



**ELECTORAL REGULATION RESEARCH  
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**2013 REDIVISION OF VICTORIAN ELECTORAL BOUNDARIES**

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## **Introduction**

Australia has just been through a turbulent Federal election, leading to a change in the national government. For months before the election there was constant speculation about its date and outcome. A Prime Minister was overthrown largely because of fears about the likely result of the election. During the campaign, nearly all Australians would have been aware of the election, and more than 13.7 million electors voted in the election.

At the same time, Victoria has been through a redivision (the term in Victorian law for redistribution) of State electoral boundaries. Changes to electoral boundaries are at one remove from elections themselves. The main political parties and a number of journalists and academics were keenly interested in the redivision, but it was a relatively low-profile event. The day that the proposed boundaries were released was also the day that the Prime Minister changed, so coverage of the boundaries was swamped. There was strong public feedback about the proposed boundaries, with 608 written submissions and 38 speakers at public hearings, but most Victorians were probably unaware of the redivision. The final boundaries were released on 17 October and received substantial media attention. Now those boundaries are becoming the new normal state of affairs. Although people disagree with those boundaries, there has been no real challenge to the process or the rules underpinning it.

Thus the 2013 Victorian redivision was a relatively inconspicuous event. Even so, the redivision is worth examining, for several reasons. First, it was a long time coming. The redivision was the first review of the boundaries for both Houses of Parliament since 2001, and commentators thought it was well overdue. With numbers in both Houses on a knife edge, the parties and media were eager to assess the possible political impact of the redivision. The boundaries established by the redivision set the context of Victorian politics for the next eight years, and it was incumbent on the Electoral Boundaries Commission (EBC) to get them right. The secretary of the EBC can offer some insights into how the factors set out in legislation played out in practice.

A key challenge for the EBC was that the redivision involved 88 electoral districts across the entire State, and that any change to one district potentially affected all the others. Another challenge was to select a starting point for the redivision. The EBC considered that Victoria's geography and population pattern meant that the north-west corner of the State was the appropriate starting point. Proceeding from this point, the EBC modelled several options, which produced very different maps across much of the State.

## **Principles underlying the redivision**

The *Electoral Boundaries Commission Act 1982* sets out the five factors that the EBC has to follow in determining boundaries:

- Enrolment for each electorate has to be approximately equal;
- The EBC must give due consideration to:
  - area and physical features of terrain;
  - means of travel, traffic arteries, and communications and any special difficulties in connection therewith;
  - community or diversity of interests; and
  - the likelihood of changes in the number of electors in the different localities.

These factors are similar to those in other Australian jurisdictions (though there is a major difference in South Australia). The factors fall into two groups – numbers and community of interest.

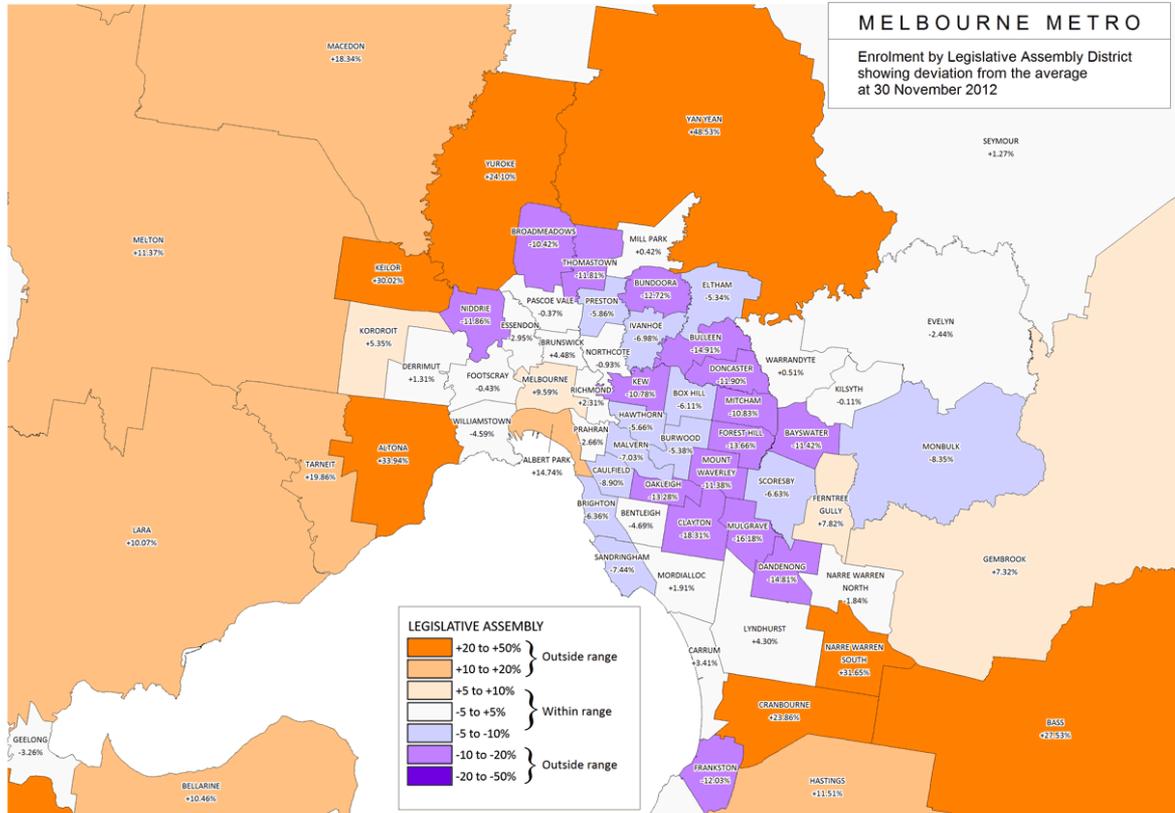
### **The numbers**

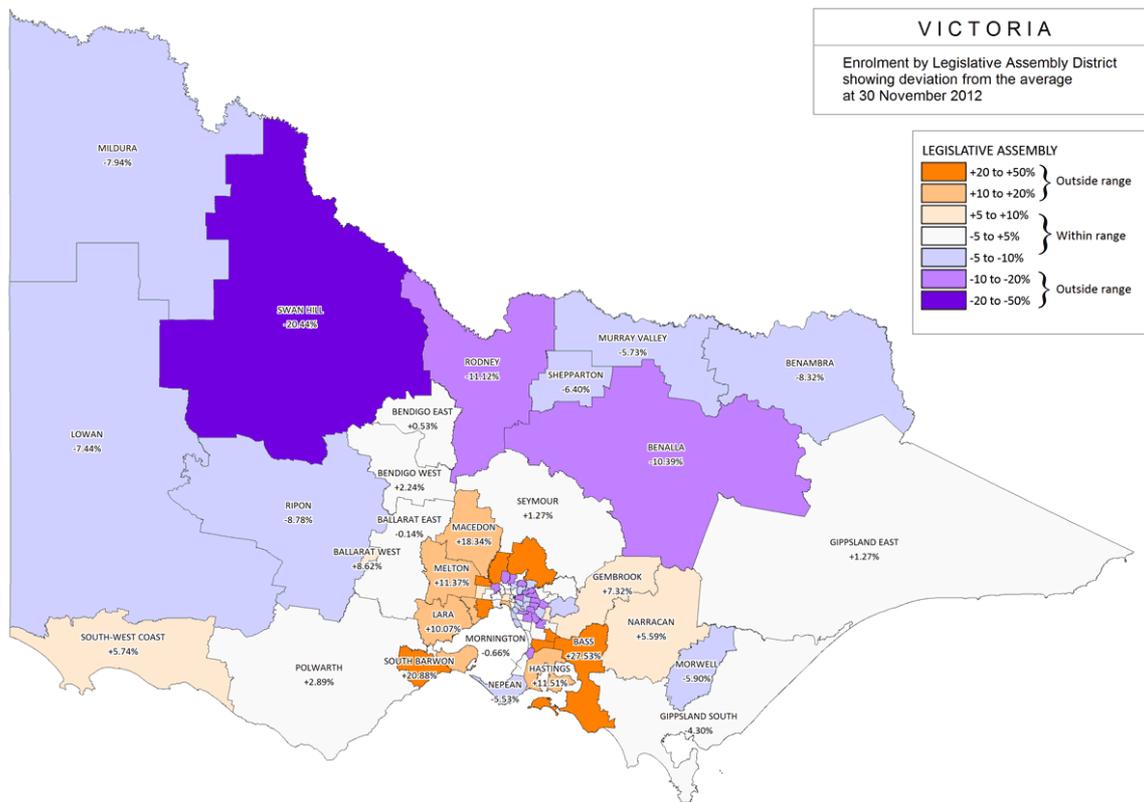
The approximate equality criterion is the only fixed one in the Act. The number of electors for each electoral district (Lower House electorate) and region (Upper House electorate) must not vary by more than 10 per cent from the State average. All the other factors in the Act are subordinate to this one.

As at 30 November 2012 (the starting point for the redivision), 34 of the 88 electoral districts were outside the 10 per cent margin, with 19 districts below the lower threshold and 15 districts above the upper threshold. Nine districts were more than 20 per cent outside the threshold – all but one them being above the average. Clearly, substantial changes were required to bring all the districts back to approximate equality.

The geographic pattern of enrolments showed clear patterns. In inner Melbourne, Albert Park and Melbourne districts were above average and growing. Surrounding this area was a belt of middle suburbs – wider on the eastern side of the city - that were mostly below average, with 16 districts more than 10 per cent below. On the western, northern and south-eastern fringes of the metropolitan area was the growth belt, where districts are growing explosively. The outstanding example was Yan Yean, which was 48.53 per cent above average. Coastal areas and the large provincial cities of Geelong, Ballarat and

Bendigo also tended to be above average, though to a lesser extent. Finally, northern and western rural Victoria was an area of smaller enrolments – Swan Hill had the lowest enrolment in the State at 20.44 per cent below average.



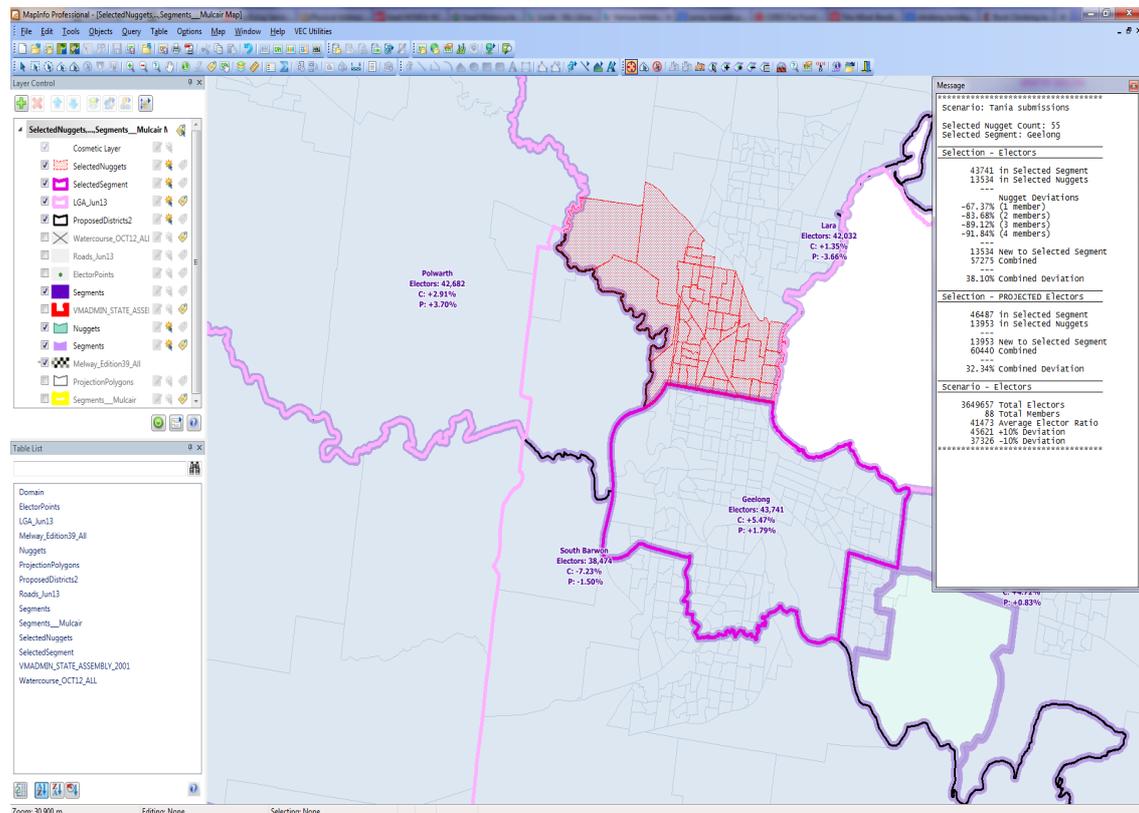


The EBC also has to consider likely changes in the distribution of electors. The Act requires the EBC to establish **and maintain** electorates of approximately equal enrolment. The “likely changes” factor helps to achieve this purpose, by ensuring that as far as practicable electorates will continue to be of approximately equal enrolment. To create districts likely to deviate beyond the 10 per cent tolerance in a short time, as some submissions did, would appear to go against the purpose of the Act.

The EBC engaged the then Department of Planning and Community Development (DPCD) to prepare small area population projections. The Spatial Analysis and Research Branch of the Department produced estimates of the 18+ population as at 30 June 2014 and 30 June 2018 down to SA1 level – the smallest available statistical area. The projection to mid-2018 (shortly before the November 2018 State election) covers the period which the EBC has to consider, as the Act will require the next redivision to take place before the following State election. The EBC used enrolment rates (enrolled electors divided by the estimated adult population) by district as at 30 June 2011 to calculate estimated enrolments as at 30 June 2018. There were some comments regarding the DPCD’s projections. The small-area population analysis and forecasting company, .id (informed decisions), queried these projections and provided alternatives. The Greens

argued that the projections under-estimated the scale of development in the inner suburbs, and gave examples of large recent developments. The Liberal Party thought that growth in the middle suburbs would be greater than predicted, as did The Nationals for rural areas. The EBC took account of these comments and acknowledged that there are uncertainties in all population projections, as the rate of immigration may change, or property developments may take longer than expected to get underway. However, the EBC considered that the DPCD projections provided a good general guide to population shifts.

The enrolment projections were essential for operation of the computerised mapping system used in the redivision. The Victorian Electoral Commission’s Boundary Maker software allowed calculations of current and projected electors to be made in great detail. The EBC modelled a multitude of possible boundaries, including each submission’s proposals. The EBC was able to select any area, see the number of current and projected electors in that area, and the effect if the area was added to a district. The map below shows the Geelong area.



Based on enrolment projections, enrolments for 51 of the 88 existing electoral districts would be more than 10 per cent outside the average by 2018. Population trends are

accentuating current patterns, with continuing growth in inner Melbourne and on the fringe, and relative decline in the middle suburbs and outer country areas. The EBC's broad approach, to restore districts to approximate equality both now and as much as possible for the future has been:

- In inner Melbourne, reduce the size of the districts;
- In the middle suburbs, enlarge the districts and abolish one of them (Doncaster);
- On the fringes, reduce the size of districts and create two new districts (Sunbury and Werribee);
- In rural Victoria, enlarge the districts, effectively abolishing four districts (Swan Hill, Rodney, Benalla and Seymour) and creating three new ones (Murray Plains, Euroa and Eildon).

The Act allows a 10 per cent deviation from the average. The EBC has made full use of this allowable variation, setting fast-growing districts at well below the average and tending to set relatively declining districts higher, so that they both approach the average. For example, Cranbourne district's enrolment is currently 9.76 per cent below average, and is projected to rise to +8.53 per cent by 2018. Fifty-five districts (62.5 per cent) vary by less than 5 per cent from the average.

Around the edges of the metropolitan area the population is growing so rapidly that in some areas it is virtually impossible to create a district that will contain growth within the 10 per cent tolerance by 2018. In such cases, the choice can be between creating one district whose enrolment will grow enormously, or several districts that are likely to grow beyond the 10 per cent margin to a lesser extent. The EBC's approach has been to favour the second option, which would reduce the degree of under-representation for electors in that area. The EBC expects that by mid-2018, eight districts will be more than 10 per cent above the average, with the highest being Yuroke at +18.25 per cent.

### **Community of interest**

The other three factors in the Act relate to community of interest. "Community of interest" is a term that is constantly bandied about in this field – but what does it actually mean? It could be argued that in an on-line world, the term has very little meaning – that someone can have close connections with people in another State or country than with their neighbour in the next apartment. Nevertheless, the response to the EBC's proposed boundaries shows that

many people do care passionately about their community, which they see as possessing characteristics that bind the community together and distinguish it from other communities. Community of interest can be seen as people's subjective identification with places or territory, that can be matched to objective geographic areas. These areas can be at a range of levels, from broad land-use regions, to local government areas, to individual suburbs or parts of a suburb. A basic distinction is between urban and rural areas, but peri-urban areas are a complicating factor. Communities may have links in different directions. As Dr Charles Richardson's submission stated: "patterns of communication are complex and ever-changing, making it hard to define where communities of interest lie". The determination of communities of interest is one of the main tasks of the EBC in a redivision.

There are many different indicators of community of interest. The Act refers to area and physical features. "Area" can be important in the sense that an excessively large electorate may lack a community of interest, as well as being laborious to represent. Physical features such as a mountain range or a river can serve to define a community and to distinguish it from other communities. The Act also refers to means of travel, traffic arteries and communications. Traffic arteries may unite a community around an important transport corridor – or, in contrast, a freeway may separate one community from another. For instance, the EBC used Eastlink rather than a municipal boundary as the boundary between Ringwood and Warrandyte districts because, if the municipal boundary had been used, two small pockets south of the freeway would have been cut off from the rest of the district. Submissions by the political parties referred to local government boundaries, shopping centres, road patterns, housing types and sporting associations to buttress their case for particular boundaries. For example, the Australian Labor Party, in arguing why the suburb of Mooroolbark should not be included in Monbulk district, gave a detailed description of the suburb's public transport linkages, schooling patterns, health services and sport and recreation facilities. From the EBC's point of view, all these characteristics are valid guides to community of interest. The EBC also conducted its own research for evidence of communities of interest, examining such sources as submissions to other redistributions, community profiles based on census statistics, reports by government authorities and VicRoads traffic statistics.

An example shows how the EBC handled conflicting views of community of interest. In north-central Victoria, the EBC proposed a substantial reshaping of the boundaries, with the Benalla district being abolished, the Seymour district expanding north-east to take in the town

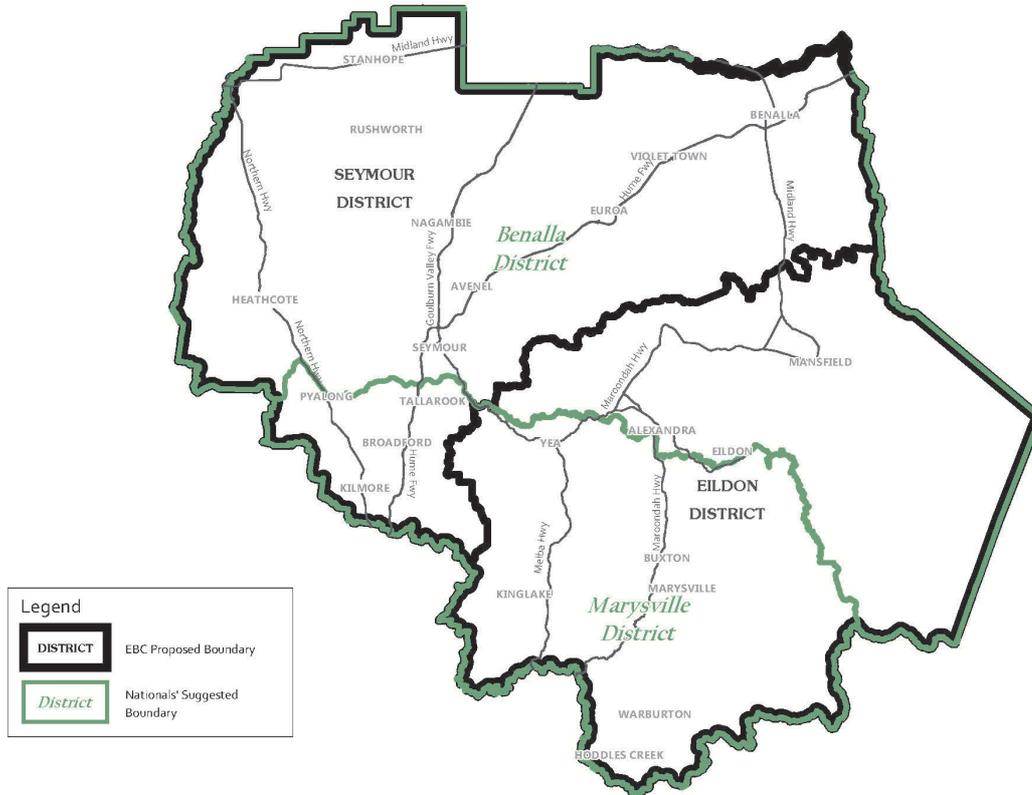
of Benalla, and a new Eildon district stretching from the upper Yarra Valley north to Mansfield. Thirty submissions opposed the proposed boundaries, including those by The Nationals, a former Deputy Premier, and several councils. The Nationals proposed an alternative configuration (which worked well on the numbers), replacing the proposed boundary with an east-west boundary; the northern district would continue as Benalla, while the southern district would be renamed Marysville. Twenty submissions supported the proposed boundaries, including those by the Liberal Party, the Hon Fran Bailey (former member for the Federal division of McEwen) and Mr Mike Dalmau (a former Liberal candidate for Seymour).

The two sides argued mainly on community of interest grounds. For the Nationals and other opponents of the proposed boundaries, the main score against them was they lumped together peri-urban areas south of Seymour with truly rural areas. In their view, residents of these peri-urban areas were focussed on Melbourne, where many of them commuted each day, and had concerns about infrastructure that were very different from those of agricultural areas. They also considered that Mansfield (in the proposed Eildon district) was rural and had strong links to the north, and so belonged in The Nationals' northern district.

Supporters of the proposed boundaries thought that they corresponded very well with communities of interest. In their view, the proposed Eildon district was united by the common industries of tourism (particularly high country tourism), forestry, viticulture, stud farming and hobby farming, as well as by topography and water resources. Local radio, sporting groups and co-operation among councils were also cited as indicators of community of interest. They argued that Mansfield's municipal divorce from Benalla demonstrated the two towns' incompatibility, with Mansfield being a high-country town while Benalla was a highway town on the northern plains. The proposed Seymour district was also seen as a unit, characterised by flatter topography, broad-acre farming, beef and dairy cattle-raising and the equine industry. Seymour was considered an appropriate name, as the communications hub for the whole district.

The EBC considered that both groups of submissions made a strong case. The choice between them came down to two key matters – the nature of the population in the southern part of the region, and communication routes across the two districts.

## Alternative boundaries: Benalla/Seymour/Eildon



The proposed Seymour district excludes the rapidly suburbanising Wallan and Beveridge, and starts north of the Urban Growth Boundary. The area south of Seymour could be described as largely a rural living zone. Residents may commute to Melbourne, or not engage in traditional rural pursuits, but they live in and become part of country communities, and face the same sorts of issues, such as bushfires and water use, as residents of more strictly rural areas. The EBC considered that the differences between rural living and rural areas are not so marked as to rule them out being included in the same district.

The EBC regards the means of travel factor as an important marker of community of interest, as major roads can help to bind an electorate together. On this ground, the EBC's proposed districts were considered superior. In both districts, highways link nearly all parts of the district. In contrast, there are few roads connecting the various parts of The Nationals' proposed Marysville district.

Therefore, the EBC concluded that on balance its proposed districts complied better with communities of interest, and decided to retain them. However, the EBC changed the name of

the Seymour district to Euroa and modified its northern boundary in response to public feedback.

Across most of Victoria, the EBC had to consider not just community of interest, but also the numbers – both present and projected. For each area, the EBC would learn what the public was saying in submissions and public hearings, examine and possibly amend options prepared by the VEC’s mapping team, and come to a decision through a process of discussion and consensus. Those decisions did not follow a strict formula, except that enrolments for all electorates had to be within 10 per cent of the average. Instead, the members of the EBC weighed up all the factors to come up with what they considered to be the best possible solution. For instance, in Gippsland the final boundaries put the closely associated towns of Moe and Newborough in different districts and made Bass likely to grow just beyond the 10 per cent tolerance by 2018, but those boundaries were still the optimal fit for communities of interest across Gippsland. The Great Dividing Range in eastern Victoria and the Yarra River in metropolitan Melbourne are strong boundaries that delineate communities, but the EBC has created districts that cross both of them (Eildon district spans the Great Divide and Warrandyte district includes North Warrandyte) because it considered that those boundaries best corresponded with communities of interest.

As discussed above, the EBC had to consider electorate boundaries not in isolation but in the context of the entire State. Some submissions proposed excellent electoral districts, which complied with the numbers requirements and fitted communities of interest well, but which could not be adopted because of the flow-on effects for other districts. In the case of Rodney, The Nationals and residents proposed modifications that would have brought the district within the 10 per cent tolerance and that were defensible on community of interest grounds. Yet retaining Rodney would have had major consequences across the western half of the State. The Wimmera would have been divided in three, Portland would have been allocated to Lowan over strong local opposition, and there would have been significant changes to other electorates. The EBC concluded that the consequences for communities of interest were worse than those caused by the abolition of Rodney, and that the proposed boundaries should stand.

## **Fairness**

The word “fairness” does not appear in the Electoral Boundaries Commission Act. However, fairness, in the sense of equitable treatment of all electors and participants, is implicit in

redivisions. This fairness can be demonstrated in the nature of the body that conducts redivisions, the redivision process, and the outcome of redivisions.

Redivisions in Victoria are conducted by the Electoral Boundaries Commission, a permanent, independent, statutory authority.<sup>1</sup> The aim is to take the setting of electoral boundaries out of the hands of the Government and political parties, that might be inclined to draw boundaries in their own interests. The chairman of the EBC is the Chief Judge of the County Court; this judicial position underlines the independence of the Commission. The other members of the EBC are the Electoral Commissioner and the Surveyor-General, who have relevant expertise and also have independent positions. The decisions of the EBC on boundaries are final and cannot be rejected or amended by Parliament.

The redivision process is open and transparent. Input from the public is an important part of the process, with submissions being invited both in the first stage of the redivision and after the release of proposed boundaries. Public hearings are another opportunity for members of the public to have their say. Submissions are public documents, published on the EBC's website as they arrive, and the transcripts of the public hearings are also placed on the website. The EBC took account of the information and arguments contained in submissions. The EBC could not always give people what they wanted, but there were many cases of changes from the proposed to the final boundaries as a result of the arguments in submissions. The names of four districts were changed and a total of 42,744 electors were transferred to different districts.

The key function of the EBC is to divide Victoria into electoral regions and districts with the object of establishing and maintaining electorates of approximately equal enrolment. The provision is based on the principle of "one vote, one value" – that an elector's vote should have approximately the same value regardless of where they live. This is a crucial component of fair elections.

The Nationals and residents of Rodney district contended that the EBC had effectively discriminated against country Victorians, reducing their representation by abolishing a regional district. The root cause of the net reduction of regional districts by one is the urbanisation of Victoria, though in Rodney's case in particular the decision related more to community of interest. If Parliament had wanted special representation for rural areas (as

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<sup>1</sup> The EBC is separate from the Victorian Electoral Commission (VEC), which is also an independent statutory authority, though the VEC provides administrative and technical support.

occurred in Victoria up to 1982), that would have been included in the legislation, but the Act requires all Victorians to be treated on an equal basis.

The Nationals criticised the proposed boundaries for under-representing rural and regional Victorians and over-representing metropolitan electors. They argued that the boundaries would deliver many more under-average districts in metropolitan Melbourne than in regional Victoria, and that really there should be more under-average regional districts to offset the size of the electorates and the associated challenges in representing their electors. The EBC believes that the intention of the Act is that there be no systematic bias favouring either regional or metropolitan electorates, and considered The Nationals' argument carefully. An analysis of current and projected enrolments for rural and regional districts does not reveal any systematic under-representation of country Victorians. Rather, enrolments for some districts were set high to allow for projected relative population decline, and by 2018 the median enrolment of regional districts will be very close to the State average. The source of the difference between average regional and metropolitan enrolments was in the large block of districts on the eastern side of Melbourne that had small enrolments and were projected to decline further. Although the EBC abolished one district in this area and adjusted boundaries to allow for growth on the outer fringe and in inner Melbourne, this still left an area of districts with below-average projected enrolment. However, many of these districts were only slightly beneath the average, none of them was projected to drop below the 10 per cent threshold, and the abolition of another district would have put them above average. There was no sign of districts in the northern and western and inner suburbs being generally smaller than average. Considering that country districts were not disadvantaged and that the issue of below-average metropolitan districts was limited geographically and in deviation from the average, the EBC believed that there was no systematic discrimination in favour of metropolitan districts.

One factor that the EBC does not consider is the political impact of the new boundaries. Of course, this is exactly what the media and other observers are most interested in. Any change to a boundary will have a political effect, because of the varying distribution of support for political parties. In South Australia there is an "electoral fairness" criterion, and there have been many efforts, especially in the United States, to establish measures of political fairness. Some commentators have argued that gerrymandering is inevitable, and the commissions that draw boundaries without considering the political effects are simply gerrymandering blind. Nevertheless, the apolitical nature of redivisions in Victoria is well established. A few

submissions accused the EBC of political bias – the Geelong Trades Hall Council thought that the proposed boundaries favoured the Government and diminished the independence of the VEC, while a resident of Rodney objected to the abolition of a National Party seat – but these were very much in the minority. The political parties were unlikely to put forward boundaries that damaged their interests, but they couched those submissions in the terms required by the legislation and accepted the process. In its work on the boundaries, the EBC paid no attention at all to the possible political implications of the new boundaries. Now that the redivision is over, though, it is worth noting that, according to Antony Green’s calculations, a 2010 State election run on the new boundaries would be very close. Given the closeness of the vote in 2010, this is what it should be. What this suggests is that, if an independent commission conscientiously considers the numbers and communities of interest in creating new electoral boundaries, the result is likely to be politically fair.