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# PART 1

## GENERAL COMMENTS BACKGROUND

1. The Electoral Boundaries Commission is constituted under the *Electoral Boundaries Commission Act 1982*, ("the Act" for the purposes of this report).
2. The Commission is required to conduct a redivision of Victorian electoral boundaries in certain circumstances. Those circumstances are set out in section 5 and section 9(2) of the Act.

Section 5(1) states:

"Subject to and in accordance with the provisions of this Act the function of the Commission shall be to divide the State of Victoria into electoral provinces for the Legislative Council and electoral districts for the Legislative Assembly as often as is necessary from time to time for the conduct of elections for the Legislative Council and the Legislative Assembly with the object of establishing and maintaining electoral provinces of approximately equal enrolment and electoral districts of approximately equal enrolment and to determine the boundaries thereof".

Section 5(2) .....

Section 5(3) states:

"Notwithstanding the foregoing provisions of this section the Commission shall not be required to undertake a redivision of the State of Victoria after the Commission has divided the State into electoral provinces and electoral districts pursuant to the provisions of this Act unless the number of electors enrolled for the provinces or districts do not comply to a substantial extent with the requirements of this Act with respect to approximate equal enrolment".

Section 9(2) states:

"For the purposes of this Act the Commission may take electoral provinces or electoral districts to be of approximately equal enrolment where the enrolment for each province or district does not vary by more than 10 per centum from the average enrolment of all provinces or districts (as the case requires)".

3. By virtue of section 5(2), which refers to sections 27 and 35 of the *Constitution Act 1975*, any redivision undertaken by the Commission must result in Victoria's being divided into twenty-two provinces and eighty-eight districts, with each province consisting of four complete and contiguous districts.
4. The boundaries set in the 1983-84 division of electoral boundaries came into operation at the time of the 2 March 1985 simultaneous election, and remained in force at the time of the 1 October 1988 simultaneous election. Since the boundaries set in the 1983-84 division came into operation, the Commission has met on a number of occasions, including within the intervals required by section 8(1) of the Act.
5. On 15 May 1990, the Commission met to consider elector enrolment figures as at 28 April 1990. The Commission decided that the figures necessitated a redivision of Victoria's electoral boundaries. The enrolment figures (set out in Appendix I) indicated that

twenty-seven Legislative Assembly districts, of a total of eighty-eight such districts, were no longer of approximately equal enrolment (as defined by the Act), and three Legislative Council provinces, of a total of twenty-two such provinces, were no longer of approximately equal enrolment. The Commission decided that the enrolment figures for the districts and provinces did not comply, to a substantial extent, with the requirements of the Act with respect to approximately equal enrolment.

## THE REDIVISION PROCESS

6. In commencing the redivision, the Commission placed notices (set out in Appendix 2) in *The Age* and *The Sun* newspapers on 16 and 19 May 1990 announcing the redivision and advising the public of a preliminary hearing of the Commission on 29 May 1990, for the purpose of providing information on the procedures for the redivision and of hearing any submissions from interested persons on the proposed procedures.
7. At the preliminary hearing on 29 May 1990, the chairman of the Commission announced, *inter alia*, that the date of the enrolment statistics on which the redivision would be based would be 15 June 1990.
8. Following the preliminary hearing, the public was invited - by means of newspaper advertisements (set out in Appendix 2) published in *The Age* and *The Sun* on 2 June and 9 June 1990, in *The Weekend Australian* on 16-17 June 1990, and in various country newspapers - to lodge written submissions regarding the redivision with the Commission, on or before 20 July 1990.
9. On 4 June 1990, the Commission made available a booklet containing a variety of enrolment statistics, by way of assistance to those considering making written submissions. On 25 June 1990, the Commission made available enrolment statistics as at 15 June 1990 (the enrolment statistics on which the redivision would be based).
10. Forty-one written submissions were received (see Appendix 3). The Commission notes the generally high quality of the submissions. The material and information contained in the submissions, particularly those from the political parties, was of considerable assistance to the Commission in its work.
11. The following political parties and individuals made written submissions and sought leave to make oral submissions: the Australian Labor Party (Victorian Branch); the Liberal Party of Australia (Victorian Division); the National Party of Australia (Victoria); Mrs C. Hildebrandt, Tullamarine Residents In Action; and Mr K. Jasper, Member of Parliament for the Electoral District of Murray Valley.
12. All requests for leave to make oral submissions were granted. The Commission held public hearings in Melbourne on 13 and 15 August 1990 to hear oral submissions. As required by section 10(3) of the Act, a transcript of these hearings was made.
13. In the course of preparing proposed boundaries, the Commission considered all submissions - oral and written - and obtained reports from a number of sources concerning population trends. The Commission also made use of a computerised geographic information system. The system incorporated several map bases, as well as

State electoral boundaries (province and district), Commonwealth divisional boundaries, and municipal boundaries. The system also included Australian Bureau of Statistics Census Collector District boundaries, and it was able to show the number of electors within each Census Collector District. (The Australian Electoral Commission supplied the Commission with elector statistics for Census Collector Districts). The linkage between enrolment statistics and Census Collector Districts enabled the Commission to use the geographic information system to readily determine estimated enrolment figures for each of the proposed electoral provinces and districts. The computerised geographic information system provided the Commission with considerable flexibility in the preparation of both the proposed and final boundaries.

14. During the redivision process, the Commission gave due consideration, as required by section 9(1) of the Act, to:
  - (a) area and physical features of terrain;
  - (b) means of travel, traffic arteries, and communications and any special difficulties in connection therewith;
  - (c) community or diversity of interests; and
  - (d) the likelihood of changes in the number of electors in the various localities.
15. The Commission notes that the Liberal Party submitted that the redivision should be "electorally fair", in the sense that a majority of votes at an election should translate into a majority of seats. The Liberal Party argued that the electoral boundaries at the 1988 State election failed to meet this test of fairness, and implied that the Commission should consider voting figures at the previous election in arriving at boundaries that were "electorally fair" to the political parties. In conducting the redivision, the Commission confined itself to a consideration of the criteria set out in section 9(1) of the Act. Consistent with the requirements of the Act, the Commission rejected the Liberal Party's submission on this point.

### **ENROLMENT STATISTICS**

16. As previously mentioned, the Commission made available to interested persons a range of enrolment statistics to assist in the preparation of submissions, including enrolment statistics as at 15 June 1990 - the statistics on which the redivision was based. The Commission acceded to requests from the main political parties for various enrolment statistics (particularly enrolment statistics for Census Collector Districts) to be made available in both printed form and on magnetic tape.
17. Enrolment statistics as at 15 June 1990 were supplied to the Commission by the Australian Electoral Commission (AEC). On 2 October 1990, the AEC advised that as a result of roll "cleansing" processes following the March 1990 Federal election, a number of electors' names had been removed from the roll. Revised, and more accurate, 15 June 1990 figures were subsequently supplied to the Commission. The Commission used the revised 15 June enrolment figures as the basis for developing the proposed boundaries.
18. The average enrolment for the twenty-two electoral provinces of the Legislative Council was 126,901 - with the maximum permissible enrolment being 139,591, and the minimum permissible enrolment being 114,210.

19. The average enrolment for the eighty-eight electoral districts of the Legislative Assembly was 31,725 - with the maximum permissible enrolment being 34,897 and the minimum permissible enrolment being 28,552.
20. In establishing the maximum and minimum permissible enrolments, the Commission had regard to section 9(2) of the Act, set out above.

### **PROPOSED ELECTORAL BOUNDARIES**

21. On 20 November 1990, the Commission arranged for maps showing the boundaries of each proposed electoral province and the four related electoral districts to be exhibited at each municipal office in each proposed electoral province, as required by section 10A of the Act. Notices were placed in the *Victoria Government Gazette* of 20 November 1990, in the two Melbourne metropolitan daily newspapers on 20 and 24 November, and in a number of regional newspapers, inviting the public to inspect the maps of the proposed electoral boundaries at municipal offices. The notices invited suggestions or objections concerning any of the proposed boundaries to be lodged with the Commission not later than 5 p.m. on 20 December 1990, being thirty days after the publication of the notice in the *Gazette* (as required by section 10B of the Act).
22. The Commission received a total of 134 written suggestions or objections to the proposed boundaries. These came from a wide range of sources including political parties, municipalities, community organizations, Members of Parliament and members of the public. There were seventeen suggestions or objections received after the deadline (20 December 1990); in view of the terms of section 10B of the Act, these could not be considered.
23. Following consideration of all suggestions and objections received by the deadline, alterations were made to the boundaries of twelve electoral provinces and thirty-five electoral districts, and the following name changes were made: Brunswick to Coburg; Ballarat North to Ballarat West; Lowan to Wimmera; and Whittlesea to Seymour.
24. The changes that the Commission made to the proposed boundaries were to effect improved boundaries, or to reduce or avoid the breaking of community of interest which had resulted from the boundaries proposed by the Commission.
25. It should be noted that each electoral boundary forms part of interconnected sets of boundaries for the twenty-two electoral provinces and eighty-eight electoral districts. When considering each suggestion and objection to proposed boundaries, the Commission had the two-fold task of assessing the comments in regard to the particular province or district, as well as the effect the suggested alteration would have on the whole redivision. The Commission was conscious of the fact that if it made substantial alterations to the proposed boundaries, in an attempt to address particular objections or suggestions, there was the probability that the changed boundaries would result in more widespread and valid objections. For this reason, the Commission declined to act on suggestions or objections that proposed major changes to the proposed boundaries.

## RECOMMENDATIONS FOR LEGISLATIVE CHANGE

26. The Commission notes that recommendations for legislative change made by the then Electoral Commission in its 1983-84 report have not been taken up by the government. The two issues raised in the 1983-84 report remain of concern, and the Commission wishes to raise a further matter for consideration by government.
27. The first matter raised by the then Electoral Commission is set out in paragraph 24 of its 1983-84 report. Paragraph 24 concludes in the following terms:  
"...the Commission is of the view that consideration should be given to the inclusion ... of a provision requiring the Commission to establish a 'quota' figure for electorates at the commencement of a redivision and for this 'quota' figure to be used throughout that redivision".  
The Commission supports the essence of this recommendation, and notes that the 1990-91 redivision was carried out on the basis of enrolment statistics at a particular date (namely 15 June 1990) - which date for such statistics was determined by the Commission at the commencement of the redivision process.  
The Commission recommends legislative support for the practice - adopted at the 1990-91 redivision - of the Commission designating the date of the statistics to be used in that process, thus enabling quotas for provinces and districts to be struck as at that date.
28. The second matter raised by the then Electoral Commission in its 1983-84 report (in paragraph 25) concerns the lack of precision in the phrase "to a substantial extent" in section 5(3) of the Act. The Commission was concerned at the limited guidance provided by the Act as to the circumstances in which the Commission must undertake a redivision.  
Lest it be thought that a decision to conduct a redivision has some political motivation, or that a refusal to undertake a redivision has such a motivation, the Commission reiterates the concern expressed in the 1983-84 report, and recommends legislative action.  
The Commission of course recognises that it is Parliament's prerogative to determine both the thrust and detail of any changes. The following proposals are put forward to indicate the kind of legislative action that Parliament might consider, namely, that the Commission be required to undertake a redivision:
- (a) subject to the proviso set out below, when a minimum of 7 provinces or 27 districts (i.e. over 30 per centum of provinces or districts, respectively) have not been of approximately equal enrolment (as defined in section 9(2)) for a minimum of two months;
  - (b) subject to the proviso set out below, when a minimum of 4 provinces have not been of approximately equal enrolment (as defined in section 9(2)) in that they have varied between 10 per centum and 20 per centum from the average enrolment of all provinces and a minimum of 2 additional provinces have not been of approximately equal enrolment in that they have varied by more than 20 per centum from the average enrolment of all provinces, for a minimum of two months;
  - (c) subject to the proviso set out below, when a minimum of 18 districts have not been of approximately equal enrolment (as defined in section 9(2)) in that they have varied between 10 per centum and 20 per centum from the average enrolment of all districts and a minimum of 5 additional districts have not been of approximately equal enrolment in that they have varied by more than 20 per centum from the average enrolment of all districts, for a minimum of two months; or

(d) after every third simultaneous election following the latest redivision.  
Regarding (a), (b) and (c) above, the proviso is that no redivision should be required if one or other set of conditions becomes apparent in the period of nine months prior to the commencement of the fourth year of a Parliament, or in the fourth year.

29. The further matter which concerns the Commission is the relatively "closed" nature of the redivision process at the second, or "objection", stage.  
Whilst section 10 provides for public hearings at the initial, "submission" stage, sections 10A and 10B confine the Commission to a consideration of written suggestions or objections at the "objection" stage of the process.  
The Commission considers that the process would be enhanced:
- (a) if written suggestions or objections were public documents (as is the case with submissions received in the first phase of the redivision process); and
  - (b) if the Commission were empowered to conduct public hearings as part of its consideration of written suggestions or objections.
- If written suggestions or objections were public documents, interested persons would be afforded an opportunity to become aware of the quality and possibly widespread nature of certain objections to particular aspects of a Commission's proposals.  
Public hearings conducted at the "objection" stage would allow the Commission to seek detailed explanations for some of the suggestions and objections put forward.

## PART 2

### STATEMENT BY THE COMMISSIONERS - SECTION 11 OF THE ELECTORAL BOUNDARIES COMMISSION ACT 1982

Having agreed upon an electoral redivision, the Commissioners set out in this report particulars of the redivision, including:

- the number of electors residing in each province or district, respectively, as nearly as can be ascertained;
- technical descriptions of each electoral boundary; and
- maps, signed by the Commissioners, showing the name and boundaries of each province and district.

### ACKNOWLEDGMENTS

The Commission wishes to record its appreciation of the valuable service provided by Mr C. Barry, secretary to the Commission, during the course of the redivision.

The Commission is also appreciative of the research support provided by Dr P. Thornton-Smith of the Projects Branch, State Electoral Office.

The Commission records its appreciation of the work carried out by the Cadastral Services Branch of Survey and Mapping, Victoria, in connection with the preparation and production of the maps showing proposed and final boundaries, and of the work of the Government Printer and his staff in the printing of this report.

The Commission thanks the Australian Electoral Commission for providing enrolment statistics for use by the Commission.

The Commission also thanks Miss S. Wood and Mrs W. Brown of the State Electoral Office for the excellent administrative support they provided throughout the redivision.

G.R.D. Waldron A.O.

Chief Judge of the County Court,  
Chairman.

G.P. Lyons

Electoral Commissioner.

J.R. Parker

Surveyor-General.

Electoral Boundaries Commission by virtue of the  
*Electoral Boundaries Commission Act 1982.*

Melbourne,  
19 March 1991

## PART 3: TABLES

### TABLE 1 COMPOSITION OF ELECTORAL PROVINCES FOR THE LEGISLATIVE COUNCIL IN TERMS OF 1983-84 ELECTORAL PROVINCES AND SUBDIVISIONS

PROVINCE (1990-91)	EXISTING ELECTORAL PROVINCE AND SUBDIVISIONS PARTLY OR WHOLLY CONTAINED (1983-84)	NUMBER OF ELECTORS		
<b>BALLARAT</b>	BALLARAT		NORTH EASTERN	
	Ararat (part)	9,461	Benambra (part)	5,573
	Ballan (part)	5,819	Murray Valley (part)	1,492
	Clunes	1,177	Rodney (part)	5
	Daylesford	3,578	Shepparton (part)	335
	Eureka	27,912		
	Gisborne (part)	25,682	NORTH WESTERN	
	Gong Gong	1,138	Eppalock (part)	1,924
	Pyrenees (part)	12,722		
	Wendouree	29,053	NUNAWADING	
			Warrandyte (part)	3,132
	CENTRAL HIGHLANDS			
	Lancefield (part)	3,261	TEMPLESTOWE	
	Whittlesea (part)	82	Diamond Creek	5,944
			Greensborough	
			East (part)	3,201
	MELBOURNE WEST		<b>CHELSEA</b>	
	Werribee (part)	0	CHELSEA	
			Botany Park (part)	279
	NORTH WESTERN		Carrum (part)	23,902
	Castlemaine (part)	2,046	Carrum Downs (part)	105
			Frankston North	20,263
	WESTERN		Frankston South	31,763
	Willaura (part)	49	Keysborough (part)	2,400
			Mentone (part)	4,464
			Seaford	6,874
			EUMEMMERRING	
<b>CENTRAL HIGHLANDS</b>	BALLARAT		Dandenong (part)	12,250
	Gisborne (part)	115	Harrisfield	2,530
			Springvale (part)	15,520
	CENTRAL HIGHLANDS			
	Benalla	9,394	SOUTH EASTERN	
	Craigieburn (part)	5,398	Hastings (part)	0
	Evelyn (part)	23,660	Mornington (part)	5,720
	Goulburn (part)	22,944		
	Hurstbridge (part)	4,886	<b>DOUTTA GALLA</b>	
	Lancefield (part)	601	BALLARAT	
	Lilydale	11,882	Diggers Rest (part)	1,010
	Whittlesea (part)	22,030	Gisborne (part)	313
	GIPPSLAND		DOUTTA GALLA	
	Gippsland East (part)	4	Albanvale	3,312
	Trafalgar (part)	0	Avondale Heights	10,366
			Derrimut	30,728
			Keilor	16,337