



No. 1 of 2025

REPORT OF THE REMUNERATION TRIBUNAL 2025 REVIEW OF REMUNERATION OF THE ELECTORAL DISTRICTS BOUNDARIES COMMISSION

INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has jurisdiction under section 14 of the *Remuneration Act 1990 (Act)* and section 78(7) of the *Constitution Act 1934 (Constitution Act)*, to determine the remuneration payable to the members of the Electoral Districts Boundaries Commission (**Commission**), other than the chair.
2. The Constitution Act provides for the establishment of an Electoral Districts Boundaries Commission to review and carry out periodic redistribution of the boundaries of the State's House of Assembly electoral districts. The Commission has perpetual succession and the powers and functions of a Royal Commission.

BACKGROUND

3. The Commission conducts boundary reviews on a four-yearly basis. Hence, Determinations in relation to this matter are made by the Tribunal on a four-yearly basis, following the completion of the Commission's official report. Previously, Determinations have prescribed a one-off payment of remuneration for all purposes in relation to the work performed by the Commission.
4. The previous Determination made by the Tribunal under section 78(7) of the Constitution Act was in 2021,¹ whereby the Tribunal determined remuneration of \$20,103 each for the Electoral Commissioner and the Surveyor-General. The operative date of that Determination was 11 March 2021.

LEGISLATIVE PROVISIONS

5. Section 78(7) of the Constitution Act, from which the Tribunal sources its jurisdiction in relation to members of the Commission, is set out as follows:

"78—The Commission

- (1) *There shall be a Commission by the name of the Electoral Districts Boundaries Commission constituted of the following members:*
 - (a) *the Chairman of the Commission who shall be a Judge of the Supreme Court appointed by the Chief Justice to be Chairman of the Commission; and*
 - (b) *the Electoral Commissioner or a person appointed pursuant to subsection (3) of this section; and*

¹ *Determination 3 of 2021 – Electoral Districts Boundaries Commission*

- (c) *the Surveyor-General or a person appointed pursuant to subsection (4) of this section.*
- (2) *The Judge appointed by the Chief Justice under subsection (1) of this section should be the most senior puisne Judge who is available to undertake the duties of Chairman of the Commission.*
- (3) *If there is no Electoral Commissioner, or the Electoral Commissioner is for any reason unable to act as a member of the Commission, then, subject to subsection (5) of this section, the Chief Justice shall appoint as a member of the Commission, for such term as the Chief Justice considers expedient, a person who, in the opinion of the Chief Justice, has wide knowledge of, and experience in, electoral matters.*
- (4) *If there is no Surveyor-General, or the Surveyor-General is for any reason unable to act as a member of the Commission, then, subject to subsection (5) of this section, the Chief Justice shall appoint as a member of the Commission, for such term as the Chief Justice considers expedient a person who, in the opinion of the Chief Justice, has wide knowledge of, and experience in, surveying.*
- (5) *Where the Chairman is for the time being acting in the office of the Chief Justice any appointment to the Commission under subsection (3) or subsection (4) of this section shall be made by the puisne judge next in order of seniority after the Chairman.*
- (6) *A member appointed under subsection (3) or subsection (4) of this section, may by instrument in writing addressed to the Governor resign the member's office.*
- (7) *The members of the Commission (other than the Chairman) are entitled to remuneration determined by the Remuneration Tribunal.”*

6. As presently constituted, the Commission is comprised of:

Office Held	Office Holder
Chair	The Hon. Justice Anne Bampton (Supreme Court Judge appointed by the Chief Justice)
Member	Mr Michael Sherry (Electoral Commissioner)
Member	Mr Bradley Slape (Surveyor-General)

7. The Tribunal notes that its jurisdiction under section 78(7) of the Constitution Act is limited and specific. It is not permissible for the Tribunal to make a Determination of remuneration for the Chair of the Commission. The statutory role assigned to the Tribunal is to determine an appropriate amount of remuneration for the two members of the Commission (the Electoral Commissioner and Surveyor-General).

THE REVIEW PROCESS

8. Section 10(2) of the Act provides that prior to the making of a Determination, the Tribunal must allow an affected person, or persons of an affected class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
9. Section 10(4) provides that the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
10. On 30 January 2025, in accordance with section 10(2) and 10(4) of the Act, the Tribunal wrote to and invited submissions by 13 February 2025 in respect of this review from:
- Members of the Electoral Districts Boundaries Commission
 - The Honourable Premier of South Australia – as the Minister responsible for the Act who may make submissions or introduce evidence in the public interest
11. The Tribunal also placed a notice on its website from 30 January 2025 inviting submissions from affected persons by 13 February 2025.

SUBMISSIONS

12. On 29 January 2025, the Honourable Justice Bampton wrote to the Tribunal advising the following:

- Having regard to the statutory provisions, requested the Tribunal determine the remuneration for the Electoral Commissioner and the Surveyor-General being the other members of the Commission.
- The Electoral Commissioner and Surveyor-General discharged their statutory duties under the Constitution Act in addition to both their substantive statutory roles.
- The Commission held public hearings on 6 February 2024 and 12 June 2024 and spent a duration of approximately 15.25 hours at 12 meetings between the period 8 November 2023 and 31 October 2024.
- Significant time was spent reading transcripts of the hearings, which included 14 representations, and 21 submissions received by the Commission. The Commission also obtained and had considerable regard to a report from a historian regarding Edward Charles Frome's (Surveyor-General of South Australia 1839-1849) involvement in the O'Halloran expedition and the retributive actions taken against Aboriginal people following the Maria Massacre in 1840.
- In determining a monetary amount of remuneration, requested that the Tribunal take into consideration the significant contributions of the Electoral Commissioner and the Surveyor-General having regard to the nature of the Commission's work in developing the electoral geography as the foundation of South Australia's representative democracy.

13. On 13 February 2025, the Electoral Commissioner and Surveyor-General provided a joint submission, which can be summarised as follows:

- In undertaking an electoral distribution, the Commission must ensure 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 + or - 10%. The electoral quota is the nearest integral number of 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 divided as at the first polling day for which the order it to be effective.
- The work of the current Commission commenced in October 2023 and substantively concluded on 12 December 2024 when the final order was published.
- Two public hearings were held, 21 written submissions received and oral submissions were made by eight parties. The Commission met on 12 occasions.
- Of note, the Commissioner received a submission to change the name of the District of Frome (names after Edward Charles Frome, the South Australian Surveyor-General from 1839-1949) due to historical accounts of the Surveyor-General's involvement in retributive actions taken against Aboriginal peoples. The Commission spent considerable effort on this sensitive matter, including accessing and reviewing historical South Australian Government Gazettes, requesting and considering reports from a historian and a Professor of Law at the University of South Australia.
- The Commission renamed one electoral district and made boundary changes to 16 electoral districts which will affect approximately 38,894 South Australian electors.
- The statutory obligation placed upon each member requires them to operate at a very senior level and possibly significantly higher than their substantive level.
- The public position under which the Commission is viewed, scrutinized and judged needs to be given full consideration.
- The three-member Commission is headed by the Chair, with the other two Commissioners carrying an equal responsibility and workload whilst bringing their own expertise to the Commission's work.
- That any assessment acknowledges that each member was required to maintain their base workload in addition to their obligations as members of the Commission.
- That each member expended many hours outside of normal working hours.
- That the length of service with respect to the work of the Commission will endure for a period of at least 12 months.

- The Constitution Act clearly establishes that the members of the Commission (other than the Chair) are entitled to remuneration regardless of the fact that they are already in receipt of salaries as part of their substantive roles.

CONSIDERATIONS

14. The Tribunal continues to accept that the statutory powers and responsibilities exercised by the Commission members are foundational to the State's democracy.
15. The Tribunal notes the submission of the Chair of the Commission as well as the joint submission of the Electoral Commissioner and Surveyor-General. The Tribunal has considered the final report of the Commission issued on 12 December 2024, which outlines the proceedings for the purpose of electoral redistribution. The final report also outlines the material and consideration of the Commission in relation to the request to rename the electoral district of Frome.

CONCLUSION

16. In determining an appropriate amount of remuneration for the 2024 Commission, the Tribunal has decided to apply an increase to the amount of remuneration previously payable to the 2020 Commission, having regard to increases provided to the Statutory Office Holders within its jurisdiction, as well as the proceedings of the electoral redistribution.
17. Accordingly, the Tribunal will issue a Determination which provides for a one-off lump sum payment of \$24,156, for the work performed by the 2024 Commission, noting the payment is payable to each member of the Commission, other than the Chair.

OPERATIVE DATE

18. The operative date of the accompanying Determination shall be 28 February 2025.



Matthew O'Callaghan
PRESIDENT



Donny Walford
MEMBER



Mark Young
MEMBER

Dated: 27 February 2025