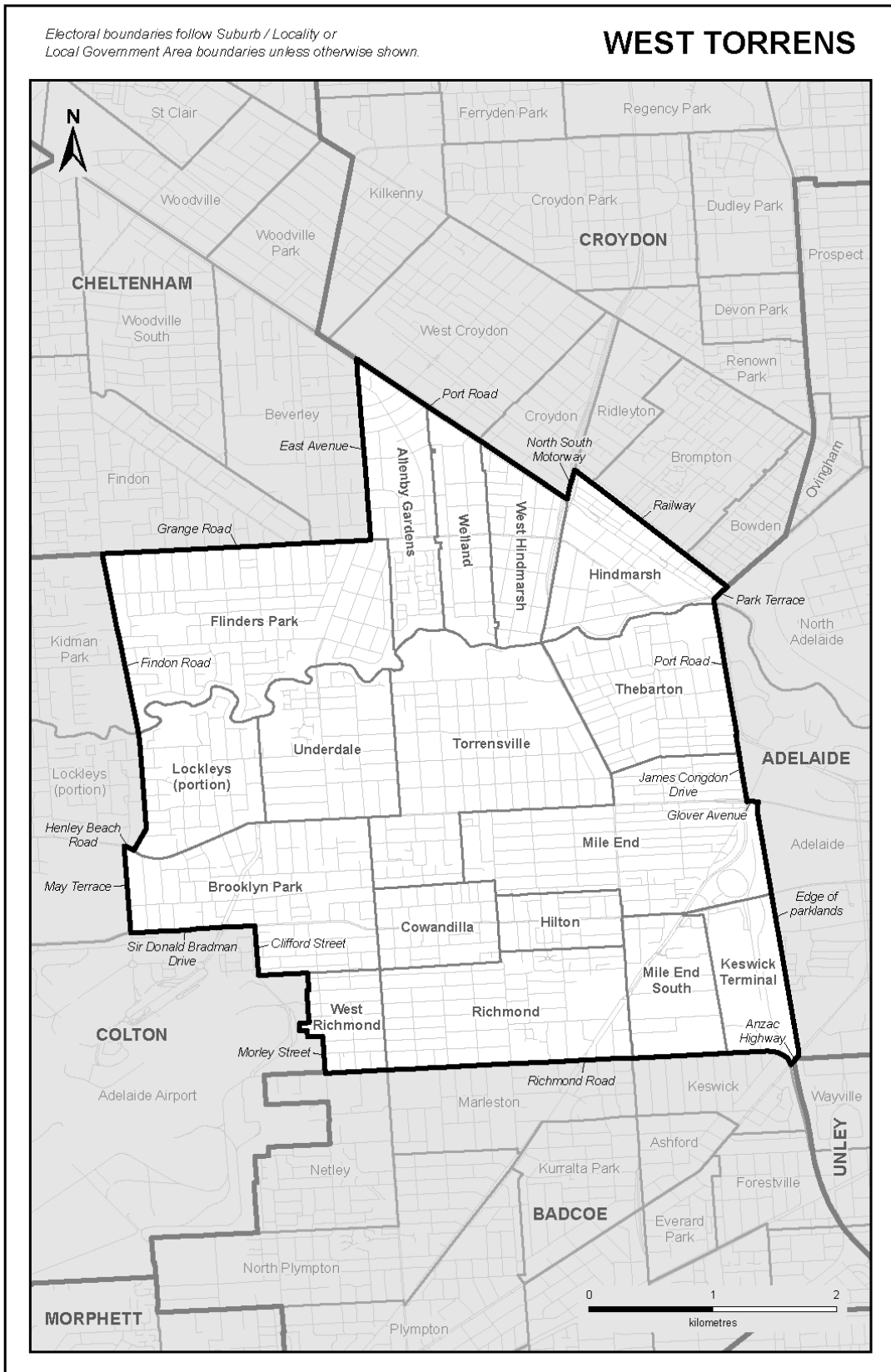


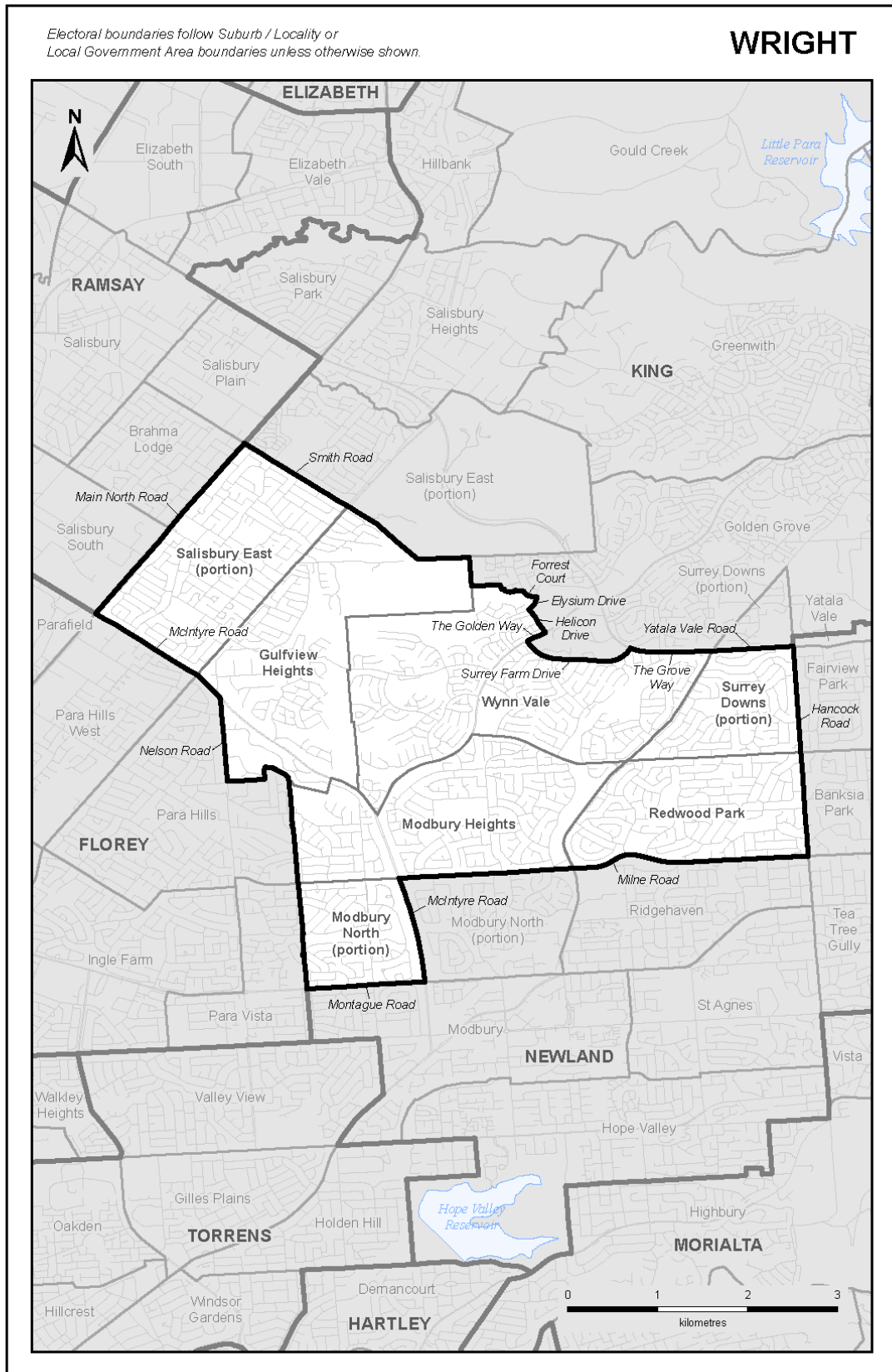












**Index to Appendices**

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- 2 Terms of public notice inviting representations on electoral redistribution and list of newspapers in which the notice was published
- 3 Terms of public notice of regional hearing and list of newspapers in which the notice was published
- 4 List of persons and bodies making written representations and the date the representation was received by the Commission
- 5 Terms of public notice calling for written submissions following release of draft report published Saturday 15 August 2020 in The Advertiser newspaper
- 6 Terms of public notice of hearing to address submissions on draft report published Saturday 22 August 2020 in The Advertiser newspaper
- 7 List of persons and bodies making written submissions following the draft report and the date the submission was received by the Commission
- 8 Dates and locations of public hearings; list of witnesses called at all hearings; and persons and bodies who made oral submissions
- 9 List of exhibits received
- 10 Swing-to-lose figures based on the 2018 election
- 11 Comparison of projected electors (2016 Report) against actual enrolments 2018 election
- 12 Present and projected enrolments for Assembly Districts before redistribution
- 13 Boundary changes – elector impact
- 14 Present and projected enrolments for Assembly Districts after redistribution
- 15 Swing-to-lose figures based on the 2020 redistribution
- 16 District allocation based on 50:50 vote following the 2020 redistribution

## APPENDIX 1

(page 1)

## Public notice inviting representations on constitutional amendments

**SOUTH AUSTRALIAN  
ELECTORAL DISTRICTS BOUNDARIES COMMISSION**

***Notice issued pursuant to section 85(1) of the Constitution Act 1934***

Pursuant to section 82(1) of the *Constitution Act 1934* the South Australian Electoral Districts Boundaries Commission ("the Commission") is about to commence proceedings for the purpose of an electoral redistribution of South Australia into House of Assembly electoral districts.

**What is the basis of the redistribution?**  
Whenever an electoral redistribution is made, the number of electors in each electoral district must not vary from the electoral quota by more than 10 per cent. The electoral quota is obtained by dividing the total number of electors for the House of Assembly as at a specified date, being a date not earlier than six months before the date of the Commission's order, by the number of electoral districts.

**What is the task of the Commission?**  
In making an electoral redistribution, the Commission is required to:

- have regard, as far as practicable, to-
  - a) the desirability of making the electoral redistribution so as to reflect communities of interest of an economic, social, regional or other kind;
  - b) the population of each proposed electoral district;
  - c) the topography of areas within which new electoral boundaries will be drawn;
  - d) the feasibility of communication between electors affected by the redistribution and their parliamentary representative in the House of Assembly;
  - e) the nature of substantial demographic changes that the Commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the date of expiry of the present term of the House of Assembly.

The Commission is also authorised to have regard to any other matter it thinks relevant.

**Can you make a submission?**  
The Commission in commencing its deliberations invites representations, relating to the effect of amendments enacted by the *Constitution (One Vote One Value) Amendment Act 2017*, from any person who considers the Commission should be informed in this regard prior to commencement of formal proceedings for the electoral redistribution.

Any persons wishing to make representations to the Commission on the amendments to section 83 of the Constitution Act may do so in writing, and deliver the representation either personally or by post to the Secretary of the Commission, by 5:00pm on Friday 15 November 2019.

Further representations as to demographic data, boundary proposals or related matters will be invited separately by way of further public notice at a date to be determined by the Commission.


**When and where will the hearings take place?**  
The Commission will conduct a preliminary hearing as to the effects of the amendments of section 83 which will commence at 10:00am on Tuesday, 3 December 2019 in the Supreme Court Building, 1 Gouger Street, Adelaide.

Further hearings on other matters will be scheduled and advised by the Commission at a future date.

**Please refer to our website [ecsa.sa.gov.au](http://ecsa.sa.gov.au) for more information and details of the Commission.**

**The Secretary  
Electoral District Boundaries Commission  
Level 6, 60 Light Square  
Adelaide SA 5001**

**Postal address  
GPO Box 646  
Adelaide SA 5001**

  
R14/2019

## APPENDIX 1

(page 2)

**List of newspapers in which the public notice was published**

<b>Metropolitan Newspapers</b>	<b>Date of Publication</b>
Adelaide Advertiser	19 October 2019
Adelaide Sunday Mail	20 October 2019
The Messenger Group	30 October 2019
The Weekend Australian	19 October 2019
<b>Country Newspapers</b>	
Barossa News & Light Herald	23 October 2019
Border Chronicle - Bordertown	23 October 2019
Coastal Leader – Kingston South-East	23 October 2019
Coober Pedy Regional Times	24 October 2019
Eyre Peninsula Tribune	24 October 2019
Koori Mail	23 October 2019
Loxton News	23 October 2019
Murray Pioneer – Renmark	23 October 2019
Murray Valley Standard	24 October 2019
Naracoorte Herald	24 October 2019
Northern Argus – Clare	23 October 2019
Penola Pennant	23 October 2019
Pinnaroo Border Times	23 October 2019
Port Lincoln Times	24 October 2019
Port Pirie Recorder	24 October 2019
South Eastern Times	24 October 2019
Strathalbyn Southern Argus	24 October 2019
The Border Watch - Mt Gambier	24 October 2019
The Bunyip - Gawler	23 October 2019
The Courier (SA)	23 October 2019
The Flinders News - Port Pirie	23 October 2019
The Kangaroo Island Islander	24 October 2019
The Leader – Angaston	23 October 2019
The Plains Producer	23 October 2019
The River News - Waikerie	23 October 2019
The Transcontinental Port Augusta	23 October 2019
The Victor Harbor Times	24 October 2019
The Weekender Herald	24 October 2019
West Coast Sentinel	24 October 2019
Whyalla News	24 October 2019
Yorke Peninsula Country Times	22 October 2019

## APPENDIX 2

(page 1)

## Public notice inviting representations on electoral redistribution

**SOUTH AUSTRALIAN  
ELECTORAL DISTRICTS BOUNDARIES COMMISSION*****Notice issued pursuant to section 85(1) of the Constitution Act 1934***

Pursuant to section 82(1) of the *Constitution Act 1934* the South Australian Electoral Districts Boundaries Commission ("the Commission") is continuing proceedings for the purpose of an electoral redistribution of South Australia into House of Assembly electoral districts.

**What is the basis of the redistribution?**

Whenever an electoral redistribution is made, the number of electors in each electoral district must not vary from the electoral quota by more than 10 per cent. The electoral quota is obtained by dividing the total number of electors for the House of Assembly as at a specified date, being a date not earlier than six months before the date of the Commission's order, by the number of electoral districts.

**What is the task of the Commission?**

In making an electoral redistribution, the Commission is required to:

- have regard, as far as practicable, to-
  - a) the desirability of making the electoral redistribution so as to reflect communities of interest of an economic, social, regional or other kind;
  - b) the population of each proposed electoral district;
  - c) the topography of areas within which new electoral boundaries will be drawn;
  - d) the feasibility of communication between electors affected by the redistribution and their parliamentary representative in the House of Assembly;
  - e) the nature of substantial demographic changes that the Commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the date of expiry of the present term of the House of Assembly.

The Commission is also authorised to have regard to any other matter it thinks relevant.

**Can you make a submission?**

The Commission invites representations from any person in relation to the proposed electoral redistribution.

Any persons wishing to make representations to the Commission regarding the proposed electoral redistribution may do so in writing, and deliver the representation either personally or by post to the Secretary of the Commission, by 5:00pm on Friday 24 April 2020.

**When and where will the hearings take place?**

The Commission will commence a preliminary hearing as to demographic data which will commence at 10:00am on Tuesday, 11 February 2020 in the Supreme Court Building, 1 Gouger Street, Adelaide.

Please refer to our website [edbc.sa.gov.au](http://edbc.sa.gov.au) for more information and details of the Commission.

**The Secretary**  
Electoral Districts Boundaries Commission  
Level 6, 60 Light Square  
Adelaide SA 5000

Postal address  
GPO Box 646  
Adelaide SA 5001





## APPENDIX 2


(page 2)

**List of newspapers in which the public notice was published**

<b>Metropolitan Newspapers</b>	<b>Date of Publication</b>
Adelaide Advertiser	14 December 2019
Adelaide Sunday Mail	15 December 2019
The Messenger Group	18 December 2019
The Weekend Australian	14 December 2019
<b>Country Newspapers</b>	
Barossa News & Light Herald	18 December 2019
Border Chronicle - Bordertown	18 December 2019
Coastal Leader – Kingston South-East	18 December 2019
Coober Pedy Regional Times	12 December 2019
Eyre Peninsula Tribune	19 December 2019
Koori Mail	18 December 2019
Loxton News	18 December 2019
Murray Pioneer – Renmark	18 December 2019
Murray Valley Standard	19 December 2019
Naracoorte Herald	19 December 2019
Northern Argus – Clare	18 December 2019
Penola Pennant	18 December 2019
Pinnaroo Border Times	18 December 2019
Port Lincoln Times	19 December 2019
Port Pirie Recorder	19 December 2019
South Eastern Times	19 December 2019
Strathalbyn Southern Argus	19 December 2019
The Border Watch - Mt Gambier	19 December 2019
The Bunyip - Gawler	18 December 2019
The Courier (SA)	18 December 2019
The Flinders News - Port Pirie	18 December 2019
The Kangaroo Island Islander	19 December 2019
The Leader – Angaston	18 December 2019
The Plains Producer	18 December 2019
The River News - Waikerie	18 December 2019
The Transcontinental Port Augusta	18 December 2019
The Victor Harbor Times	19 December 2019
The Weekender Herald	19 December 2019
West Coast Sentinel	19 December 2019
Whyalla News	19 December 2019
Yorke Peninsula Country Times	17 December 2019

## APPENDIX 3

## Public notice of regional hearing



**ELECTORAL DISTRICTS BOUNDARIES  
COMMISSION**

**REGIONAL HEARING ON  
CHANGES TO STATE ELECTORAL  
DISTRICT BOUNDARIES**

The **Electoral Districts Boundaries Commission** (the Commission) will be coming to Port Augusta to hold a **public hearing** on changes proposed for the State electoral boundaries for the districts of Giles, Stuart and Frome.

The Commission will set new boundaries by the end of 2020.

The next State election, to be held in March 2022, will be conducted on the basis of the new boundaries.

The Commission will be offering relevant representatives an opportunity to directly address the Commission and invites submissions from relevant organisations who wish to do so in person. Members of the public may be able to observe the hearing subject to the social distancing requirements imposed by the current COVID-19 restrictions.

The Port Augusta hearing will commence at 10.00am on Wednesday 24 June at the Court House, Flinders Terrace, Port Augusta.

Persons wishing to make a submission to the Commission may register by email addressed to the Commission's Secretary, Mr David Gully, at [EDBC.Secretary@sa.gov.au](mailto:EDBC.Secretary@sa.gov.au) by 5.00pm on Monday 22 June 2020.

For more information visit <http://www.edbc.sa.gov.au/>

## List of newspapers in which regional visits were advertised

<b>Metropolitan Newspapers</b>	<b>Date of Publication</b>
Adelaide Advertiser	17 June 2020
<b>Country Newspapers</b>	
The Plains Producer	17 June 2020
Stock Journal	18 June 2020

## APPENDIX 4

(page 1)

**Persons and bodies making written representations and the date the representation was received by the Commission****Author of representation** **Date received****Constitutional Amendments**

Electoral Reform Society of South Australia	14 November 2019
Liberal Party (SA Division)	15 November 2019
Hon Mark Parnell MLC, Australian Greens SA	15 November 2019
Australian Labor Party (SA Branch)	15 November 2019
Australian Democrats (SA Division) Inc	15 November 2019

**Electoral Redistribution**

Mr M Gordon	22 March 2020
Electoral Reform Society of South Australia	23 April 2020
Dr M Mulcair	24 April 2020
Liberal Party (SA Division)	24 April 2020
Hon Dan van Holst Pellekaan MP	24 April 2020
Australian Democrats (SA Division) Inc	24 April 2020
Australian Labor Party (SA Branch)	24 April 2020

**Supplementary Representations**

Mr M Gordon	8 May 2020
Australian Labor Party (SA Branch)	14 May 2020
Australian Democrats (SA Division) Inc	15 May 2020
Australian Labor Party (SA Branch)	18 May 2020
Australian Democrats (SA Division) Inc	20 May 2020

## APPENDIX 4

(page 2)

Author of representation	Date received
--------------------------	---------------

**Upper Spencer Gulf Districts Representations**

Port Augusta City Council	26 May 2020
Mr M Gordon	27 May 2020
The Flinders Ranges Council	29 May 2020
Port Pirie Regional Council	29 May 2020
Liberal Party (SA Division)	1 June 2020
Australian Labor Party (SA Branch)	1 June 2020
Australian Democrats (SA Division) Inc	1 June 2020
Mrs G Fennell	23 June 2020
Port Augusta City Council	23 June 2020
Mr B Browne	23 June 2020
Mr G Buckland	23 June 2020

**Revised Calculation of Elector to Population Representations**

Mr M Gordon	5 July 2020
Hon Dan van Holst Pellekaan MP	11 July 2020
Australian Labor Party (SA Branch)	13 July 2020
Australian Democrats (SA Division) Inc	14 July 2020

## APPENDIX 5

## Public notice calling for written submissions following release of draft report



**Constitution Act 1934  
Notice Issued Pursuant to Section 85(4)**

**ELECTORAL DISTRICTS BOUNDARIES COMMISSION  
DRAFT ORDER**

Since 3 December 2019 the Electoral Districts Boundaries Commission has been engaged, pursuant to Part 5 of the Constitution Act, in redrawing the boundaries of the 47 electoral districts of the House of Assembly in the South Australian Parliament. It has now prepared a draft redistribution order which contains plans of the proposed electoral districts to be contested at the next state election.

Copies of the Commission's draft order may be inspected at the office of Electoral Commission of South Australia, Level 6, 60 Light Square Adelaide or on the Commission's website [www.edbc.sa.gov.au](http://www.edbc.sa.gov.au). Copies of the draft order may be purchased from the Electoral Commission of South Australia for \$30 (post free and including GST).

Pursuant to section 85 of the Constitution Act, any person who has already made a written representation to the Commission in relation to this redistribution, or any interested member of the public, may now make any submission in writing that he or she thinks fit about the draft order (including the reasons that support it). The Commission will consider all such submissions and then proceed to finalise its order.

Submissions must be received by the Secretary to the Commission, David Gully, via GPO Box 646 Adelaide SA 5000 or [EDBC.Secretary@sa.gov.au](mailto:EDBC.Secretary@sa.gov.au) by no later than 5 pm on Wednesday, 16 September 2020.

**David Gully**  
**Secretary to the Electoral Districts Boundaries Commission**

W2022

## APPENDIX 6

**Public notice of hearing to address submissions on draft report****ELECTORAL DISTRICTS BOUNDARIES COMMISSION****PUBLIC HEARING**

The Electoral Districts Boundaries Commission has called for written submissions following the release of its draft report which contains the proposed boundaries for the electoral districts to be contested at the next state election.

Submissions on matters addressed in the draft report will be received, until 5pm on Wednesday 16 September 2020, from any person who has already made a written representation to the Commission, in relation to this redistribution, or any interested member of the public.

All submissions received will be available on the Commission's website at [edbc.sa.gov.au](http://edbc.sa.gov.au) from Thursday 17 September 2020.

To further assist the Commission in finalising its Order, a public hearing will be held at 10am on Monday 21 September 2020 at which any person may present before the Commission in respect of the written submissions received by the Commission on its draft report.

Persons wishing to attend to present to the Commission should register by email addressed to the Commission's Secretary, Mr David Gully, at [EDBC.Secretary@sa.gov.au](mailto:EDBC.Secretary@sa.gov.au) by 4:00pm on Thursday 17 September 2020.

Following the hearing the Commission will consider all such submissions and then proceed to finalise its order.

**David Gully**  
**Secretary to the Electoral Districts Boundaries Commission**

## APPENDIX 7

(page 1)

**Persons and bodies making written submissions following the draft report and the date the submission was received by the Commission**

<b>Author of submission</b>	<b>Date received</b>
Maurice Nistico	17 August 2020
Martin Gordon	26 August 2020
Scott Davis	29 August 2020
William Cole	1 September 2020
Rob Williams	2 September 2020
Cr Henry Davis	4 September 2020
Howard Duncan	5 September 2020
Mount Barker District Council	10 September 2020
Hon Dan van Holst Pellekaan MP	13 September 2020
Tim Moffatt	14 September 2020
Port Pirie Regional Council	14 September 2020
Paul Lloyd	14 September 2020
Alan Duffy	14 September 2020
John Photakis	15 September 2020
The Barossa Council	15 September 2020
The Rural City of Murray Bridge	15 September 2020
Scott McFarlane	15 September 2020
Georgia Bradshaw & Scott Boorman	16 September 2020
Hon Rachel Sanderson MP	16 September 2020
Carol Bailey	16 September 2020
Laurence Gellon	16 September 2020

**APPENDIX 7**

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Dan Cregan MP	16 September 2020
Sally Feltus	16 September 2020
Business Mount Barker	16 September 2020
Hubert Wemmer	16 September 2020
Carla Wiese-Smith	16 September 2020
The Barossa Grape & Wine Association	16 September 2020
Andrew Giles	16 September 2020
Sam Duluk MP	16 September 2020
Australian Democrats (SA Division) Inc	16 September 2020
Liberal Party of Australia (SA Division)	16 September 2020
Australian Labor Party (SA Branch)	16 September 2020
Livestock SA	16 September 2020
Les & Christina Birch	16 September 2020
1 submission received in relation to movement of electors from Adelaide	After 15 August 2020
13 submissions received in relation to movement of electors from Kavel	After 15 August 2020
15 submissions received in relation to movement of electors from King	After 15 August 2020
3 submissions received in relation to movement of electors from Waite	After 15 August 2020



**APPENDIX 8****Dates and locations of public hearings**

3 December 2019	Adelaide
11 February 2020	Adelaide
18 May 2020	Adelaide
24 June 2020	Port Augusta
21 September 2020	Adelaide

**Witnesses called before the Commission**

Christopher Ian Rudd	11 February 2020
	18 May 2020
	21 September 2020

**Persons and bodies who made oral submissions****Adelaide**

Liberal Party (SA Division) represented by Mr T Duggan SC and Mr J Teague MP	3 December 2019 11 February 2020 18 May 2020 21 September 2020
Australian Labor Party (SA Branch) represented by Mr B Doyle and Mr A Tisato	3 December 2019 11 February 2020 18 May 2020 21 September 2020
Australian Democrats (SA Division) Inc represented by Mr P Black	3 December 2019 11 February 2020 18 May 2020 21 September 2020
Mr D Cregan MP, Member for Kavel	21 September 2020
Mayor Ann Ferguson OAM, Mount Barker District Council	21 September 2020

**Port Augusta**

Mr John Banks, CEO Port Augusta City Council	24 June 2020
Hon Geoff Brock MP, Member for Frome	24 June 2020
Hon Dan van Holst Pellekaan MP, Member for Stuart	24 June 2020
Mrs Gillian Fennell (via video submission) Livestock SA	24 June 2020

## APPENDIX 9

(page 1)

**Exhibit list**

- 1 Copy page number 2867 of South Australian Government Gazette of 26 July 2019 giving notice of appointment of the Chairman of the Commission
- 2 2A  
Notice of preliminary public hearing of the Commission  
  
2B  
List of newspapers in which the advertisement referred to as Exhibit 2A was published
- 3 Brochure explaining the composition, role and function of the Commission, criteria for redistribution and other matters
- 4 Report of Electoral Commission SA entitled 'Election Statistics 2018 South Australian State Election'
- 5 Extracts from Hansard together with summary page entitled 'Legislative Council – Constitution (One Vote One Value) Amendment Bill'
- 6 6A  
Notice of hearing to address demographic data and to invite written representations on boundary proposals  
  
6B  
List of newspapers in which the notice was published
- 7 Document setting out two-party preferred pendulum, swing-to-lose figures for the state election 2018
- 8 Document containing comparison of 2018 actual enrolments versus 2016 projections, dated January 2020
- 9 Report of methodology for developing 2022 voter age population projections, dated January 2020
- 10 *Curriculum Vitae* of Christopher Ian Rudd
- 11 Calculation of electors to population ratio

## APPENDIX 9

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- 12 12A  
Explanation of data fields used in the enrolment and voting data spreadsheet
- 12B  
Enrolment and voting data spreadsheet
- 12C  
Summary of enrolment and voting data by electoral district
- 13 Document prepared by Mr Rudd regarding impact on population growth of the COVID-19 pandemic
- 14 14A  
Notice of regional hearing in Port Augusta
- 14B  
List of newspapers in which the notice was published
- 15 Revised process for calculating the elector to population ratio
- 16 16A  
Explanation of data fields used in the enrolment and voting data spreadsheet as at the relevant date
- 16B  
Enrolment and voting data spreadsheet as at the relevant date
- 16C  
Summary of enrolment and voting data by electoral district as at the relevant date
- 17 Document prepared by Mr Rudd regarding impact on population projections from the housing stimulus package
- 18 Notice calling for written submission following release of the Draft Report
- 19 Notice of public hearing to address written submissions on the draft report
- 20 20A  
Explanation of data fields used in the enrolment and voting data spreadsheet as at the relevant date
- 20B  
Enrolment and voting data spreadsheet as at the relevant date
- 20C  
Summary of enrolment and voting data by electoral district as at the relevant date

APPENDIX 10

Swing-to-lose figures based on the 2018 State election

<i>Labor</i>				<i>Liberal</i>	
		30%	30%		
				26.4	Flinders
				25.1	MacKillop*
Croydon	24.5	25%	25%		
				23.2	Stuart
Ramsay*	19.0	20%	20%	19.6	Hammond*
Elizabeth*	17.8			18.6	Mount Gambier*
Port Adelaide*	16.9			17.5	Narungga*
Playford	16.4			17.5	Bragg
Cheltenham	16.0			17.4	Chaffey*
Giles*	15.3				
Kaurna	15.0				
Reynell	14.6	15%	15%	14.9	Kavel*
				14.4	Schubert
				14.3	Finniss*
West Torrens	13.3				
Florey*	11.1			11.4	Unley
Taylor*	10.9			11.2	Frome*
Light	10.0			10.8	Morialta
				10.6	Morphett
		10%	10%	9.4	Gibson
				8.9	Davenport
				8.8	Black
Enfield	8.0			8.6	Heysen*
				8.0	Colton
				7.9	Hartley
				7.9	Waite
				6.2	Dunstan
Badcoe	5.6				
Hurtle Vale	5.4				
		5%	5%		
Torrens	4.7			4.5	Elder
Lee	3.9				
Wright	3.6				
				2.1	Newland
				1.1	Adelaide
Mawson	0.4			0.8	King
		0%			
<b>(20 seats)</b>				<b>(27 seats)</b>	

Notes

1. \* Non 2PP final result ie 15 districts did not have a Labor/Liberal final outcome. Ballot papers in these districts were distributed to the Labor and Liberal candidates to obtain notional 2PP figures.

Source Data: ECSA election statistics 2018 – page 237

## APPENDIX 11

## Comparison of projected electors (2016 Report) against actual enrolments 2018 election

District	Projected Electors		Actual Enrolments		Enrolment Variance
	30/06/2018	% Quota Variance	17/03/2018	% Quota Variance	
ADELAIDE	25940	+3.4	24928	-2.5	-1012
BADCOE	24995	-0.4	24640	-3.6	-355
BLACK	25972	+3.5	27870	+9.0	1898
BRAGG	25218	+0.5	25730	+0.6	512
CHAFFEY	23216	-7.5	23495	-8.1	279
CHELTENHAM	25510	+1.7	26051	+1.9	541
COLTON	25310	+0.9	27600	+7.9	2290
CROYDON	25329	+1.0	24628	-3.7	-701
DAVENPORT	24592	-2.0	24794	-3.0	202
DUNSTAN	25499	+1.6	25411	-0.6	-88
ELDER	26334	+5.0	26110	+2.1	-224
ELIZABETH	26451	+5.4	28399	+11.1	1948
ENFIELD	26170	+4.3	25644	+0.3	-526
FINNISS	23933	-4.6	23814	-6.9	-119
FLINDERS	23069	-8.1	22756	-11.0	-313
FLOREY	26358	+5.1	26734	+4.6	376
FROME	22955	-8.5	23319	-8.8	364
GIBSON	25298	+0.8	25808	+0.9	510
GILES	23265	-7.3	23484	-8.2	219
HAMMOND	24333	-3.0	25023	-2.1	690
HARTLEY	25224	+0.5	24489	-4.2	-735
HEYSEN	24584	-2.0	25026	-2.1	442
HURTLÉ VALE	24759	-1.3	26093	+2.0	1334
KAURNA	26188	+4.4	26254	+2.7	66
KAVEL	24460	-2.5	24139	-5.6	-321
KING	24784	-1.2	27184	+6.3	2400
LEE	25226	+0.5	26500	+3.6	1274
LIGHT	25483	+1.6	25990	+1.6	507
MACKILLOP	23485	-6.4	23359	-8.6	-126
MAWSON	23987	-4.4	25044	-2.1	1057
MORIALTA	25598	+2.0	25995	+1.7	397
MORPHETT	25989	+3.6	26419	+3.3	430
MOUNT GAMBIER	24422	-2.7	24768	-3.1	346
NARUNGGGA	24454	-2.5	24599	-3.8	145
NEWLAND	26537	+5.8	25889	+1.2	-648
PLAYFORD	26078	+3.9	26374	+3.1	296
PORT ADELAIDE	24133	-3.8	27895	+9.1	3762
RAMSAY	25747	+2.6	26796	+4.8	1049
REYNELL	24497	-2.4	24828	-2.9	331
SCHUBERT	26350	+5.0	25727	+0.6	-623
STUART	23243	-7.4	23420	-8.4	177
TAYLOR	26222	+4.5	27494	+7.5	1272
TORRENS	25125	+0.1	25110	-1.8	-15
UNLEY	25888	+3.2	26211	+2.5	323
WAITE	25791	+2.8	27160	+6.2	1369
WEST TORRENS	25322	+0.9	25777	+0.8	455
WRIGHT	25905	+3.2	26997	+5.6	1092
<b>Total</b>	1179228		1201775		22547
<b>Quota</b>	25090		25570		

July 2020

## APPENDIX 12

## Present and projected enrolments for Assembly Districts before redistribution

District	Relevant Date		Projected Date		Enrolment Variance
	30/06/2020	% Quota Variance	30/06/2022	% Quota Variance	
ADELAIDE	25460	-2.3	26382	-0.2	922
BADCOE	24837	-4.7	25493	-3.5	656
BLACK	27937	+7.2	28623	+8.3	686
BRAGG	25616	-1.7	25637	-3.0	21
CHAFFEY	23448	-10.0	24190	-8.5	742
CHELTHENHAM	27381	+5.1	27387	+3.6	6
COLTON	28082	+7.8	27361	+3.5	-721
CROYDON	25460	-2.3	26145	-1.1	685
DAVENPORT	24813	-4.8	25397	-3.9	584
DUNSTAN	25448	-2.4	25549	-3.3	101
ELDER	26273	+0.8	26656	+0.9	383
ELIZABETH	29529	+13.3	30312	+14.7	783
ENFIELD	26947	+3.4	27547	+4.2	600
FINNISS	24536	-5.9	25194	-4.7	658
FLINDERS	22884	-12.2	22663	-14.2	-221
FLOREY	26988	+3.6	27587	+4.4	599
FROME	23434	-10.1	23997	-9.2	563
GIBSON	26672	+2.3	26606	+0.7	-66
GILES	23403	-10.2	23592	-10.7	189
HAMMOND	25449	-2.4	26062	-1.4	613
HARTLEY	25005	-4.1	25578	-3.2	573
HEYSEN	25269	-3.0	25571	-3.2	302
HURTLE VALE	26497	+1.7	26479	+0.2	-18
KAURNA	27770	+6.6	28179	+6.6	409
KAVEL	25692	-1.4	26188	-0.9	496
KING	27358	+5.0	27382	+3.6	24
LEE	27189	+4.3	27602	+4.5	413
LIGHT	27731	+6.4	29479	+11.6	1748
MACKILLOP	23254	-10.8	23900	-9.6	646
MAWSON	25710	-1.4	26414	0.0	704
MORIALTA	26253	+0.7	26343	-0.3	90
MORPHETT	26967	+3.5	26791	+1.4	-176
MOUNT GAMBIER	24865	-4.6	25703	-2.7	838
NARUNGA	24979	-4.2	25306	-4.2	327
NEWLAND	26229	+0.6	26839	+1.6	610
PLAYFORD	26999	+3.6	26661	+0.9	-338
PORT ADELAIDE	28422	+9.1	28479	+7.8	57
RAMSAY	27646	+6.1	27931	+5.7	285
REYNELL	25624	-1.7	25509	-3.5	-115
SCHUBERT	26415	+1.4	26698	+1.0	283
STUART	23147	-11.2	23533	-10.9	386
TAYLOR	28892	+10.9	30146	+14.1	1254
TORRENS	25702	-1.4	25719	-2.7	17
UNLEY	26058	-0.0	26633	+0.8	575
WAITE	27460	+5.4	27218	+3.0	-242
WEST TORRENS	26241	+0.7	26417	-0.0	176
WRIGHT	26923	+3.3	26921	+1.9	-2
<b>Total</b>	1224894		1241999		17105
<b>Quota</b>	26062		26426		

July 2020

## APPENDIX 13

(page 1)

## Boundary changes – elector impact

District	Before Redistribution		Transfers / Comments	Change	After Redistribution	
	Electors	Quota			Electors	Quota
Adelaide	25460	-2.3%	No Change		25460	-2.3%
Badcoe	24837	-4.7%	From Morphett - The suburb of Plympton Park and the remainder of the suburb of Plympton From West Torrens - The suburbs of Marleston and Netley Into Elder - The suburbs of Clarence Gardens and Clarence Park and portions of the suburbs of Ascot Park and Edwardstown	+4031 +2617 -5157	26328	+1.0%
Black	27937	+7.2%	From Gibson - The suburb of South Brighton Into Davenport - The suburbs of Darlington, O'Halloran Hill and Seacombe Heights	+2006 -3993	25950	-0.4%
Bragg	25616	-1.7%	From Dunstan - The suburbs of Dulwich and Rose Park From Unley - The suburbs of Eastwood, Frewville, Glenside and Glenunga and the remainder of the suburb of Glen Osmond Into Dunstan - The suburbs of Beulah Park, Kensington, Kensington Gardens and Kensington Park Into Morialta - The suburb of Auldana	+2124 +4554 -5920 -478	25896	-0.6%
Chaffey	23448	-10.0%	From Hammond - The DC of Karoonda East Murray incorporating the localities of Bakara, Borrika, Copeville, Halidon, Karoonda, Marama, Mindarie, Perponda, Sandalwood, Wanbi and Wynarka, portion of the locality of Bowhill and the remainder of the localities of Galga, Mantung and Mercunda and portion of Mid Murray Council incorporating the localities of Angas Valley, Black Hill, Cambrai, Caurnamont, Claypans, Five Miles, Forster, Frahns, Julanka Holdings, Lake Carlet, Nildottie, Old Teal Flat, Pelling Flat, Purnong, Rocky Point, Sanderston, Sunnydale, Teal Flat, Walker Flat, Wongulla, Younghusband and Younghusband Holdings, portion of the locality of Mannum and the remainder of the locality of Bowhill	+1760	25208	-3.3%
Cheltenham	27381	+5.1%	From Croydon - The suburb of Athol Park Into Lee - The suburbs of Albert Park and Hendon	+1220 -2178	26423	+1.4%
Colton	28082	+7.8%	From Lee - Portion of the suburb of Grange Into Morphett - The suburb of Glenelg North	+4349 -4854	27577	+5.8%
Croydon	25460	-2.3%	From Enfield - The suburb of Kilburn and portion of the suburb of Prospect Into Cheltenham - The suburb of Athol Park Into West Torrens - The remainder of the suburbs of Allenby Gardens, Welland and West Hindmarsh	+4388 -1220 -1860	26768	+2.7%
Davenport	24813	-4.8%	From Black - The suburbs of Darlington, O'Halloran Hill and Seacombe Heights Into Heysen - The locality of Cherry Gardens Into Waite - The suburb of Bellevue Heights	+3993 -437 -2020	26349	+1.1%
Dunstan	25448	-2.4%	From Bragg - The suburbs of Beulah Park, Kensington, Kensington Gardens and Kensington Park Into Bragg - The suburbs of Dulwich and Rose Park Into Hartley - The suburbs of Felixstow and Glynde	+5920 -2124 -2856	26388	+1.3%
Elder	26273	+0.8%	From Badcoe - The suburbs of Clarence Gardens and Clarence Park and portions of the suburbs of Ascot Park and Edwardstown Into Unley - The suburb of Hawthorn Into Waite - The suburbs of Clapham and Lower Mitcham	+5157 -1647 -2832	26951	+3.4%
Elizabeth	29529	+13.3%	Into Ramsay - The suburb of Elizabeth Vale and portion of the suburb of Elizabeth South	-2760	26769	+2.7%
Enfield	26947	+3.4%	From Florey - The suburb of Walkley Heights and the remainder of the suburb of Northfield From Port Adelaide - The suburb of Gepps Cross Into Croydon - The suburb of Kilburn and portion of the suburb of Prospect	+3062 +422 -4388	26043	-0.1%
Finniss	24536	-5.9%	From Hammond - The localities of Clayton Bay, Milang, Nurragi and Point Sturt and portion of the locality of Lake Alexandrina From Heysen - The locality of Sandergrove	+1073 +61	25670	-1.5%
Flinders	22884	-12.2%	From Giles - The DC of Franklin Harbour incorporating the localities of Cowell, Lucky Bay, Midgee, Mittalie, Minbrie, Mitchellville and Port Gibbon, The DC of Kimba incorporating the localities of Barna, Caralue, Cootra, Cortlinye, Cunyarie, Kelly, Kimba, Moseley, Panitya, Solomon, Wilcherry and Yalanda, portions of the localities of Buckleboo, Pinkawillinie and Lake Gilles and the remainder of the localities of Koongawa and Waddikee,	+1666		

Continued Over Page





## APPENDIX 13

(page 3)

## Boundary changes – elector impact

District	Before Redistribution		Transfers / Comments	Change	After Redistribution		
	Electors	Quota			Electors	Quota	
<b>Frome</b> Cont'd			Into Stuart - Portion of Northern Areas Council incorporating the locality of Narridy and the remainder of the localities of Georgetown, Gladstone, Huddleston and West Bundaleer and portion of Port Pirie Regional Council incorporating the localities of Bungama, Coonamia, Crystal Brook, Germein Bay, Lower Broughton, Merriton, Napperby, Nelshaby, Nurom, Pirie East, Port Davis, Port Pirie, Port Pirie South, Port Pirie West, Risdon Park, Risdon Park South, Solomontown, Wandearah East, Wandearah West and Warnertown	-12774			
					26064	0.0%	
<b>Gibson</b>	26672	+2.3%	From Morphett Into Black - The suburb of South Brighton	+2551 -2006	27217	+4.4%	
<b>Giles</b>	23403	-10.2%	From Stuart Into Flinders	+3140  -1666			
					24877	-4.5%	
<b>Hammond</b>	25449	-2.4%	From Heysen Into Chaffey Into Finnis Into MacKillop	- The localities of Belvidere, Gemmells, Highland Valley, Red Creek, Salem, Strathalbyn, Wilyaroo and Woodchester and the remainder of the localities of Bletchley and Hartley - The DC of Karoonda East Murray incorporating the localities of Bakara, Borrika, Copeville, Halidon, Karoonda, Marama, Mindarie, Perponda, Sandalwood, Wanbi and Wynarka, portion of the locality of Bowhill and the remainder of the localities of Galga, Mantung and Mercunda and portion of Mid Murray Council incorporating the localities of Angas Valley, Black Hill, Cambrai, Caumamont, Claypans, Five Miles, Forster, Frahns, Julanka Holdings, Lake Carlet, Nildottie, Old Teal Flat, Pellaring Flat, Purnong, Rocky Point, Sanderston, Sunnydale, Teal Flat, Walker Flat, Wongulla, Younghusband and Younghusband Holdings, portion of the locality of Mannum and the remainder of the locality of Bowhill - The localities of Clayton Bay, Milang, Nurragi and Point Sturt and portion of the locality of Lake Alexandrina - Southern Mallee DC incorporating the localities of Geranium, Karte, Lameroo, Parilla, Parrakie and Pinnaroo, portion of the locality of Jabuk and the remainder of the locality of Ngarkat and the remainder of Coorong District Council incorporating the localities of Carcuma, Cooke Plains, Coomandook, Elwomple, Ki Ki, Malinong, Moorlands, Netheron, Peake, Poltalloch, Sherlock, Tailern Bend, Wellington East and Yumali, portions of the localities of Lake Alexandrina and Naturi and the remainder of the localities of Ashville, Coonalpyn, Jabuk and Meningie East	+6061  -1760  -1073  -3310		
					25367	-2.7%	
<b>Hartley</b>	25005	-4.1%	From Dunstan From Torrens Into Morialta	- The suburbs of Felixstow and Glynde - The suburb of Demancourt - The suburb of Newton and portion of the suburb of Magill	+2856 +2841 -5644		
					25058	-3.9%	

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## Boundary changes – elector impact

District	Before Redistribution		Transfers / Comments	Change	After Redistribution	
	Electors	Quota			Electors	Quota
Heysen	25269	-3.0%	From Davenport - The locality of Cherry Gardens From Kavel - The localities of Carey Gully, Hahndorf, Mount George, Paechtown, Piccadilly and Verdun From Morialta - The localities of Ashton, Basket Range, Castambul, Cherryville, Marble Hill, Norton Summit, Summertown and Uraidla and portion of the locality of Montacute From Waite - The localities of Coromandel East and Crafers West Into Finnis - The locality of Sandergrove Into Hammond - The localities of Belvidere, Gemmells, Highland Valley, Red Creek, Salem, Strathalbyn, Willyaroo and Woodchester and the remainder of the localities of Bletchley and Hartley Into Hurtle Vale - Portion of the suburb of Onkaparinga Hills Into Kavel - The localities of Bugle Ranges and Wistow	+437 +3093 +2320 +1325 -61 -6061 -371 -389	25562	-1.9%
Hurtle Vale	26497	+1.7%	From Heysen - Portion of the suburb of Onkaparinga Hills From Kaurna - The suburbs of Hackham and Huntfield Heights and the remainder of the suburb of Onkaparinga Hills From Reynell - The suburb of Hackham West Into Reynell - The suburb of Old Reynella and portion of the suburb of Morphett Vale	+371 +7481 +2743 -11427	25665	-1.5%
Kaurna	27770	+6.6%	From Reynell - The suburbs of Noarlunga Centre and Port Noarlunga and portions of the suburbs of Christie Downs and Christies Beach Into Hurtle Vale - The suburbs of Hackham and Huntfield Heights and the remainder of the suburb of Onkaparinga Hills Into Mawson - The suburb of Maslin Beach	+7875 -7481 -902	27262	+4.6%
Kavel	25692	-1.4%	From Heysen - The localities of Bugle Ranges and Wistow From Morialta - The localities of Forest Range, Lenswood and Lobethal Into Heysen - The localities of Carey Gully, Hahndorf, Mount George, Paechtown, Piccadilly and Verdun	+389 +2424 -3093	25412	-2.5%
King	27358	+5.0%	Into Schubert - The localities of Bibaringa, Uleybury and Yattalunga	-717	26641	+2.2%
Lee	27189	+4.3%	From Cheltenham - The suburbs of Albert Park and Hendon Into Colton - Portion of the suburb of Grange	+2178 -4349	25018	-4.0%
Light	27731	+6.4%	From Schubert - The localities of Gawler Belt, Gawler River and Ward Belt Into Taylor - Portion of the suburb of Munno Para West	+756 -3610	24877	-4.5%
Mackillop	23254	-10.8%	From Hammond - Southern Mallee DC incorporating the localities of Geranium, Karte, Lameroo, Parilla, Parrakie and Pinnaroo, portion of the locality of Jabuk and the remainder of the locality of Ngarkat and the remainder of Coorong District Council incorporating the localities of Carcuma, Cooke Plains, Coomandook, Elwomple, Ki Ki, Malinong, Moorlands, Netherton, Peake, Poltalloch, Sherlock, Tailem Bend, Wellington East and Yumali, portions of the localities of Lake Alexandrina and Naturi and the remainder of the localities of Ashville, Coonalpyn, Jabuk and Meningie East	+3310	26564	+1.9%
Mawson	25710	-1.4%	From Kaurna - The suburb of Maslin Beach	+902	26612	+2.1%
Morialta	26253	+0.7%	From Bragg - The suburb of Auldana From Hartley - The suburb of Newton and portion of the suburb of Magill From Newland - The suburb of Vista Into Heysen - The localities of Ashton, Basket Range, Castambul, Cherryville, Marble Hill, Norton Summit, Summertown and Uraidla and portion of the locality of Montacute Into Kavel - The localities of Forest Range, Lenswood and Lobethal Into Schubert - The localities of Birdwood, Cudlee Creek, Gumeracha, Kenton Valley and Mount Torrens, portion of the locality of Chain of Ponds and the remainder of the locality of Cromer	+478 +5644 +776 -2320 -2424 -2635	25772	-1.1%
Morphett	26967	+3.5%	From Colton - The suburb of Glenelg North Into Badcoe - The suburb of Plympton Park and the remainder of the suburb of Plympton Into Gibson - Portion of the suburb of Somerton Park	+4854 -4031 -2551	25239	-3.2%
Mount Gambier	24865	-4.6%	No Change		24865	-4.6%

## APPENDIX 13

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## Boundary changes – elector impact

District	Before Redistribution		Transfers / Comments	Change	After Redistribution	
	Electors	Quota			Electors	Quota
Narungga	24979	-4.2%	From Frome	+1145		
			Into Frome	-1792		
					24332	-6.6%
Newland	26229	+0.6%	From Florey	+3819		
			Into Morialta	-776		
			Into Schubert	-2934		
					26338	+1.1%
Playford	26999	+3.6%	From Ramsay	+11078		
			Into Florey	-11968		
					26109	+0.2%
Port Adelaide	28422	+9.1%	Into Enfield	-422		
			Into Taylor	-507		
					27493	+5.5%
Ramsay	27646	+6.1%	From Elizabeth	+2760		
			From Taylor	+5522		
			From Wright	+2321		
			Into Playford	-11078		
					27171	+4.3%
Reynell	25624	-1.7%	From Hurtle Vale	+11427		
			Into Hurtle Vale	-2743		
			Into Kaurna	-7875		
					26433	+1.4%
Schubert	26415	+1.4%	From King	+717		
			From Morialta	+2635		
			From Newland	+2934		
			From Stuart	+604		
			Into Frome	-5751		
			Into Light	-756		
					26798	+2.8%

## APPENDIX 13

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## Boundary changes – elector impact

District	Before Redistribution		Transfers / Comments	Change	After Redistribution		
	Electors	Quota			Electors	Quota	
Stuart	23147	-11.2%	From Frome	- Portion of Northern Areas Council incorporating the locality of Narridy and the remainder of the localities of Georgetown, Gladstone, Huddleston and West Bundaleer and portion of Port Pirie Regional Council incorporating the localities of Bungama, Coonamia, Crystal Brook, Germein Bay, Lower Broughton, Merriton, Napperby, Nelshaby, Nurom, Pirie East, Port Davis, Port Pirie, Port Pirie South, Port Pirie West, Risdon Park, Risdon Park South, Solomontown, Wandearah East, Wandearah West and Warnertown	+12774		
			Into Frome	- The Regional Council of Goyder incorporating the localities of Apoinga, Australia Plains, Baldina, Booborowie, Brady Creek, Bright, Buchanan, Bunday, Burra, Burra Eastern Districts, Canowie, Collinsville, Emu Downs, Eudunda, Franklyn, Geranium Plains, Gum Creek, Hallelujah Hills, Hallett, Hampden, Hanson, Julia, Koonoona, Leighton, Mongolata, Mount Bryan, Mount Bryan East, Neales Flat, Ngapala, North Booborowie, Peep Hill, Pine Creek, Point Pass, Porter Lagoon, Robertstown, Rocky Plain, Sutherlands, Terowie, Ulooloo, Whyte Yarcowie, Willalo, Wonna and Worlds End and portions of the localities of Bower, Brownlow, Canowie Belt, Dutton, Farrell Flat, Frankton, Hansborough and Steinfeld; portion of Light Regional Council incorporating the localities of Bagot Well, Bethel, Fords, Hamilton and Kapunda and the remainder of the locality of Hansborough; portion of Mid Murray Council incorporating the locality of Dutton East and the remainder of the localities of Dutton and Frankton and portion of Northern Areas Council incorporating the localities of Andrews, Belalie East, Belalie North, Broughton River Valley, Bundaleer North, Euromina, Hacklins Corner, Jamestown, Mayfield, Spalding and Washpool and the remainder of the locality of Canowie Belt	-7206		
			Into Giles	- Portion of Port Augusta City Council incorporating the localities of Blanche Harbor, Commissariat Point and Port Augusta West and portions of the localities of Carriererloo, Cultana, Lincoln Gap and Mount Arden	-3140		
			Into Schubert	- Portion of Light Regional Council incorporating the localities of Ebenezer, Koonunga, Moppa, St Johns and St Kitts and portion of the locality of Truro and portion of Mid Murray Council incorporating portion of the locality of Truro	-604		
Taylor	28892	+10.9%	From Light	- Portion of the suburb of Munno Para West	+3610		
			From Port Adelaide	- The suburbs of Bolivar, Globe Derby Park and St Kilda	+507		
			Into Frome	- Remainder of Adelaide Plains Council incorporating the localities of Middle Beach, Port Gawler and Two Wells	-1800		
Into Ramsay	- The suburbs of Burton and Direk and the remainder of the suburb of Salisbury North	-5522	25687	-1.4%			
Torrens	25702	-1.4%	From Florey	- The suburb of Valley View	+4537	27398	+5.1%
			Into Hartley	- The suburb of Demancourt	-2841		
Unley	26058	0.0%	From Elder	- The suburb of Hawthorn	+1647		
			From Waite	- The suburbs of Kingswood, Netherby and Urrbrae	+3671		
			Into Bragg	- The suburbs of Eastwood, Frewville, Glenside and Glenunga and the remainder of the suburb of Glen Osmond	-4554		
Waite	27460	+5.4%	From Davenport	- The suburb of Bellevue Heights	+2020		
			From Elder	- The suburbs of Clapham and Lower Mitcham	+2832		
			Into Heysen	- The localities of Coromandel East and Crafrers West	-1325		
			Into Unley	- The suburbs of Kingswood, Netherby and Urrbrae	-3671		
West Torrens	26241	+0.7%	From Croydon	- The remainder of the suburbs of Allenby Gardens, Welland and West Hindmarsh	+1860		
			Into Badcoe	- The suburbs of Marleston and Netley	-2617		
Wright	26923	+3.3%	From Florey	- Portion of the suburb of Modbury North	+1750		
			Into Ramsay	- The suburbs of Brahma Lodge and Salisbury South	-2321		

## APPENDIX 14

## Present and projected enrolments for Assembly Districts after redistribution

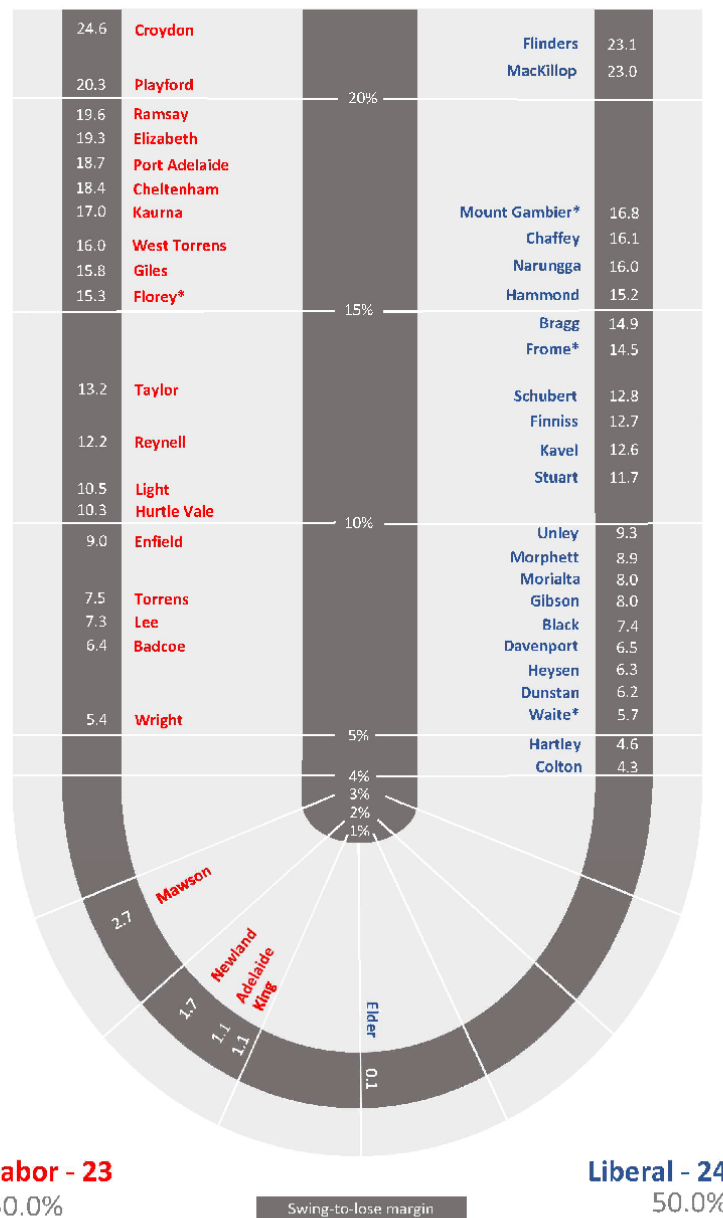
District	Relevant Date		Projected Date		Enrolment Variance
	30/06/2020	% Quota Variance	30/06/2022	% Quota Variance	
ADELAIDE	25460	-2.3	26382	-0.2	922
BADCOE	26328	+1.0	26599	+0.7	271
BLACK	25950	-0.4	26497	+0.3	547
BRAGG	25896	-0.6	26015	-1.6	119
CHAFFEY	25208	-3.3	25957	-1.8	749
CHELTENHAM	26423	+1.4	26636	+0.8	213
COLTON	27577	+5.8	26997	+2.2	-580
CROYDON	26768	+2.7	27915	+5.6	1147
DAVENPORT	26349	+1.1	27198	+2.9	849
DUNSTAN	26388	+1.3	26724	+1.1	336
ELDER	26951	+3.4	27461	+3.9	510
ELIZABETH	26769	+2.7	27534	+4.2	765
ENFIELD	26043	-0.1	26674	+0.9	631
FINNISS	25670	-1.5	26441	+0.1	771
FLINDERS	24550	-5.8	24370	-7.8	-180
FLOREY	25788	-1.1	26293	-0.5	505
FROME	26064	0.0	26590	+0.6	526
GIBSON	27217	+4.4	27238	+3.1	21
GILES	24877	-4.5	24838	-6.0	-39
HAMMOND	25367	-2.7	26049	-1.4	682
HARTLEY	25058	-3.9	25826	-2.3	768
HEYSEN	25562	-1.9	25526	-3.4	-36
HURTLE VALE	25665	-1.5	25789	-2.4	124
KAURNA	27262	+4.6	27621	+4.5	359
KAVEL	25412	-2.5	25804	-2.4	392
KING	26641	+2.2	26652	+0.9	11
LEE	25018	-4.0	25388	-3.9	370
LIGHT	24877	-4.5	26823	+1.5	1946
MACKILLOP	26564	+1.9	27301	+3.3	737
MAWSON	26612	+2.1	27331	+3.4	719
MORIALTA	25772	-1.1	26005	-1.6	233
MORPHETT	25239	-3.2	25101	-5.0	-138
MOUNT GAMBIER	24865	-4.6	25703	-2.7	838
NARUNGA	24332	-6.6	24708	-6.5	376
NEWLAND	26338	+1.1	26999	+2.2	661
PLAYFORD	26109	+0.2	25443	-3.7	-666
PORT ADELAIDE	27493	+5.5	27547	+4.2	54
RAMSAY	27171	+4.3	27250	+3.1	79
REYNELL	26433	+1.4	26220	-0.8	-213
SCHUBERT	26798	+2.8	26953	+2.0	155
STUART	24971	-4.2	25776	-2.5	805
TAYLOR	25687	-1.4	26734	+1.2	1047
TORRENS	27398	+5.1	26912	+1.8	-486
UNLEY	26822	+2.9	26913	+1.8	91
WAITE	27316	+4.8	27057	+2.4	-259
WEST TORRENS	25484	-2.2	25677	-2.8	193
WRIGHT	26352	+1.1	26532	+0.4	180
<b>Total</b>	1224894		1241999		17105
<b>Quota</b>	26062		26426		

October 2020



APPENDIX 16

District allocation based on 50:50 vote following the 2020 redistribution



\* Based on the 2018 Labor/Liberal two-party preferred figures. Frome, Mount Gambier and Waite are notional Liberal seats and Florey is a notional Labor seat

All instruments appearing in this gazette are to be considered official, and obeyed as such