

Parliament of Victoria

Historical malapportionment and Victoria's Legislative Assembly

Ben Reid

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Research Note

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Introduction

While the principle of 'one vote, one value' is commonplace in contemporary discussions around elections, it has not always been the case. There remain limits, moreover, to the extent it applies to current electoral processes in many places around the world. Indeed, Victoria and other states in Australia only relatively recently legislated to end significant disparities in the size of electorates, for both lower and upper houses. As the following analysis demonstrates, large differences between the numbers of voters in electorates have existed at different points in Victoria's history.

In general, the debate around these issues focuses on three interrelated concepts: gerrymandering, electoral disproportionality, and malapportionment. 'Gerrymandering' remains the most frequently used term for describing any perceived or actual electoral disparity. Its formal definition is the more limited phenomenon of altering electoral boundaries to include or exclude a particular group.¹ For instance, a representative may lobby for the inclusion or exclusion of a specific area in or from their jurisdiction for electoral advantage.

However, the interrelated phenomena of electoral malapportionment and disproportionality are more common. The latter refers to the difference between the 'distribution of seats in a parliamentary assembly to that which might be expected from the vote distribution'.² It is important to note that malapportionment is not the same as gerrymandering. It does not imply manipulation of boundaries to include or exclude a particular demographic or members of a group. Of course, more seats in a regional area versus an urban one benefits a party with a strong following amongst regional voters. It is not the same though as purposefully moving a border or even a detached enclave to include or exclude a group. Disproportionality has attracted considerable attention, with the variation between proportional electoral support and representation often being the product of several factors. One factor can be 'malapportionment' or 'the discrepancy between the shares of legislative representation and the shares of population held by geographical units'.³

Evidence of both malapportionment and disproportionality have long characterised electoral processes in Victoria. The following analysis limits its focus to the historical prevalence of malapportionment in Legislative Assembly district boundaries. The paper outlines how disparities in voter numbers emerged and evolved, emphasising the period after the 1890s. It is complemented by an earlier paper on the history and evolution of the state's electoral processes.⁴

This paper's first section discusses the concept of malapportionment, the tools used to measure and explain its prevalence, and how data was obtained and analysed. The paper then applies these concepts to the history of Victoria's electoral districts. The paper demonstrates that, although malapportionment emerged early in Victoria's history, its significance and extent were not the focus of much attention. There was an assumption that rural districts would cover larger areas with fewer voters. The situation changed with various political controversies that came to a head in the 1950s, but it was only the electoral reforms of the 1980s that greatly reduced the extent of malapportionment across Legislative Assembly districts.

¹ R. Morrell & G. R. Webster (2020) 'Gerrymandering', *International Encyclopedia of Human Geography (Second Edition)*, ScienceDirect website.

² B. L. Monroe (1994) 'Disproportionality and malapportionment: measuring electoral inequity', *Electoral Studies*, 13, pp. 132–149.

³ *ibid.*

⁴ B. Reid & C. Triscari (2022) *Visualising Victoria's electoral history*, Parliamentary Library & Information Service, Melbourne, Parliament of Victoria.

Defining malapportionment

Historically, there was little concern about the proportionate number of voters within Victorian parliamentary districts. Parliamentary systems have continued to evolve with changes in franchise and electoral arrangements, and various tools have emerged to study the extent of malapportionment that occurs.

The predominant form of electoral representation in British, United States and Australian contexts—plurality-based districts—often had considerably different-sized electorates. While there was perhaps a general notion that numbers of electors be broadly similar, representation was often ‘place-centred’ until the late 19th and early 20th centuries.⁵ The number of representatives the electors of a district could select would also continually vary. While most districts had one elected representative, larger ones could have two or more. The acceptance of one member per district eventually emerged in lower-house electorates. Victoria implemented the principle in 1903.⁶

The existence of upper houses in bicameral systems in all three countries added another level of complexity.⁷ In some cases, membership of these houses was hereditary, with representatives later being appointed (as in the British House of Lords). ‘One person, one vote’ often remains an exception, with the United States and Australian senates, for instance, allocating equal numbers of members to each state despite their large differences in population and numbers of electors.

Nevertheless, significant debate surrounds whether and to what degree malapportionment constitutes a problem, at least with lower-house representation and elections. On the one hand, malapportionment is often criticised on the grounds of equality and ‘fairness’.⁸ On the other hand, more formal analyses argued that economic inequities and inefficiencies were more likely to arise when certain areas obtained disproportionate representation in legislative bodies. Representatives can tend to become more focused on expenditures on areas with more electoral weight, as their support is more decisive in electoral contests.⁹

Moreover, these are not purely historical questions. Significant debates around malapportionment continue to occur in some of the oldest and most established parliamentary democracies, notably Great Britain and the United States. In the latter, ‘redistricting’ remains controversial, with an entire profession of electoral geography emerging to address and contest claims.¹⁰ Rather than being determined by independent electoral administrative bodies, state-based legislatures allocate new boundaries after each decennial census. The process is stipulated in the United States constitution, although decisions are subject to judicial review. Only 11 of the 50 state legislatures defer to recommendations of independent commissions.¹¹ In recent decades, the ‘wave’ of democratisation in many countries has also resulted in widespread debate and controversy over malapportionment and its causes and impacts.¹²

Debates around malapportionment have considerable relevance to Australia and Victoria. On a national scale, occasional controversies emerge over the ‘representativeness’ of the Australian Senate.¹³ Among the states, Queensland is perhaps the most recent and best-

⁵ J. Rydon (1968) ‘“Malapportionment”—Australian style’, *Politics*, 3(2), pp. 133–147.

⁶ Parliament of Victoria, *Electoral Districts Boundaries Act 1903* (Vic).

⁷ Monroe (1994) op. cit., pp. 132–149.

⁸ C. A. Hughes (1977) ‘Malapportionment and gerrymandering in Australia,’ in R.J. Johnston (ed) *People places and votes: essays on the electoral geography of Australia and New Zealand*, Armidale, University of New England, p. 96; R. R. Bhavnani (2021) ‘The effects of malapportionment on economic development’, *PLoS One*, 16(12).

⁹ Bhavnani (2021) op. cit., pp. 1–12.

¹⁰ R. J. Johnston, F. M. Shelley. & P. J. Taylor (2015) ‘Developments in electoral geography’, in R. J. Johnston, F. M. Shelley & P. J. Taylor (eds) *Developments in electoral geography*, London, Routledge, pp. 1–14.

¹¹ D. Spencer (undated) ‘Who draws the lines?’, All About Redistricting website.

¹² P. Riera & I. Lago (2023) ‘The strategic determinants of legislative malapportionment in new democracies’, *Electoral Studies*, 81, pp. 1–16.

¹³ J. Watson & K. Phillips (2019) ‘Unrepresentative swill or vital for democracy? Australia’s upper houses’, *ABC News*, 10 May.

known jurisdiction where disputes around electoral reform have predominated; various accusations of 'gerrymandering' and malapportionment recurred throughout the years of Labor, Coalition and, later, National Party governments in the second half of the 20th century.¹⁴

However, Victoria and other states have experienced similar controversies. Although recent studies are less prominent, many states at some stage implemented highly unequal regimes of district representation.¹⁵ Despite New South Wales adopting legislation in 1893 that ensured boundaries for lower-house seats would not vary too far from population quotas, the NSW Parliament abandoned these principles in 1927.¹⁶ Instead, it adopted a 'zonal' system that stipulated differently sized electorates for 'Sydney', 'Newcastle' and 'Country'. The differentiated zones were not abolished until 1979.¹⁷ Western Australia only legislated to end its zone-based system for its Legislative Assembly in 2011 and Legislative Council in 2021.¹⁸

Various tools for the analysis of malapportionment exist, with ongoing debates about their comparative value.¹⁹ The most used measure is Richard Snyder and David Samuels's malapportionment index (MAL).²⁰ It groups districts in zones and compares the difference between percentages of seats and numbers of voters across jurisdictions or through time. Alternatively, other more intuitive analyses use the ratio of largest-to-smallest districts or calculate the percentage of the vote needed by any party to win an election (half of the vote plus one across 50 per cent of the smallest districts).²¹

Obtaining historical data for an analysis of Victoria presented some challenges. Carr's online dataset is the only easily available and comprehensive record of district sizes.²² It relies on transcriptions from secondary sources and possibly contains errors and omissions. Nevertheless, R computational programming enabled scraping of this online source, conducting of analysis, and visualising of the results.²³

¹⁴ R. Wear (2005) "Adventure, heterodoxy and knavery": Queensland's electoral experience', *Queensland Review*, 12, pp. 87–96; J. R. Kelly (1971) 'Vote weightage and quota gerrymanders in Queensland, 1931–1971', *Australian Quarterly*, 43, pp. 39–54; M. Mackerras (1979) 'A revisionist interpretation of the impact of Queensland's electoral scheme', *Australian Journal of Political Science*, 25, pp. 339–349; and G. D. Orr & R. Levy (2010) 'Electoral malapportionment: partisanship, rhetoric and reform in the shadow of the agrarian strong-man', *Griffith Law Review*, 18, pp. 638–665.

¹⁵ Hughes (1977) op. cit., pp. 93–109; Rydon (1968) op. cit., pp. 133–147.

¹⁶ Rydon (1968) op. cit., pp. 133–147. The federal parliament adopted the NSW model.

¹⁷ Parliament of New South Wales (undated) 'The history of the Legislative Assembly', Parliament of NSW website.

¹⁸ N. Kelly (2020) 'Western Australian electoral reforms: Labour finally succeeds', *Journal of Australian Politics and History*, 41(3), pp. 419–426; M. Drum, S. Murray, J. Phillimore & B. Reilly (2021) 'The long, long road: Western Australian electoral reform', *Australasian Parliamentary Review*, 36, pp. 39–60; Parliament of Western Australia, *Constitutional and Electoral Legislation Amendment (Electoral Equality) Act 2021* (WA).

¹⁹ J. Wada & Y. Kamahara (2018) 'Studying malapportionment using α -divergence', *Mathematical Social Sciences*, 93, pp. 77–89.

²⁰ D. Samuels & R. Snyder (2011) 'The value of a vote: malapportionment in comparative perspective', *British Journal of Political Science*, 31, pp. 651–671.

²¹ Rydon (1968) op. cit., pp. 133–147.

²² A. Carr (undated) 'Victorian elections since 1843', Psephos website.

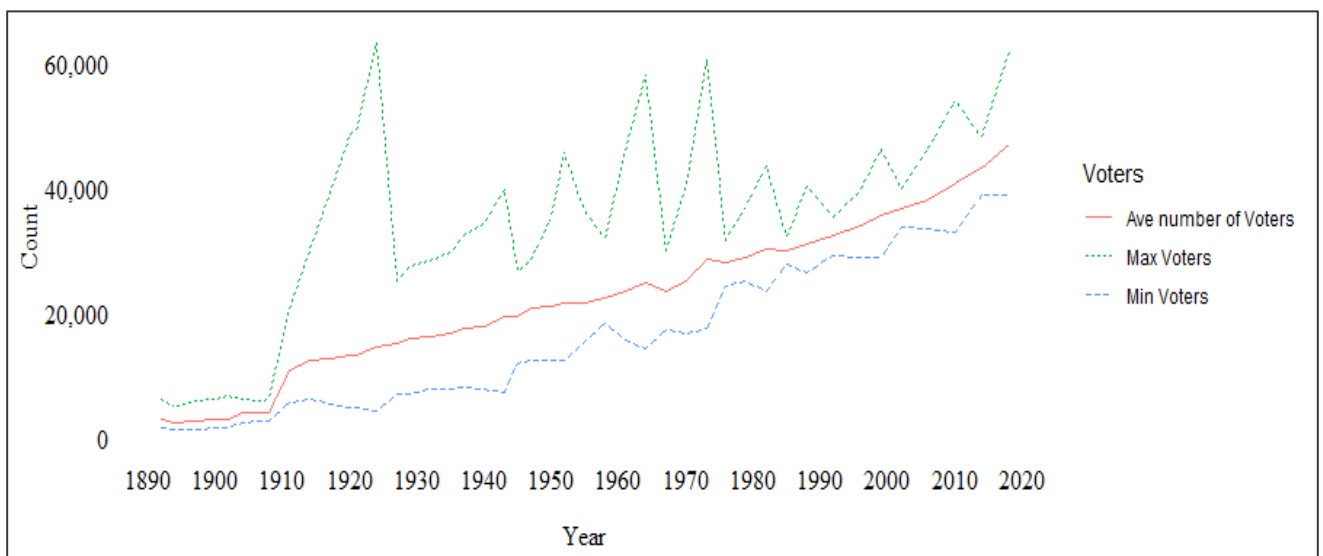
²³ R code is available upon request.

A long view of malapportionment

In keeping with these approaches, the following section examines the extent of malapportionment for Victoria, focusing on the period between 1890 and 2018 for the Legislative Assembly.

Figure 1 presents the changes over time for the smallest (blue line), average (mean) (red line) and largest (green line) sized districts in the state. It uses the proportion of voters per Member of Parliament (MP) before 1904 (when multi-member and non-geographical representation was abolished).²⁴ As expected, given the state's growing population, the average number of enrolled voters per seat has gradually increased. The biggest jump occurred in 1911, when women obtained the right to vote, while smaller dips took place when the number of seats increased.

Figure 1: Minimum, maximum and mean number of voters per district, 1890–2018²⁵



[Click to access interactive data](#)

Overall, the years between 1904 and 1982 feature considerable size disparities between the largest and smallest electorates. In 1923, for instance, the largest district (Boroondara [urban]) comprised 63,123 enrolled electors, and the smallest (Grenville [rural]) featured just 4,265. The differences declined with the 1927 redistribution before increasing again. The subsequent fluctuating waves amongst the largest electorates resulted from periodic redistributions (Table 1), when the number of voters grew rapidly, followed by the re-emergence of disparities over time. In 1945, the largest electorate (Port Melbourne [urban]) had 26,747 electors, while the smallest (Gippsland East [rural]) had 12,015. The largest electorate (Dandenong [rural but urbanising]) reached 45,752 electors in 1952, and the smallest (Rainbow [rural]) just 12,365. The period after 1982 still featured disparities, although not as large as in previous years.

²⁴ The two-member districts between 1890 and 1904 were Ballarat West, Castlemaine, Collingwood, East Bourke Boroughs, Fitzroy, Geelong, Grenville, Melbourne East, Rodney, and Sandhurst. Railway and public sector employees also elected two representatives. Carr (undated) op. cit.

²⁵ Carr (undated) op. cit.

Table 1: The main legislation surrounding Legislative Assembly districts in Victoria, 1888–1982

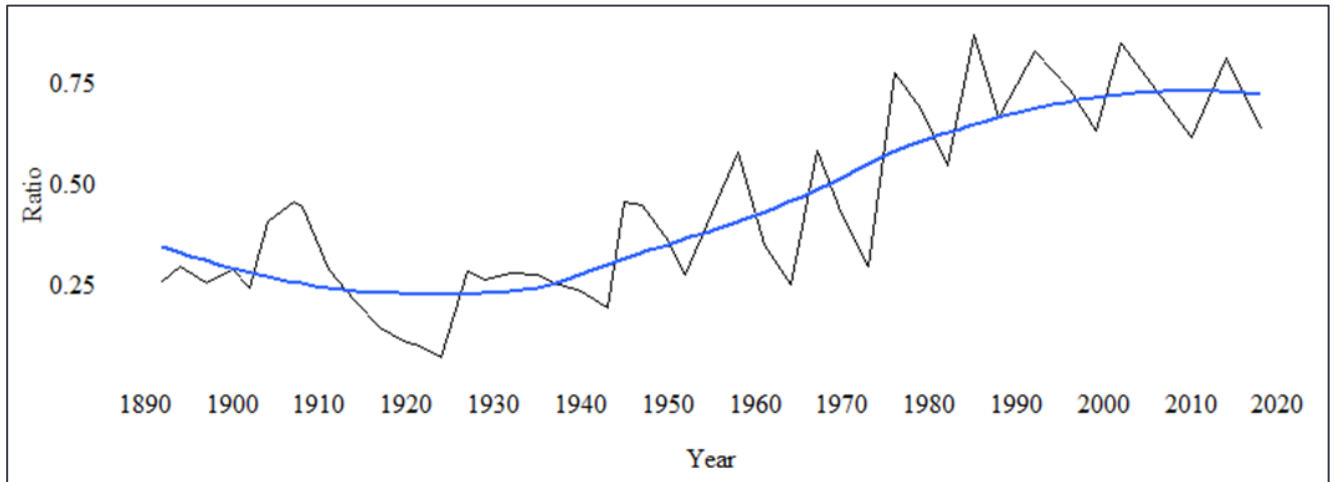
Year	Act (Vic)
1888	<i>The Electoral Act Amendment Act 1888</i>
1903	<i>Electoral Districts Boundaries Act 1903</i>
1906	<i>The Constitution Act 1906</i>
1915	<i>The Constitution Amendment Act 1915</i>
1926	<i>Electoral Districts Act 1926</i>
1936	<i>The Constitution Act Amendment Act 1936</i>
1944	<i>Electoral Districts Act 1944</i>
1953	<i>Electoral Districts Act 1953</i>
1965	<i>Electoral Provinces and Districts Act 1965</i>
1974	<i>Electoral Provinces and Districts Act 1974</i>
1982	<i>Electoral Commission Act 1982</i> ²⁶

Accordingly, Figure 2 outlines the ratio between the largest and smallest electorates across all years. The blue line represents the overall trend.²⁷ A ratio closer to 1:1 is the most optimal. The general direction was for the ratio to fall from 0.34 to the lowest point of 0.229 in 1924, before gradually rising again to a high of 0.72 in 2010. This means that the smallest district only had 34, 22.9 or 72 per cent of the number of voters as the largest in 1892, 1924 and 2010. However, the black line demonstrates actual variation in the ratios, with 0.252 in 1892 before rising to 0.45 in 1907. The ratio then fell to its lowest point of 0.067 in 1924: the smallest electorate's number of voters constituted just 6.7 per cent of the largest electorate's total. There is considerable variation in ratios with recurring cycles of jumps and contractions. There are also low points like 0.187 in 1943 and 0.24 in 1964. The trend continued until the electoral reforms of the 1980s.

²⁶ See note 48.

²⁷ Figures 2 and 3 were produced in R ggplot using LOESS (locally estimated scatterplot smoothing).

Figure 2: Ratio of minimum to maximum voters per district, 1890–2018²⁸



[Click to access interactive data](#)

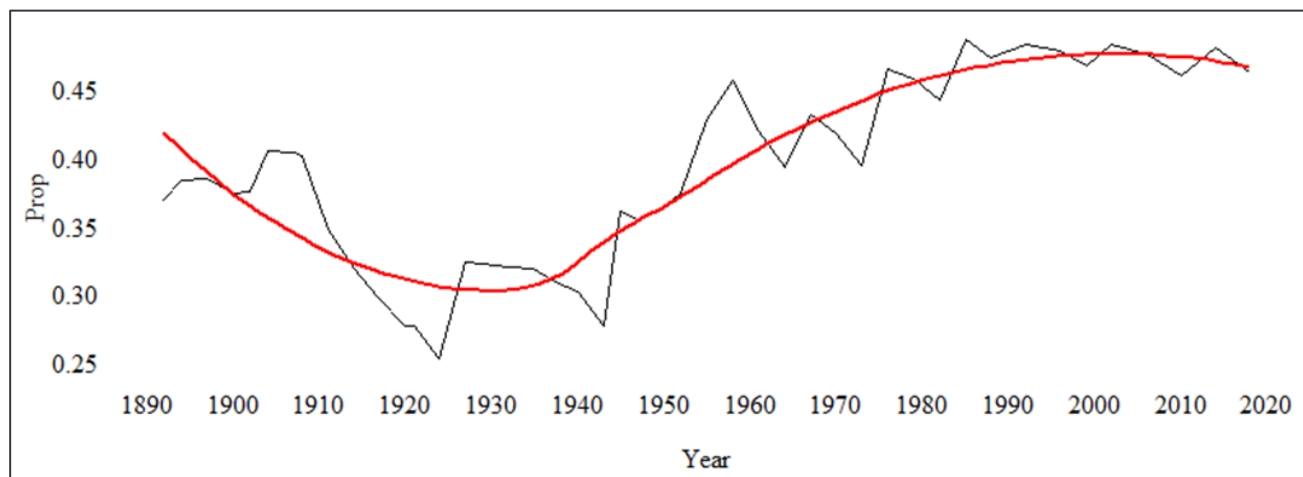
However, the proportion of voters needed to win government is possibly the most illustrative descriptive indicator of malapportionment. For example, assume that 1 million electors in a jurisdiction are divided into ten equal-sized districts. Two main competitor parties are trying to obtain a direct or preference-based majority of votes across each seat. The number of voters needed to win government through a majority vote would be 50,000 votes plus one across all electorates (500,010 overall votes), only slightly above 50 per cent. Altering the proportions so six seats have 50,000 voters and another four have 175,000 voters means the malapportionment ratio becomes 0.286. To win, one party needs just 25,000 plus one vote in six seats (150,006 votes). The malapportionment proportion in such a case (leaving the ‘plus-one vote’ off) is 0.15: a party now needs 15 per cent of the vote to win office.²⁹

Figure 3 demonstrates the application of the measure using Victoria’s enrolment data for electors. The overall trend is similar to Figure 2. It starts above 0.37, before increasing to 0.4 between 1904 and 1911. The proportion then declined sharply to a low point of 0.253 in 1924. The 1927 redistribution brings the amount up to 0.32, before it drops again. The degree of distortion fell again in the 1960s and 1970s (with fluctuations), before stabilising at around 0.46 to 0.48 after 1982.

²⁸ Carr (undated) op. cit.

²⁹ Of course, this is not a realistic scenario in practice, as most parties would contest at least some of the other seats.

Figure 3: Proportion of electors needed for majority, 1890–2018³⁰



Click to access interactive data

As suggested above, Snyder and Samuels’s MAL index is the most popular and perhaps illustrative approach to measuring malapportionment.³¹ It allows for grouping districts into zones to calculate disparities between the numbers of electors and seats. As the next section details, the main criteria for malapportionment in Victoria was whether a district was considered ‘metropolitan’, ‘urban’ (regional towns) or ‘rural’. Indeed, the 1903, 1915 and 1926 redistributions explicitly adopted this three-fold categorisation for districts.³² Allocating seats according to the 1926 list and by location allows estimates of malapportionment by these categories over time.

Figures 4 and 5 present the outcomes of this analysis. As a step towards calculating the MAL index, Figure 4 displays the average number of voters per district category. The general trend is similar to the overall historical pattern. Metropolitan seats had a higher average number of voters than urban and rural ones. The divergence increased significantly, however, after the 1904 redistributions. The high point is 1943, when metropolitan seats had an average of over 30,203 voters, urban 20,821 and rural 12,200.

³⁰ Carr (undated) op. cit.

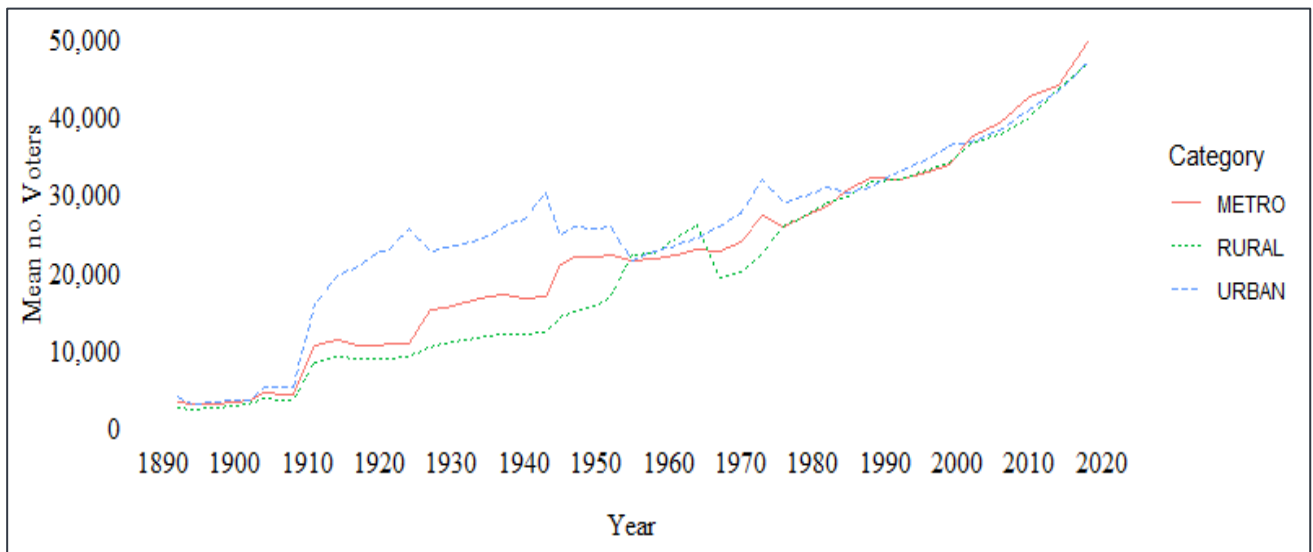
³¹ The formula is:

$$MAL = \left(\frac{1}{2}\right) \sum |s_i - v_i|$$

where s_i is the percentage of all seats allocated to zone of district i , and v_i is the percentage of the overall population (or registered voters) residing in district zone i . The sum of absolute values is multiplied by 0.5.

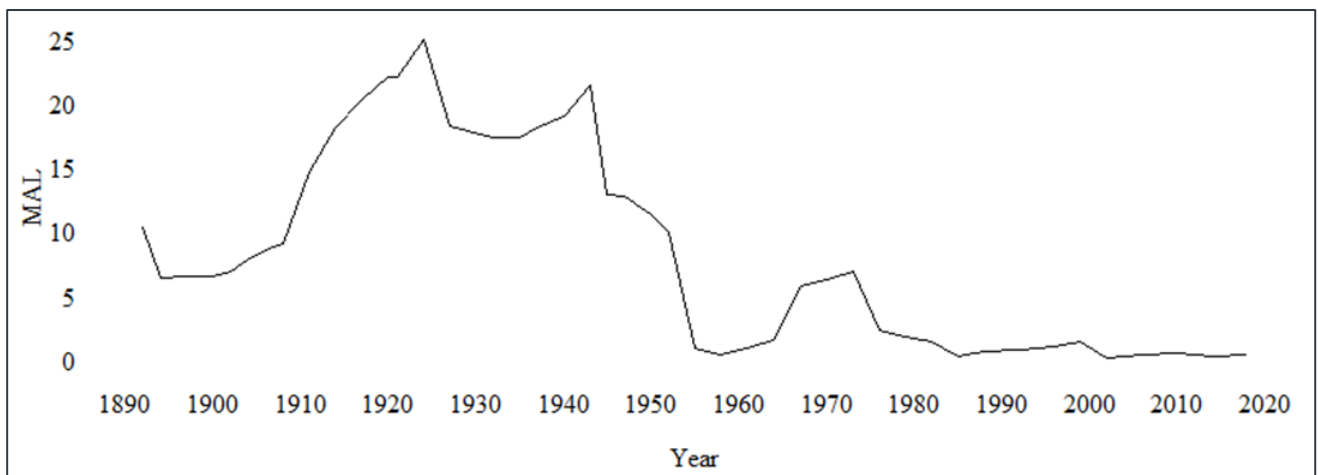
³² Parliament of Victoria, *The Constitution Act Amendment Act 1915* (Vic); Parliament of Victoria, *Electoral Districts Act 1926* (Vic).

Figure 4: Average number of voters per district by category, 1890–2018³³



[Click to access interactive data](#)

Figure 5: Snyder-Samuels Malapportionment Index (MAL) by district category, 1890–2018³⁴



[Click to access interactive data](#)

As the next section discusses, extensive electoral reform eventually took place, leading the categories to converge again in 1955 before another period of divergence between the mid-1960s and the 1980s. Being an index rather than a ratio, it gives a numerical score, with zero or close to zero indicating no malapportionment. Figure 5 displays the overall MAL index based on the zones. Once again, the index measure increased significantly after 1910, reaching a high point of 25 in 1924 and 21 in 1943. Likewise, there was a fall in the 1950s, followed by a rise between the mid-1960s and early 1980s. The level of disparity declined substantially after the 1983 electoral reforms.³⁵ From these years on, the index values are low, averaging 0.56 with a high of 1.4 and a minimum of 0.15.

³³ Carr (undated) op. cit.

³⁴ *ibid.*

³⁵ Parliament of Victoria, *Constitution (Electoral Provinces and Districts) Act 1983* (Vic).

Explaining and assessing malapportionment

The history of malapportionment reflects facets of the state's political history, as well as its economic development and shifting priorities. An original trend that tended to favour rural seats became amplified, due to the success of agricultural interests in shaping electoral distribution in their favour in the first half of the 20th century and again, to a lesser extent, in the 1960s and 1970s.

Arguably, the foundations of the Colony of Victoria's Legislative Council and Assembly entrenched unequal representation from the first elections in 1856. There was little discussion of the issue of 'representativeness' in the colony's constitutional committee. The debate around legislation introduced in 1858 demonstrated the thinking of the time. The controversy pitted the notion of representation based on population against that of 'interests'. As Raymond Wright notes:

Sharp differences arose, however, over the criterion for redistribution. Samuel Chapman, now Attorney-General, outlined the government's position: the 'first principle by which I have been actuated has been that representation should be based on population'. Charles Perry (MLA Williamstown) was just as adamant that the appropriate standard was 'the representation of interests', widely assumed to be the 'urban, mining, agricultural and pastoral' communities. O'Shanassy, just to confuse everyone, objected that the bill 'proceeded upon no definite principle at all'. Nor could he understand how 'representation based upon population was consistent with the true democratic principle'. All that produced, he asserted, was 'the triumph of mobocracy' and the 'tyranny of the majority'. The central issue, however, was summarised by Richard Heales (MLA East Bourke). The danger, he warned, was that the 'agricultural interest' could be 'thoroughly swamped by the urban or suburban interests'.³⁶ Not surprisingly, the resulting distribution had little regard for uniformity in the number of voters per seat. There was also a mix of multi-Member (up to five in the case of Melbourne) and single-Member districts.³⁷

However, a more systematic disparity emerged after 1904 and lasted until 1955. The precursor to these changes was arguably the Kyabram Reform Movement in 1901–02. This rural-based political movement demanded reductions in the number of serving MPs and the size of public sector salaries (promised but not delivered upon with Federation), and a range of other measures. Although initially a marginal political force, the parliamentary opposition led by William Irving assumed office after a double-dissolution election in September 1902 with the movement's support.³⁸

Although not explicitly proposed by the movement, the changes introduced in the *Electoral Districts Boundaries Act* of 1903 and *The Constitution Act* of 1906 clearly reflected the influence of the rural-based lobby. The 1903 Act established 65 electoral districts—20 metropolitan, five urban-provincial (Geelong and two each in Ballarat and Bendigo), and 40 country—each represented by one Member in the Legislative Assembly. The Act implemented similar changes in the Legislative Council.³⁹

Two additional factors consolidated the trend of malapportionment. On the one hand, further codification of the district categories occurred through the *Constitutional Amendments Act* of 1915 and then the 1936 electoral redistribution.⁴⁰ These district boundaries resulted in the extreme malapportionment in Figures 1–5.

On the other hand, the mobilisation of rural-based interests also intensified and later coalesced with the formation of the Victorian Farmers Union, later renamed the Country Party (CP). Despite a fractious political current with recurring divisions between pro-Labor and pro-Nationalist/ United Australia Party wings, the CP established itself as a key player in

³⁶ R. Wright (1992) *A people's counsel: a history of the Parliament of Victoria, 1856–1990*, South Melbourne, Oxford University Press, p. 35.

³⁷ Parliament of Victoria, *An Act to alter the Electoral Districts of Victoria and to increase the number of Members of the Legislative Assembly thereof 1858* (Vic).

³⁸ P. Strangio (2012) *Neither power nor glory: 100 years of political Labor in Victoria, 1856–1956*, Carlton, Melbourne University Press, p. 64; Wright (1992) op. cit., pp. 119–120.

³⁹ Wright (1992) op. cit., p. 120.

⁴⁰ Parliament of Victoria, *The Constitution Act Amendment Act 1915* (Vic); Parliament of Victoria, *Electoral Districts Act 1926* (Vic).

state politics, often deciding which major party would govern. While the CP's proportional vote share subsequently fluctuated between 14 and 20 per cent of the electorate, malapportionment helped it to control a disproportionately large proportion of seats (from 20 per cent to over 37 per cent at its high point in 1943).⁴¹ This significant bloc of MPs with smaller electorates functioned as a brake upon substantive electoral reform.

The resulting 'bullock-wagon' parliaments entailed a period of many short-lasting governments and premiers until the early 1950s. The main exception was the seven-year premiership of CP leader Albert Dunstan, who governed between 1935 and 1943 with Labor's support.⁴² However, tensions over the extent of malapportionment eventually led to divisions and splits within both the CP and the United Australia Party. The latter's electoral defeat federally and in Victoria in 1943 helped facilitate the emergence of the modern Liberal Party. In Victoria, however, the Liberals' relationship with the CP remained turbulent. The new party even adopted the title Liberal and Country Party in 1948 to appeal to disillusioned former CP voters and MPs.⁴³

As former Premier Thomas Hollway and his supporters outlined, the conflict came to a head precisely over malapportionment when the Liberals initially proposed their 'two-for-one'-based electoral reforms in 1950. They envisaged dividing each federal-level electorate in half to constitute state-based districts. However, despite the Victorian party's annual council's near-unanimous adoption of the proposal, the parliamentary caucus by 1951 concluded that the 'winds changed' and abandoned the initiative. A split in the Liberal caucus resulted in a short-lived government led by Hollway, who went on to form the break-away Electoral Reform Movement.⁴⁴

The divisions amongst the Liberals meant the subsequent election resulted in the first Labor government, then led by John Cain Sr, to hold a majority of seats in the Legislative Assembly. It implemented the two-for-one reforms through the *Electoral Districts Act 1953* (Vic). The changes, however, had contradictory impacts—while the average rural, urban and metropolitan seat sizes converged (Figures 4 and 5), large disparities in the numbers of voters continued. The smallest district still had only 42 per cent of the enrolments of the largest in 1955 (Figure 3).

The levels of malapportionment fluctuated over the next three decades, with a rural-urban differentiation re-emerging in the late 1960s. While it was not comparable to the earlier period between 1903 and 1955, the disparities remained controversial.

The Liberals governed Victoria without interruption between 1955 and 1982. These governments only implemented modest changes, the most notable being redistributions and expansions in the number of districts in 1965 and 1974.⁴⁵ The former divided the Assembly's total of 73 seats into three classes: the Port Phillip Area, with 44 electorates with an average of 25,000 electors; four provincial centres, with an average of 22,250 electors a seat; and 21 'country' seats with an average of 18,200 electors. Rapid population growth, however, further distorted these differences.⁴⁶ The 1974 changes implemented a system based on two zones: Port Phillip, comprising 49 districts with approximately 28,000 voters each, and the remainder of Victoria, given 32 districts with around 24,500 electors each.

In any event, the Liberals consistently obtained a majority of seats in the Legislative Assembly while obtaining less than 40 per cent of the primary vote. While malapportionment may have been a factor, others argue that the geographically concentrated character of Labor's vote (in Melbourne's north and west) accounted more for the disproportionality in results.⁴⁷ Nevertheless, tension continued over malapportionment.

⁴¹ Reid & Triscari (2022) op. cit.

⁴² Wright (1992) op. cit., pp. 150–179.

⁴³ W. R. Dawney-Mould et al. (1954) *State crisis!!*, Cheltenham, Standard Newspapers.

⁴⁴ *ibid.*

⁴⁵ Parliament of Victoria, *Electoral Provinces and Districts Act 1965* (Vic); Parliament of Victoria, *Electoral Provinces and Districts Act 1974* (Vic).

⁴⁶ J. B. Paul (1973) 'The Victorian state election, 1973', *Politics*, 8(2), pp. 313–316.

⁴⁷ G. Hudson (1977) 'The politics of low expectations: the 1976 Victorian state election', *Politics*, 11(2), pp. 190–194.

The most recent phase of electoral reform commenced in the early 1980s during the Labor government led by John Cain Jr, and greatly diminished malapportionment across Legislative Assembly districts. Nevertheless, it involved accepting a compromise of a 10 per cent, rather than 5 per cent, variation in the number of electors per district. In introducing the *Electoral Commission Bill* to the Legislative Assembly in 1982, Cain argued:

The Bill proposes the principle of general equality of enrolments within electorates and provinces.

... the Bill requires the commissioners, in determining electorates of approximately equal enrolment, to ensure that the enrolment for each province or district does not vary by more than 10 per cent from the average enrolment of all provinces or districts.

...

... The Bill effectively reduces that permissible variation from 15 per cent to 10 per cent. There is no need to quote disparities that currently exist in relation to enrolments in Legislative Assembly districts or Legislative Council provinces where some members represent considerably more constituents than others.

... As pointed out earlier, the Government is firm in its policy that the maximum variation between electoral enrolments should be no greater than 5 per cent [a] stipulation would ensure that the maximum differential between voting values would be no greater than 10 per cent, in contrast to the stipulation in the Bill which would allow for a difference in average enrolment of up to 20 per cent between the largest and the smallest enrolment.

The proposition of a 10 per cent variation in electoral enrolment does not uphold that principle. Nevertheless, the Government supports the passage of the Bill in its present form, and I reiterate that we will seek to implement our policies when the appropriate opportunity arises.⁴⁸

Subsequently, the ratio of smallest to largest districts now averages above 80 per cent, while the majority needed is around 47–48 per cent (close to 50 per cent of perfect proportionality) (Figures 1–3). The urban-metropolitan-rural disparity declined significantly, and the MAL index values fell below or slightly above one (Figures 4 and 5).

A range of legislation enabled these changes. Most notably, the *Electoral Commission Act* of 1982 established an aim of 10 per cent or less variation in total voters per district. From 1988, a separate Electoral Boundaries Commission has undertaken regular redistributions (1992, 1999, 2001, 2013 and 2021).⁴⁹ The minor peaks followed by troughs in each figure indicate when population changes began to run ahead of the changes made at the last redistribution.

Victoria's changes were in line with similar reforms at the Federal level and in other states. Electoral administration evolved on an ad hoc basis without much reform until the early 1970s. The biggest changes occurred in 1983 with extensive amendments to the Commonwealth Electoral Act. It established the Australian Electoral Commission as an independent statutory body and removed the power of parliament to reject proposed redistributions.⁵⁰

Of course, while malapportionment declined as a factor in election outcomes, issues remained over disproportionality in election outcomes. For example, the Victorian Legislative Council's single-transferable (preferential) voting system and the application of the inclusive Gregory method arguably has considerable impacts on election results.⁵¹ However, those additional issues are beyond the scope of this paper.

⁴⁸ J. Cain, Premier of Victoria (1982) 'Second reading speech: Electoral Commission Bill 1982', *Debates*, Victoria, Legislative Assembly, 15 September, pp. 304–305.

⁴⁹ Parliament of Victoria, *Electoral Commission Act 1982* (Vic). The Electoral Commission Act was amended to the *Electoral Boundaries Commission Act 1982* (Vic) by *The Constitution Act Amendment (Electoral Reform) Act 1988* (Vic).

⁵⁰ C. A. Hughes (2003) 'The Independence of the Electoral Commissions: The Legislative Framework and the Bureaucratic Reality', in G. Orr et al. (eds) (2003) *Realising Democracy: Electoral Law in Australia*, Sydney, Federation Press, pp. 205–15.

⁵¹ A. Green (2022) *Inclusive Gregory – another serious problem with the Victorian Legislative Council's Electoral System*, Antony Green's Election Blog.

Summary

Victoria's electoral system's history has featured considerable malapportionment between voters across Legislative Assembly districts. It was initially a product of Victoria's colonial origins. It reached its highest point in the first half of the 20th century. Malapportionment became only a marginal factor after being addressed by the electoral reforms of the 1980s.

Victoria's experience is not unusual. Newer and older parliamentary systems invariably feature significant controversies and conflicts over malapportionment. Applying the methods used for studying the extent of malapportionment in Victoria demonstrates that it became very pronounced in the first half of the 20th century.

However, malapportionment is different to both disproportionality and gerrymandering. In the latter case electoral boundaries rather than size is manipulated. Disproportionality in representation can emerge from numerous factors, malapportionment being one of these.

In keeping with practices of the time, the design and rationale of the colonial Legislative Assembly and Council focused on their role as representing places and interests, rather than proportional sections of the population. Fearing that urban and commercial interests may overwhelm those of the agricultural regions, parliaments placed little emphasis on ensuring district distribution reflected approximately equal numbers of voters. The number of representatives per seat also varied.

These trends became amplified between 1890 and 1914, with the emergence of the state's party system and Federation. The emergence of a strong rural-based protest movement reduced the number of overall representatives. It helped lead to the introduction of a zone-based system of allocating district boundaries. Legislated boundaries introduced in 1915 and 1926 assigned different-sized seats according to three-fold metropolitan, urban and rural criteria. At the same time, the rural-based CP established itself as a significant electoral presence within the state. Although a fractious movement, the CP led by Albert Dunstan held government between 1935 and 1943.

These events led to the extensive electoral malapportionment featured in Figures 1–5. The ratio of the smallest-to-largest electorate fell to a low point of 22.9 per cent in 1924. The application of the Snyder and Samuels MAL index to the three Victorian zones in Figure 5 demonstrates the varying levels of malapportionment that existed in the first half of the 20th century.

The controversy over electoral malapportionment ultimately led to reforms starting in the 1950s. The Liberal and Country Party first adopted, and then failed, to implement reforms to the system. The party split paved the way for the state's first majority Labor government between 1952 and 1955. It legislated reforms to the electoral system that reduced the level of malapportionment. Although greater divergences in the numbers of electors per district again emerged in the 1960s and 1970s, it was not of the same scale as earlier years. Ultimately, the electoral reforms of the 1980s finally ended region-based disparities, at least for the Legislative Assembly.

Two issues require further investigation. First, to what degree did malapportionment result in disproportionality between the proportion of votes received and seats held by parties in the Legislative Assembly? Second, Victoria's bicameral parliamentary system also meant the Legislative Council experienced similar controversies, with the extent of malapportionment in the upper house requiring a separate analysis.

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Enquiries

Victorian Parliamentary Library & Information Service
Parliament House, Spring Street
Melbourne VIC 3002
Telephone: (03) 9651 8640
<https://new.parliament.vic.gov.au/>

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