

No. 3451.

An Act relating to the Redivision of the State of Victoria into Electoral Districts for the Legislative Assembly and for other purposes.

[14th October, 1926.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Electoral Districts Act* 1926 and shall be read and construed as one with *The Constitution Act Amendment Act* 1915 (hereinafter called the Principal Act) and any Act amending the same all of which Acts and this Act may be cited together as The Constitution Act Amendment Acts.

Short title
construction
and citation.
No. 2632.

2. The State of Victoria may be redivided into the number of electoral districts provided for in the Principal Act in manner hereinafter provided.

Redivision.
Comp. No. 2632
s. 131.

3. (1) For

Commonwealth
Electoral Act
1918-1924 s. 25.

Commissioners
to be appointed.
Comp.
Commonwealth
Electoral Act
1918-1924 s. 16.

3. (1) For the purpose of the redivision of the State of Victoria into electoral districts in accordance with this Act the Governor in Council may appoint and may remove three Commissioners of whom one shall be the Chief Electoral Officer.

(2) The Governor in Council may appoint one of the Commissioners to be chairman.

Proceedings at
meetings.
Comp. ib. s. 17.

4. At all meetings of the Commissioners the chairman if present shall preside and in his absence the Commissioners present shall appoint one of their number to preside, and at all such meetings two Commissioners shall be a quorum and shall have full power to act, and in the event of an equality of votes the chairman or presiding Commissioner shall have a second or casting vote.

Provision for
metropolitan
urban and
country
electoral
districts.

5. (1) In making any proposed redivision of the State of Victoria into electoral districts under this Act the Commissioners shall provide for twenty-six metropolitan and thirty-nine urban and country electoral districts on the basis approximately of the following quotas—

- (i) twenty-two thousand electors for each metropolitan district;
- (ii) fifteen thousand electors for each urban district; and
- (iii) ten thousand electors for each country district:

Provided that the Commissioners may adopt a margin of allowance to be used whenever necessary but the quota shall not be departed from to a greater extent than fifteen per cent. more or fifteen per cent. less:

Provided further that—

- (i) in case of any proposed urban electoral district the Commissioners may adopt a greater margin of allowance if they consider that any portion of any existing urban electoral district would be more properly included in any proposed country electoral district or districts; and
- (ii) the Commissioners may depart from the quota in the case of any proposed country electoral district where the greater part of the area thereof is mountainous and sparsely populated.

(2) In

(2) In making any such proposed redivision the Commissioners shall give due consideration to—

- (a) the distribution of the numbers of electors for the Legislative Assembly throughout the State and the likelihood of any changes in the distribution of electors within any localities in the State ;
- (b) community or diversity of interests ;
- (c) means of communication ;
- (d) physical features ;
- (e) existing boundaries of electoral districts and subdivisions ; and
- (f) Commonwealth electoral boundaries.

(3) Subject to this section—

- (a) the areas of proposed metropolitan electoral districts shall comprise those of the existing electoral districts mentioned in Part I. of the Schedule to this Act ;
- (b) the areas of proposed urban electoral districts shall comprise those of the existing electoral districts mentioned in Part II. of that Schedule ; and
- (c) the areas of proposed country electoral districts shall comprise those of the existing electoral districts mentioned in Part III. of that Schedule :

Provided that in order to provide for the number of metropolitan electoral districts specified in sub-section (1) of this section the Commissioners shall include in any proposed metropolitan electoral district such portion of any existing country electoral district contiguous thereto as they think necessary, but so that the total number of electors to be added to the whole of such proposed metropolitan electoral districts by the inclusion of portions of country electoral districts as aforesaid shall not exceed twenty thousand; and, generally, in order to carry into effect the purposes of this section, the Commissioners may in any other case include in any proposed electoral district such portion as they think necessary of any existing electoral district contiguous thereto whether of the same class or not.

6. Before reporting as hereinafter provided on any proposed redivision the Commissioners may visit such places in Victoria as they deem advisable.

7. The Commissioners shall forward to the Minister their report upon the proposed redivision and the number of electors for the Legislative Assembly residing in each proposed

Matters to be considered.

Comp.
Commonwealth
Electoral Act
1918-1924 s. 19.

Areas of
proposed
electoral
districts.
Schedule.

Power to
Commissioners
to visit various
places in
Victoria.

Report of
Commissioners.
Comp. lb. s. 22.

proposed electoral district, as nearly as can be ascertained together with a map signed by the Commissioners showing the name and the boundaries of each proposed electoral district.

Report and map to be laid before Parliament and forwarded to members of Legislative Assembly.
Comp. Commonwealth Electoral Act 1918-1924 s. 23.

8. The report and map shall be laid before both Houses of Parliament within seven days after its receipt by the Minister if Parliament is then sitting and if Parliament is not then sitting then within seven days after the next meeting of Parliament; and copies of such report and map shall forthwith after the receipt thereof by the Minister be forwarded to each member of the Legislative Assembly.

Reconsideration of proposal.
Comp. lb. s. 24.

9. If either House of Parliament passes a resolution disapproving of any proposed redivision or negatives a motion for the approval of any proposed redivision the Minister may direct the Commissioners to propose a fresh redivision; and the Commissioners shall thereupon reconsider the matter and forthwith propose a fresh redivision.

Proclamation of electoral districts.
Comp. lb. s. 24.

10. (1) If each House of Parliament passes a resolution approving of any proposed redivision the Governor in Council may by proclamation published in the *Government Gazette* declare the names and boundaries of the electoral districts.

Substitution of names and boundaries declared for those previously existing.
No. 2632 Seventeenth Schedule.

(2) On from and after the day of the dissolution or other lawful determination of the Legislative Assembly occurring next after the publication of such proclamation (which day is hereinafter referred to as "the appointed day") such electoral districts shall be the electoral districts for the Legislative Assembly for the purposes of The Constitution Act Amendment Acts; and the names and boundaries so declared shall be substituted for those provided for in and shall take effect as if enacted in the Seventeenth Schedule to the Principal Act; and any reference in the Principal Act or in any other Act to the said Seventeenth Schedule shall be deemed and taken to refer to the said proclamation:

Provision for extraordinary vacancy.

Provided that until the appointed day the redivision shall not affect any election of a member of the Legislative Assembly to serve in the place of a member whose seat has become vacant; but for the purposes of any such election the electoral districts and any subdivisions as theretofore existing and the electoral rolls in respect thereof shall continue

continue to have full force and effect notwithstanding that any new electoral rolls have been prepared for the new electoral districts.

11. (1) As soon as practicable after the publication in the *Government Gazette* of any proclamation of the Governor in Council declaring the names and boundaries of the electoral districts as aforesaid new electoral rolls shall be prepared in accordance with the *Electoral Act* 1923 for the several electoral districts mentioned in the proclamation and the subdivisions thereof proclaimed as hereinafter provided.

New rolls to be prepared.

No. 3331.

(2) The said new electoral rolls shall so far as practicable be prepared on the basis of existing electoral rolls with any necessary alterations and additions.

To be prepared on the basis of existing rolls.

(3) For the purposes of the preparation of the said new electoral rolls the Governor in Council may by proclamation published in the *Government Gazette*—

Power of Governor in Council to proclaim subdivisions.

(a) divide any electoral district aforesaid into subdivisions ;

(b) specify the boundaries and names of subdivisions so proclaimed; and

(c) alter the boundaries and name of any subdivision so proclaimed.

(4) On from and after the appointed day—

(a) the new electoral rolls under this section together with any supplemental rolls under section eighteen of the *Electoral Act* 1923 setting out additions to any such new electoral rolls since the latest print thereof and up to the appointed day shall come into force and shall continue in force subject to the provisions of the *Electoral Act* 1923 ;

Coming into force of new rolls &c.

No. 3331 s. 18.

No. 3331.

(b) all electoral rolls of electors for the Legislative Assembly in force immediately before the appointed day shall cease to have any further force or effect ; and

Existing rolls.

(c) the subdivisions as proclaimed under this section shall be the subdivisions of the electoral districts under this Act with the boundaries and names so proclaimed in all respects as if such proclamation had been made under section nine of the *Electoral Act* 1923.

Subdivisions.

Ib. s. 9.

(5) Notwithstanding

Transitory provisions as to first general election.

(5) Notwithstanding anything in this or any other Act in the case only of the first general election of members of the Legislative Assembly after the appointed day—

No. 3331 s. 37.

(a) instead of following the provisions of section thirty-seven of the *Electoral Act 1923*, every divisional returning officer after the appointed day and before the day of nomination for such election, shall certify sign and transmit to the State returning officer for any electoral district situate in whole or in part within the Commonwealth electoral division for which such divisional returning officer acts a printed copy of the new electoral roll and any supplemental roll prepared as provided for in this Act and last printed for each subdivision of such electoral district situate within such Commonwealth electoral division and altered if necessary so as to correspond with the new electoral roll and supplemental roll for that subdivision as in force on the appointed day; and for the purposes only of such election the copy of such electoral roll last printed and altered if necessary as hereinbefore provided together with the copy of such supplemental roll (if any) transmitted to the returning officer shall be the electoral roll for the subdivision; and

(b) any person who is legally entitled to be enrolled for any subdivision but whose name has been omitted from or struck out of the electoral roll for that subdivision and who was enrolled on the corresponding electoral roll in force immediately before the appointed day may be permitted to vote if he claims to vote and makes a declaration in the prescribed form before the returning officer or deputy returning officer; and for the purposes of this paragraph the provisions of sub-sections (2) to (8) of section fifty-three of the *Electoral Act 1923* shall so far as applicable and with such alterations modifications and substitutions as are necessary extend and apply accordingly, and in particular any reference in sub-section (5) of that section to paragraphs (a) or (b) of sub-section (1) thereof shall be read and construed as a reference to this paragraph.

Ib. s. 53.

12. (1) Notwithstanding

12. (1) Notwithstanding anything in this Act or the Licensing Acts—

Special provisions as to Licensing Acts.

(a) the several licensing districts under the Licensing Acts as existing immediately before the appointed day shall continue until the thirty-first day of December next following the appointed day;

Existing licensing districts.

(b) any changes in the boundaries of licensing districts occasioned after the said thirty-first day of December by the operation of this Act shall not affect—

Savings.

(i) any determination under the Licensing Acts or the surrender grant or renewal of any licence made or deemed to be made on or before the said thirty-first day of December; or

(ii) any proceedings under the Licensing Acts to deprive any premises of a licence or any application or matter under the said Acts in respect of any licence pending on the said thirty-first day of December.

(2) In any licence renewed or granted under the Licensing Acts for any year subsequent to the said thirty-first day of December the licensed premises shall be described as in the licensing district corresponding with the electoral district under this Act in which the premises are situate.

Licensing districts.

13. Without affecting any powers of the Governor in Council or the Minister under this or any other Act the Governor in Council may—

General powers of the Governor in Council.

(a) by Order give such directions or provide for all such matters or things as appear necessary or expedient for the purposes of the preparation of the new electoral rolls and any supplemental rolls provided for in this Act or the use thereof in connexion with the first general election of members of the Legislative Assembly held after the appointed day or generally for the purposes of carrying into effect any of the provisions of this Act or any of the provisions of the Licensing Acts as affected by this Act; and

(b) modify

(b) modify any provisions of any proclamation Order in Council or regulation thereunder so far as appears necessary or expedient to give effect to any direction or Order under this section.

Section 5*

SCHEDULE.

Areas of Existing Electoral Districts as set out in the Seventeenth Schedule to The Constitution Act Amendment Act 1915.

PART I.

Abbotsford, Albert Park, Boroondara, Brighton, Brunswick, Carlton, Collingwood, East Melbourne, Essendon, Fitzroy, Flemington, Hawthorn, Jika Jika, Melbourne, North Melbourne, Port Melbourne, Prahran, Richmond, St. Kilda, Toorak, Williamstown.

PART II.

Ballaarat East, Ballaarat West, Bendigo East, Bendigo West, Geelong.

PART III.

Allendale, Barwon, Benalla, Benambra, Borung, Bulla, Castlemaine and Maldon, Dalhousie, Dandenong, Daylesford, Dundas, Eaglehawk, Evelyn, Gippsland East, Gippsland North, Gippsland South, Gippsland West, Glenelg, Goulburn Valley, Grenville, Gunbower, Hampden, Kara Kara, Korong, Lowan, Maryborough, Mornington, Ovens, Polwarth, Port Fairy, Rodney, Stawell and Ararat, Swan Hill, Upper Goulburn, Walhalla, Wangaratta, Waranga, Warrenheip, Warrnambool.
