

No. 5683.

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

[3rd June, 1953.]

BE it enacted by the Queen'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. (1) This Act may be cited as the *Electoral Districts Act 1953* and shall be read and construed as one with *The Constitution Act Amendment Act 1928* (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.

Nos. 3660, 4278,
4305, 4334, 4350,
4367, 4409, 4408,
4533, 4584, 4691,
4718, 4849, 4896,
5014, 5028, 5052,
5185, 5211, 5252,
5285, 5296, 5309,
5349, 5380, 5465,
5516, 5586, 5587,
5652.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Commencement.

2. Following on the commencement of this Act and thereafter whenever any alteration is made in the number of Commonwealth Electoral Divisions in Victoria or in any boundaries thereof the provisions of this Act shall apply and have effect with respect to the redivision of the State of Victoria into electoral districts for the Legislative Assembly of Victoria :

Redivision.

Provided that no such redivision shall be made if the whole number of members of the Legislative Assembly would be thereby decreased.

3. (1) For the purpose of each such redivision of the State of Victoria into electoral districts three Commissioners shall be appointed by the Governor in Council.

Commissioners
to be appointed.

(2) Of

(2) Of the Commissioners so appointed—

- (a) one shall be the Chief Electoral Officer ;
- (b) one shall be the Commonwealth Electoral Officer for the State of Victoria ;
- (c) one shall be the Secretary for Lands.

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

Proceedings
at meetings.

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.

Basis of
redivision of
Victoria into
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 electoral districts on the basis of each of the Commonwealth Electoral Divisions in Victoria existing at the date of the making of the proposed redivision being divided into two electoral districts for the Legislative Assembly approximately equal in number of electors and so that at the date of the making of the proposed redivision in no case will the number of electors in any such electoral district exceed fifty-five per centum or be less than forty-five per centum of the number of electors enrolled for the Commonwealth Electoral Division in which it is comprised.

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

- (a) existing boundaries of subdivisions ;
- (b) the likelihood of any change in the distribution of electors within any locality ;
- (c) community or diversity of interests ;
- (d) means of communication ;
- (e) physical features.

Power to
Commissioners
to visit various
places in
Victoria.

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

7. The

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 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 of
Commissioners.

8. Within fourteen days after receipt by the Minister of the report and map a copy thereof shall be laid before both Houses of Parliament if Parliament is then sitting or if Parliament is not then sitting within fourteen days after the next meeting of Parliament and a copy thereof shall be posted to each Member of Parliament.

Report and
map to be
laid before
Parliament.

9. (1) Unless within twenty-eight days after the report and map are so laid before the Legislative Assembly each House of Parliament passes a resolution disapproving the proposed redivision or negatives a motion for the approval of the proposed redivision the proposed redivision shall be deemed to be adopted.

Adoption of
proposal.

(2) If each House of Parliament passes a resolution disapproving the proposed redivision or negatives a motion for the approval of the proposed redivision the Minister may direct the Commissioners to propose a fresh redivision; and the Commissioners shall thereupon reconsider the redivision and forthwith propose a fresh redivision.

Reconsideration
of proposal.

(3) The Commissioners shall forward the proposed fresh redivision to the Minister who shall cause it to be laid before both Houses of Parliament within fourteen days after receipt thereof if Parliament is then sitting, or if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Fresh proposal
to be laid
before
Parliament.

(4) Unless within twenty-eight days after the proposed fresh redivision is so laid before the Legislative Assembly each House of Parliament passes a resolution disapproving the proposed fresh redivision or negatives a motion for the approval of the proposed fresh redivision, the proposed fresh redivision shall be deemed to be adopted.

Adoption of
fresh
proposal.

10. (1) When the proposed redivision or the proposed fresh redivision is so adopted or deemed to be adopted the Governor in Council may by proclamation published in the *Government Gazette* declare the names and boundaries of the electoral districts.

Proclamation
of electoral
districts.

(2) On

Substitution of names and boundaries declared for those previously existing.

(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 the Seventeenth Schedule to the Principal Act or any substitution therefor and shall take effect as if enacted in the said Seventeenth Schedule; 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.

No. 3660
Seventeenth
Schedule.

Provision for
extraordinary
vacancy.

(3) Until such 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 to have full force and effect notwithstanding that any new electoral rolls have been prepared for the new electoral districts.

New rolls to
be prepared.

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 Constitution Act Amendment Acts for the several electoral districts mentioned in the proclamation and the subdivisions thereof proclaimed as hereinafter provided.

Nos. 3660, &c.

To be prepared
on the basis of
existing rolls.

(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.

Proclamation of
subdivisions.

(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*—

(a) divide any electoral district aforesaid into subdivisions;

(b) specify the boundaries and names of such subdivisions.

(4) On

(4) On from and after each appointed day—

(a) the new electoral rolls under this section, altered if necessary so as to include all names duly added thereto before the appointed day and to exclude all names duly removed therefrom before the said day, shall come into force and shall continue in force subject to the provisions of The Constitution Act Amendment Acts ;

Coming into force of new rolls, &c.

Nos. 3660, &c.

(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 ;

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 one hundred and fifty of the Principal Act.

Subdivisions.

No. 3660 s. 150.

12. (1) When the proposed redivision or the proposed fresh redivision is adopted or deemed to be adopted as aforesaid the Governor in Council may by proclamation published in the *Government Gazette* declare which of the electoral districts shall be metropolitan electoral districts and which shall be country electoral districts for the purposes of the Principal Act.

Declaration of metropolitan and country electoral districts.

(2) On from and after the day appointed for taking the poll at the first general election of the Legislative Assembly held after each appointed day the electoral districts so declared to be country electoral districts shall be country electoral districts for the purposes of sections fourteen seventeen and one hundred and forty-one of the Principal Act.

No. 3660 ss. 14, 17, 141.

13. (1) On from and after the first appointed day for sections one hundred and thirty-six and one hundred and thirty-seven of the Principal Act there shall be substituted the following sections :—

Consequential amendments. New sections substituted for No. 3660 ss. 136, 137.

Constitution of Assembly.

“ 136. Victoria shall be divided into electoral districts as provided in The Constitution Act Amendment Acts and the electors of each of such districts shall elect one member for the Legislative Assembly.

137. The

137. The Legislative Assembly shall consist of the members elected by and representative of the electors of the respective electoral districts as aforesaid."

Amendment of No. 3060 ss. 14, 17, 141, as amended by No. 5296 ss. 2, 3, 5.

Metropolitan and country electorates.

(2) On from and after the day appointed for taking the poll at the first general election of the Legislative Assembly held after the first appointed day in sections fourteen seventeen and one hundred and forty-one of the Principal Act as amended by any Act the words "or urban" (wherever occurring) shall be repealed.

Special provisions as to Licensing Acts. Nos. 3717, &c.

14. Notwithstanding anything in this Act or the Licensing Acts the several licensing districts under the Licensing Acts as existing immediately before the commencement of this Act shall continue unchanged in number boundaries and names.

General powers of the Governor in Council.

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

(a) by Order give such directions or provide for all such matters or things as appear necessary or expedient—

(i) for the purposes of the preparation of the new electoral rolls provided for in this Act; or

(ii) generally for the purposes of carrying into effect any of the provisions of this Act or of The Constitution Act Amendment Acts as affected by this Act;

(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.