

# Parliament of Victoria

## From ‘rotten boroughs’ to independent scrutiny: A history of electoral boundaries in Victoria

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## Executive summary

The process for determining the size, number, number of voters and boundaries for electorates in Victoria has undergone considerable change since the early 19th century.

The first colonial representative institution encompassing the Port Phillip district was the NSW Legislative Council. There is no evidence that the self-governing culture of the Indigenous population influenced thinking or practices. The main inspirations for the design of the earliest institutions came from the colonial power, Britain and, to a lesser degree, the United States. The former experienced considerable social and political reforms from the 1830s onwards that rationalised electoral processes and the 'ancient' borough boundaries for the House of Commons. While these reforms abolished the 'rotten' boroughs of the Georgian era, considerable disparities existed in the numbers of voters per electorate. Unlike the UK, the USA had largely abolished restrictions on the franchise by the 1840s, at least for adult males, although state Assembly and Congress district design and numbers of voters varied considerably.

These influences shaped the emergence of representation and 'responsible' government in the Victorian colony. The NSW and later Victorian Legislative Councils used the existing county boundaries established by surveyors as the basis for representation, initialising considerable malapportionment in voter numbers from the outset. Surveyors developed electorates in consultation with the Colonial and later Chief Secretary.

The subsequent evolution of representation was contradictory. On the one hand, Victoria was one of the first authorities in the world to allow a full franchise for adult males for the lower house and a secret ballot. On the other hand, restrictions on Legislative Council voting and malapportionment counteracted these progressive measures. The latter installed a bias in the weight of votes lodged in country seats versus urban and mining-based areas. Social and political instability—above all, conflict over settler's access to land—meant the mostly well-to-do and squatting-based Members of both houses resisted reforms. Parliaments still had to approve changes, often leading to tortuous debates over boundaries. Minor recurrent reforms occurred in 1876 and 1888, increasing the number of representatives and lowering boundaries to participation in Legislative Council voting.

Subsequently, electoral design went forwards and backwards in the first half of the 20th century. A rural-based protest movement eventually led to a reduction in the size of both chambers of the Parliament of Victoria after Federation in 1901. The 1903 Act effectively institutionalised a zonal-based system of allocating districts and differentiated numbers of electorates according to metropolitan, urban (regional cities), and rural criteria. The newly emerged Country Party (CP) played a crucial role in consolidating these changes. Other significant changes took place, such as women obtaining the right to vote and the introduction of preferential voting. The 1926 Act formalised the zonal system while establishing commissioners to oversee the design of boundaries. The latter had to follow the differential voter quotas established under the Act. The CP's dominance over politics and the long rule by Premier Albert Dunstan meant little reform occurred, except for some changes to the Legislative Council in 1936. At the same time, federal reforms began to influence state practices over variations in enrolled voters per seat, periodic redistributions, and the role of 'quasi-judicial' independent authorities. The 1944 redistribution reflected a compromise agreement between the non-Labor parties that reduced the influence of but did not abolish the zonal-based system.

Considerable reform occurred in the early 1950s, followed by a long period of little change and a reversion to the zonal system in the 1960s. Restrictions on voting for the Legislative Council were abolished in 1950. Recurrent conflict between the non-Labor parties eventually resulted in a split in the Liberal and Country Party and the emergence of the Electoral Reform League. The 1952 election of the first majority Labor government enabled electoral reform legislation to pass. The 'two-for-one' approach of allocating two districts per Commonwealth Division allowed for some malapportionment but not based on zones. The legislation also strengthened the independent role of the commissioners. After one redistribution in 1958, the zonal system returned in 1964, although with a reduced differential

number of electors between seat categories compared to the 1904–52 era. The same system shaped the 1974 redistribution.

Finally, the modern era commenced in 1982 following Labor's election. The 1982 legislation adopted practices from the federal level and other states, further 'judicialising' the role of independent commissioners. The establishment of an independent statutory body, the Electoral Boundaries Commission—including a member of the judiciary—removed electoral design and boundaries from the purview of parliament. A redivision is required when there have been two general elections since the last redivision. The legislation abolished the zonal system and established a maximum allowable variation of 10 per cent in the number of voters. It established 88 Legislative Assembly districts and 22 two-member provinces in the Legislative Council (each province encompassing four districts).

The paper includes a number of maps to illustrate the evolution of Victoria's electoral boundaries.

# Introduction

A 'rotten' or 'pocket' borough was a slang term from the Georgian era in British history denoting an electorate with a tiny enrolment. A patron – a candidate with undue influence – could use a small electorate to gain unrepresentative influence within the unreformed House of Commons.<sup>1</sup> While the principle of 'one vote, one value' is widely cited in contemporary times, it was not always the case.

International factors strongly influenced the emergence of Victoria's electoral institutions. The granting of 'responsible government' in the early 19th century to the colony established the first elected government institutions. The colonies adopted the Anglo-American practice of bicameralism, opting for lower and upper houses of parliament.<sup>2</sup> The importation of international practices into the settler-colonial context of Victoria had contradictory consequences. On the one hand, some aspects of colonial Victorian parliaments were more advanced than in Britain. At least in the Victorian colony's lower house, a generous franchise (the section of the population eligible to vote) existed for white male settlers. On the other hand, while pocket and rotten boroughs were reformed, great disparities remained in the number of electors in various boroughs and districts in Britain. Colonial Victoria adopted similar practices.

A long process of reform took place aimed at addressing these issues. The design of electorates evolved away from an informal process subject to the approval of both houses of the colony and later the state's parliament. A quasi-judicial process gradually emerged where independent bodies would determine the size and character of electorates in both houses of the state's parliament. Legislation in the early 1980s established today's Electoral Boundaries Commission.<sup>3</sup>

Other publications have discussed some measures of electoral disparity in Victoria.<sup>4</sup> The evolution and changes to electoral boundary-making reflected political and social disputes from the state's history. This paper fleshes out issues from earlier research to provide a more vivid picture of the debates and changes. Table 1 outlines a summary of each section. The appendix also provides an overview of changes. Section one of the paper delves deeper into the international context that shaped how electoral institutions emerged in the Victorian colony. An original schema based on administrative provinces underpinned the first electoral districts. The development of Victoria's Constitution and other institutions also reflected influences from the times.

Minor reforms and associated debates – centred on the balance of interests versus population as the basis of electoral design – in the late 19th century (section two) gave way to the post-federation period of the first half of the 20th century (outlined in section three).<sup>5</sup> The combination of a 'zonal-based' policy emerged alongside the first attempts to institutionalise the role of independent commissioners. Meanwhile, similar processes emerged at the federal level with a quasi-'judicialisation' of electoral administration by independent entities.

These changes culminated in watershed reforms of the early 1950s, at least in the lower house. The pendulum then swung back the other way after 1964 with the re-emergence of a zonal-based approach (section four). Finally, section five outlines the key changes of the early 1980s that continue to shape contemporary policy.

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<sup>1</sup> G. Brown, I. McLean & A. McMillan (2018) 'Rotten borough', in *A Concise Oxford Dictionary of Politics and International Relations*, Oxford, Oxford University Press.

<sup>2</sup> W. Grant (2018) 'Bicameralism', in *A Concise Oxford Dictionary of Politics and International Relations*, Oxford, Oxford University Press.

<sup>3</sup> *Electoral Boundaries Commission* (2024).

<sup>4</sup> B. Reid (2023) *Historical Electoral Malapportionment in Victoria's Legislative Assembly*, Parliamentary Library & Information Service, Melbourne, Parliament of Victoria.

<sup>5</sup> R. Wright (1992) *A People's Counsel: A history of the Parliament of Victoria, 1856–1990*, South Melbourne, Oxford University Press, p. 36.

**Table 1: Victorian electoral boundary reform eras**

Era	Approach	Legislation
<b>Pre-responsible government (1823–1855)</b>	<ul style="list-style-type: none"> <li>• Reform era in UK and emergence of the United States</li> <li>• Existing county structure/ad hoc adaptations</li> <li>• Blended house</li> <li>• Limited representation</li> <li>• Informal organisation by Chief Secretary</li> <li>• Exclusive franchise</li> <li>• Little attention to apportionment</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Great Reform Act of 1832</i> (UK)</li> <li>• <i>Act for the Government of New South Wales and Van Diemen's Land</i> in 1842 (UK)</li> <li>• <i>Act for the Better Government of Her Majesty's Australian Colonies</i> in 1850 (UK)</li> <li>• <i>An Act to provide for the division of the Colony of Victoria into Electoral Districts and for the Election of Members to serve in the Legislative Council 1851</i> (NSW)</li> </ul>
<b>Colonial responsible government (1856–1901)</b>	<ul style="list-style-type: none"> <li>• Evolution into districts and provinces</li> <li>• Bicameralism</li> <li>• All-male franchise (Legislative Assembly)</li> <li>• Informal organisation of boundaries</li> <li>• Districts and provinces debated and approved in parliament</li> <li>• Semi-random malapportionment/ rural bias</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Victoria Constitution Act of 1855</i> (UK)</li> <li>• <i>The Electoral Act of 1856</i></li> <li>• <i>An Act to Abolish the Property Qualification required by Members of the Legislative Assembly 1857</i></li> <li>• <i>An Act to alter the Electoral Districts of Victoria and to increase the number of Members of the Legislative Assembly 1858</i></li> <li>• <i>Electoral Districts Amendment Act 1858</i></li> <li>• <i>An Act to Amend "The Electoral Act 1865"</i> 1876</li> <li>• <i>An Act for the Reform of the Constitution of 1881</i></li> <li>• <i>The Legislative Council Amending Act 1888</i></li> <li>• <i>Electoral Districts Alterations Act of 1888</i></li> </ul>
<b>First half of 20th century</b>	<ul style="list-style-type: none"> <li>• Federation in 1901</li> <li>• Expanding franchise (Legislative Assembly)</li> <li>• Semi-formal role of commissioners with parliamentary approval</li> <li>• Zonal system districts and provinces (malapportionment)</li> <li>• Rural bias</li> <li>• Bicameralism</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Australian Constitution Act 1901</i> (Cth)</li> <li>• <i>Electoral Districts Boundaries Act 1903</i></li> <li>• <i>Electoral Provinces Boundaries Act 1903</i></li> <li>• <i>Electoral Districts Act of 1926</i></li> <li>• <i>Constitution Act Amendment Act 1936</i></li> <li>• <i>Electoral Districts Act 1944</i></li> </ul>



Era	Approach	Legislation
<b>Reform era and aftermath (1950–1981)</b>	<ul style="list-style-type: none"> <li>• Two-for-one districts based on federal division</li> <li>• Greater formalisation of commissioners' role</li> <li>• <i>De facto</i> adoption after 28 days</li> <li>• Revival of zonal system mid-1960s</li> </ul>	<ul style="list-style-type: none"> <li>• <i>The Electoral Districts Act 1953</i></li> <li>• <i>Electoral Provinces and Districts Act 1965</i></li> <li>• <i>Electoral Provinces and Districts Act 1974</i></li> <li>• <i>Constitution Act 1975</i></li> </ul>
<b>Reform and the current era (1982–current)</b>	<ul style="list-style-type: none"> <li>• Equal numbers of voters with a 10 per cent variation</li> <li>• Independent Electoral Boundaries Commission with judicial oversight</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Electoral Commission Act 1982</i></li> <li>• <i>The Constitution (Electoral Provinces and Districts) Act 1983</i></li> <li>• <i>The Constitution Act Amendment (Electoral Reform) Act 1988</i></li> <li>• <i>Constitution Act Amendment (Amendment) Act 1995</i></li> <li>• <i>Constitution (Parliamentary Reform) Bill 2003</i></li> </ul>

## 1. Origins and international influences

The British Parliament's passing of the *Act for the Government of New South Wales and Van Diemen's Land* in 1842 set the framework for what would eventually become 'responsible government' in Victoria.<sup>6</sup> A combination of international influences and the local context shaped the design and implementation of early electoral institutions and boundaries.

### International context and influences

The introduction of responsible government occurred in the context of a wave of technological advances and social and economic reforms in the United Kingdom, and the influence of the United States' early settler-colonial institutions.

Both houses of the British parliament have long histories, although the era of modern constitutional rule is usually said to have commenced with the 'glorious revolution' of 1688.<sup>7</sup> The invasion of England by William of Orange and the subsequent era of the 'Hanoverian' monarchs brought a long period of social and economic upheaval—the English civil war, Oliver Cromwell's protectorate and the restoration—to a close. Representative institutions, however, continued to evolve.

Claims to constitutionalism notwithstanding, British legislative and executive institutions remained distinctly aristocratic in the early part of the 19th century.<sup>8</sup> A highly restrictive electoral franchise meant that only a tiny proportion of the population—property-owning European males—could vote. The boundaries and composition of 'ancient' boroughs and district-based electorates were chaotic and arbitrary. They varied greatly in size, ranging from so-called rotten or pocket boroughs through to 40 counties (and two universities).<sup>9</sup>

<sup>6</sup> *An Act for the Government of New South Wales and Van Diemen's Land 1843* (NSW).

<sup>7</sup> S. Pincus (2009) *1688: The First Modern Revolution*, New Haven, Yale University Press.

<sup>8</sup> A. Hawkins (2015) *Victorian Political Culture: 'Habits of Heart and Mind'*, Oxford, Oxford University Press.

<sup>9</sup> F. O'Gorman (1989) *Voters, Patrons and Parties: The unreformed electoral system of Hanoverian England 1734–1832*, Oxford, Clarendon Press.

The 1830s witnessed considerable social and political change. Ongoing political controversies, the influence of political events in France, the recently independent United States and increasing protest mobilisations by members of the population—with no or very modest asset ownership or incomes (at times meeting with violent repression)—added pressure for political and social reform.<sup>10</sup> These events saw the British monarch's hold on power in 'mixed government' gradually weakened and the supremacy of parliament recognised.

The primary electoral reform of the era was the *Great Reform Act of 1832*, which slightly relaxed the still heavily restricted electoral franchise, increasing the eligible male population from 450,000 to 650,000 (of around 10 million adult males).<sup>11</sup> The *Parliamentary Boundaries Act of 1832*—based on the recommendations of the independent English and Welsh borough Boundary Commission—established a new system of borough, county and university constituencies.<sup>12</sup> Convened by two engineers, the commission embodied a 'Benthamite' scientific approach. Jeremy Bentham was a notable scientist and Member of Parliament who advocated a utilitarian approach to policy, promoting anything that increased human wellbeing.<sup>13</sup> Advances in knowledge and surveying techniques allowed the commission to map boroughs with some degree of accuracy and estimate the number of households qualifying as voters. Their recommended boundaries, however, retained considerable disparities in the numbers of voters with single and multi-member seats.<sup>14</sup>

Similar trends eventually emerged with Britain's foreign policies.<sup>15</sup> In the Canadian colonies, further armed uprisings against colonial power resulted in the granting of more self-government. The doctrine of 'responsible government' encouraged settler colonies to develop constitutional and representative institutions.<sup>16</sup>

Indeed, the other of the 'two great branches of the Anglo-Saxon race', the United States – was frequently cited as another influence in debate in Victoria and other Australian colonies.<sup>17</sup> Yet, its republican institutions retained some influence from colonial British institutions. Unlike the United Kingdom, however, property-based restrictions on franchises—for white adult men—had disappeared in all but three states by 1840.<sup>18</sup>

As the social and political struggle for the franchise continued in Britain, the Americans' shared experience of resistance to colonial authority, suppressing Indigenous rights, and the predominance of small communities based on freehold farmers created a sense of commonality and allowed for earlier democratisation.<sup>19</sup> At the same time, electoral boundaries for state-based and federal legislatures became (and remain) issues of controversy. Each state administered the districts for their assemblies and the Congress.

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<sup>10</sup> P. Foot (2005) *The Vote: How it was won and how it was undermined*, London, Viking, p. 99.

<sup>11</sup> J. A. Phillips & C. Wetherell (1995) 'The Great Reform Act of 1832 and the Political Modernization of England', *The American Historical Review*, 100(2), pp. 411–436.

<sup>12</sup> M. Spychal (2017) "One of the best men of business we had ever met": Thomas Drummond, the boundary commission and the 1832 Reform Act', *Historical Research*, 90(249), pp. 543–566.

<sup>13</sup> J. Driver (2002) 'The History of Utilitarianism', *The Stanford Encyclopedia of Philosophy*.

<sup>14</sup> B. Robson (2014) 'Maps and mathematics: ranking the English boroughs for the 1832 Reform Act', *Journal of Historical Geography*, 46, pp. 66–79.

<sup>15</sup> P. J. Cain & A. G. Hopkins (2016) *British Imperialism: 1688–2015*, London, Routledge, pp. 87–88.

<sup>16</sup> Cain & Hopkins (2026) op. cit., pp. 226–227; G. Taylor (2006) *The Constitution of Victoria*, Melbourne, Federation Press, p. 37.

<sup>17</sup> C. Griffith (1854) in *New Constitution Bill: Debate in the Legislative Council of the Colony of Victoria on the Second Reading of the New Constitution*, Melbourne, Caleb Turner, pp. 37–42.

<sup>18</sup> A. Keyssar (2000) *The Right to Vote: The contested history of democracy in the United States*, New York, Basic Books.

<sup>19</sup> A. Dahl (2018) *Empire of the People: Settler Colonialism and the foundations of modern democratic thought*, La Vergne, University Press of Kansas.

Boundary disputes and allegations of malapportionment and gerrymandering dominated the history of American electoral contests.<sup>20</sup>

## The Victorian colonial Legislative Council (1843–1856)

The evolution of representation in Victoria reflected these influences. At first, the institutions of responsible government emerged in an 'ad hoc' way, with a very limited franchise and no real attention to voter numbers.

The area of what is now Victoria was originally the Port Phillip district within the colony of New South Wales, which was recognised as a legal settlement in 1837 despite extensive previous encroachment by illegal 'squatter' pastoralists.<sup>21</sup> Increasing evidence suggests these early and illegal settlers in the Port Phillip district *de facto* engaged in open warfare with local First Nations peoples, just as settlers in Tasmania had done. The Indigenous population contracted substantially in the first two decades of European settlement.<sup>22</sup> The self-governing culture of the Indigenous population did not influence settler practices. It appears that the desire to shed any responsibility for their welfare was also one of the motivations of the British colonial authorities to promote responsible government and devolve power to local institutions.<sup>23</sup>

Limited representation for the settler population arrived in Melbourne and Port Phillip district via their incorporation as towns and provinces in the part-elected Legislative Council of New South Wales in 1843 (24 of 36 Members were elected, while 12 were appointed).<sup>24</sup> There is no evidence of adopting the English Boundary Commission's more advanced techniques in creating districts. Instead, legislation explicitly apportioned representation to electoral districts based on the existing counties (progressively established after the 1820s).<sup>25</sup> There was little regard for weighting, with Port Phillip granted five Members and Melbourne one Member.<sup>26</sup>

Progress to responsible government in Victoria continued with the British Parliament's passing of the *Act for the Better Government of Her Majesty's Australian Colonies* (the 'Australian Colonies Government Act') in 1850, officially separating Victoria from New South Wales.<sup>27</sup> The NSW Legislative Council subsequently legislated for Victoria to elect its first governing council in 1851, with 20 elected and ten appointed Members.<sup>28</sup> The franchise for

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<sup>20</sup> A. Rehfeld (2005) *The Concept of Constituency: Political representation, democratic legitimacy, and institutional design*, Cambridge, Cambridge University Press; E.J. Engstrom (2013) *Partisan Gerrymandering and the Construction of American Democracy*, Ann Arbor, University of Michigan Press.

<sup>21</sup> R. Broome (2005) *Aboriginal Victorians: a history since 1800*, Crow's Nest, Allen & Unwin; J. C. Weaver (1996) 'Beyond the Fatal Shore: Pastoral Squatting and the Occupation of Australia, 1826 to 1852', *The American Historical Review*, 101(4), pp. 981–1007.

<sup>22</sup> Broome (2005) op. cit., p. 91; Yoorrook Justice Commission (2024) *Transcript – Land, sky and waters hearing 27 March 2024*, March, Melbourne, Yoorrook Justice Commission; J. M. Bracka (2024) 'Reckoning with Colonial Legacies of Harm: Victoria's Yoorrook Justice Commission', *International Journal of Transitional Justice*, 18(2), pp. 325–336.

<sup>23</sup> A. Curthoys & J. Mitchell (2013) 'The advent of self-government, 1840s–90', in A. Bashford & S. Macintyre (eds) *The Cambridge History of Australia*, Cambridge, Cambridge University Press, p. 150.

<sup>24</sup> Wright (1992) op. cit., p. 5; *New South Wales Constitution Act 1842* (UK).

<sup>25</sup> M. Cannon & I. MacFarlane (1988) *Historical records of Victoria: Volume Five, Surveyor's Problems and Achievements, 1836–1839*, Melbourne, Victorian Government Printing office, p. xv.

<sup>26</sup> *An Act to provide for the division of the Colony of New South Wales into Electoral Districts and for the Election of Members to serve in the Legislative Council 1843*; For the counties as established in 1848, see: J. Arrowsmith (1838) *Outline map showing the positions of the proposed New Counties in the Port Phillip district which will be ready for Proclamation before the end of the Year 1848*.

<sup>27</sup> *An Act for the Better Government of Her Majesty's Australian Colonies 1850* (UK). Often referred to as the *Australian Colonies Government Act*.

<sup>28</sup> *An Act to provide for the division of the Colony of Victoria into Electoral Districts and for the Election of Members to serve in the Legislative Council 1851* (NSW).

elections was restricted to male citizens having a freehold estate with a 'clear value of one hundred pounds sterling'.<sup>29</sup>

The districts, however, had very unequal numbers of voters. The Australian Colonies Government Act explicitly referred to existing counties, towns, and parishes as the basis for the Council's electoral districts. The counties and underlying parishes were arbitrarily defined administrative entities established by surveyors from 1837 onwards.<sup>30</sup> Schedule A of the Act allocated each county or town to one of 16 districts, with Melbourne allocated three Members, Geelong and the county of North Bourke two Members, and all others a single Member.<sup>31</sup>

Elegant descriptions of county boundaries defined each district. For example, the county of Ripon (allocated to the district of Ripon, Hampden, Grenville and Polwarth) was:

... bounded on the west by the Grampian Range, which divides the waters of the Wimmera and Glenelg Rivers from those of the River Hopkins, to the rocky extremity near Mount Abrupt; on the south by a line easterly to the source of the first creek, which joins the River Hopkins above Wiselaskie's Station on the western side, and by that creek to the River Hopkins; thence by a line east to Lake Boloke; thence by the southern shores of Lake Boloke to the mouth of the Prackinjerrin Creek ...<sup>32</sup>

The results of the September 1851 elections show a considerable disparity in the number of electors. There were 88 electors for a single Member in Portland, compared to 4,592 for Melbourne (1,530 per its three Members) and 1,057 in Geelong (528.5 per its two Members). A second poll in 1853 elected an expanded Legislative Council of 36, with 12 Members from Melbourne and Geelong, collectively.<sup>33</sup>

The Members of the Legislative Council engaged in the initial tasks of formulating legislation and convening a constitutional committee. The main political differences centred over land alienation (sale and grants of parcels of the 'wasteland' to settlers) and ownership and pressures associated with the influx of population in the wake of the discovery of gold in 1851.<sup>34</sup> The pastoral squatters had already appropriated a large part of the colony despite attempts by the colonial administration to restrain them.<sup>35</sup> The 1847 British Order in Council effectively formalised their legal claims to this property.<sup>36</sup>

The restricted franchise and apportionment meant that the well-to-do and landowners tended to predominate amongst the elected Council Members. These elected Members tended to form a bloc with the appointed Council Members in votes over many issues. More 'outsider' representatives—such as Catholic and Irish settler John O'Shanassy (Melbourne) and Dr Alexander Thomson (Geelong)—supported more relaxed restrictions for the proposed Legislative Assembly franchise. The former would become Premier and was associated with

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<sup>29</sup> *ibid.*

<sup>30</sup> S. K. Jacoby & G. L. Benwell (1989) 'The Formation of the Victorian Parish System Part A', *Australian Surveyor*, 34(7), pp. 655–673.

<sup>31</sup> *An Act to provide for the division of the Colony of Victoria into Electoral Districts and for the Election of Members to serve in the Legislative Council 1851* (NSW).

<sup>32</sup> *An Act to provide for the division of the Colony of Victoria into Electoral Districts and for the Election of Members to serve in the Legislative Council 1851* (NSW), Schedule A.

<sup>33</sup> A. Carr (2022) *Psephos - Adam Carr's Election Archive*.

<sup>34</sup> Wright (1992) *op. cit.*, p. 14; G. Serle (1963) *The Golden Age: A history of Victoria, 1851–1861*, Carlton, University of Melbourne Press, p. 21.

<sup>35</sup> M. Cannon (1971) *Who's Master? Who's Man: Australia in the Victorian Age*, Melbourne & Sydney, Thomas Nelson, pp. 80–83; P. McMichael (1984) *Settlers and the Agrarian Question: Capitalism in Colonial Australia*. Cambridge, Cambridge University Press, pp. 79–100.

<sup>36</sup> (1847) 'Order in Council' (Bathurst), *Geelong Advertiser and Squatters' Advocate*, p. 1; J. Quick (1888) *The History of Land Tenure in the Colony of Victoria*, Sandhurst, J. G. Edwards, pp. 6–8.

promoting social reform.<sup>37</sup> The appointed Members, bankers and pastoralists voted against a more relaxed franchise.<sup>38</sup>

The subsequent *Victoria Constitution Act of 1855* (UK) was contradictory in its treatment of franchise for the Legislative Council and the Legislative Assembly. On the one hand, it remained a conservative document, maintaining restrictions on candidature and voting eligibility and proposing a British-style bicameral house. The most substantive restrictions related to the Legislative Council; while the Select Committee of the Legislative Council for a new Constitution for the Colony recommended it be 'wholly elective', it should nonetheless:

... represent the education, wealth and more especially the settled Interests of the Country ... that portion of the community naturally indisposed to rash and hasty measures ... (therefore) a high freehold qualification should be required, partly to ensure that its members should hold a large stake in the land, but more especially that it may consist of men, who may reasonably be expected to possess education, intelligence, and leisure to devote to public affairs.<sup>39</sup>

Under the rationale that 'wealth generally gave a man very steady ideas', eligibility to stand in and vote for the Legislative Council was restricted.<sup>40</sup> Voters were required to have a freehold estate valued at £1,000 or a leasehold of five years' duration of £100 value, or to be graduates of any university in the British dominions, or lawyers, ministers or military (including retired) officers. There was little resistance to these restrictions.<sup>41</sup>

With the Legislative Assembly, on the other hand, the committee 'proposed practically to include all whose permanent settlement in Victoria renders them justly entitled to it'.<sup>42</sup> Inclusion was limited to 'naturalised' adult males over 21 who could read and write and possessed freehold estate valued at £50 or leasehold valued at £10, householders occupying premises of £10 value, or persons receiving a salary of £100.<sup>43</sup> While not explicit, it effectively excluded the male Indigenous and already abundant Chinese populations.<sup>44</sup>

In the debates over the Victorian Constitution in 1854, the Colonial Secretary John Fitzgerald Leslie Foster declared it aimed to 'allow full development to all those powerful energies of the Anglo-Saxon race which have made the name and the power of Great Britain co-extensive with the world'.<sup>45</sup> He and other speakers emphasised the Britishness of the Constitution with its emulation of the principle of 'checks and balances'.<sup>46</sup> The Constitution's schedule proposed 37 Legislative Assembly districts represented by 60 Members and a Legislative Council of six provinces, with each represented by five Members.<sup>47</sup>

While there was general agreement on the need to elect both houses, the debate was not free of controversy. Charles Griffith—a notable lawyer and pastoralist in the colony's early history—argued that while in the United States of America 'we find the greatest social

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<sup>37</sup> S. M. Ingham (2006) 'O'Shanassy, Sir John (1818–1883)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University.

<sup>38</sup> Victorian Legislative Council (1853) *Report of the Select Committee of the Legislative Council for a new Constitution for the Colony*, Melbourne, Government Printer, p. 17.

<sup>39</sup> *ibid.*, pp. 3–4.

<sup>40</sup> J. F. L. Foster (1854) in *New Constitution Bill: Debate in the Legislative Council of the Colony of Victoria on the Second Reading of the New Constitution*, Melbourne, Caleb Turner, p. 14.

<sup>41</sup> G. Serle (1954) 'The Victorian Legislative Council, 1856–1950', *Australian Historical Studies*, 6(22), pp. 188–206.

<sup>42</sup> Victorian Legislative Council (1853) *op. cit.*, p. 4.

<sup>43</sup> *ibid.*, p. 9.

<sup>44</sup> S. MacIntyre & S. Scalmer (2013) 'Colonial states and civil society, 1860–90', in A. Bashford & S. MacIntyre (eds) *The Cambridge History of Australia*, Cambridge, Cambridge University Press, p. 196.

<sup>45</sup> Foster (1854) *op. cit.*, p. 3.

<sup>46</sup> *ibid.*, p. 9.

<sup>47</sup> *An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria, 1855.*

activity, the greatest power, and the greatest production of man in the aggregate ... the results have been far inferior to those we find in the British Islands'.<sup>48</sup>

Citing eminent French observer Alexis De Tocqueville's studies of American institutions, he outlined the many problems of corruption (and seemingly oblivious to the 'old corruption' of British politics)<sup>49</sup> in the American system and a lack of 'independence of thought'. He went so far as to caution against an elected upper house and call for a more 'aristocratic government'.<sup>50</sup>

O'Shanassy, while endorsing the election of the Legislative Council by a restricted franchise, drew attention to the significant electoral malapportionment between its proposed provinces and the Legislative Assembly districts. Again, noting his expressed desire in the select committee for a 'franchise equal in point of electoral power', he argued that there was 'no provision for the mode in which those members are to be elected, nor as to how many Electors shall elect them'.<sup>51</sup> In reply, Francis Murphy explicitly pointed out that such measures had never been considered in Britain, 'even in the Reform Bill' (of 1832).<sup>52</sup> He warned ominously that in 'large constituencies, open to grave objections; by mere numbers, interests are sacrificed, and the weight of property which sustains the burthens of the country, is lost'.<sup>53</sup>

Institutionally, the Constitution specified that electoral matters would be administered by the permanent head of the Chief Secretary's department.<sup>54</sup> The colony's first parliamentary election occurred in late 1856 after the adoption of the Constitution with royal assent. The Legislative Council's only requirement was passing two Bills regarding the operation of elections. The most significant of these, *The Electoral Act of 1856*, became controversial with the proposal and adoption of a mandatory secret ballot, making Victoria one of the first places in the world (following Tasmania and in conjunction with South Australia) to adopt this voting method.<sup>55</sup>

## 2. The colonial Victorian Parliaments (1856–1901)

The first Victorian Parliament's election for the Legislative Assembly and Legislative Council took place in September and October 1856, and the 60 elected Legislative Assembly Members took their seats in November 1856. Electoral boundaries became a recurring theme of debate over the subsequent decades. The discovery of gold in Victoria led to a population surge from 76,162 in 1850 to 314,306 in 1855, an increase of over 400 per cent.<sup>56</sup>

### Early reforms

There was almost immediately a move to expand the size of the Legislative Assembly. The 'honest farmer' William Haines, a well-to-do landowner from the Geelong area, had assumed

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<sup>48</sup> Griffith (1854) op. cit., pp. 37–38.

<sup>49</sup> O'Gorman (1989) op. cit., pp. 110–135.

<sup>50</sup> *ibid.*

<sup>51</sup> J. O'Shanassy (1854) in *New Constitution Bill: Debate in the Legislative Council of the Colony of Victoria on the Second Reading of the New Constitution*, Melbourne, Caleb Turner, p. 30.

<sup>52</sup> F. Murphy (1854) in *New Constitution Bill: Debate in the Legislative Council of the Colony of Victoria on the Second Reading of the New Constitution*, Melbourne, Caleb Turner, p. 30.

<sup>53</sup> *ibid.*

<sup>54</sup> Victorian Parliamentary Library (2024) *Government Agencies Database*.

<sup>55</sup> *The Electoral Act 1856*; T. Newman (2003) 'Tasmania and the Secret Ballot', *Australian Journal of Politics & History*, 49(1), pp. 93–101.

<sup>56</sup> V. H. Arnold (1956) *Victorian Year-Book 1951–52*, Melbourne, Government Printer.

the Chief Secretary role after the Constitution's adoption in November 1855.<sup>57</sup> He accepted the position in the aftermath of the election until March 1857, briefly losing it to O'Shanassy, before regaining it again at the end of April. The Chief Secretary had the main role in designing electoral districts and processes. The background of Members in both houses varied with a greater representation of 'Pastoral and Landed' in the Legislative Council (16 of 35, with merchants comprising another eight). The Legislative Assembly had a more extensive range (with 'Pastoral and Landed' 30, and 'Professional' 26 of 85 Members).<sup>58</sup>

After the parliament abolished the remaining property restrictions on voting in the Legislative Assembly in 1857, Haines presented a separate Bill in January 1858 to 'alter the Electoral Districts of Victoria and to increase the number of Members of the Legislative Assembly'.<sup>59</sup> The Bill originally proposed 90 Members for the Legislative Assembly and decreased their term duration from five to three years. At various times, the electoral legislation came to be referred to as the 'Reform Bills' or simply the 'Reform Bill'.

During the debate, one Member stated that he regretted to find that 'the House did not appear to take very much interest in the principle of the Bill then before it'.<sup>60</sup> The disinterest did not last long, as debate would continue across the second and third sessions of the first parliament until the Act's adoption on 17 December 1858. Haines submitted the Bill to the Legislative Assembly along with another change in electoral regulations.

At the Bill's second reading, several Members immediately spoke against the principle of 'representation based on population', as it would 'leave many districts virtually unrepresented'.<sup>61</sup> Some districts would be too large an area to be serviced by a single Member. Colin Campbell (Member for Polwarth, Ripon, Hampden and South Grenville), for instance, claimed that the 'natural tendency of populous places was towards democracy', compared to 'scattered districts towards a healthy conservatism', which meant representation should aim to 'establish an equitable balance between these two principles'.<sup>62</sup> England's electoral system entailed 'a kind of balance established in representing interests and population'.<sup>63</sup>

The extent of disagreements around the Bill meant Haines soon discharged the select committee, and the Legislative Assembly opted to discuss the details in 'committee' (i.e. the Assembly as a whole) from February 1858 onwards. Initially, there were concerns that changes to voting in multi-Member seats would advantage minorities too much. Debate again focused on electoral boundaries after mid-February, with Haines naively asserting that he 'believed all members were in favour of the divisions being mainly based on population' and presented a 'modified schedule' of proposed districts.<sup>64</sup> Members aligned with squatter

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<sup>57</sup> J. Waugh (2006) 'The Old Guard, 1855-1863', in P. Strangio & B. Costar (eds) *The Victorian Premiers, 1856-2006*, Sydney, Federation Press, pp. 12-29.

<sup>58</sup> J. E. Mills (1942) 'The composition of the Victorian Parliament, 1856-1881', *Australian Historical Studies*, 2(5), pp. 25-39.

<sup>59</sup> *An Act to Abolish the Property Qualification required by Members of the Legislative Assembly 1857; An Act to alter the Electoral Districts of Victoria and to increase the number of Members of the Legislative Assembly 1858*.

<sup>60</sup> G. Harker (1858) 'Assembly Members Increase Bill, Electoral Regulations Bill', *1st Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Assembly, 7 January, p. 121.

<sup>61</sup> C. Griffith (1858) 'Assembly Members Increase Bill, Electoral Regulations Bill', *1st Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Assembly, 7 January, p. 121.

<sup>62</sup> C. Campbell (1858) 'Assembly Members Increase Bill, Electoral Regulations Bill', *1st Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Assembly, 7 January, p. 122.

<sup>63</sup> *ibid.*

<sup>64</sup> W. Haines (1858) 'Assembly Members Increase Bill, Electoral Regulations Bill', *1st Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Assembly, 23 February, p. 314.

interests were aghast, complaining that 'Melbourne would become the 'Paris' of the colony and the pastoral districts would be entirely ignored'.<sup>65</sup>

The Haines ministry was replaced by an O'Shanassy-led administration in March, with new Attorney-General Henry Chapman pushing forward with a revised electoral Bill on 14 April. In his second reading speech, Chapman stated that 'it is impossible not to observe the very unequal distribution of the electoral franchise' and detailed many instances.<sup>66</sup> The debate focused on the relative importance of the 'population question' and other factors determining district boundaries. The subsequent debate and discussions focused on numerous amendments and motions around particular districts.

The Bill passed in the Legislative Assembly but was rejected by the Legislative Council. This reflected the predominance of the rural and wealthy interests in that chamber. During the debate, the well-to-do publican and eminent early citizen, John Fawkner, warned that 'of the eleven principal officers in this colony, there are seven Celts and four Englishmen ... getting very advanced in years'.<sup>67</sup> It was then the responsibility of the Council to 'watch over the interests of this colony, so that nothing may go wrong'.<sup>68</sup> In other words, Fawkner distrusted and sought to mobilise opinion against the ethnic and religious background of a majority of the ministry.

The debate coincided with important events both inside and outside parliament concerning land distributions. The most contentious issue before the new parliament was the proposed 'Land Act', which would clarify the conditions surrounding land grants. The Victorian Land Leagues also emerged during this period.<sup>69</sup> Discontent over land distribution amongst more recently arrived settlers and the hold of the squatters resulted in the emergence of a mass protest movement to 'unlock the land', with some elements even adopting Italian revolutionary Giuseppe Garibaldi's slogan, 'A Vote, a Rifle, and a Farm'.<sup>70</sup>

Fawkner invoked the threat posed by the Leagues, should the reform of electoral districts proceed. While claiming that the Leagues only represented a small minority of the colony's population, the influx of people eligible to vote who supported their view would create the conditions for confiscating lands by these 'riflemen'. While distancing himself from the squatter interests, he argued the consequence would:

... work ruin, for who in Great Britain will take our debentures if the whole of the squatting districts be handed over to the Convention and any fellow who chooses to put a few head of cattle or sheep would have a right to do so? If the free pasturage and free selection bills were passed and the intelligence reaches Britain, surely will debentures fall, so surely will public works be paralysed, and a general ruin ensue. You would not ruin the squatters only, for they cannot be ruined without ruining a great number of the public at large.<sup>71</sup>

The more well-to-do Members of the Council, rather than just the squatters, opposed the measures as they feared it would impact the colony's investment climate. The new districts could elect enough Members to enable land redistribution. While most other Legislative Council Members were less alarmed, a majority (14 to 12) voted against the legislation on 18 May 1858.

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<sup>65</sup> W. Forlonge (1858) 'Assembly Members Increase Bill, Electoral Regulations Bill', *1st Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Assembly, 23 February, p. 315.

<sup>66</sup> H. Chapman (1858) 'The Reform Bill', *1st Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Assembly, 24 February, p. 318.

<sup>67</sup> J. P. Fawkner (1858) 'Electoral Districts Alteration Bill', *1st Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Council, 18 May, p. 463.

<sup>68</sup> *ibid.*

<sup>69</sup> (1860) 'Victorian Land League', *The Age*, 1 January, p. 5.

<sup>70</sup> Wright (1992) *op. cit.*, p. 45.

<sup>71</sup> Fawkner (1858) *op. cit.*, p. 466.

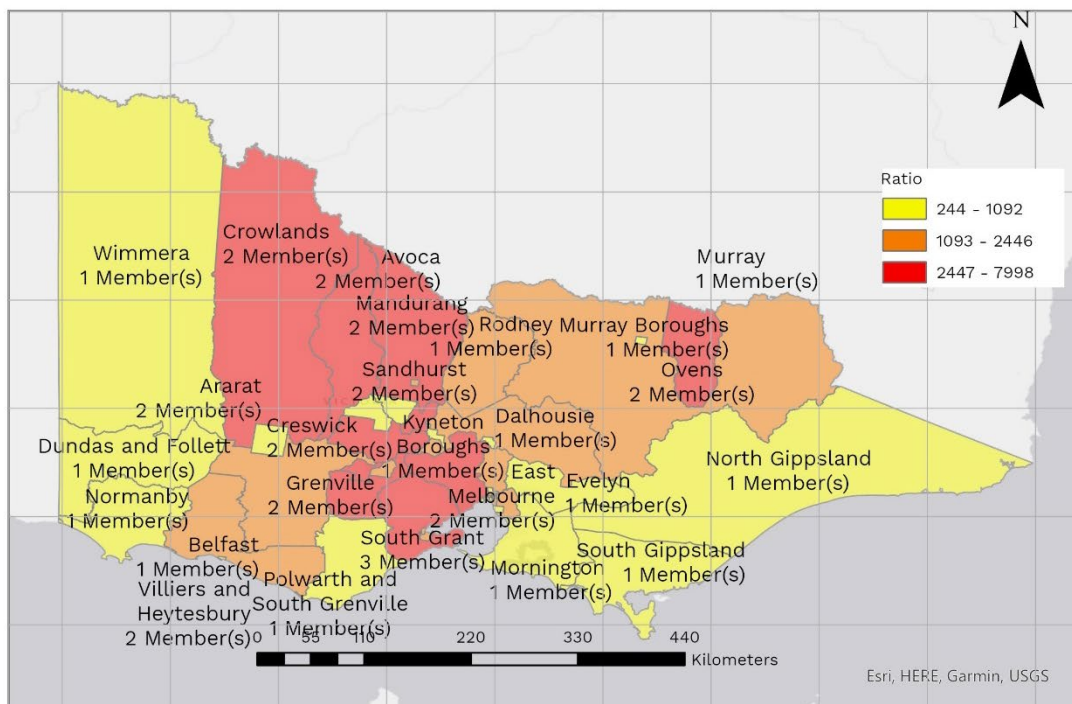


In order to pass the Bill, compromises were made. The Victorian Governor emphasised the 'obvious' need to pass the legislation at the prorogation and reconvening of Parliament in June and October of that year, respectively.<sup>72</sup> Attorney-General Henry Chapman again presented a new version of the Bill, detailing various amendments that had increased the proposed number of representatives in the Legislative Assembly from 88 to 93.

The Bill's second reading passed the Legislative Assembly with a comfortable majority on 18 October 1858, after a repeat of various debates about the principles of population versus interests. Further amendments and discussion about individual district boundaries continued the following day. The debate ran until the Assembly and Council agreed to the *Electoral Districts Amendment Act* on 7 December 1858.

Map 1 (panels A and B) outlines the new boundaries and counts of voters in 1859. There was a mix of single-Member and multi-Member seats with an average of 2,173 electors per Member, with considerable variation between the smallest (244) and largest (7,998) Member-to-voter ratios. The red area at the centre of the state suggests that the large mining population probably had the lowest level of representation.

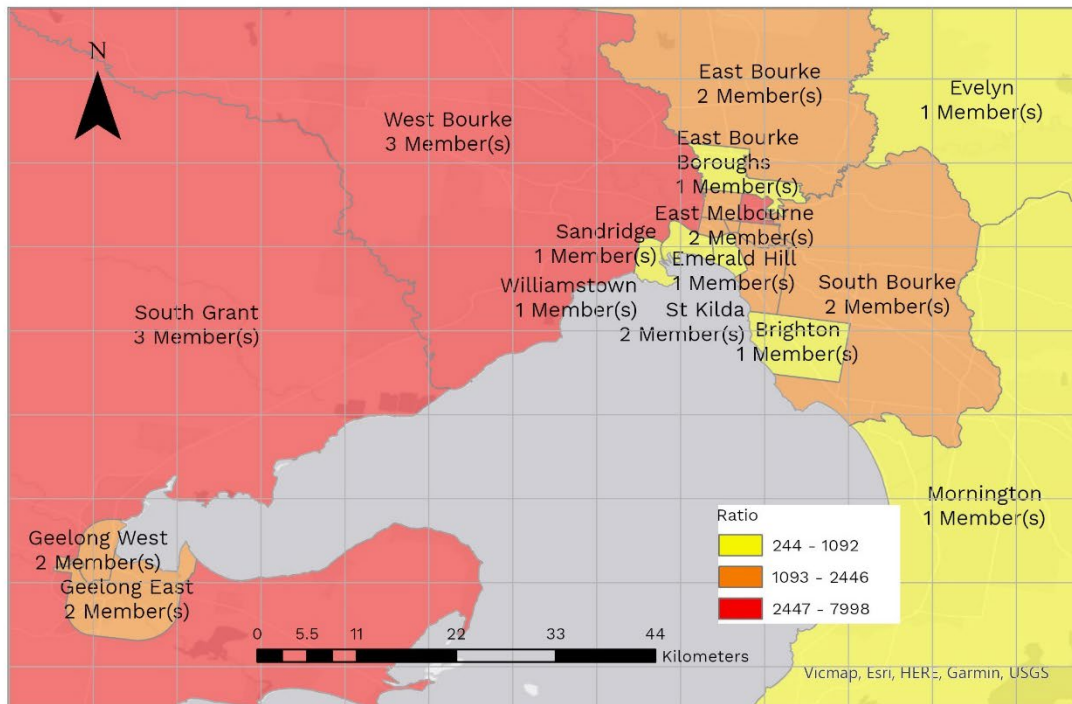
**Map 1 (Panel A): Legislative Assembly districts and ratio of voters to Members, 1859**<sup>73</sup>



<sup>72</sup> H. Barkly (1858) 'The Prorogation', *Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Council, 15 December, p. 546.

<sup>73</sup> Government of Victoria (1861) *General Election 1861*, unpublished table.

**Map 1 (Panel B): Legislative Assembly districts and ratio of voters to Members (Geelong and Melbourne), 1859<sup>74</sup>**



The Legislative Council had even more significant differences in representation. Table 2 shows that the restricted franchise meant that only 10,775 voters were enrolled in 1856. The number of voters in each province varied greatly from 428 in Eastern Province to 3,832 in Central Province in 1856. The latter’s enrolment per Member was 766, or more than twice the statewide level of 359.

**Table 2: Legislative Council counts of voters by province (five Members each), 1856–1871<sup>75</sup>**

Province	1856	1868	1871
Central	3832	3411	7122
Southern	2042	1791	2565
Eastern	428	965	2056
Western	1283	991	2242
North-Western	1392	2425	4544
South-Western	1798	2031	3839

Over the following years, the features of the electoral landscape only altered slightly, during a period of turbulent political culture and often short-lived governments. The Victorian Land Leagues, now organised as the Land Convention, continued its campaign outside parliament. Although divided over the measures needed to address distribution, it united around calls for democratic reform. An August 1860 resolution called for a ‘simple manhood qualification ... for electors of Both Houses of Parliament’, two and three-year term durations for the Legislative Assembly and Council, and ‘no property qualification for members of either

<sup>74</sup> Government of Victoria (1861) *General Election 1861*, unpublished table.

<sup>75</sup> Australian National University (various) *Collated Census Tables*, Canberra, ADA Dataverse.

House'.<sup>76</sup> One section of the population represented by the Land Convention was impatient for reform. Protestors occupied Parliament House to express their discontent with perceived weaknesses in the long-awaited 1860 Land Act.<sup>77</sup> Recurring conflict occurred over future legislation.<sup>78</sup>

From the 1870s onwards, a more formalised alignment of political factions in the parliament also consolidated, with one side said to have featured 'conservative and free trade' interests, and the other side made up of 'Whig'-style liberal protectionists, along with some purported 'radicals' added to the mix.<sup>79</sup>

## Redistributions and Legislative Council reform

Three main changes to the colony's electoral institutions took place before the turn of the 20th century. These reforms in the Legislative Assembly and the Legislative Council were made through a series of Bills, including the Electoral Act Amendment Bill in 1876, a Reform Bill in 1881 and the *Electoral Districts Alteration Act 1888*.

### 1876 Reforms in the Legislative Assembly

First, a succession of short-running governments eventually gave way to James McCulloch resuming the premiership between October 1875 and May 1877.<sup>80</sup> McCulloch was a veteran politician who had held various posts since the 1850s. He attempted to reform the electoral system by introducing an Electoral Act Amendment Bill in August 1876. Chief Secretary John MacPherson noted that the:

... Bill is simply a redistribution of the electorates ... that there shall be 54 electoral districts instead of 51, as at present, and that there be 84 members of the Legislative Assembly instead of 78 ... in order to meet the wants of country districts which, at one time sparsely-populated, are now thickly populated, they propose to increase the number of members by six.<sup>81</sup>

While noting the considerable malapportionment of voters in current electorates, McCulloch opted instead to primarily use existing districts, amalgamating some and adding additional areas to others. Where possible, these changes would follow, for example, 'municipal boundaries' so as not to excessively change the 'nature of the constituencies'.<sup>82</sup>

The ensuing debate was slightly less controversial than the 1858 changes discussed earlier. Former and future premier Graham Berry supported more substantive changes. He pointed out that the:

... honourable members were aware of the necessity that had arisen for a readjustment of the representation of the various electorates of the country ... but the Legislature then resolved to wait until the census of 1871 was completed ...<sup>83</sup>

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<sup>76</sup> Victorian Land Convention (1860) *Resolutions Proceedings and Documents, Assembled in Melbourne July 15 to August 6*, Melbourne, J.J. Walsh, p. 24.

<sup>77</sup> (1860) 'Serious Riot at the Parliament Houses,' *The Argus*, 29 August, p. 5; H.R. Stephen (1969) *History of Australian land settlement, 1788–1920*, 1st edition, London, Frank Cass, pp. 250–258; Wright (1992) op. cit., pp. 144–145.

<sup>78</sup> D. S. Garden (1984) *Victoria, A history*, Melbourne, Nelson, pp. 155–165.

<sup>79</sup> Garden (1984) op. cit., p. 137.

<sup>80</sup> J. Waugh (2006) 'The Inevitable McCulloch and his Rivals, 1863–1877', in Strangio & Costar (eds) op. cit., pp. 30–37.

<sup>81</sup> J. MacPherson (1876) 'Electoral Act Amendment Bill', *8th Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Assembly, 24 August, p. 512.

<sup>82</sup> MacPherson (1876) op. cit., p. 518.

<sup>83</sup> G. Berry (1876) 'Electoral Act Amendment Bill', *8th Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 2, Victoria, Legislative Assembly, 24 August, p. 519.

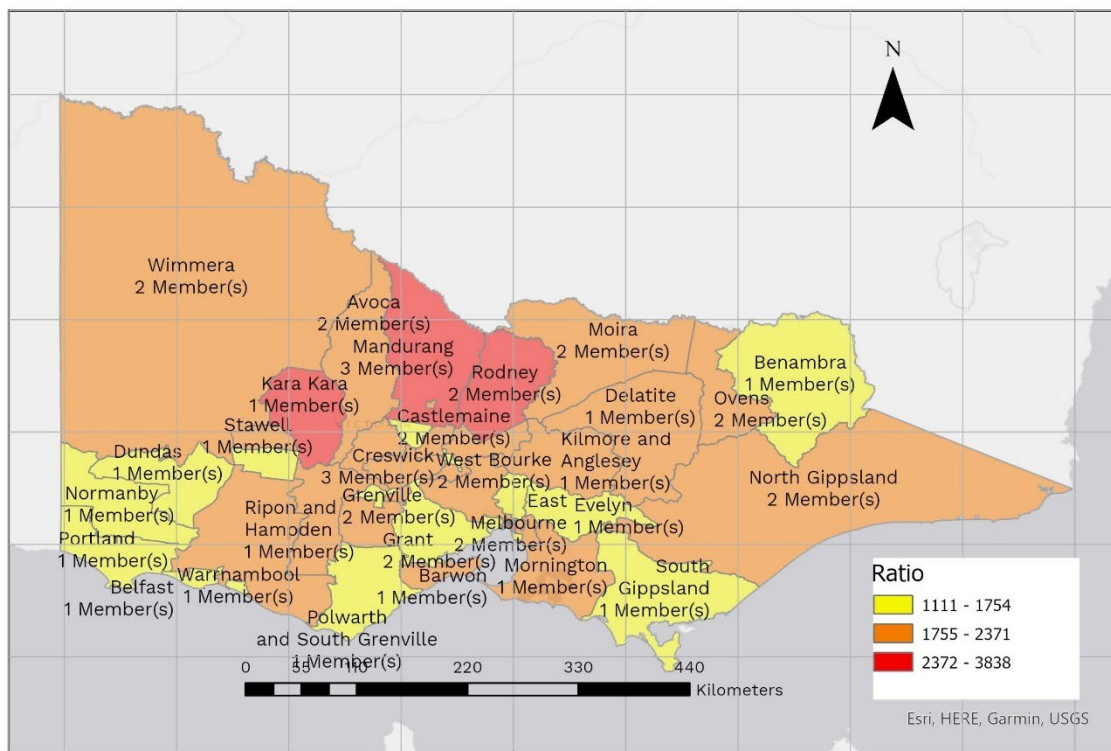
Berry contrasted the current Bill with his government's 1873 draft legislation that would have enshrined 'equity and justice [through] the equal representation of the people'.<sup>84</sup>

More disagreement occurred around other electoral reform issues, such as 'plural' or 'dual voting', female franchise, the right of the police to vote and whether the University of Melbourne should constitute a separate district (as the universities of Oxford and Cambridge did in the United Kingdom).

The debate continued 'in committee' with the main discussion proceeding over each of the boundaries listed in the Bill's second schedule, with tortuous debates over several nights.<sup>85</sup> The Bill passed the Legislative Assembly on 17 October and was approved by the Council with minor amendments on 31 October.<sup>86</sup>

As a result, there were 55 electoral districts represented by 83 Members between 1877 and 1889. Map 2 details the new district boundaries. The districts varied from constituencies totalling 1,111 voters (Belfast) to 8,155 voters (Mandurang). The latter's allocation of three Members still gave a high ratio of 2,718 voters per Member. While Mandurang, Rodney and Kara Kara had high numbers of voters, the largest concentration of electorates with big voting populations was in Melbourne (Map 2, Panel B).

**Map 2 (Panel A): Legislative Assembly districts and ratio of voters to Members, 1876<sup>87</sup>**



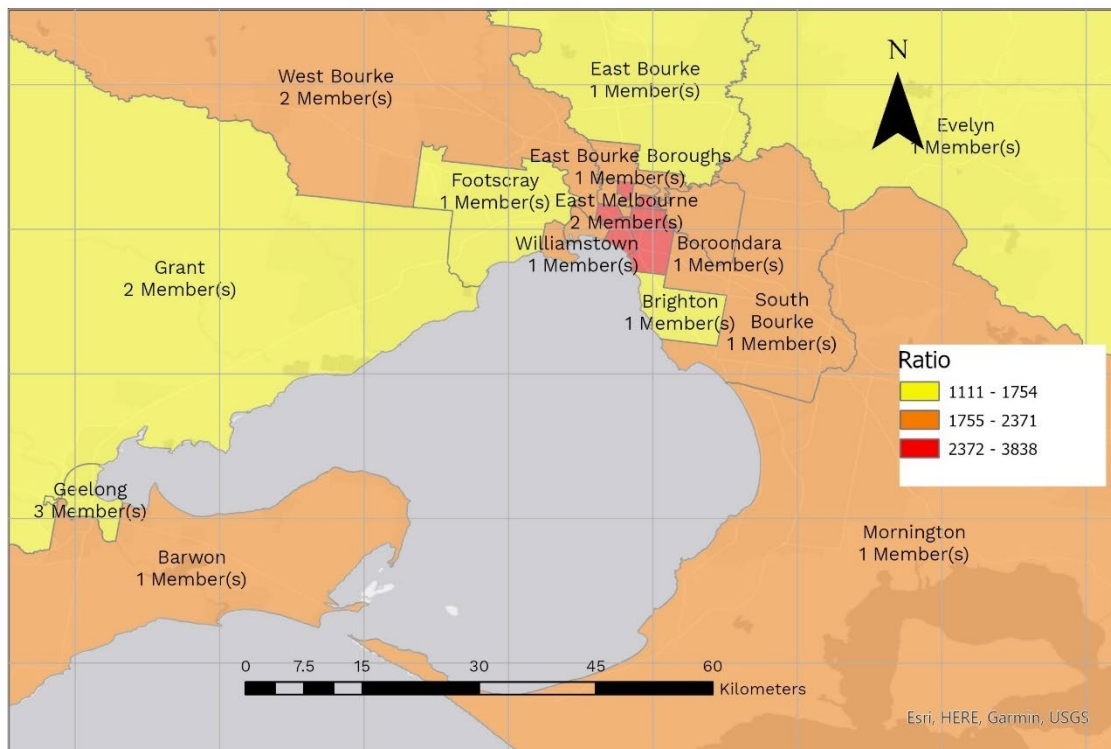
<sup>84</sup> G. Berry (1876) op. cit. The Bill suggested a combination of single-Member and multi-Member districts, with Members elected via Hare proportional representation. See: H. Wrixon (1876) 'Electoral Act Amendment Bill', *7th Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 3, Victoria, Legislative Assembly, 15 August, p. 298.

<sup>85</sup> H. Wrixon (1876) 'Electoral Act Amendment Bill', *7th Parliamentary Proceedings of the Legislative Assembly and Council of Victoria*, Session 3, pp. 548–1282.

<sup>86</sup> *An Act to Amend 'The Electoral Act 1865' 1876*.

<sup>87</sup> Carr (2024) op. cit.

**Map 2 (Panel B): Legislative Assembly districts and ratio of voters to Members (Melbourne), 1876<sup>88</sup>**



## Legislative Council changes

The next significant reform occurred with the Legislative Council in 1881. A complicated series of political conflicts – sometimes referred to as the ‘Berry era’ – preceded these changes.

The protectionists, led by Graham Berry, overwhelmingly won the 1877 election. Berry again became Premier, pledging to introduce a land tax, protect industry and reform the Legislative Council. However, the protectionists were not successful in implementing most of these promises, due to obstruction from the Legislative Council and recurrent supply crises. Berry attempted to reform the Council’s power, even travelling to London and attempting to win support for these changes in 1879.<sup>89</sup>

However, he resigned after a Council reform Bill failed in the Assembly in December 1879, triggering a new election which Berry and the protectionists lost in February the following year. James Service, a free trade supporter, briefly formed a ministry before calling another election in July 1880. Berry regained the premiership with the support of a group of Catholic Members led by John O’Shanassy.<sup>90</sup>

Berry introduced a Reform Bill in 1881. The Bill initially proposed changes including that the franchise be extended to all ratepayers, 30 single-Member seats be introduced and simultaneous elections for both houses of parliament. It went back and forth between the chambers.<sup>91</sup>

<sup>88</sup> *ibid.*

<sup>89</sup> Garden (1984) *op. cit.*, pp. 148–149; Serle (1954) *op. cit.*, p. 189; Wright (1992) *op. cit.*, pp. 84–86; *An Act to Impose a Land Tax 1877*.

<sup>90</sup> Garden (1984) *op. cit.*, pp. 148–149.

<sup>91</sup> G. Berry in (1881) ‘Reform Bill,’ *Debates*, Victoria, Legislative Assembly, 15 February, pp. 1420–1430; Garden (1984) *op. cit.*, pp. 148–149; Wright (1992) *op. cit.*, pp. 85–89.

The Bill was an attempt to deal with the overall small number of voters and the significant disparities between provinces. In 1871, there were still only 22,368 eligible voters (Table 2). The Central Province's 7,122 voters were still almost twice the colony-wide average of 3,728 enrolments per province.

The Legislative Council made several amendments to the Bill, reducing the property qualification to £10 per annum, or leaseholders with property worth at least £25. It developed a schedule (in consultation with the Surveyor-General) of 14 provinces represented by 42 Members (three each).<sup>92</sup> The amended legislation was passed in June 1881.<sup>93</sup> The number of Members expanded to 48 in 1888, with the six provinces with the largest enrolment (Gippsland, Melbourne, Northern, North-Western, South Yarra and Wellington) obtaining a third Member in a special 1889 supplementary election, although the province boundaries were unchanged.<sup>94</sup> Two provinces had their representation expanded to four Members in 1894. Table 3 displays the new provinces and their respective ratio of voters to Members.

**Table 3: Legislative Council ratio of voters to Members by province, 1881-1901**<sup>95</sup>

Province	1881	1891	1901
Gippsland	1686	2961	2327
Melbourne	4284	4418	2680
Nelson	1557	1765	1960
North-Central	1797	1799	1786
North-Eastern	2284	3219	3060
North-Western	2865	2917	2875
North-Yarra	2683	3970	3007
Northern	2289	2880	2785
South-Eastern	1937	3865	2651
South-Western	1954	2349	2418
South-Yarra	3193	5132	3213
Southern	2109	3953	2687
Wellington	2330	2892	2730
Western	1944	2262	2124
<b>Average</b>	<b>2351</b>	<b>3170</b>	<b>2593</b>

### *Electoral Districts Alteration Act 1888*

The *Electoral Districts Alteration Act 1888* made additional changes to the Legislative Assembly districts. In introducing the Bill in September, Duncan Gillies (Premier between 1886 and 1890, after the retirement of James Service) argued that the rapid growth of the population from 206,780 in 1871 to an estimated 1,025,000 in 1888 added pressure to expand

<sup>92</sup> Committee on the Reform Bill (1881) 'Reform Bill', *Debates*, Victoria, Legislative Assembly, 4 May, p. 2179.

<sup>93</sup> *An Act for the Reform of the Constitution of 1881*.

<sup>94</sup> *The Legislative Council Amending Act 1888*.

<sup>95</sup> Australian National University (various) op. cit.

the number of districts and representatives.<sup>96</sup> International influences also played a role, with the United Kingdom legislating to abolish multi-Member boroughs and districts through the *Redistribution of Seats Act of 1885* (UK).<sup>97</sup>

In Victoria, an independent Boundaries Commission was again formed, and the legislation passed to complement the Third Reform Act of 1885.<sup>98</sup> However, while the Gillies Government concluded that 'the best course to take was to adopt, so far as practicable, the principle of single electorates', it nonetheless proposed 74 single electorates and 10 double electorates with 94 overall Members.<sup>99</sup>

The most significant development was perhaps the extent to which a roughly proportional population representation was presented as a rationale for the changes. Gillies argued that:

... the population of each electorate shall, according to the number of members it returns, bear some proportion to that of the other electorates, and when we perceive that great changes have occurred in the population of the different electorates, we should be prepared to restore the equilibrium. Until that is done, it cannot be said that this house fairly and properly represents the country. As our representation is primarily based on population, we ought whenever we find that the relative proportion of the population of the different electorates is seriously disturbed, as it is at present, to endeavour to restore the equilibrium as far as possible.<sup>100</sup>

Gillies, moreover, explicitly repudiated the notion of representation of different 'interests'. Such a notion was a:

... dangerous one to be raised by an honourable member who stands by manhood suffrage. If interests were to be considered, the electoral law would have to be framed on a totally different basis from what it is at present.<sup>101</sup>

That said, the government signalled it already had compromised the population principle, where 'practicable'.

While the opposition, via James Munro, declared that 'the Bill is radically bad, radically wrong, and utterly incurable', much of the subsequent debate surrounded specific seats (once again).<sup>102</sup> Other issues emerged, such as concerns about the overall low numbers of voters (due to the small population) and the ratio of voters to representatives that already existed and would be increased by the increase in Members.<sup>103</sup> The size of the parliament would be the subject of more controversy after 1900.

The Act's final schedule featured 84 districts with 73 single-Member and 11 two-Member districts (see Map 3, panels A and B).<sup>104</sup> Urban districts like Melbourne (with two Members) again had very high numbers of voters (5,895) compared to most rural seats. Map 3 outlines the final boundaries and counts of voters.

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<sup>96</sup> D. Gillies (1888) 'Electoral Districts Alterations Bill', *Debates*, Victoria, Legislative Assembly, 25 September, p. 1217. These estimates diverge from latter official claims (Table 4 and Figure 1).

<sup>97</sup> *Redistribution of Seats Act of 1885*

<sup>98</sup> D. G. Wright (2014) *Democracy and Reform 1815–1885*, London, Taylor & Francis, pp. 93–99. The Act also further expanded the electoral franchise beyond the 1832 and 1864 reforms.

<sup>99</sup> Gillies (1888) op. cit., p. 1214.

<sup>100</sup> *ibid.*

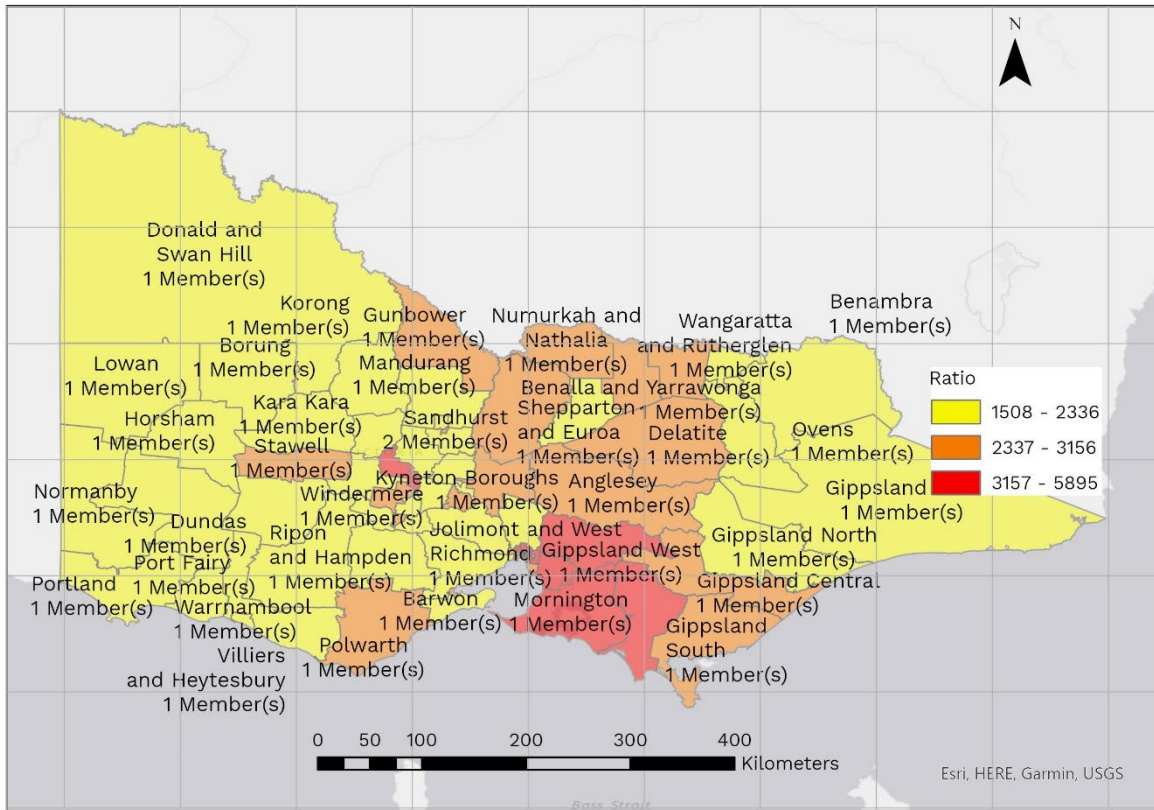
<sup>101</sup> *ibid.*, p. 1218.

<sup>102</sup> J. Munro (1888) 'Electoral Districts Alterations Bill', *Debates*, Victoria, Legislative Assembly, 25 September, p. 1225.

<sup>103</sup> J. McIntyre (1888) 'Electoral Districts Alterations Bill', *Debates*, Victoria, Legislative Assembly, 25 September, p. 1225.

<sup>104</sup> *Electoral Districts Alterations Act of 1888*.

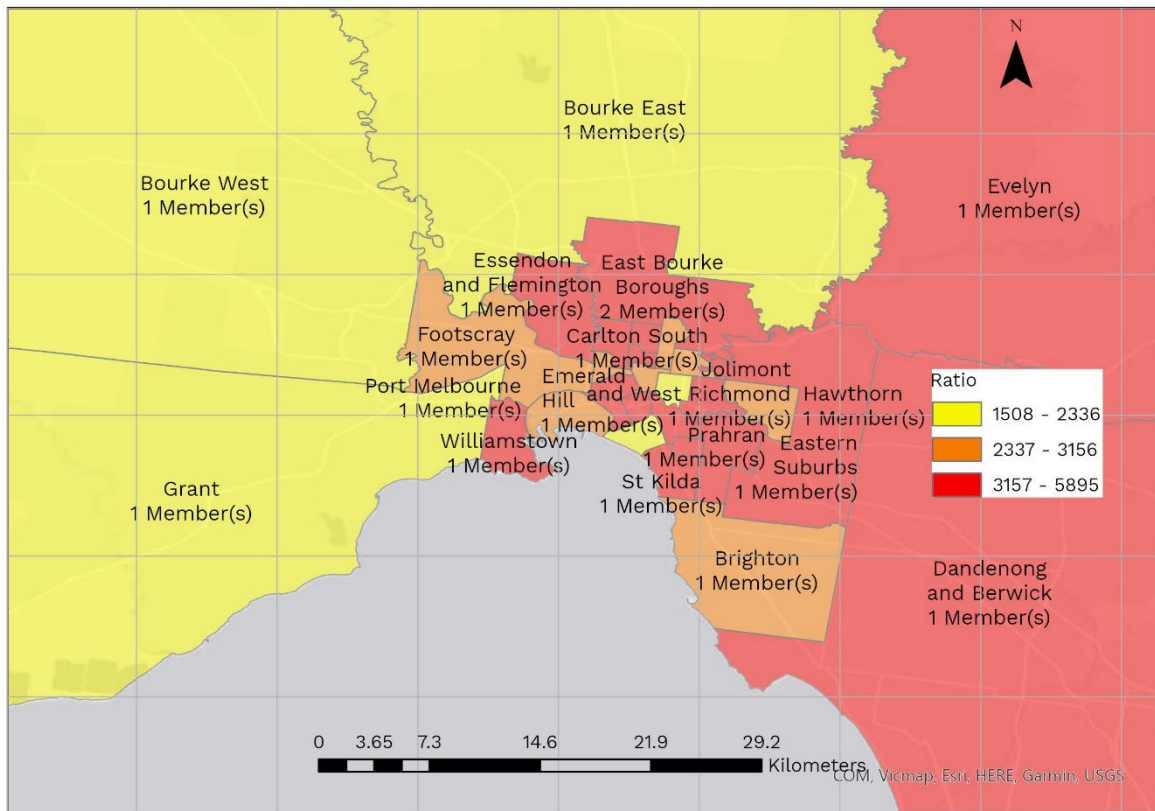
**Map 3 (Panel A): Legislative Assembly districts and ratio of voters to Members, 1888<sup>105</sup>**



<sup>105</sup> Carr (2024) op. cit.



**Map 3 (Panel B): Legislative Assembly districts and ratio of voters to Members (Melbourne), 1888**<sup>106</sup>



After progressing through various committee sessions, the Bill was passed on to the Legislative Council in November. It was adopted, although not all the Council's amendments were agreed to in December.<sup>107</sup> The debates over boundaries occurred hand in hand with disputes over the electoral roll. The *Purification of Rolls Act 1891* created a Chief Electoral Inspector role.<sup>108</sup>

By the end of the 19th century, Victoria had 95 Legislative Assembly Members and 45 Legislative Council Members. The schedules in the 1881 and 1888 Acts were reproduced and added to the *Constitutional Amendment Act of 1890*.<sup>109</sup>

<sup>106</sup> *ibid.*

<sup>107</sup> The *Electoral Districts Boundaries Amendment Act of 1896* corrected boundary confusion between Mornington and West Gippsland.

<sup>108</sup> *Purification of Rolls Act 1891*.

<sup>109</sup> *Constitutional Amendment Act 1890*.

### 3. The 20th century and rural protest

Electoral contests remained very unstable in the first half of the 20th century. The main features of electoral change were the further allocation of districts and provinces in a way that institutionalised electorates with different numbers of electors, and the role of semi-independent commissioners who would determine electoral boundaries at arm's length from the parliament.

#### Kyabram Movement reforms

A new cycle of electoral reform commenced between 1901 and 1904, with another rural-based protest movement acting as a catalyst for change. It developed in the context of several significant political changes.

From the 1890s onwards, Victoria's political party system further consolidated with the emergence of the Labor Party.<sup>110</sup> After a slow start, the party obtained 11 per cent of the statewide vote in 1900 before rapidly expanding to around 40 per cent in 1910.<sup>111</sup> The more loosely established 'parties' or factions ('conservative ministerialists' and 'liberals') eventually began to cooperate with each other, although not before some protracted conflicts.

Victoria also became a state within the Australian Federation in 1901, changing many aspects of the Victorian Parliament's role. Significant debates surrounded the colonial-era parliament's operation and the size of its two chambers. Section 26 of *The Australian Constitution Act*, introduced distinctive rules for allocating electoral boundaries for the federal House of Representatives and Senate.<sup>112</sup> In the House of Representatives, each state was allocated electorate divisions based on quotas of the population.<sup>113</sup> The Victorian Parliament adopted the *Federal House of Representatives Victorian Electorates Act 1900* that specified 23 federal divisions ranging from 9,888 voters (Gippsland) through to 15,280 voters (Northern Melbourne).<sup>114</sup>

There was resentment amongst the rural and regional population towards the perceived 'largesse' of the parliament and some sections of the civil service. Liberal Premier Alexander Peacock made overtures towards discussions for reforms that did not progress.<sup>115</sup> He introduced a Bill for a Constitutional Convention in July 1901 and then withdrew it in November.<sup>116</sup>

Several 'Land Acts' were introduced hand in hand with the political and electoral reforms of the second half of the 19th century, establishing 'safeguarded selection' and, later, 'closer settlement' to provide more land for settlers.<sup>117</sup> The decline of mining after the 1870s added to this pressure. Although these projects experienced considerable difficulties and failures, the old divisions between squatters and other newer settlers declined in intensity. There isn't

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<sup>110</sup> P. Strangio (2012) *Neither Power Nor Glory: 100 Years of Political Labor in Victoria, 1856–1956*, Carlton, University of Melbourne Press.

<sup>111</sup> B. Reid & C. Triscari (2022) *Visualising Victoria's electoral history*, Parliamentary Library & Information Service, Melbourne, Parliament of Victoria, p. 5.

<sup>112</sup> *Australian Constitution Act 1901* (Cth).

<sup>113</sup> A. Christian (2003) *Australian Federal Redistributions 1901–2003*, Research Report Number 4, Canberra, Australian Electoral Commission, p. 12.

<sup>114</sup> Carr (2024) op. cit.

<sup>115</sup> Garden (1982) op. cit., p. 272.

<sup>116</sup> A. Peacock (1901) 'Constitutional Convention Bill', *Debates*, Victoria, Legislative Assembly, 16 July, p. 275.

<sup>117</sup> R. H. Stephen (1968) *History of Australian Land Settlement, 1788–1920*, South Melbourne, Macmillan, pp. 247–258, 358–361.

much data available on the process.<sup>118</sup> The value of pastoral output declined compared to crop cultivation, and the state government provided increasing support for irrigation and other infrastructure. Yet, politically organising farmers into a unified association proved difficult due to the 'diversity of rural interests'.<sup>119</sup> Different regions and types of farming all had very specific issues and interests.

Population growth and labour market changes meant a general shift of population and employment to urban areas. The population living in Melbourne continued to grow faster than other areas of the state, increasing from a 26 per cent share to 41 per cent by 1901 (Table 4 and Figure 1). It would contain a majority of the state's population by the 1920s.

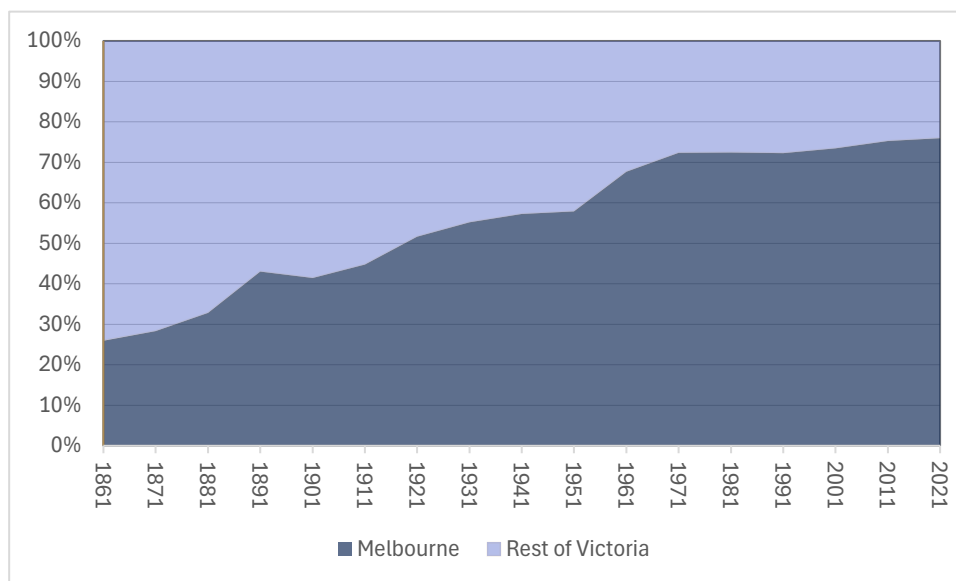
**Table 4: Population distribution of Melbourne and the rest of Victoria (1861–2021)**<sup>120</sup>

Year	Melbourne	Rest of Victoria	Total
1861	139,916	398,712	538,628
1871	206,780	523,418	730,198
1881	282,947	578,620	861,567
1891	490,896	649,192	1,140,088
1901	501,580	708,320	1,209,900
1911	600,160	739,733	1,339,893
1921	800,520	750,207	1,550,727
1931	995,600	807,970	1,803,570
1941	1,114,900	831,525	1,946,425
1951	1,330,800	968,738	2,299,538
1961	1,984,936	945,430	2,930,366
1971	2,606,900	994,452	3,601,352
1981	2,857,907	1,089,010	3,946,917
1991	3,194,707	1,225,666	4,420,373
2001	3,500,249	1,263,366	4,763,615
2011	4,169,366	1,368,451	5,537,817
2021	4,975,319	1,572,503	6,547,822

<sup>118</sup> C. Fahey (1984) 'The wealth of farmers: A Victorian regional study 1879–1901', *Australian Historical Studies*, 21(82), pp. 29–51.

<sup>119</sup> Garden (1982) op. cit., p. 229–231. The five-year average value of crop output was £5,105,242 in 1878 and £6,312,211 in 1898. Pastoral five-year average output fell from £9,292,884 to £7,245,122 over the same period; see A. Gawler (1951) *Victorian Yearbook 1949–50*, Melbourne, W. M. Houston, p. 985; G. Serle (1971) *The Rush to be Rich: A history of the colony of Victoria, 1883–1889*, Carlton, University of Melbourne Press, pp. 47–52.

<sup>120</sup> Arnold (1956) op. cit., p. 448; Australian Bureau of Statistics (2024) *Historical Population*, Canberra, ABS.

**Figure 1: Percentage distribution of Victoria's population 1861–2021**<sup>121</sup>

Perhaps in reaction, a sizeable section of the rural population eventually united behind an electoral and political reform movement. What was originally a modest public meeting in the rural town of Kyabram in November 1901 developed into a considerable protest movement.<sup>122</sup> Led by politically conservative business owners in the town concerned over a perceived 'serious financial position of the State', they advocated a program of 'parliamentary reform and state retrenchment'.<sup>123</sup> They claimed excessive public sector employment and the number of Members of Parliament were major causes of their discontent.

The meeting elected an executive committee empowered to create a National Citizens' Reform League. It issued a series of 'circulars' calling for a reduction of the Legislative Assembly from 95 to 46 and the Legislative Council from 42 to 23 Members, a 'Crown of five' (cabinet with five Members), a one-third reduction in ministers and Members' salaries and the redesign of electoral boundaries to correspond with the new Federal Parliament.<sup>124</sup> Momentum spread, and a statewide conference occurred in April 1902.

Opposition leader William Irvine used the opportunity presented and built on this momentum for change by moving a no-confidence motion in Peacock's government in May 1902.<sup>125</sup> Irvine established a new ministry that presented a new Constitution Reform Bill in 1903, which would see the Legislative Council made up of 35 Members and the Legislative Assembly 68 Members. Apart from the 65 Members elected by electoral districts, one representative was to be elected by 'public officers' and another two by 'railways officers'. The Bill proposed 17 Legislative Council provinces represented by two Members each and an additional Member to represent the public and railway officers.<sup>126</sup>

The oddity of dedicated representatives for public and railway officers partly reflected the influence of the Kyabram movement. The countryside's population had become increasingly suspicious of the size of the public sector workforce (said to be 26,000 by the 1890s). These workers had little organisation or industrial activity, although they began to organise and

<sup>121</sup> *ibid.*

<sup>122</sup> H. L. Nielsen (1902) *The Voice of the People: The history of the Kyabram Reform Movement*, Melbourne, Arbuckle, Waddell & Fawckner; Wright (1992) *op. cit.*, p. 119.

<sup>123</sup> Nielsen (1902) *op. cit.*, p. 9.

<sup>124</sup> *ibid.*, p. 10.

<sup>125</sup> Garden (1982) *op. cit.*, p. 321.

<sup>126</sup> *Constitution Reform Act 1903*, ss 4–5.

gravitate towards the Victorian Trades Hall. Trades Hall had become 'synonymous in country circles with everything that was urban, disreputable and anti-farmer'.<sup>127</sup>

Irvine argued the rationale was that the large numbers of public employees currently represented in the districts meant that, without their exclusion, 'there can be no permanent basis of permanent economical changes brought about'.<sup>128</sup> Despite intense debate, the changes were adopted and implemented for the 1904 election.

Two subsequent Bills determined the electoral districts and provinces for both chambers of the parliament. The most significant aspect of the Legislative Assembly Bill of 1904 was not the reduction from 95 to 65 districts, but the proposal to formalise the roughly existing proportions of representation according to the district categories of 'urban' (Melbourne), 'metropolitan' (regional cities) and 'country' electorates. Chief Secretary and Minister for Labour John Murray explained:

At the present time, of the 95 seats, 29 are represented by city members, eight are classed as urban constituencies, and 58 as country constituencies ... Worked out to fractions, with the reduction of the number from 95 to 65, the metropolitan district will be entitled to 19 and 16-19ths, or very nearly 20 members.<sup>129</sup>

The Act eventually listed all districts in three categories of 20 'metropolitan' seats, five 'urban' seats and 40 'country' seats. The average quotas in each category ranged from 4,832 voters in metropolitan districts to 4,425 for urban and 3,605 for rural districts. However, the latter category varied considerably, from 4,079 in Wangaratta to 2,831 in East Gippsland.<sup>130</sup> Intriguingly, Brighton remained excluded from the metropolitan category as its 'peaceful inhabitants' ... rusticity' made a 'marked contrast to those of the metropolis and suburbs'.<sup>131</sup>

Murray also introduced a Bill to the Legislative Council in December 1903, and it proposed changes similar to those made in the Assembly. By 1903, the three central Melbourne-based provinces had expanded their combined number of representatives to 11 Members (one still with three Members, which was introduced in 1881, and another two with four Members from 1895).<sup>132</sup> The redistribution re-established 17 uniform two-Member provinces and one railway and public employee representative.

Map 4 (panels A and B) details the new Legislative Assembly Districts from 1903. The largest concentration of large-voter electorates is found in Melbourne and Geelong. The only subsequent change was abolishing the separate representation of public employees in 1906.<sup>133</sup> These boundaries persisted until new legislation was introduced in 1926. Table 5 details the changes in the Legislative Council.

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<sup>127</sup> L. Benham & J. Rickard (1973) 'Masters and Servants', *Labour History*, 24, p. 2.

<sup>128</sup> W. Irvine (1902) 'Constitution Reform Bill', *Debates*, Victoria, Legislative Assembly, 12 November, p. 566.

<sup>129</sup> J. Murray (1903a) 'Assembly Electoral Boundary Bill', *Debates*, Victoria, Legislative Assembly, 23 November, p. 1500.

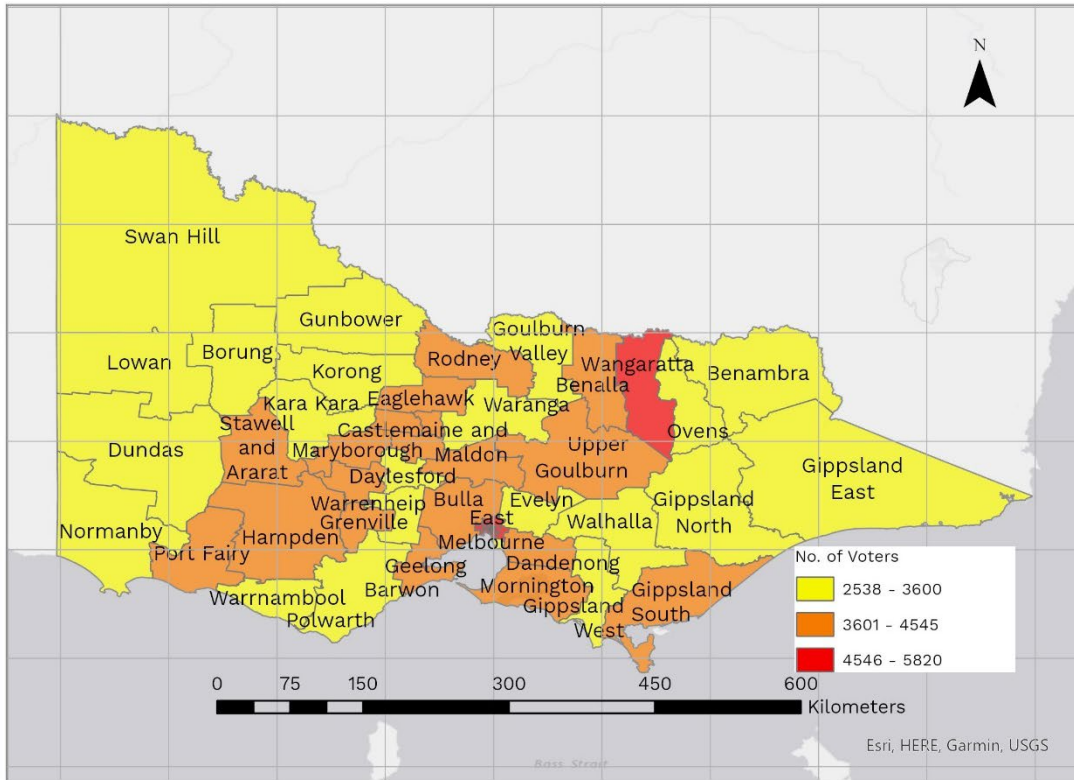
<sup>130</sup> Murray (1903a) *op. cit.*, pp. 1501–1502.

<sup>131</sup> J. Murray (1903b) 'Council Electoral Boundary Bill', *Debates*, Victoria, Legislative Assembly, 16 December, p. 1963.

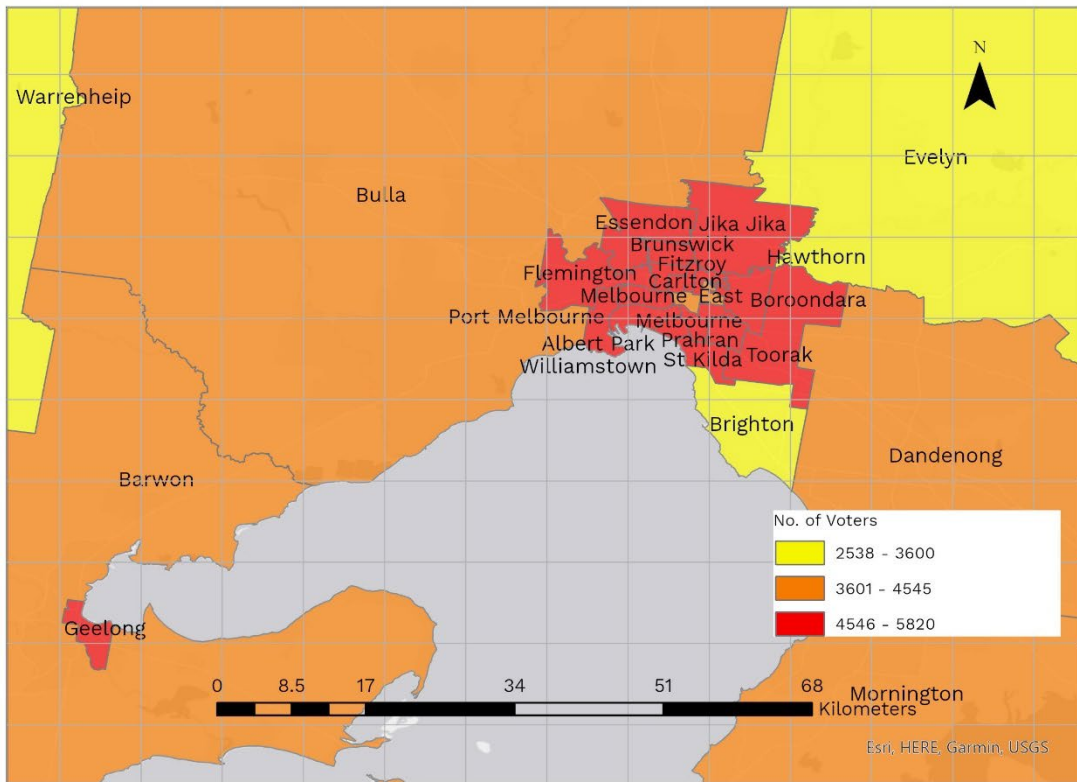
<sup>132</sup> *ibid.*, pp. 1962–1963.

<sup>133</sup> Garden (1982) *op. cit.*, p. 277.

**Map 4 (Panel A): Legislative Assembly districts and number of voters, 1904**<sup>134</sup>



**Map 4 (Panel B): Legislative Assembly districts and number of voters (Melbourne and Geelong), 1904**<sup>135</sup>



<sup>135</sup> *ibid.*

**Table 5: Legislative Council ratio of voters to Members by province, selected years<sup>136</sup>**

Province	1904*	1913	1925	1934
Bendigo	4216	5535	5480	5860
East Melbourne	6211	10732	15714	17885
Gippsland	4577	6434	8624	9121
Melbourne	6705	9230	11422	11804
Nelson	3734	5392	5726	6040
North-Eastern	4378	6220	6596	6897
North-Melbourne	5892	11750	23956	31755
North-Western	4753	7337	10288	12068
North-Yarra	6450	11986	26208	34212
Northern	4219	6113	7760	8416
South-Eastern	5018	9248	21048	27526
South-Melbourne	6422	10731	14817	16094
South-Western	4358	7296	10602	12622
Southern	4606	6517	8070	9574
Wellington	4354	5140	5617	5949
West Melbourne	5452	8666	11190	9844
Western	4546	6503	7636	8404

\*Excludes rail workers and public servants.

## Country era

The themes of rural dissatisfaction and parliamentary retrenchment remained and became central to the state's electoral politics post-federation. A number of significant changes took place in 1911, when women voted for the first time in Victoria and preferential voting was adopted for the Legislative Assembly.

Victoria's party system also continued to evolve.<sup>137</sup> On the one hand, Labor's support continued to grow, although it was only in office as a minority government for 12 days in 1913, before succumbing to a no-confidence motion. On the other hand, the liberal and conservative factions deepened their cooperation, creating the Liberal Party in 1910.<sup>138</sup> Later political divisions over World War I and conscription resulted in a split with Labor. A group of Labor dissidents united with the Liberals into the Nationalist Party in 1917.<sup>139</sup>

However, the non-Labor forces also experienced a split with the emergence of the Country Party in 1917. The merger of a dissident 'country faction' within the Nationalists united with the newly formed Victorian Farmers Union and won over six per cent of the vote and four seats in the 1917 Legislative Assembly election. By 1920, its support rose to 14 per cent and 13 seats.<sup>140</sup>

<sup>136</sup> Australian National University (various) op. cit.

<sup>137</sup> Wright (1992) op. cit., p. 121.

<sup>138</sup> Garden (1982) op. cit., pp. 278–280.

<sup>139</sup> Garden (1982) op. cit., pp. 316–317; Reid & Triscari (2022) op. cit., pp. 5–6.

<sup>140</sup> Carr (2024) op. cit.



While initially supporting Premier Harry Lawson's Nationalist government (which had a minority of 30 of 65 seats), the CP eventually used its numbers to bring about a new election in 1921. It obtained the balance of power with 12 seats and the Nationalists 31. While the CP divided, with one faction trying to support Labor and another, the Nationalists, the party's presence triggered a period of political instability.<sup>141</sup>

The issue that confronted both the Nationalists and Labor was the degree to which the Country Party's power reflected the increasing electoral malapportionment that had developed in the state since the last redistribution in 1904. While the 1904 legislation institutionalised differential sizes of rural, metropolitan and urban districts, the malapportionment level had been modest; it had grown considerably by the early 1920s.<sup>142</sup>

Lawson's resignation as Premier in April 1924 resulted in the now-veteran politician Alexander Peacock again heading a new ministry. His introduction of a new Electoral Districts Bill seemingly aimed to address the growing disparities between numbers of voters, while retaining CP support.<sup>143</sup>

The Bill and the debate surrounding it covered both familiar and new ground. The most significant change was the appointment of an advisory committee by the Chief Secretary consisting of the current Chief Electoral Officer, John Gilder, former Electoral Officer John Molloy and Chief Surveyor, A. B. Land. Their brief from the government was 'that there shall be 68 seats, and that there shall be a difference in quota between the metropolitan and the country constituencies ... the difference ... would be as is defined in the Bill'.<sup>144</sup> The proportions developed in 1903 carried over into a new schema with three extra seats.

The ensuing debate largely revolved around the issues of population versus other criteria for assigning weightings to seats. The criteria included:

(1) community of interest; (2) means of communication; (3) physical features; (4) existing electoral and municipal boundaries; and (5) the disturbance as little as practicable of the existing electorates.<sup>145</sup>

The 'vast territories' of some districts required consideration in Peacocks' view.<sup>146</sup>

The most vociferous attacks on the Bill came from Labor Members of the Assembly. Soon-to-be Premier George Prendergast declared:

... it is not a Bill that any democrat even those who are only partly in sympathy with the labour movement would want ... The Bill provides that 45 people in some parts of the State shall have the same voting power and the same power over parliament as 100 people in other portions of the state.<sup>147</sup>

Another future premier, John Cain (Snr), argued that the 'Bill gives a very poor reflection of opinion in and outside of this house, and every effort possible should in my opinion be made to defeat it'.<sup>148</sup> The Bill was defeated on 20 May, leading to Peacock's resignation and the dissolution of the Legislative Assembly on 27 May.

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<sup>141</sup> Garden (1982) op. cit., pp. 336–337; A. Lamb (2009) *Of Measures and Men: the Victorian Country Party, 1917 to 1945*, A Thesis Submitted in Fulfilment of the Requirements of the Degree of Doctor of Philosophy, Swinburne University.

<sup>142</sup> Reid (2023) op. cit., p. 9.

<sup>143</sup> Garden (1982) op. cit., p. 358.

<sup>144</sup> S. Argyle (1923) 'Electoral Districts Act', *Debates*, Victoria, Legislative Assembly, 1 May, p. 3399.

<sup>145</sup> *ibid.*

<sup>146</sup> A. Peacock (1923) 'Want of Confidence', *Debates*, Victoria, Legislative Assembly, 8 May, p. 3465.

<sup>147</sup> G. Prendergast (1924) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 1 May, p. 3407.

<sup>148</sup> J. Cain (1924) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 13 May, p. 3555.

Labor emerged with the largest share of seats in the Legislative Assembly in July 1924.<sup>149</sup> George Prendergast initially formed a Labor-led ministry with CP support. Most of the CP, however, switched to supporting the Nationalists in return for John Allan becoming Premier.

John Allan's ministry returned to the issue of electoral reform in 1926, with Nationalist minister Stanley Argyle introducing a Bill that was substantially the same as the one from 1924.<sup>150</sup> It nevertheless proposed the same ratio from 1904 for designated urban, metropolitan and rural districts. The first principal difference was the Act's formalisation of an Electoral Boundaries Committee. The second was that it retained 65 Districts. Argyle stated:

The commissioners are directed to prepare a scheme with 65 districts metropolitan, 24; and urban and country, 41; having quotas of approximately 21,500, 15,000 and 10,000 for metropolitan, urban and country districts respectively. The ratio of quotas will be—metropolitan, 100; urban and country, 45. The quotas are not to be rigid. The commissioners will be allowed a margin of one-fifth more or one-fifth less, to meet expansion or reduction of numbers.

The task of the nominally independent commissioners was adjusting boundaries but within the constraints of these ratios and allowances.

The Labor opposition Members attacked the Bill in three significant ways. First, they pointed out that the Bill was too similar to the 1924 version, which they argued had already been decisively rejected by the electorate (with the Nationalists losing nine of their 28 seats).<sup>151</sup> Second, they largely rehashed the same arguments about population versus interests, using the expression 'one vote, one value' in the debate.<sup>152</sup> Third, Member Maurice Blackburn, in particular, pointed to the inconsistency between Victorian practice and practices in other states, at the federal level, and among 'the British People'.<sup>153</sup>

In any event, the combined Nationalist and CP Members of the Legislative Assembly rejected most amendments and changes suggested in committee. After the government argued that the legislation was 'urgent', the Bill was agreed to and passed on to the Legislative Council in September.<sup>154</sup> The government's unofficial leader in the upper house, Horace Richardson, promoted the Bill's intent, arguing that 'equal electorates would not be in the interests of the State. The development of our country districts is a matter of the greatest importance'.<sup>155</sup> The third reading occurred on October 12 and the Bill was agreed to.<sup>156</sup>

The electoral commissioners subsequently presented two reports on district alterations.<sup>157</sup> Table 6 presents the results of the November report. The average number of voters in the 36 country electorates was 44 per cent fewer than in the 26 urban seats. Map 5 (panels A and B) displays the new boundaries that lasted until 1945. The effect of the zonal system is clear on the number of voters per seat.

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<sup>149</sup> A. Carr (2024) *Victorian elections since 1843*, psephos website; Garden (1982) op. cit., pp. 358–359.

<sup>150</sup> S. Argyle (1926) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 2 September, pp. 1164–1166.

<sup>151</sup> Labor won four of these seats, with another five taken by 'Independent Liberals' that broke with the Nationalists; see: Carr (2024) op. cit.

<sup>152</sup> M. Blackburn (1926) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 15 September, p. 1427.

<sup>153</sup> Blackburn (1926) op. cit., p. 1429.

<sup>154</sup> J. Allan (1926) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 15 September, p. 1418.

<sup>155</sup> H. R. Richardson (1926) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 28 September, p. 1766.

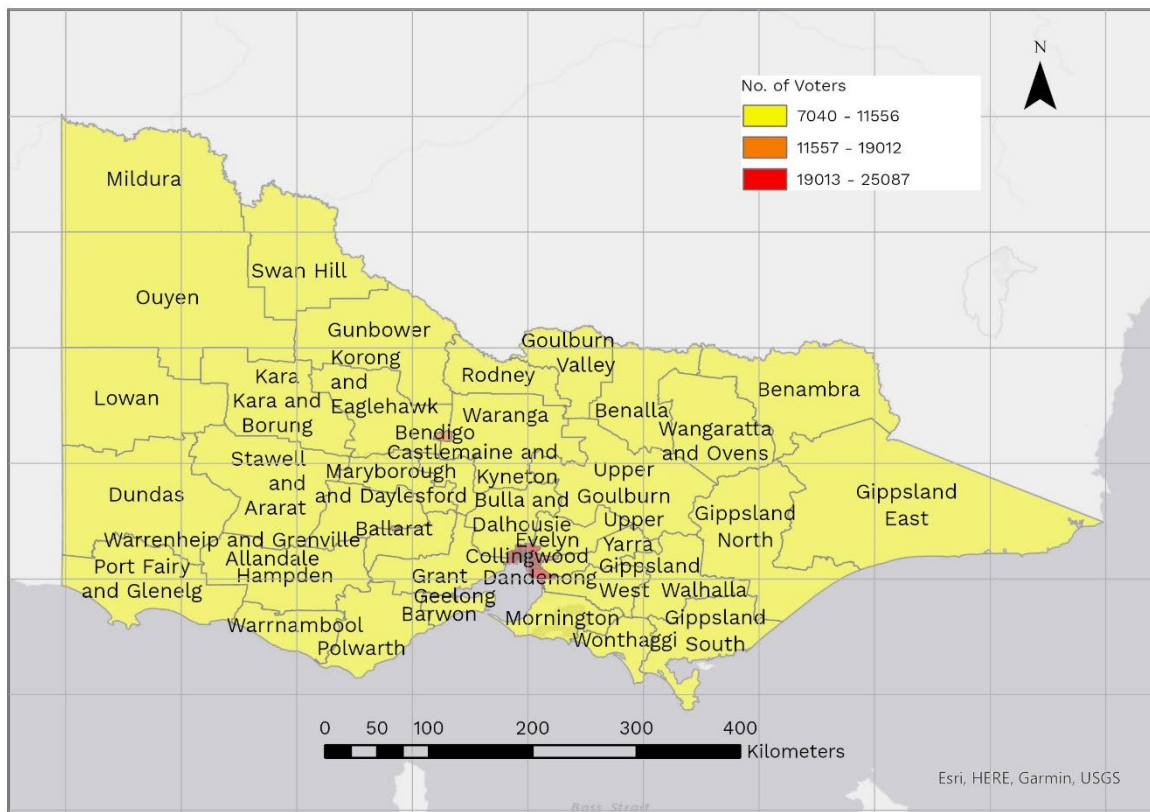
<sup>156</sup> *Electoral Districts Act of 1926*.

<sup>157</sup> J. Gilder, J. Molloy & A. A. Peverill (1926) *Report by the Commissioners Appointed for the Purpose of the Redivision of the State of Victoria into Electoral Districts for the Legislative Assembly: pursuant to the Electoral Districts Act 1926*, Melbourne, Government Printer.

**Table 6: Distribution of Legislative Assembly districts by number of voters, 1926 redistribution**<sup>158</sup>

Category	No. of Voters	Average no. of voters	Number of districts
Metropolitan	569,252	21,894	26
Rural	354,925	9,859	36
Urban	48,688	16,229	3
Total	972,865	14,967	65

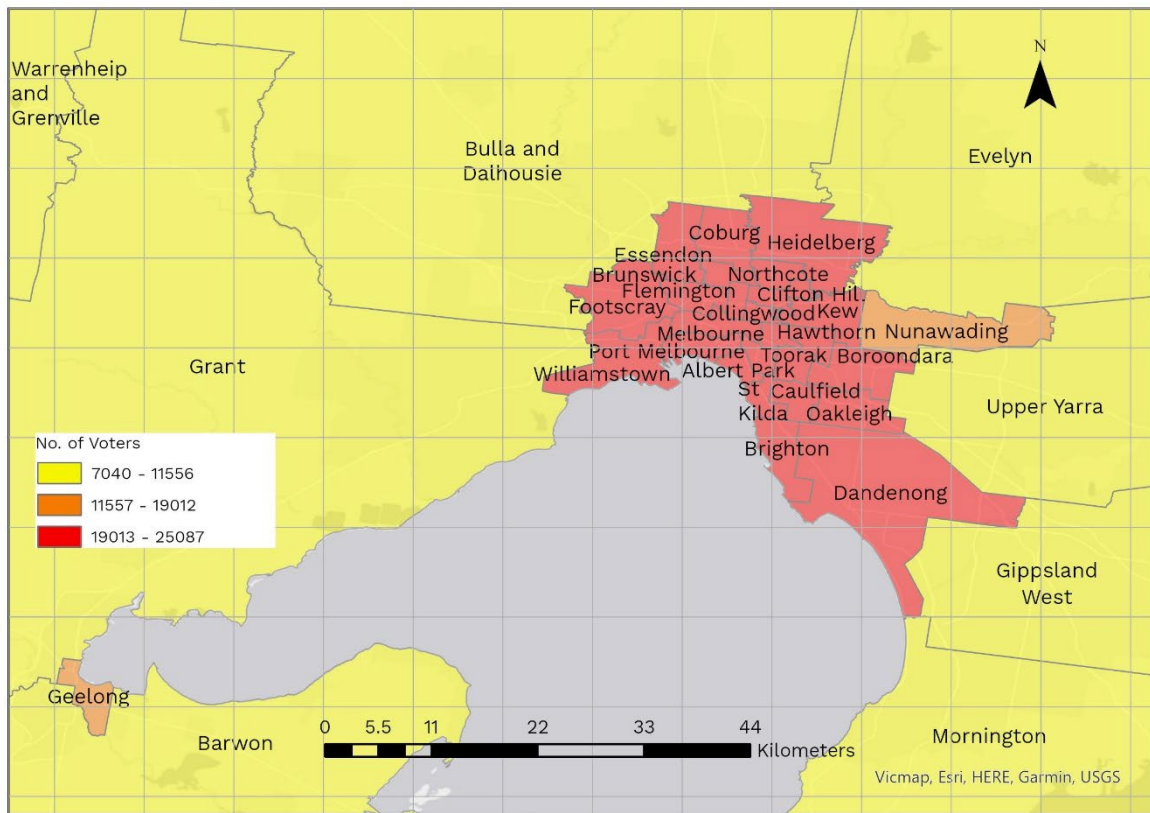
**Map 5 (Panel A): Legislative Assembly districts and number of voters, 1926**<sup>159</sup>



<sup>158</sup> Gilder et al. (1926) op. cit., pp. 5–6.

<sup>159</sup> Carr (2024) op. cit.

**Map 5 (Panel B): Legislative Assembly districts and number of voters (Melbourne and Geelong), 1926<sup>160</sup>**



The only notable electoral changes under Albert Dunstan’s long term as Premier concerned the Legislative Council. The *Constitutional Act Amendment Act of 1936* introduced several reforms, including a redistribution of provinces and the introduction of preferential voting.<sup>161</sup>

As John Harris, the informal leader of the government in the Legislative Council, explained, ‘The main purpose of the Bill is to provide for the appointment of three commissioners to re-divide the State into new electoral provinces’.<sup>162</sup> The three commissioners would draw up new boundaries and circulate them to the Secretary and both houses. One ‘fresh’ re-division was permitted based on feedback from either house. Existing Members would retain their seats until their eight-year term expired.<sup>163</sup>

Second, similar to the Legislative Assembly, the Bill proposed a zone-based system of ‘metropolitan’ and ‘country’ provinces. The Bill’s enactment reduced 11 country-based provinces to ten and expanded the metropolitan provinces to seven. The country provinces contained approximately 21,000 electors and the metropolitan ones had 38,000 electors (Table 7).<sup>164</sup> There was no overall increase in Members, and these boundaries remained in place until 1965.

<sup>160</sup> *ibid.*

<sup>161</sup> *Constitution Act Amendment Act 1936*, s 13.

<sup>162</sup> J. Harris (1936) ‘Constitution Act Amendment Bill’, *Debates*, Victoria, Legislative Council, 1 July, p. 112.

<sup>163</sup> *Constitution Act Amendment Act 1936*, ss 7–12.

<sup>164</sup> *ibid.*, s 5.

**Table 7: Distribution of Legislative Council provinces by number of voters, 1936 redistribution**<sup>165</sup>

Category	No. of Voters	Average no. of voters	Number of Provinces
Metropolitan	265,722	37,960	7
Country	208,039	20,804	10
Total	437,761	27,868	17

## Prelude to change

Dunstan's popularity eventually began to decline in the early 1940s, and the issue of electoral reform again became a priority. After a short-lived Labor government led by John Cain between 14 and 18 September 1943, Dunstan again returned as Premier with the support of the United Australia Party (which became the Liberal Party in 1945). Its primary condition was that Dunstan agreed to education and other reform measures.<sup>166</sup>

The overall growth and shift of the population to cities had created large disparities in the number of electors per district. By 1943, metropolitan and urban districts averaged 30,203 voters compared to 12,200 in rural seats.<sup>167</sup>

Yet the Dunstan Government's Bill presented to the Legislative Assembly in 1944 made very few changes to the framework established in 1904 and amended in 1926. It proposed reducing the number of seats in the country category by six and increasing the number of metropolitan districts from 26 to 32 with an average of 25,000 voters. Three urban-regional and 30 rural districts would have averages of 19,500 voters and 13,800 voters, respectively.<sup>168</sup>

The Bill also retained the mechanism adopted in 1926, appointing commissioners to determine boundary details and allowing for up to 10 per cent deviation from the average number of voters in each district category. The commission was required to consider details raised in Hansard to make a single 'fresh' re-division after issuing an initial draft. Should parliament reject the second version, then existing boundaries would continue.<sup>169</sup>

An extensive debate ensued focusing on competing conceptions of 'electoral justice'.<sup>170</sup> The Labor, dissident CP, and independent Members focused on the continuing malapportionment of country and city votes entailed by the Bill. They raised four main points. First, they appealed to general principles surrounding electoral equality and 'one vote, one value'.<sup>171</sup> They rejected the Bill in its entirety as it maintained the zonal system.

Second, they referred to federal electorates and practices in the 1901 Federal Constitution that specified periodic redistributions. Labor's Henry Cremean proposed amendments to the Bill requiring redistribution every ten years. The argument confronted an immediate problem: the Commonwealth Government was delaying implementing a redistribution, and no specific time limitation existed federally.<sup>172</sup>

<sup>165</sup> W. L. Rowe, C. F. M. Travers & H. W. Moore (1936) *Report (Fresh Redivision) by the Commissioners Appointed for the Purpose of the Proposed Redivision of the 'Southern Area' into Electoral Provinces for the Legislative Council and of the whole of Victoria into Electoral Districts for the Legislative Assembly pursuant to the Electoral Provinces and Districts Act 1936, No. 4409*, Melbourne, Government Printer, p. 5.

<sup>166</sup> Garden (1981) op. cit., p. 380; Wright (1992) op. cit., p. 174.

<sup>167</sup> Reid (2023) op. cit., p. 9.

<sup>168</sup> H. J. T. Hyland (1944) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 5 September, pp. 718–726.

<sup>169</sup> Hyland (1944) op. cit., p. 730.

<sup>170</sup> J. Cain (1944) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 10 October, pp. 1375, 1395, 1401.

<sup>171</sup> H. Cremean (1944) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 10 October, p. 1384; Cain (1944) op. cit., p. 1402.

<sup>172</sup> Cremean (1944) op. cit., p. 1369.

Third, they argued the population growth disparity between metropolitan Melbourne and the countryside reflected inherent changes in the labour market. The increasingly capital-intensive and mechanised character of agriculture meant demand for labour was falling. People migrated to the cities instead to work in industry and other non-agricultural sectors. The decentralisation of industry was not significant enough to offset these changes.<sup>173</sup>

Fourth, reflecting a more critical theme over time, dissident CP Member Albert Allnutt referred to the 'Atlantic Charter'. A precursor to the United Nations, he argued in favour of 'its four freedoms, and as one of the nations that have agreed to it, we should set out to implement it as soon as possible. We cannot expect other people to give effect to it if we ourselves are afraid to embrace it'.<sup>174</sup>

The government Members responded by defending the zonal system as their version of 'electoral justice'. The dispersed character of Victoria's rural population meant electorates with equal enrolments were impracticable. They argued that the countryside deserved favourable representation: the rural sector disproportionately contributed to exports and essential production. Some Liberal Members did suggest, however, that the ratio between district categories should be 60 to 100 with a majority of rural seats.<sup>175</sup>

Addressing the question of population drift to the cities, CP Member Matthew Bennett argued that 'if the people are to be encouraged to remain on the land, they should be given electoral justice'.<sup>176</sup> Finally, other notable issues raised included bicameralism and independent Member for Hawthorne Leslie Hollins's amendment calling for proportional representation using Tasmania's Hare-Clark system.<sup>177</sup>

In any event, the Act obtained royal assent in 1945 (represented in Map 6, panels A and B). The electoral commissioners presented their findings in March 1945.<sup>178</sup> The average number of voters in country seats was 54 per cent of the average for metropolitan and urban districts (Table 8). The Assembly and the Council adopted the report in May and June.

In summary, electoral reform went 'one step forward and one step back' between 1901 and 1950. On the one hand, a role emerged for independent commissioners to determine boundaries. On the other hand, parliament consolidated the biases implicit in the county-based system inherited from 19th century practice into a zone-based system of weighted electorates.

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<sup>173</sup> Cain (1944) op. cit., pp. 1044–1045.

<sup>174</sup> A. Allnutt (1944) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 20 September, p. 1047; *Declaration of Principles, Known as the Atlantic Charter, Issued by The Prime Minister of The United Kingdom And The President Of The United States Of America, 14 August 1941*. The four freedoms are: freedom of speech and expression; freedom of worship; freedom from want; and freedom from fear.

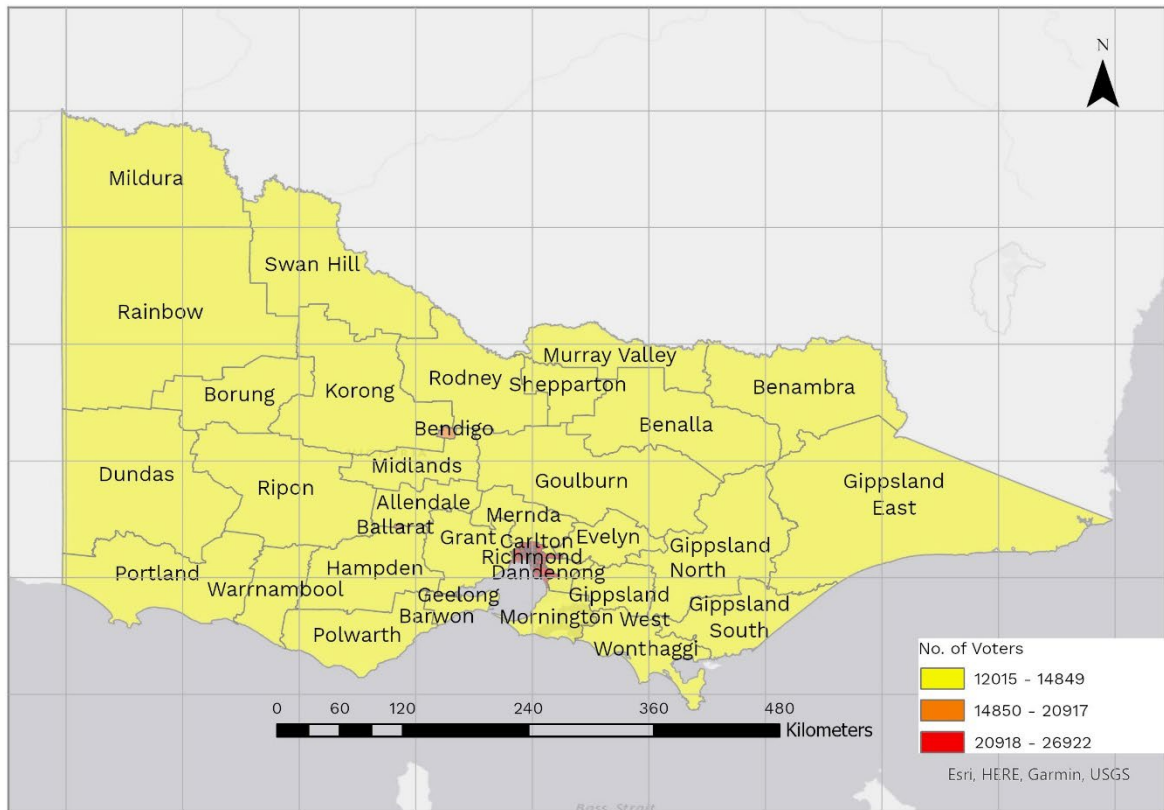
<sup>175</sup> H. Thonemann (1944) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 26 September, p. 1160.

<sup>176</sup> M. Bennett (1944) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 26 September, p. 1243.

<sup>177</sup> L. Hollins (1944) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 26 September, p. 1137.

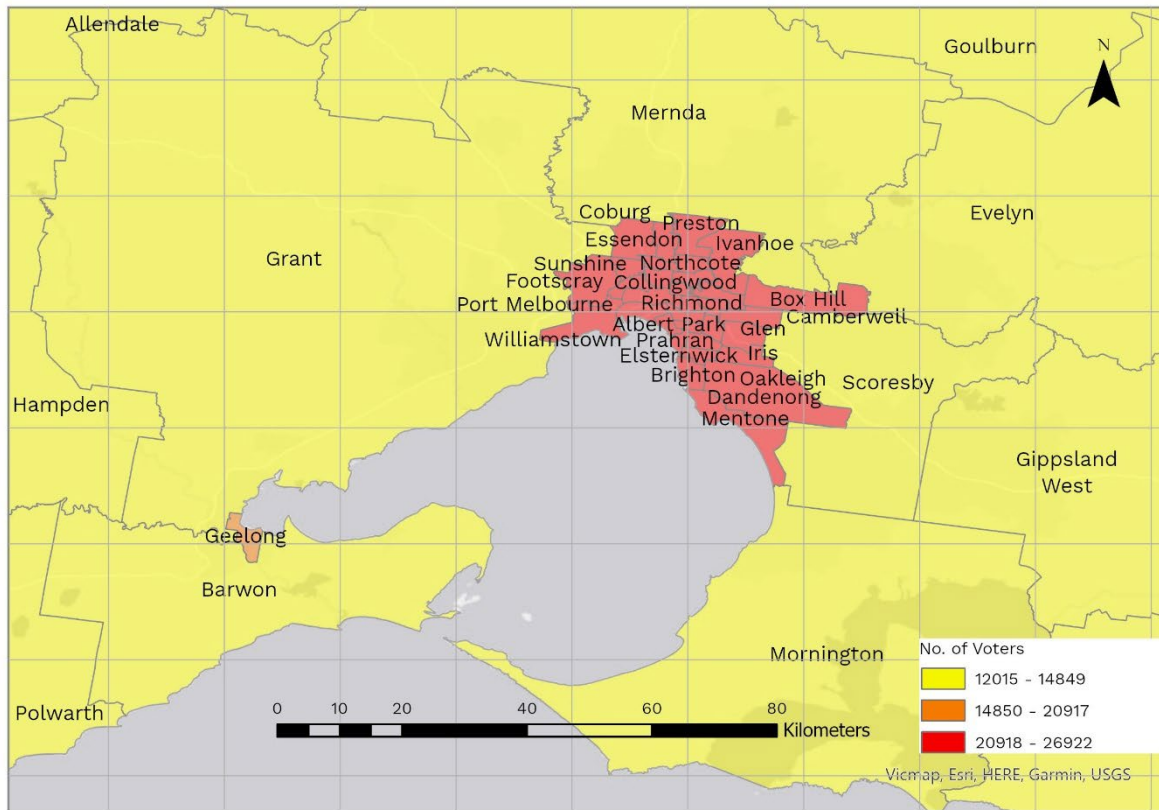
<sup>178</sup> J. L. Eabry, W. L. Rowe & W. McIlroy (1945) *Report by the Commissioners Appointed for the Purpose of the Redivision of the State of Victoria into Electoral Districts for the Legislative Assembly pursuant to the Electoral Districts Act 1944*, Melbourne, Government Printer.

**Map 6 (Panel A): Legislative Assembly districts and number of voters, 1944**<sup>179</sup>



<sup>179</sup> Carr (2024) op. cit.

**Map 6 (Panel B): Legislative Assembly districts and number of voters (Melbourne and Geelong), 1944<sup>180</sup>**



**Table 8: Distribution of Legislative Assembly districts by number of voters, 1944–45 redistribution<sup>181</sup>**

Category	No. of Voters	Average no. of voters	Number of districts
Metropolitan	802,183	25,068	32
Urban	61,700	20,567	3
Country	409,388	13,646	30
Total	1,273,271	19,589	65

<sup>180</sup> *ibid.*

<sup>181</sup> Eabry et al. (1945) *op. cit.*, pp. 4–8.



## 4. Reforms of the 1950s and their aftermath

The unstable compromise of the 1944–45 redistribution eventually led to an open conflict between the Liberals and the Country Party. A split in the former led to watershed reforms in the 1950s.

### The Electoral Reform League

Eventually, the conflicts between the CP and the Liberals came to a head. The uneasy alliance that allowed for the 1944–45 redistribution broke down and triggered another period of government instability. Labor won 31 seats in the 1945 election, which again allowed John Cain to become Premier. However, the government could not pass much legislation without a majority in either house. The Liberal and CP majority in the upper house eventually blocked the 1947 budget. Cain resigned and called an election in which Labor suffered a heavy defeat.<sup>182</sup>

Once again, an unsteady coalition of the CP and the Liberals emerged, with Thomas Hollway as Premier. The relationship between these coalition parties quickly deteriorated, with it collapsing in 1948. The Liberals then changed their name to the Liberal and Country Party to appeal to disgruntled CP members and voters. After failing a no-confidence motion, an election saw Labor (with 24 seats) supporting a minority John McDonald-led CP government (13 seats) in return for promises of electoral reform.<sup>183</sup>

The delivery of reforms ultimately did not meet expectations. On the one hand, the *Legislative Council Reform Act of 1950* finally abolished property qualifications for voting in the upper house. The Act stipulated new redistributive mechanisms and criteria through 'three Commissioners appointed by the Governor in Council' (the Chief Electoral Officer, the Commonwealth Electoral Officer, and the Secretary for Lands).<sup>184</sup> They could only make the 'boundaries of each province correspond with boundaries of subdivisions of districts for the Legislative Assembly'.<sup>185</sup> Both houses could reject any proposals.

On the other hand, McDonald refused to proceed with Legislative Assembly electoral redistribution, so Labor eventually withdrew its support in 1952. The Liberal and Country Party state council had passed a motion in favour of 'two-for-one' electoral reform in 1950, before rescinding its support in 1952.<sup>186</sup>

The two-for-one proposal reflected the growing influence of the federal system of electoral distribution. The *Commonwealth Electoral Act 1918* created a more sophisticated mechanism for electoral design compared to most of the states. Appointed commissioners conducted periodic distributions that originally required a 'quota not be departed from to a greater extent than one-fifth more or one-fifth less' between divisions.<sup>187</sup>

An unusual series of events unfolded in late 1952:

- Hollway, having lost the opposition leadership in 1951, proposed a Liberal-Labor alliance for electoral reform and moved a no-confidence vote in the government.
- Although the vote failed, the Liberal and Country Party expelled Hollway from the parliamentary party. Seven other dissidents joined him and eventually became the Electoral Reform League.

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<sup>182</sup> Wright (1992) op. cit., pp. 181–183.

<sup>183</sup> *ibid.*; W. R. Dawnay-Mould, A. H. Dennett, D. John, C. P. Gartside, J. A. Hipworth, T. T. Hollway, H. V. MacLeod & R. W. Tovell (1954) *State crisis!!*, Cheltenham, Standard Newspapers.

<sup>184</sup> *Legislative Council Reform Act 1950*, s 8.

<sup>185</sup> *ibid.*, s 10.

<sup>186</sup> Dawnay-Mould et al. (1954) op. cit.

<sup>187</sup> *Commonwealth Electoral Act 1918* (Cth), s 19.

- The Legislative Council blocked supply. On the invitation of the Governor, Hollway briefly formed a new ministry that lasted four days before failing a no-confidence vote moved by McDonald.
- An election occurred in December.
- Accusations of corruption were made against Hollway, alleging bribery of his supporters.<sup>188</sup>

The 1952 election hinged on the issue of electoral reform.<sup>189</sup> Labor emerged with 37 seats and obtained a majority in the Legislative Assembly with the support of one independent. The Liberal and Country Party won 11 seats and the CP 12 seats. The Electoral Reform League won five seats, including Hollway in Glen Iris, defeating Liberal leader Les Norman.<sup>190</sup>

Having fought and won an election campaign around election reform, Cain emerged as Premier and quickly moved to present an Electoral Districts Bill in March 1953. William Galvin's second reading speech presented the Bill's rationale:

At the recent general election, the question of redistribution was the outstanding issue ... the results at the election showed that the electors, had given to the incoming Government a mandate to end the present undemocratic distribution of seats ...

That mandate went further still. The electors demonstrated in the plainest manner, not only in certain individual contests but generally throughout the State, that the present system should be replaced by what, during the course of the election, became familiarly known as the two-for-one plan ...

The main purpose of the measure is to provide, firstly, following on the commencement of the legislation, and thereafter whenever any future Commonwealth redistribution takes place in Victoria, for a redivision of the State whereby each Commonwealth electoral division shall be divided into two separate electorates for the Legislative Assembly.<sup>191</sup>

The primary mechanism for its implementation was:

... the appointment of an electoral Commission ... to prepare, for submission to Parliament, a scheme of redistribution on the basis of each Federal electorate being divided into two Assembly districts of approximately equal voting strength, subject to a comparatively small degree of variation in enrolments being permitted as between each 'pair' of proposed electoral districts. The Commissioners are obliged to prepare a report and details of enrolments, together with a map showing the names and boundaries of proposed new districts. The report and map will then be submitted to the Minister, who will be responsible for transmitting copies thereof for tabling in both Houses of Parliament ... Unless both Houses reject the proposed redivision within 28 days after its presentation to the Legislative Assembly, the proposal shall be deemed to be adopted. If, however, each House rejects the proposed redivision, the Minister is empowered to direct the Commissioners to propose one fresh redivision ...<sup>192</sup>

The debate was quite brief in the Legislative Assembly, with the issues having been thoroughly canvassed during the election. It was transmitted to the Legislative Council on 31 March, and after some resistance, the Council agreed to the Bill without amendment.<sup>193</sup>

Subsequently, the commissioners presented their reports, dividing the existing federal electorates into two state districts each.<sup>194</sup> With the last federal redistribution occurring in 1949, there was already considerable variation in the size of federal divisions and the proposed state districts. The average division had 43,144 voters, with voter populations ranging from a minimum of 36,058 to a maximum of 61,473. There were similar variations in the state districts. While the ratio of the smallest district enrolment total to the largest was

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<sup>188</sup> Garden (1982) *op. cit.*, pp. 213–232; Dawnay-Mould et al. (1954) *op. cit.*

<sup>189</sup> (1952) 'The Election has One Vital Issue', *The Argus*, 5 December, p. 2.

<sup>190</sup> Carr (2024) *op. cit.*

<sup>191</sup> W. Galvin (1953) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 4 March, p. 110.

<sup>192</sup> *ibid.*, p. 111.

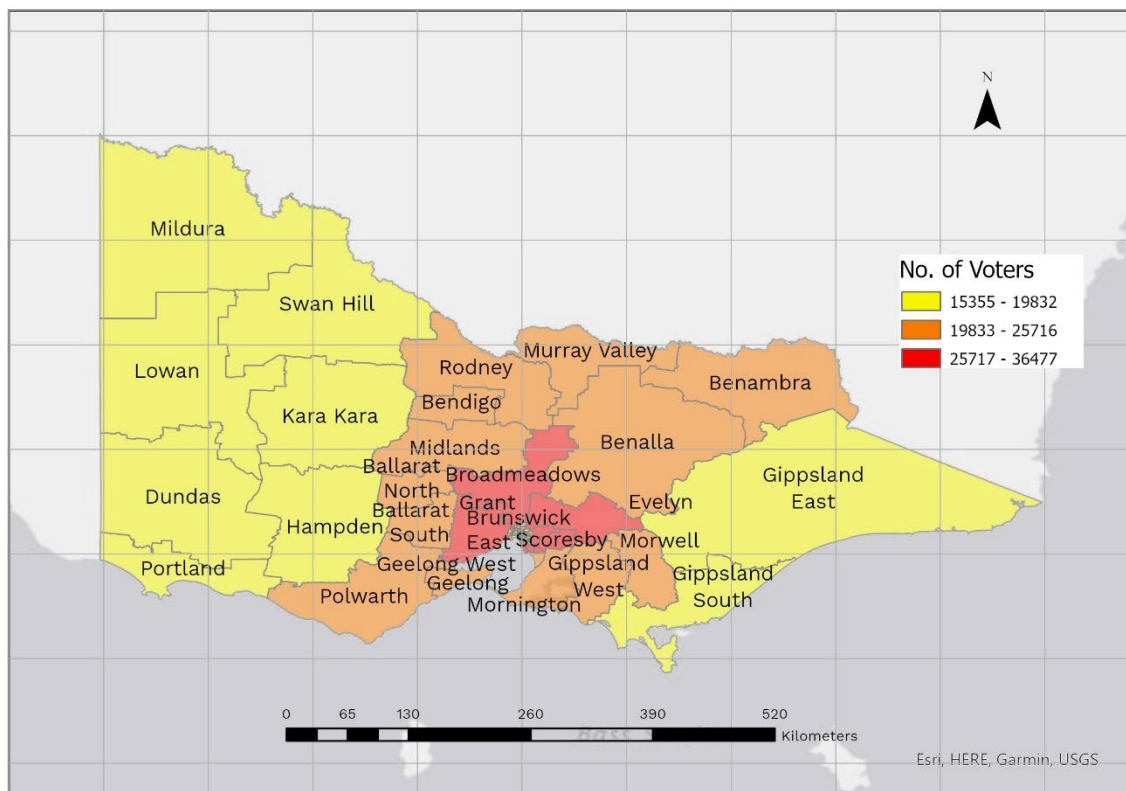
<sup>193</sup> C. E. Eager (1953) 'Electoral Districts Bill', *Debates*, Victoria, Legislative Assembly, 8 September, p. 613.

<sup>194</sup> F. E. Cahill, R.C. Nance & W. M. Crawford (1953) *Report by the Commissioners Appointed for the Purpose of the Redivision of The State of Victoria Into Electoral Districts for the Legislative Assembly Pursuant To The Electoral Districts Act 1953, No. 5683. Presented to Both Houses of Parliament Pursuant to Section 8 of the Electoral Districts Act 1953*, Melbourne, Government Printer.

still 0.45, the level of malapportionment was based on whether an area was metropolitan, urban or country.<sup>195</sup> Map 7 (panels A and B) displays the final boundaries and counts of voters.

In the meantime, more divisions within Labor culminated in a split that would later result in the formation of the Democratic Labour Party. The Cain Labor Government lost a no-confidence motion in April 1955, triggering an election. With the Labor vote divided, the Liberal and Country Party emerged with 33 seats and the CP 11 seats. The Liberal and Country Party leader, Henry Bolte, would become Premier and remain so for 17 years.

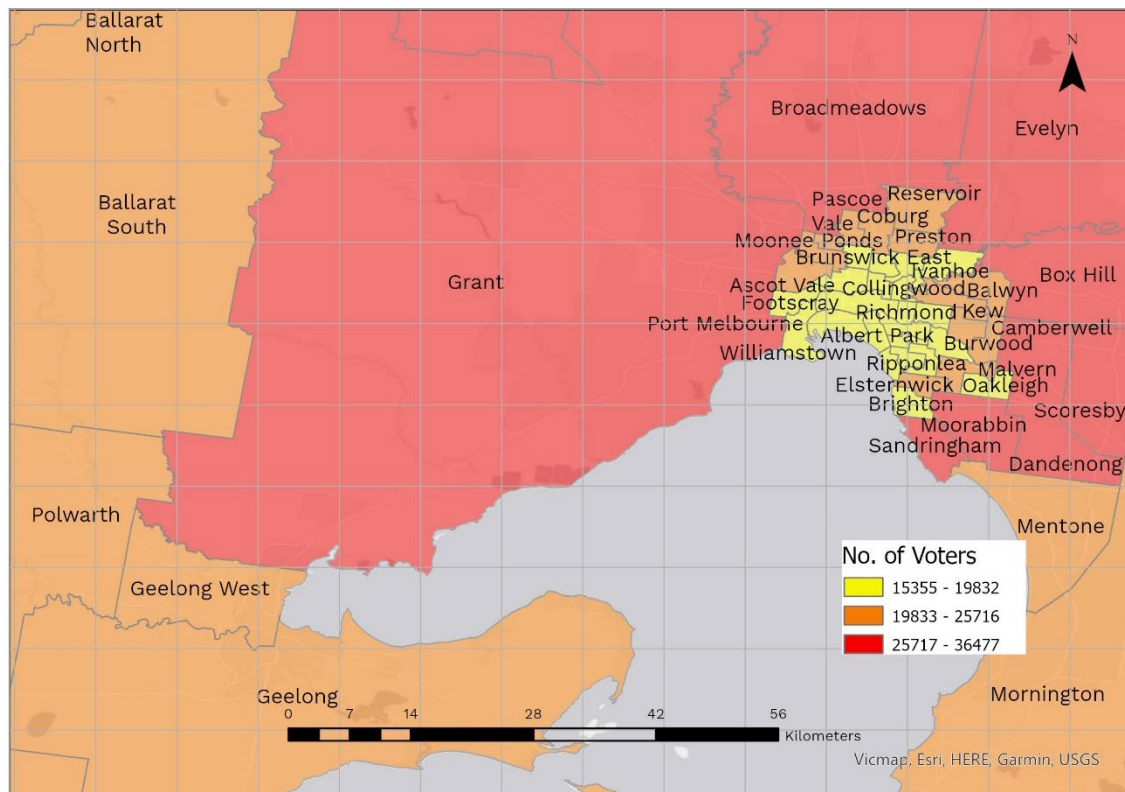
**Map 7 (Panel A): Legislative Assembly districts and number of voters, 1955<sup>196</sup>**



<sup>195</sup> Reid (2023) op. cit., pp. 7, 9.

<sup>196</sup> Carr (2024) op. cit.

**Map 7 (Panel B): Legislative Assembly districts and number of voters (Melbourne and Geelong), 1955<sup>197</sup>**



## The long interval

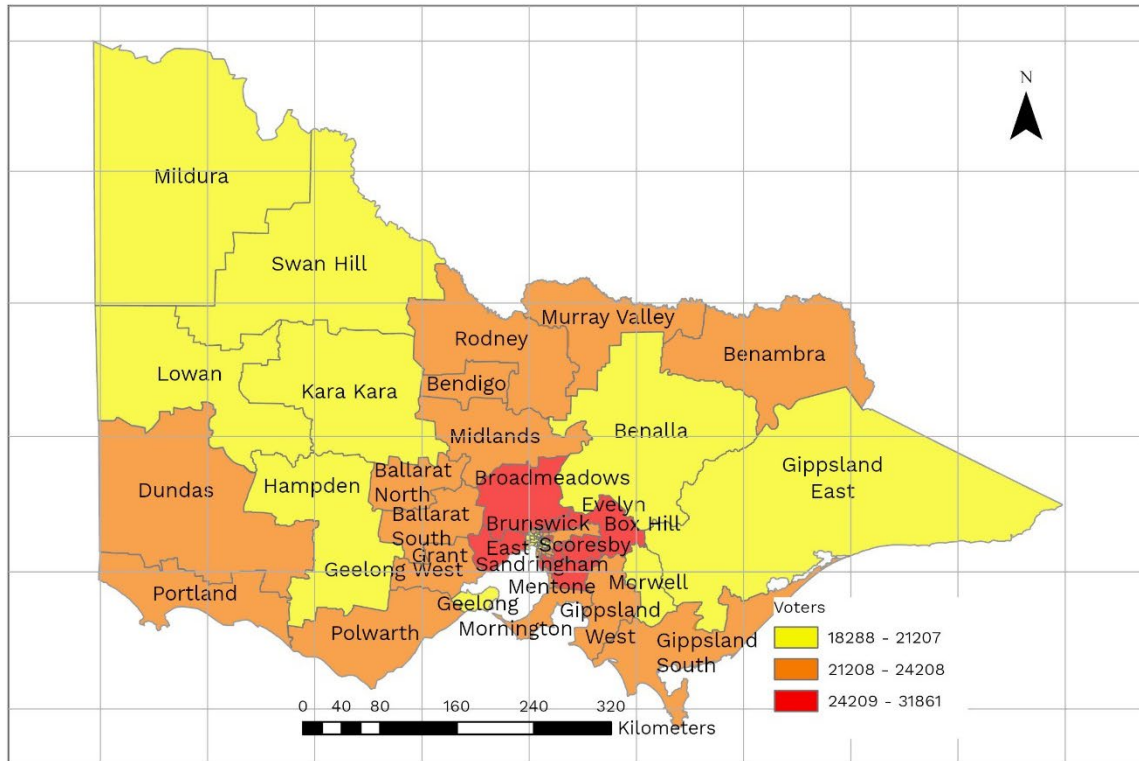
The Liberal and Country Party would govern continuously from 1955 until 1982. There was no initiative to engage in substantial electoral reform, as the government did little to either amend or extend the reform measures of the early 1950s. Confident of maintaining government, the Liberals possibly did not see any need for changes.

A federal redistribution also occurred in 1955 which, by extension, altered the Victorian districts. The commissioners presented a report that resulted in less malapportionment than in 1953.<sup>198</sup> The average number of voters for all 65 districts was 21,819, with a minimum of 19,974 and a maximum of 23,873. All were within a 10 per cent range of the mean. Map 8 (panels A and B) outlines the 1958 boundaries. The primary outcome of the 1958 election was the further marginalisation of the CP, which fell to 11 seats (from a peak of 25 in 1943).

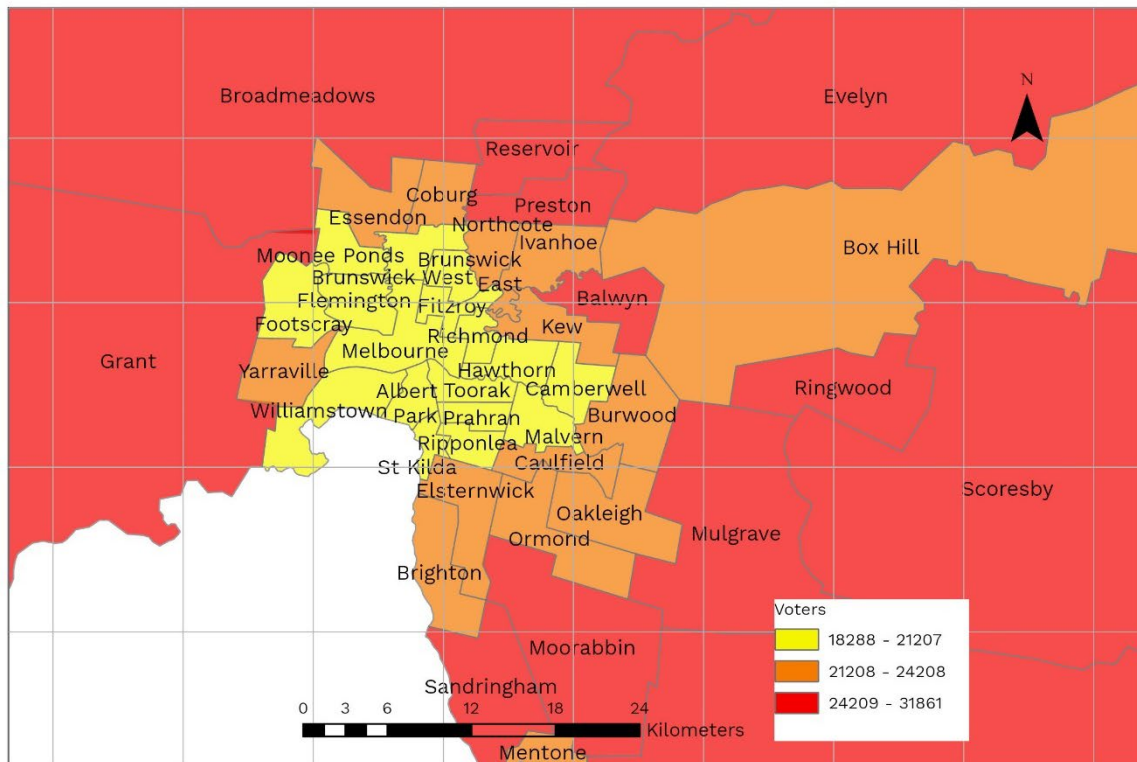
<sup>197</sup> Carr (2024) op. cit.

<sup>198</sup> C. W. Phillips, R. C. Nance & W. M. Crawford (1955) *Report by the Commissioners Appointed for the Purpose of the Redivision of The State of Victoria Into Electoral Districts for the Legislative Assembly Pursuant To The Electoral Districts Act 1953, No. 5683. Presented to Both Houses of Parliament Pursuant to Section 8 of the Electoral Districts Act 1953*, Melbourne, Government Printer.

**Map 8 (Panel A): Legislative Assembly districts and number of voters, 1958**<sup>199</sup>



<sup>199</sup> *ibid.*

**Map 8 (Panel B): Legislative Assembly districts and number of voters (Melbourne), 1958**<sup>200</sup>

However, the question of further Legislative Council reform remained unresolved. The Electoral Reform League's supporters raised these issues but lost any representation in the 1955 election.<sup>201</sup> In 1960, the Legislative Assembly passed the Electoral Provinces Bill, which had originated in the Council.<sup>202</sup> The legislation focused on the disparities in enrolment between different metropolitan seats while leaving the country and regional provinces untouched.<sup>203</sup> In any event, a combined Labor and CP vote in the Legislative Council rejected the proposed redistribution in November 1960.<sup>204</sup>

The Bolte Government was more successful in 1965, when it reinstated a new zonal system. A similar Bill had failed to pass the Legislative Council in 1963, which had proposed differential quotas of voters according to 'metropolitan', 'provincial' and 'non-provincial' categories.<sup>205</sup> By 1964, there was a partial reconciliation between the two non-Labor parties. The Liberal and Country Party dropped the 'and Country' part of their name and other policy issues, in return for more cooperation with the CP.<sup>206</sup> In introducing the 1965 Bill in April, Attorney-General Arthur Rylah argued that, as no federal redivision was likely to occur soon,

<sup>200</sup> *ibid.*

<sup>201</sup> Dawnay-Mould et al. (1954) *op. cit.*

<sup>202</sup> *Electoral Provinces Act 1960.*

<sup>203</sup> F. E. Cahill, R. C. Nance & F. W. Arter (1960) *Report by the Commissioners Appointed for the Purpose of the Proposed Redivision of Electoral Provinces for the Legislative Council: pursuant to the Electoral Provinces Act 1960*, Melbourne, Government Printer; F.E. Cahill, R.C. Nance & F.W. Arter (1960) *Report (Fresh Division) by the Commissioners Appointed for the Purpose of the Proposed Redivision of Electoral Provinces for the Legislative Council: pursuant to the Electoral Provinces Act 1960*, Melbourne, Government Printer.

<sup>204</sup> J. W. Galbally (1960) 'Electoral Provinces Act 1960. Proposed Redivision Of Provinces: Commissioners' Report', *Debates*, Victoria, Legislative Council, 29 November, pp. 1493–1521.

<sup>205</sup> *Electoral Provinces and Districts Bill 1963*, cl 5.

<sup>206</sup> Wright (1992) *op. cit.*, p. 199.

there was an urgent need to address the disparities in electoral enrolments that had emerged since 1955.<sup>207</sup>

The Bill proposed three significant changes. First, the overall number of Legislative Assembly districts would be increased to 73, reflecting the increase in population since 1906. Second, it grouped nine predominantly Melbourne-based Legislative Council provinces into a 'Southern district' of ten new electorates and eight in the 'Country', increasing the number of provinces to 18, each represented by two Members.<sup>208</sup>

The main issues this second change aimed to address were the disparities between these Melbourne-based provinces, which had reflected the growth of the suburban population. Between 1951 and 1965, Melbourne, for instance, declined from 73,049 to 40,378 voters, while the existing Southern province (not to be confused with the proposed 'district' grouping of provinces after 1966) rose from 88,353 to 281,190.<sup>209</sup>

Third and finally, the zonal system introduced weighted numbers of voters according to district and provincial categories (Tables 9 and 10).

**Table 9: Distribution of Legislative Assembly districts by number of voters, 1965 redistribution**<sup>210</sup>

Category	No. of Voters	Average no. of voters	Number of districts
Port Phillip area	1,100,483	25,011	44
Provincial	177,306	22,163	8
Country	380,009	18,096	21
Total	1,480,492	22,777	73

**Table 10: Distribution of Legislative Council provinces by number of voters, 1965 redistribution**<sup>211</sup>

Category	No. of Voters	Average no. of voters	Number of Provinces
Southern Area	1,159,750	115,975	10
Country	500,064	62,062	8
Total	1,775,725	98,654	18

The procedural element for determining boundaries in the Bill was similar to those inherited from the *Electoral Districts Act 1926* and *Electoral Districts Act 1953*. Commissioners were mandated to redistribute seats according to set criteria. Either chamber could reject the recommendations once tabled, within a 21-day time frame.<sup>212</sup>

<sup>207</sup> A. G. Rylah (1965) 'Electoral Provinces and Districts Bill', *Debates*, Victoria, Legislative Assembly, 28 April, pp. 3485–3583. The next federal redistribution was not until 1968. See: Australian Electoral Commission (2024) *Dates redistributions were proclaimed or determined (1900–2024)*, AEC website.

<sup>208</sup> Rylah (1965) op. cit., pp. 3485–3583.

<sup>209</sup> *ibid.*, pp. 3579.

<sup>210</sup> F. E. Cahill, C. J. A. Lack & F. W. Arter (1965) *Report by the Commissioners Appointed for the Purpose of the Proposed Redivision of the 'Southern Area' into Electoral Provinces for the Legislative Council and of the whole of Victoria into Electoral Districts for the Legislative Assembly pursuant to the Electoral Provinces and Districts Act 1965, No. 7270*, Melbourne, Government Printer.

<sup>211</sup> *ibid.*

<sup>212</sup> *Electoral Provinces and Districts Act 1965*, s 10.

The opposition responded with a spirited attack on the Bill by Labor opposition leader, Clive Stoneham. Drawing upon contemporary events in Indonesia, he scolded:

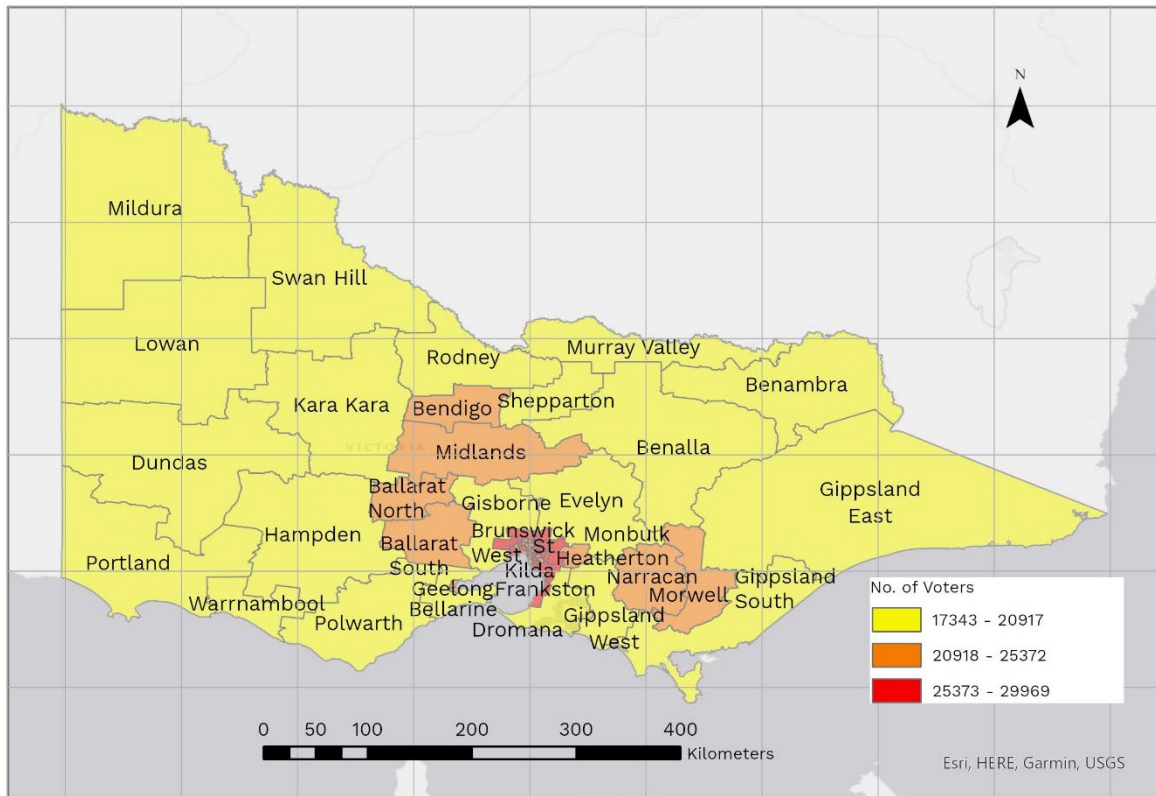
... the Government, in keeping with the principles of guided democracy ... there is a close affinity between the Premier and Dr. Soekarno. In all seriousness, this is really a tragic Bill.

He continued:

Throughout the world, democratic countries are preaching to the newly-developing countries the importance of adhering to democratic principles. A basic element of democracy is contained in the principle of one-vote-one-value. Various examples have been quoted to illustrate how the distortions of that principle can lead to dictatorships and other undesirable features.<sup>213</sup>

The debate primarily covered old ground over the principle of 'one vote, one value' and how applicable this was to the Victorian context. In any event, the Bill passed through the Legislative Council by May 1965. Map 9 (panels A and B) outlines the final districts.

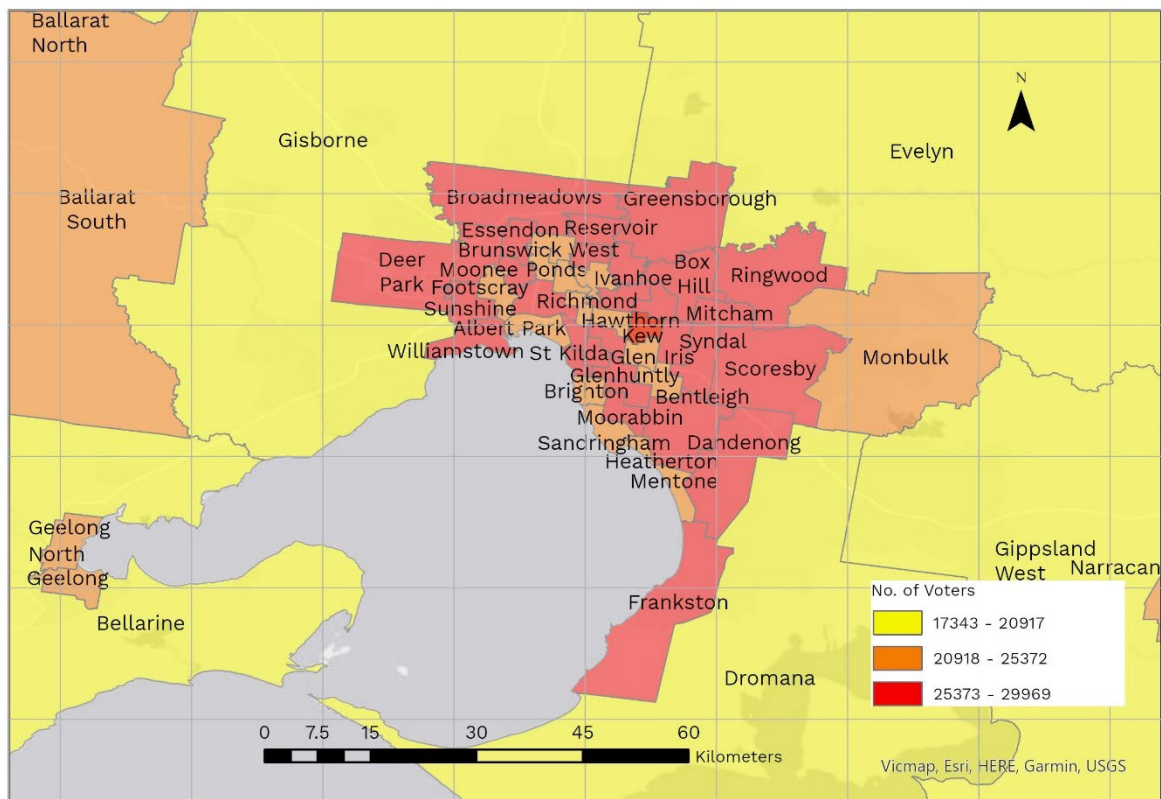
**Map 9 (Panel A): Legislative Assembly districts and number of voters, 1965<sup>214</sup>**



<sup>213</sup> C. Stoneham (1965) 'Electoral Provinces and Districts Bill', *Debates*, Victoria, Legislative Assembly, 11 May, pp. 3979-3980.

<sup>214</sup> *ibid.*



**Map 9 (Panel B): Legislative Assembly districts and number of voters (Melbourne and Geelong), 1965**<sup>215</sup>

Bolte retired from office in 1972 and was replaced by Rupert Hamer, who became another long-serving Premier. The electoral redistribution in 1974 was similar to the last and succeeded with minimal debate. The decline of the Democratic Labour Party vote allowed Labor to obtain 42 per cent of the vote in the 1973 election, but this only entitled them to one-quarter of the Legislative Assembly seats.<sup>216</sup>

The *Electoral Provinces and Districts Act 1974* once again sought to expand the number of Legislative Assembly districts, from 73 to 81. It maintained the same procedural measures as previous Acts, empowering commissioners to develop boundaries within specific parameters.<sup>217</sup> The Bill entailed the division of the Port Phillip District into 49 proposed electoral districts based on a quota of approximately 28,000 electors and the remainder of Victoria into 32 districts with a quota of roughly 24,500.<sup>218</sup>

It also expanded the Legislative Council to 22 provinces represented by 44 Members—the first significant expansion of its membership since 1906.<sup>219</sup> The zonal system allocated a mostly metropolitan 'Southern District' 13 new electorates with a quota of approximately 112,000 electors per province and a permissible 10 per cent variation. The remainder of the state consisted of nine electoral provinces based on a quota of roughly 80,000 electors per province (See Tables 11 and 12).

<sup>215</sup> *ibid.*

<sup>216</sup> Reid & Triscari (2022) *op. cit.*, pp. 5–6.

<sup>217</sup> J. K. Rossiter (1974) 'Electoral Provinces and Districts Bill', *Debates*, Victoria, Legislative Assembly, 13 November, pp. 2128–2133.

<sup>218</sup> *Electoral Provinces and Districts Act 1974*.

<sup>219</sup> *ibid.*

**Table 11: Distribution of Legislative Assembly districts by number of voters, 1974 redistribution**<sup>220</sup>

Category	No. of Voters	Average no. of voters	Number of districts
Port Phillip area	1,378,448	28,131	49
Country	779,796	24,368	32
Total	2,158,244	26,645	81

**Table 12: Distribution of Legislative Council provinces by number of voters, 1974 redistribution**<sup>221</sup>

Category	No. of Voters	Average no. of voters	Number of Provinces
Southern District	1,447,617	111355	13
Country	710,627	78958	9
Total	2,158,244	98102	22

The debate over this Bill covered similar ground as it had in 1965, with an added dimension of its rapid adoption by Hamer's government. It argued that changes in population distribution and the expansion of the number of voters after lowering the voting age limit to 18 in 1973 necessitated the changes.<sup>222</sup>

After its introduction in November 1973, the Assembly voted that the Bill be considered 'urgent' on 3 December.<sup>223</sup> While the opposition claimed the government wished to 'guillotine' the debate, it passed the Assembly.<sup>224</sup> Despite Labor Member Jack Galbally's accusation that 'this is a Bill to enlarge the rotten boroughs of Victoria and to destroy its Parliament',<sup>225</sup> the Legislative Council passed it without amendment on 10 December 1973.

Map 10 (panels A and B) features the new Legislative Assembly districts and number of voters. It is notable that densities had changed by the time of the 1978 elections, owing to different rates of population growth between districts.

<sup>220</sup> E. L. Richardson, L. J. Abbott & J. E. Mitchell (1975) *Report by the Commissioners Appointed for the Purpose of the Proposed Redivision of Victoria into Electoral Provinces for the Legislative Council and into Electoral Districts for the Legislative Assembly pursuant to the Electoral Provinces and Districts Act 1974*, No. 8628, Melbourne, Government Printer.

<sup>221</sup> *ibid.*

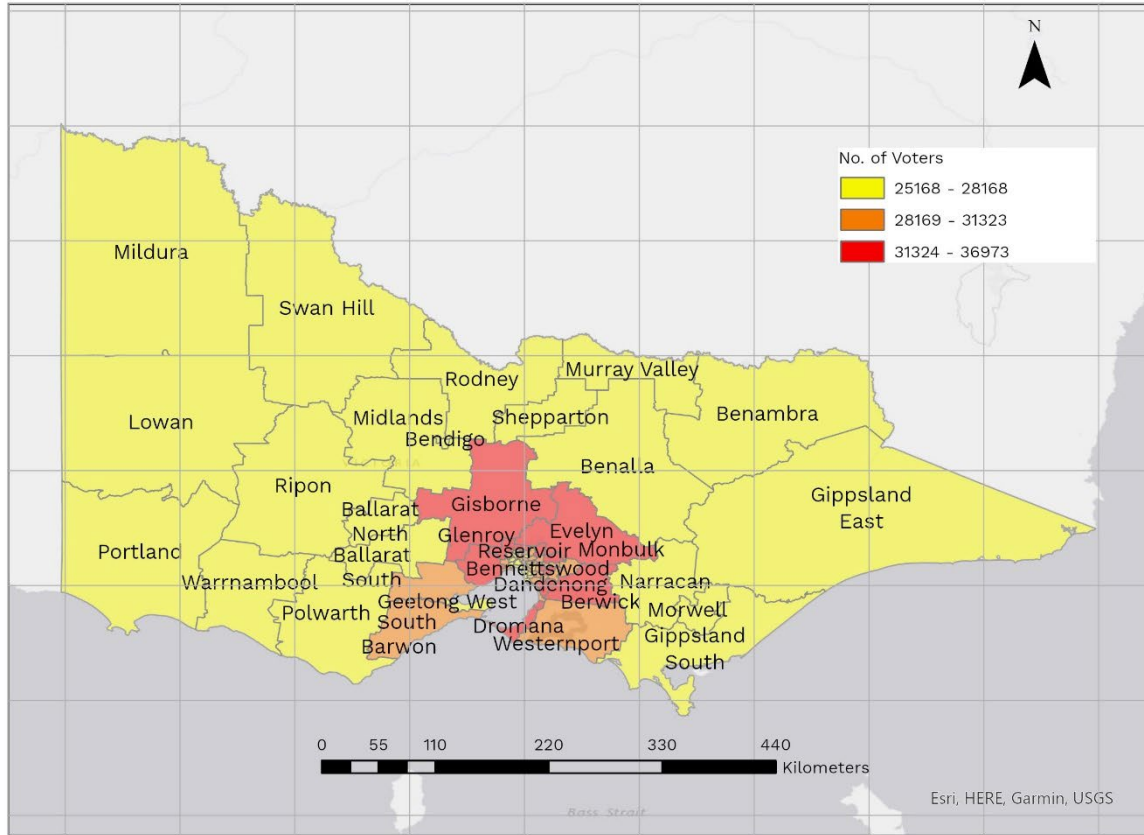
<sup>222</sup> Rossiter (1974) *op. cit.*, p. 2129.

<sup>223</sup> *ibid.*, p. 3174.

<sup>224</sup> F. Wilkes (1974) 'Electoral Provinces and Districts Bill', *Debates*, Victoria, Legislative Assembly, 3 December, p. 3125.

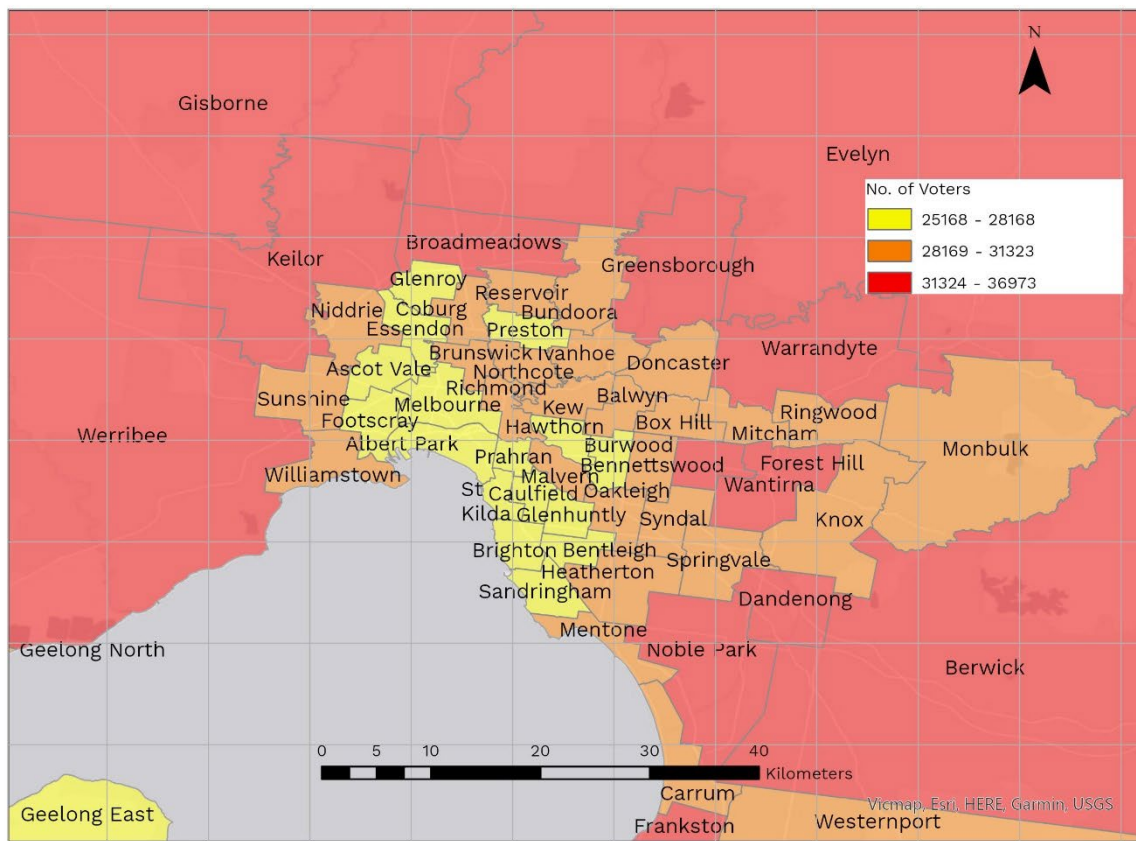
<sup>225</sup> J. W. Galbally (1974) 'Electoral Provinces and Districts Bill', *Debates*, Victoria, Legislative Council, 10 December, p. 3480.

**Map 10 (Panel A): Legislative Assembly Districts and number of voters, 1978**<sup>226</sup>



<sup>226</sup> *ibid.*

**Map 10 (Panel B): Legislative Assembly Districts and number of voters (Melbourne), 1978**<sup>227</sup>



## 5. Reform and the modern era

The long era of Liberal government ended in 1982 when the Labor Party won the state election and John Cain (Jnr) assumed the role of Premier. With its first solid majority (49 of 81 Members) in the Legislative Assembly, Labor implemented long-awaited electoral reforms. These changes subsequently shaped electoral institutions within the state, including later the Legislative Council.

Two other factors shaped the context of reform. Labor strengthened its commitment to ‘one vote, one value’ at the state and federal levels.<sup>228</sup> The federal and other state-level processes also underwent increased ‘judicialisation’.<sup>229</sup> In the late 1970s, Hughes and Jaensch noted that electoral boundaries had increasingly been given over:

... to non-parliamentary commissioners drawn almost entirely from the judiciary and the public service. In 1968 the process, for federal boundaries at least, was judicialisation taken a stage further towards when the Commonwealth Electoral Act was amended to prescribe the procedures whereby interested persons might inform and seek to influence the commissioners through communications which would be open to public scrutiny. In 1969 South Australia, which had been the last state to transfer boundary-drawing from Parliament to a commission, followed suit, and then in 1975 went a stage further by ensuring that the commission’s boundaries ceased to be recommendations to the state Parliament.<sup>230</sup>

<sup>227</sup> *ibid.*

<sup>228</sup> (1982) ‘One vote one value our aim: Wilkes’, *The Age*, 5 April, p. 5.

<sup>229</sup> C. A. Hughes & D. Jaensch (1979) ‘Judicialisation of electoral redistributions: The Commonwealth and South Australia’, *Politics*, 14(1), pp. 60–70.

<sup>230</sup> *ibid.*, p. 60.

Other national jurisdictions—notably Canada—replicated the process.<sup>231</sup> Beginning with South Australia, similar practices emerged in different Australian states. The federal experience had influenced debate in Victoria from the 1940s onwards.

The incoming Cain Labor Government adopted a similar approach to reform through what became its *Electoral Commission Act 1982*. The government notionally faced many obstacles, notably a combined Liberal-National opposition majority in the Legislative Council.<sup>232</sup> In any event, the opposition pre-empted the debate on reform when Liberal upper house leader Alan Hunt introduced a private Member's Bill to the Legislative Council in May 1982.<sup>233</sup> The Bill itself was virtually 'identical' to the Bill introduced by then-Labor opposition Member Bill Landeryou in 1981.<sup>234</sup> All three were called the 'Electoral Commission Bill'.

The government adopted many of the provisions from Hunt's private Member's Bill. In his second reading speech, Premier Cain said, 'while my Government has adopted this private member's Bill without amendment, I regard the Bill as rightfully a successor to the many Labor-sponsored Bills on this matter'.<sup>235</sup> He also stated that the Bill 'goes to the very heart of our political system' and 'would go far to entrench the basic premise of democracy that all voters be treated equally'.<sup>236</sup>

The government's Bill and the resulting Act enshrined some key principles, including that an:

Electoral Commission shall consist of three persons of whom—

- (a) one, who shall be chairman, shall be the Chief Judge of the County Court or his duly appointed nominee;
- (b) one shall be the Chief Electoral Officer for the time being; and
- (c) one shall be the Surveyor-General for the time being.<sup>237</sup>

Again, similar to past practices:

In making any division of electors and in determining the number of electors to be allocated to a province or district the Commissioners shall give due consideration 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.<sup>238</sup>

The changes echoed the practices adopted in 1926, evolved over time, with the addition of formal judicial membership and other measures to strengthen the commission's independence.

However, the main difference was the elimination of the zonal system altogether. Indeed, the Act stipulated that any redistribution was required only when 'electors enrolled for the provinces or districts do not comply substantially with the requirements of this Act to approximate equal enrolment'.<sup>239</sup> 'Equal enrolment' was explicitly defined as 'where the

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<sup>231</sup> J. G. Courtney (2001) *Commissioned ridings: designing Canada's electoral districts*, Montreal, McGill-Queen's University Press.

<sup>232</sup> Wright (1992) *op. cit.*, p. 221.

<sup>233</sup> A. J. Hunt (1982) 'Electoral Commission Bill', *Debates*, Victoria, Legislative Council, 25 May, p. 122.

<sup>234</sup> W. A. Landeryou (1981) 'Electoral Commission Bill', *Debates*, Victoria, Legislative Council, 9 September, p. 104.

<sup>235</sup> J. Cain (1982) 'Second reading speech: Electoral Commission Bill 1982', *Debates*, Victoria, Legislative Assembly, 15 September, p. 303.

<sup>236</sup> *ibid.*, p. 302.

<sup>237</sup> *Electoral Commission Act 1982*, s 3.

<sup>238</sup> *ibid.*, s 9.

<sup>239</sup> *ibid.*, s 5.

enrolment for each province or district does not vary by more than ten per centum from the average enrolment of all provinces or districts (as the case requires)'.<sup>240</sup>

In discussing the Bill, Premier John Cain acknowledged that accepting a 10 per cent variation was not Labor's preferred 5 per cent margin, but the party elected not to press it at 'this stage'.<sup>241</sup> While the National Party spoke against the Bill and tried to make various amendments, parliament passed the legislation in November 1982.

The changes significantly strengthened the Electoral Commission's processes. Its method of deliberating and presenting its findings were specified in sections 10 to 15 of the Act and these were far more detailed and specific compared to previous legislation. The first step required was to invite submissions from the public. Once the commissioners:

... agreed upon an electoral division the Commissioners shall forward to the Minister a statement of the division of electors agreed upon together with particulars of the number of electors residing in each electoral province or electoral district respectively as nearly as can be ascertained and maps signed by the Commissioners showing the name and boundaries of each electoral province and electoral district...

Within fourteen days after receiving any statement, particulars, and maps referred to in section 11, the Minister shall cause a copy thereof—

- (a) to be deposited in the Central Plan Office of the Department of Crown Lands and Survey;
- (b) to be forwarded to the Chief Electoral Officer;
- (c) to be laid before each House of Parliament if Parliament is then sitting; and
- (d) to be forwarded to each member of Parliament.

Within fourteen days after any statement, particulars, and maps are deposited in the Central Plan Office pursuant to the provisions of section 12 the Secretary for Lands shall cause to be published in the *Government Gazette* notice of the fact thereof and of the day upon which they were so deposited.

A notice under sub-section (1) shall also specify the days and hours when a copy of the statement, particulars, and maps may be inspected by members of the public.

On and from the day notified in the *Government Gazette* under section 13 the names and boundaries of the electoral provinces for the Legislative Council set forth in the statement of the Commissioners deposited in the Central Plan Office shall be deemed to be substituted for the names and boundaries of the electoral provinces published in the *Government Gazette* under section 27 of the *Constitution Act 1975*.

On and from the day notified in the *Government Gazette* under section 13 the names and boundaries of the electoral districts for the Legislative Assembly set forth in the statement of the Commissioners deposited in the Central Plan Office shall be deemed to be substituted for the names and boundaries of the electoral districts published in the *Government Gazette* under section 35 of the *Constitution Act 1975*.<sup>242</sup>

The commission would then alter the electoral roll as needed. While allowing for submissions, the process effectively ended the practice of either chamber of parliament having final approval.

The next important measure consisted of changing the number of districts and provinces in the state. *The Constitution (Electoral Provinces and Districts) Act 1983* amended the *Constitution Act 1975* and proposed 88 districts for the Assembly and 22 provinces for the Council. Each province was to consist of 'four complete and contiguous districts'.<sup>243</sup> The commissioners presented their first report under the new Act in March 1984. Tables 13 and 14 summarise the results.<sup>244</sup>

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<sup>240</sup> *ibid.*

<sup>241</sup> Cain (1982) *op cit.*, p. 303.

<sup>242</sup> *Electoral Commission Act 1982*, ss 10–15.

<sup>243</sup> *The Constitution (Electoral Provinces and Districts) Act 1983*, s 2.

<sup>244</sup> G. R. D. Waldron, E.L. Richardson & R. E. Holmes (1984) *Electoral Commission Act 1982 Report Of The Electoral Commission No. 153 1983-1984 Ordered by the Legislative Assembly*, Melbourne, Government Printer.

**Table 13: Distribution of Legislative Assembly electorates by number of voters, 1984 redistribution**<sup>245</sup>

Category	No. of voters	Average no. of voters	Number of districts
Total	2,530,328	28,754	88

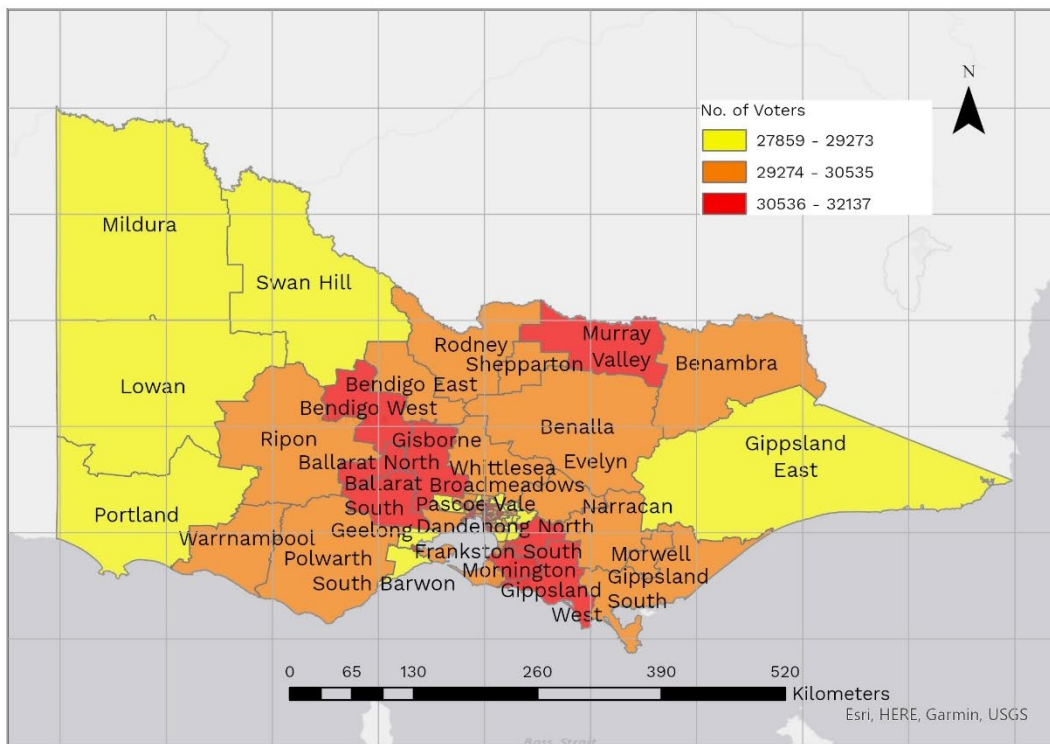
**Table 14: Distribution of Legislative Council provinces by number of voters, 1984 redistribution**<sup>246</sup>

Category	No. of voters	Average no. of voters	Number of provinces
Total	2,530,328	115,015	22

The 22 Legislative Council provinces had an average of 115,015 voters each, with the largest (Higinbotham) being only 6 per cent larger than the average. The 88 Legislative Assembly districts had an average of 28,754 electors, the largest being only 9 per cent above average.

The 1985 election, therefore, took place under very different rules than previous elections. Map 11 (panels A and B) details these new districts and the variation in voter numbers.

**Map 11 (Panel A): Legislative Assembly districts and number of voters, 1983**<sup>247</sup>

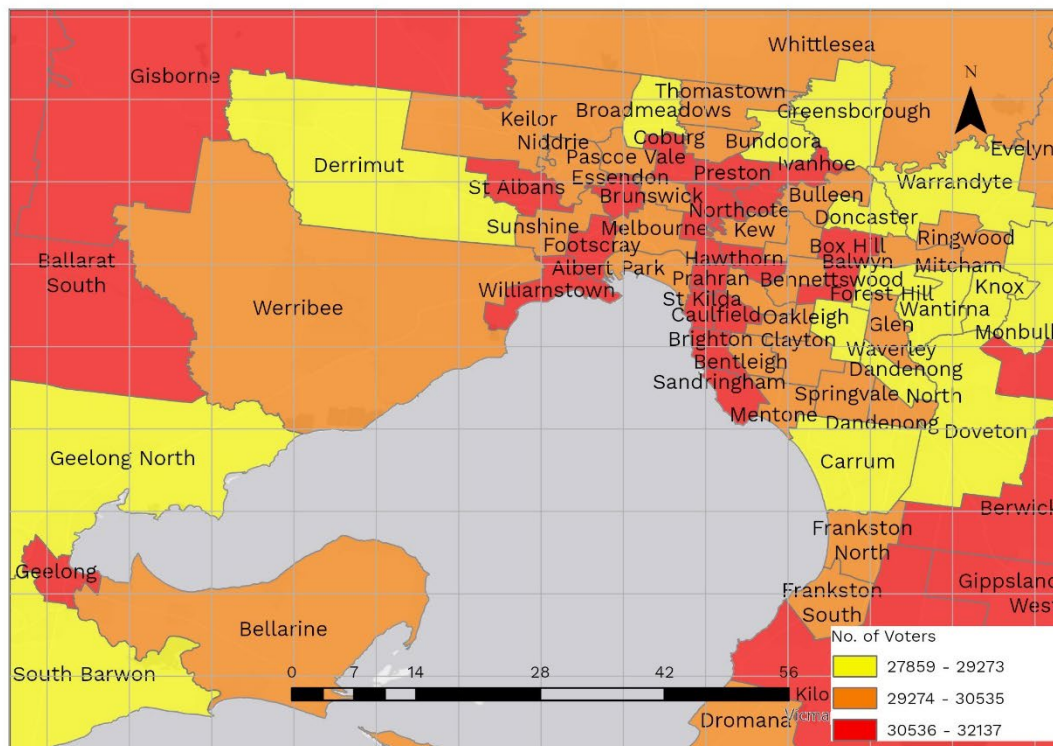


<sup>245</sup> Waldron et al. (1984) op. cit., pp. 18–21.

<sup>246</sup> *ibid.*, p. 5.

<sup>247</sup> Carr (2024) op. cit.

**Map 11 (Panel B): Legislative Assembly districts and number of voters (Melbourne and Geelong), 1983**<sup>248</sup>



The Cain Government's attempts to reform the upper house were rejected by the Legislative Council.<sup>249</sup>

Minor changes took place after these reforms. The *Constitution Act Amendment (Electoral Reform) Act 1988* changed the commission's name to the Electoral Boundaries Commission, which took effect from 1 January 1989.<sup>250</sup> The State Electoral Office assumed the title of Victorian Electoral Commission in 1995 with the passing of the *Constitution Act Amendment (Amendment) Act 1995*. The Electoral Boundaries Commission has since undertaken redivisions in 1990–91, 2001, 2005 (Legislative Council), 2013 and 2021.<sup>251</sup>

The most recent wave of changes occurred from 2001 to 2006, with the restructuring of the Victorian Legislative Council. The Bracks Labor Government (elected in 1999) established a constitutional commission to review the role of the upper house in 2001, eventually passing the *Constitution (Parliamentary Reform) Bill 2003*.<sup>252</sup> This reform replaced the electoral provinces with eight regions, each represented by five Members (40 Members in total). Each is the equivalent of and contiguous with eleven Legislative Assembly seats. These electoral divisions are still in place today.

More details are available in other publications from the Parliamentary Library.<sup>253</sup>

<sup>248</sup> Carr (2024) op. cit.

<sup>249</sup> A. Harkness (2012) 'Restraints upon the agenda: policy making in Victoria 1982–1992', *Australasian Parliamentary Review*, 27(1), pp. 136–140.

<sup>250</sup> *The Constitution Act Amendment (Electoral Reform) Act 1988*, s 2.

<sup>251</sup> Electoral Boundaries Commission (various) *Report on the Redivision of Electoral Boundaries*, Melbourne, Electoral Boundaries Commission.

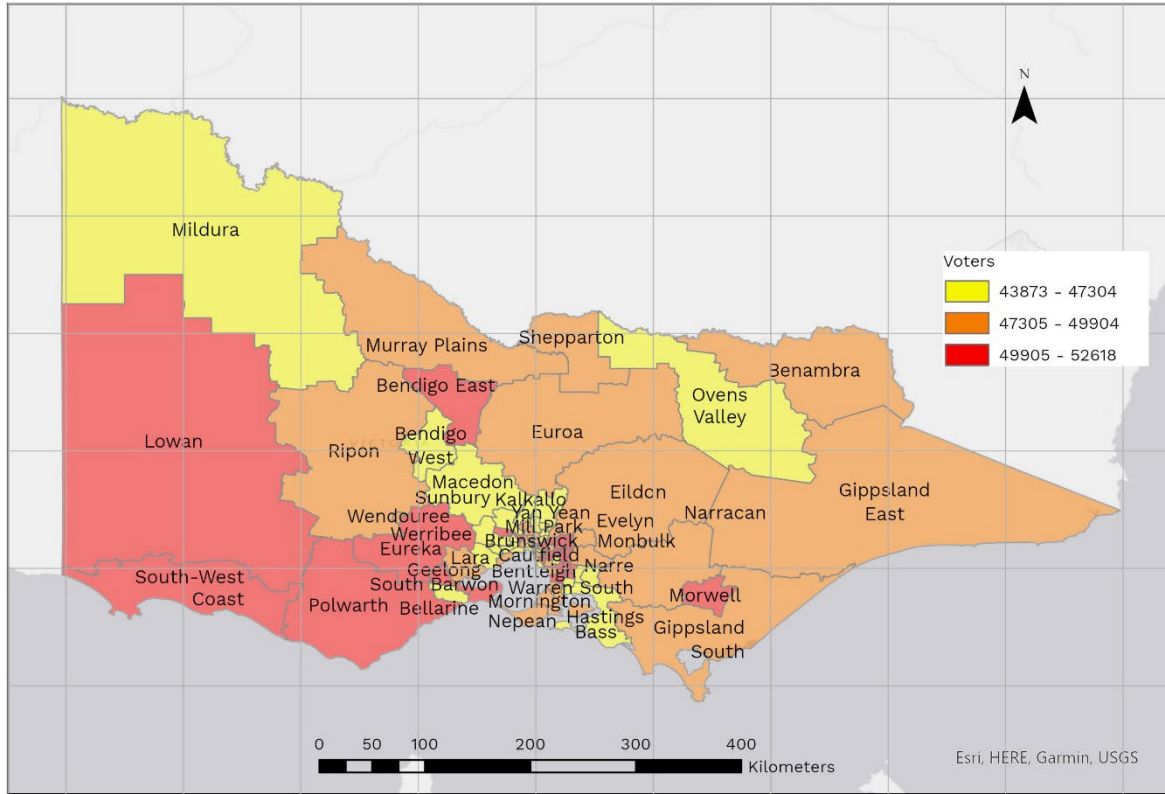
<sup>252</sup> S. Bracks (2001) *Premier announces Constitutional Commission*, media release, 19 March; J. Lenders (2003) *Reforms to deliver a greater say to country Victorians*, media release, 26 February.

<sup>253</sup> Reid & Triscari (2022) op. cit.; B. Reid (2023) *Group Voting Tickets and Victoria*, Parliamentary Library & Information Service, Melbourne, Parliament of Victoria.



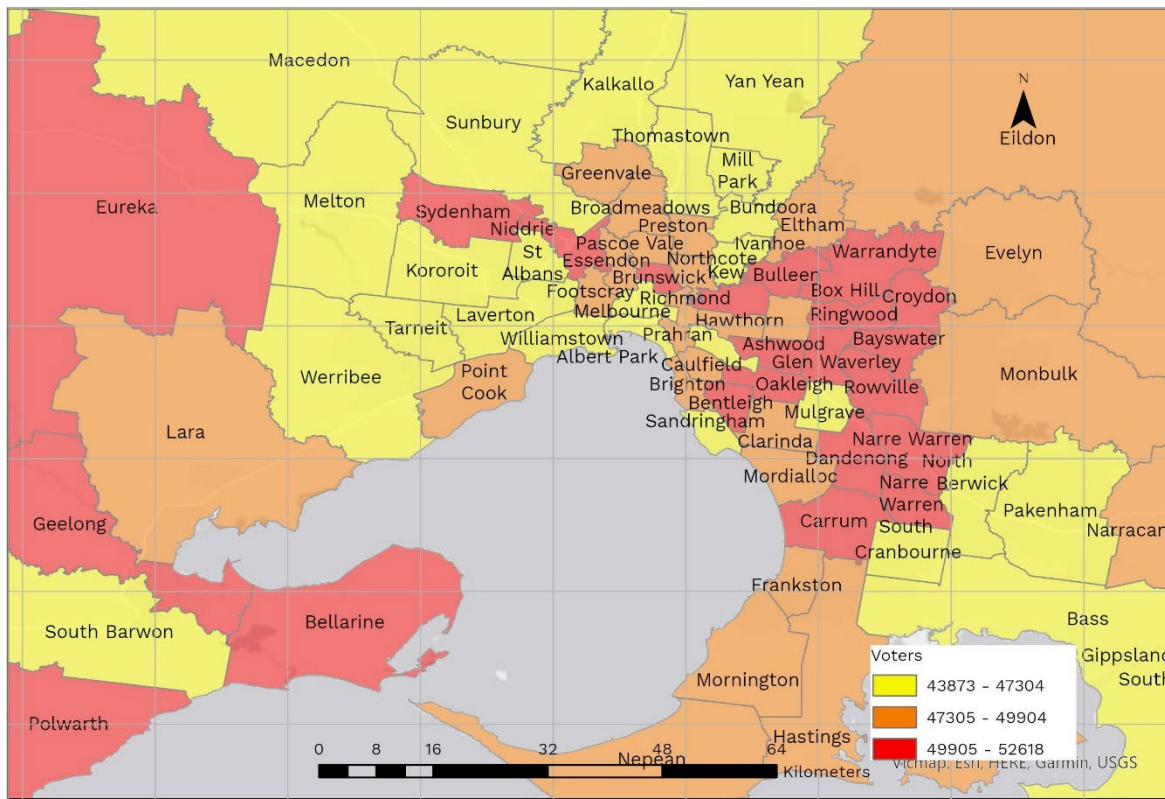
As of 2024, the Legislative Assembly continues to feature 88 single-Member districts elected via preferential or single transferable vote. Map 12 (panels A and B) details the Legislative Assembly districts since the 2022 redistribution.

**Map 12 (Panel A): Legislative Assembly districts and number of voters, 2022**<sup>254</sup>



<sup>254</sup> Electoral Boundaries Commission (undated) 'Electoral Boundaries Redistribution 2021', EBC website.

**Map 12 (Panel B): Legislative Assembly districts and number of voters (Melbourne and Geelong), 2022<sup>255</sup>**



## Conclusion

This paper presented an historical outline of the evolution of electoral design in Victoria. The development of responsible government reflected international influences of the early 19th century, which shaped early practices in the state.

Initially, the design of electorates was an informal process subject to the approval of both houses of the colonial parliament and later, the state’s parliament. These processes initially tended to ignore the question of the different number of voters enrolled in each seat and even institutionalised diverse-sized electorates according to zones across the state.

Over time, the design of electorates evolved away from an informal process to one overseen by independent bodies – such as today’s Electoral Boundaries Commission, which eventually took over the determination of electoral boundaries. These processes have formal judicial participation. Further reform occurred in 2003–06, introducing proportional representation to the Legislative Council with eight five-Member regions (see Appendix).

<sup>255</sup> EBC (2021) op. cit.

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## Appendix: Summary of Membership and electorate numbers, Victoria, 1855–2021

Year*	Legislative Council		Legislative Assembly	
	Provinces	Members	Districts	Members
<b>1855</b> (1856)	6	30	37	60
<b>1858</b> (1859)	6	30	49	78
<b>1876</b> (1877)	6	30	55	86
<b>1881</b> (1882)	14	42	55	86
<b>1888</b> (1889)	14	48	84	95
<b>1903</b> (1904)	17	35	65	68
<b>1906</b> (1907)	17	34	65	65
<b>1953</b> (1955)	17	34	66	66
<b>1965</b> (1967)	18	36	73	73
<b>1974</b> (1976)	22	44	81	81
<b>1983–84</b> (1985)	22	44	88	88
<i>Provinces abolished, Regions introduced</i>	<b>Regions</b>	<b>Members</b>	<b>Districts</b>	<b>Members</b>
<b>2003</b> (2006)	8	40	88	88
<b>2021</b> (2022)	8	40	88	88

\* NOTE: First date indicates the year of the enabling legislation, date in parentheses indicates the electoral year in which the legislation first applied.

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