

Final Report 2015 Hindmarsh Shire Council **Electoral Representation Review**

Wednesday 27 May 2015



Contents

1 Executive summary	.4
2 Background	.6
2.1 Legislative basis	.6
2.2 The VEC's approach	.6
2.3 The VEC's principles	.8
2.4 The electoral representation review process	.8
3 Hindmarsh Shire Council representation review1	10
3.1 Profile of Hindmarsh Shire Council	10
3.2 Current electoral structure1	11
3.3 Public information program1	11
4 Preliminary report1	13
4.1 Preliminary submissions1	13
4.2 Preliminary report1	14
5 Public response1	17
5.1 Response submissions1	17
5.2 Public hearing1	17
6 Findings and recommendation1	18
6.1 The VEC's findings1	18
6.2 The VEC's recommendation	20
Appendix 1: Public involvement2	21
Appendix 2: Map2	22

1 Executive summary

The *Local Government Act 1989* (the Act) requires the Victorian Electoral Commission (VEC) to conduct an electoral representation review of each municipality in Victoria before every third council general election.

The purpose of an electoral representation review is to recommend an electoral structure that provides fair and equitable representation for the persons who are entitled to vote at a general election of the council. The matters considered by a review are:

- the number of councillors
- the electoral structure of the council (whether the council should be unsubdivided or divided into wards and, if subdivided, the details of the wards).

The VEC conducts all reviews on the basis of three main principles:

- ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality
- 2. taking a consistent, State-wide approach to the total number of councillors and
- 3. ensuring communities of interest are as fairly represented as possible.

Current electoral structure

The last electoral representation review for Hindmarsh Shire Council took place in 2004–2005. The review recommended that the subdivided structure remain the same, with six councillors elected from three two-councillor wards: North Ward, East Ward and West Ward. Ward boundaries and names also remained unchanged.

Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 4 February. The VEC received five preliminary submissions by the deadline for submissions at 5.00 pm on Wednesday 4 March.

Preliminary report

A preliminary report was released on Wednesday 1 April with the following options for consideration:

Option A (preferred option)

Hindmarsh Shire Council consist of six councillors to be elected from three twocouncillor wards. Option B (alternative option)

Hindmarsh Shire Council consist of five councillors to be elected from an unsubdivided municipality.

• Option C (alternative option)

Hindmarsh Shire Council consist of five councillors to be elected from one twocouncillor ward and one-three councillor ward.

Response submissions

The VEC received one submission responding to the preliminary report by the deadline for submissions at 5.00 pm on Wednesday 29 April.

Public hearing

The VEC scheduled a public hearing for those wishing to speak about their response submission at 7.00 pm on Thursday 7 May. There were no requests to speak so the hearing was not held.

Recommendation

The Victorian Electoral Commission (VEC) recommends Hindmarsh Shire Council continue to consist of six councillors elected from three two-councillor wards.

This electoral structure was designated as Option A in the preliminary report. Please see Appendix 2 for a detailed map of this recommended structure.

2 Background

2.1 Legislative basis

The Act requires the VEC to conduct an electoral representation review of each municipality in Victoria before every third general council election, or earlier if gazetted by the Minister for Local Government.

The Act specifies that the purpose of a representation review is to recommend the number of councillors and the electoral structure that provides 'fair and equitable representation for the persons who are entitled to vote at a general election of the Council.'1

The Act requires the VEC to consider:

- the number of councillors in a municipality and
- whether a municipality should be unsubdivided or subdivided.

If a municipality should be subdivided, the VEC must ensure that the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.² On this basis, the review must consider the:

- number of wards
- ward boundaries (and ward names)
- number of councillors that should be elected for each ward.

2.2 The VEC's approach

Deciding on the number of councillors

The Act allows for a municipality to have between 5 and 12 councillors, but does not specify how to decide the appropriate number.³ In considering the number of councillors for a municipality, the VEC is guided by the Victorian Parliament's intention for fairness and equity in the local representation of voters under the Act.

The VEC considers that there are three major factors that should be taken into account:

- diversity of the population
- councillors' workloads and
- profiles of similar municipalities.

Section 219D of the Local Government Act 1989.

³ Section 5B(1) of the Local Government Act 1989.

Generally, those municipalities that have a larger number of voters will have a higher number of councillors. Often large populations are more likely to be diverse, both in the nature and number of their communities of interest and the issues of representation.

However, the VEC considers the particular situation of each municipality in regards to: the nature and complexity of services provided by the Council; geographic size and topography; population growth or decline; and the social diversity of the municipality, including social disadvantage and cultural and age mix.

Deciding the electoral structure

The Act allows for a municipality ward structure to be:

- unsubdivided—with all councillors elected 'at-large' by all voters or
- subdivided into a number of wards.

If the municipality is subdivided into wards, there are a further three options available:

- 1. single-councillor wards
- 2. multi-councillor wards or
- 3. a combination of single-councillor and multi-councillor wards.

A subdivided municipality must have internal ward boundaries that provide for a fair and equitable division of the municipality, and ensure that the number of voters represented by each councillor remains within 10 per cent of the average number of voters per councillor for the municipality.

In considering which electoral structure is most appropriate, the VEC considers the following matters:

- communities of interest, encompassing people who share a range of common concerns, such as geographic, economic or cultural associations
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10 per cent tolerance as long as possible
- geographic factors, such as size and topography
- the number of voters in potential wards, as wards with many voters can have a large number of candidates, which can lead to an increase in the number of informal (invalid) votes and
- clear ward boundaries.

2.3 The VEC's principles

Three main principles underlie all the VEC's work on representation reviews:

 Ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.

Over time, population changes can lead to some wards in subdivided municipalities having larger or smaller numbers of voters. As part of the review, the VEC corrects any imbalances and also takes into account likely population changes to ensure ward boundaries provide equitable representation for as long as possible.

2. Taking a consistent, State-wide approach to the total number of councillors.

The VEC is guided by its comparisons of municipalities of a similar size and category to the council under review. The VEC also considers any special circumstances that may warrant the municipality having more or fewer councillors than similar municipalities.

3. Ensuring communities of interest are as fairly represented as possible.

Each municipality contains a number of communities of interest. Where practicable, the electoral structure should be designed to ensure they are fairly represented, and that geographic communities of interest are not split by ward boundaries. This allows elected councillors to be more effective representatives of the people and interests in their particular municipality or ward.

2.4 The electoral representation review process

Developing recommendations

The VEC bases its recommendations for particular electoral structures on the following information:

- internal research specifically relating to the municipality under review, including Australian Bureau of Statistics and .id (Informed Decisions) Pty Ltd data⁴; voter statistics from the Victorian electoral roll; and other State and local government data sets
- small area forecasts provided by .id (Informed Decisions) Pty Ltd
- the VEC's experience conducting previous electoral representation reviews of local councils and similar reviews for State elections
- the VEC's expertise in mapping, demography and local government

⁴ .id is a company specialising in population and demographic analysis that builds suburb-level demographic information products in most jurisdictions in Australia and New Zealand.

- careful consideration of all input from the public in written and verbal submissions received during the review and
- advice from consultants with extensive experience in local government.

Public involvement

Public input is accepted by the VEC:

- in preliminary submissions at the start of the review
- in response submissions to the preliminary report and
- in a public hearing that provides an opportunity for people who have made a response submission to expand on this submission.

Public submissions are an important part of the process, but are not the only consideration during a review. The VEC ensures its recommendations are in compliance with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors, such as the need to give representation to communities of interest.

3 Hindmarsh Shire Council representation review

3.1 Profile of Hindmarsh Shire Council

Hindmarsh Shire was formed in 1995 by the amalgamation of the Shires of Dimboola and Lowan. The Shire is located approximately 375 kilometres north-west of Melbourne in the Wimmera-Mallee region of central north-west Victoria. It covers an area of 7,524 square kilometres, of which approximately 60 per cent is agricultural land (mainly grazing and cropping) and 30 per cent national parks and wilderness areas. The Shire is bordered by the Rural City of Mildura in the north, Yarriambiack Shire in the east, the Rural City of Horsham in the south and West Wimmera Shire in the west.

The Shire has a population of 5,695 and a low population density of less than one person per square kilometre. Hindmarsh Shire's 5,003 voters are fairly evenly distributed between wards—1,615 in North Ward, 1,655 in East Ward, and 1,770 in West Ward. All wards fall well within the 10 per cent deviation from the average number of voters per councillor across the municipality. The main centres in Hindmarsh Shire are Nhill in West Ward with 39 per cent of the population; Dimboola in East Ward with 29 per cent; and Rainbow and Jeparit in North Ward with 20 per cent combined.

Hindmarsh Shire has a small number of overseas-born residents and only three per cent of the population originates from countries where English is not the first language. The largest cultural community is a group of approximately 180 Karen refugees originating from Myanmar, residing in Nhill.

The number of people over the age of 60 in the Shire is slightly above the average number of people over this age in Victoria as a whole. The Shire has relatively low levels of unemployment. The population of the Shire is expected to decline slightly in the coming years but this may be reduced as a result of continued inward migration from Karen refugees.

Communities of interest

The VEC defines communities of interest as groups of people who share a range of common concerns or aspirations, and may occur where people are linked geographically or economically, or where a group of people have special needs in common, for example immigrants, older people or young families. When communities of interest have particular needs from their council, the VEC takes this into account in devising options.

⁶ Data derived by Victorian Electoral Commission from State and Council voter rolls (as at January 2015).

⁵ Australian Bureau of Statistics (ABS), *Estimated Resident Population*, 2013.

Based on submissions and the available research, Hindmarsh Shire Council is considered to have overlapping geographic and demographic communities. Geographically, the towns of Nhill, Dimboola and Rainbow-Jeparit represent communities of interest with residents having a shared place-based identity. In addition to these main towns, there are smaller townships located throughout the Shire, including Kiata, Gerang, Antwerp, Netherby and Yanac. These townships provide a local convenience shopping role and an important community focus, and continue to retain a strong sense of identity despite their declining populations.

Demographic communities of interest include a small and growing Karen population of refugee migrants from Myanmar (about 180) who currently reside in Nhill and are primarily employed at the Luv-a-Duck factory in the area (West Ward). Hindmarsh Shire Council also has a relatively large number of people identifying as Aboriginal and/or Torres Strait Islander, with 60 per cent of the population residing in Dimboola and represented by the Wurega Aboriginal Corporation.

3.2 Current electoral structure

The last electoral representation review for Hindmarsh Shire Council took place in 2004–2005.

Following the review, it was recommended that the subdivided structure of Hindmarsh Shire Council remain the same, with six councillors elected from three two-councillor wards. It was also recommended that ward boundaries and names (North Ward, East Ward and West Ward) remain unchanged.

3.3 Public information program

Public involvement is an important part of the representation review process. The Hindmarsh Shire Council representation review commenced on Wednesday 4 February and the VEC conducted a public information program to inform the community.

Advertising

In accordance with the Act, public notices of the review and the release of the preliminary report were placed in the newspapers listed in Table 1.

8 Ibid.

⁷ Ibid.

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Newspaper	Notice of review	Notice of preliminary report	
Herald Sun	Wednesday 4 February	Wednesday 1 April	
Horsham Wimmera Mail Times	Wednesday 4 February	Wednesday 1 April	
Dimboola Banner	Wednesday 4 February	Wednesday 1 April	
Nhill Free Press	Friday 6 February	Friday 3 April	

Media releases

A media release was prepared and distributed to local media at the commencement of the review on Wednesday 4 February. A further release was distributed at the publication of the preliminary report on Wednesday 1 April. Local media covered the review in newspapers and radio interviews.

Public information sessions

Public information sessions for people interested in the review process were held at 5.30 pm and 7.00 pm on Thursday 12 February at the Jeparit Memorial Hall, 10 Roy Street, Jeparit.

Helpline and email address

A telephone helpline and dedicated email address were established to assist members of the public with enquiries about the review process.

VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. An online submission tool was made available and all public submissions were posted on the website.

Guide for Submissions

A *Guide for Submissions* was developed and distributed to those interested in making submissions. Copies of the *Guide* were available on the VEC website, in hardcopy on request and also provided to Council.

Council website and newsletter

Information about the review was provided to Council for publication in council media, e.g. website and newsletter.

4 Preliminary report

4.1 Preliminary submissions

The VEC received five preliminary submissions by the deadline for submissions at 5.00 pm on Wednesday 4 March. A list of people who made a preliminary submission can be found in Appendix 1. Submissions were received from Hindmarsh Shire Council, current councillors, the Proportional Representation Society of Australia (PRSA) and an individual resident.

Number of councillors

Submissions by Hindmarsh Shire Council and Councillors Ron Lowe and Tony Schneider supported retaining the current number of councillors. These submissions referred to strong working relationships and the fact that councillors have valuable local knowledge and represent the interests of their particular communities.

Hindmarsh Shire Council considered that the status quo should remain, with council consisting of six councillors elected from three two-councillor wards. The Council also argued that while population figures have declined, this decline has been arrested and may reverse in the coming years. The Council cited approximately 180 Karen people moving into Hindmarsh Shire since the last Census and the planned expansion of local manufacturer Luv-a-Duck (a duck farming processing plant), which is likely to create a further 60 to 80 jobs.

The PRSA and Andrew Gunter submitted in favour of either five or seven councillors elected from an unsubdivided structure, as the system of proportional representation used under that model would be beneficial in providing choice for electors.

Electoral structure

The submissions from Hindmarsh Shire Council and Councillors Lowe and Schneider recommended retaining the current subdivided electoral structure, on the basis it has worked well to achieve equality of representation and reflects the three major communities of Nhill, Dimboola and Rainbow-Jeparit.

These submissions further argued that an unsubdivided structure could create the risk of councillors only being elected from the larger towns of Nhill and Dimboola, leaving Rainbow-Jeparit and the remote north without adequate representation.

The submissions by the PRSA and Mr Gunter recommended that Hindmarsh Shire Council become an unsubdivided municipality. The PRSA argued that the last two Mayoral elections being decided by lot was evidence that, with two groups contesting an election likely to elect a single candidate in each ward, the Council could be stalemated. Mr Gunter also raised the

problem of two competing candidate groups, one with much greater support than the other, electing an equal number of councillors and leading to deadlock.

As an alternative to an unsubdivided structure with either five or seven councillors, the PRSA proposed a three by three-councillor ward structure, with nine councillors in total, to give full effect to proportional representation by avoiding stalemated wards and tied votes in council decision-making. The submissions from the PRSA and Mr Gunter opposed the creation of wards with an even number of councillors.

4.2 Preliminary report

A preliminary report was released on Wednesday 1 April. The VEC considered public submissions and research findings when formulating the options presented in the preliminary report.

Numbers of councillors

Hindmarsh Shire Council has the third lowest number of voters in the State, with approximately 5,003 voters. Table 2 shows Hindmarsh Shire Council in relation to comparable rural councils.

Table 2: comparable rural councils to Hindmarsh

Municipality	Population (2011 Census)	Number of voters at last review	Current estimate of voters [#]	Number of councillors	Number of voters per councillor
Yarriambiack*	7,088	6,998	6,116	7	874
Buloke	6,384	6,149	5,887	7	841
Towong*	5,891	5,482	5,520	5	1,104
Hindmarsh*	5,798	5,306	5,003	6	834
Queenscliffe	3,000	4,245	4,237	5	847
West Wimmera*	4,251	4,279	3,917	5	783

^{*} The municipality is undergoing an electoral representation review by the VEC during 2015–16.

Hindmarsh Shire's overall population is predicted to decline at an annual rate of approximately 0.4 per cent for the next two decades, contrasting with rural and regional Victoria's projected growth rate of 1.3 per cent. On average, there are 834 voters per councillor in Hindmarsh Shire, significantly lower than for rural and regional Victoria generally, which has an average of 3,127 voters per councillor. On this basis, an increase in councillor numbers for Hindmarsh Shire Council is not supported by evidence.

[#] Voter estimate calculated after the January 2015 merge of the State electoral roll and Council-only electors as at the 2012 council elections.

Six councillor municipality

Hindmarsh Shire Council is unique in rural Victoria as the only council with an even number of councillors. Historically, the VEC has preferred an odd number of councillors to avoid tied votes and use of the casting vote by the Mayor. However, in the 2004–2005 review of Hindmarsh Shire Council, special circumstances were taken into account to allow a recommendation of an even number of councillors. These reasons included the submission by Hindmarsh Shire Council that the mayoral casting vote is rarely used in decision-making; the large geographic size of Hindmarsh Shire and the fact that the electoral structure (three two-councillor wards) reflects three major communities of Nhill, Dimboola and Rainbow-Jeparit.

Five councillor municipality

The VEC considers that municipalities of a similar size and type should have a similar number of councillors, unless special circumstances justify a variation. Municipalities with similar population, demography and geographic characteristics—including Towong and West Wimmera Shire Councils—have five councillors. While Yarriambiack and Buloke Shire Councils have seven councillors each, their populations are slightly higher than Hindmarsh Shire Council and they are expected to experience slow growth rather than slow decline.

On this basis, a potential reduction to five councillors would bring Hindmarsh Shire Council into line with similar councils, in particular Towong and West Wimmera Shire Councils.⁹

Electoral structure

The VEC identified three possible electoral structures that would meet the various legislative requirements and special circumstances in Hindmarsh Shire Council. These options included two subdivided models (with five and six councillors respectively) and one unsubdivided structure. The subdivided structures were recommended to reflect:

- communities of interest
- limited need to change ward boundaries based on population growth
- viability of the structures to last to the next representation review.

The unsubdivided structure was put forward to accommodate the strong arguments that it would bring Hindmarsh into line with councils of a similar size and population pattern.

⁹ Towong and West Wimmera Shire Councils are currently subject to an electoral representation review; therefore comparisons are based on current electoral arrangements.

Options

After careful consideration, the VEC put forward the following options:

Option A (preferred option)

Hindmarsh Shire Council consist of six councillors to be elected from three two-councillor wards.

Option B (alternative option)

Hindmarsh Shire Council consist of five councillors to be elected from an unsubdivided municipality.

• Option C (alternative option)

Hindmarsh Shire Council consist of five councillors to be elected from one twocouncillor ward and one-three councillor ward.

5 Public response

5.1 Response submissions

The VEC accepted submissions responding to the preliminary report from Wednesday 1 April until 5.00 pm on Wednesday 29 April. The VEC received one response submission from the PRSA, as shown in Appendix 1.

The PRSA presented arguments in favour of the unsubdivided model of five councillors (Option B in the preliminary report) and against the VEC's preferred Option A. The PRSA argued two recent elections going uncontested in the North and East Wards was a significant issue the representation review should resolve. While the PRSA acknowledged candidates may find it difficult to engage with electors across an unsubdivided municipality covering a large geographic area, the submission suggested that an unsubdivided model would facilitate greater choice for electors, as all electors would vote for all candidates. The PRSA argued that this would result in a more representative system, as the majority of electors would be represented by a councillor majority.

As in its preliminary submission, the PRSA emphasised its preference for an uneven number of councillors, to prevent the risk of stalemates. The PRSA stated that an uneven model of councillors promotes decisiveness in council. The PRSA affirmed support for the system of proportional representation used in the unsubdivided structure.

The PRSA also considered Option C, and argued strongly against it on the grounds that it may entrench a majority in favour of the three-councillor ward. The option was also ruled out by the PRSA on the grounds that different percentages and quotas used under the option could result in 'unjust and arbitrary' results.

5.2 Public hearing

The VEC scheduled a public hearing for those wishing to speak about their response submission at 7.00 pm on Thursday 7 May at the Jeparit Memorial Hall, 10 Roy Street, Jeparit. There were no requests to speak so the hearing was not held.

6 Findings and recommendation

6.1 The VEC's findings

The overall findings of the VEC are based on internal research as well preliminary submissions and response submissions to the three options put forward for comment. On this basis, it is clear that there are very strong arguments in favour of Options A and B for Hindmarsh Shire.

In relation to councillor numbers, while the population has recently declined, prompting a possible reduction in councillor numbers, the successful settlement of the Karen refugee community is unique to the Shire, and supports an argument to retain or even increase councillor numbers in the future.

In terms of the electoral structure for the Shire, the slowing population pattern also lends support to shift to an unsubdivided model. This would remove the voter-to-councillor ratio requirement in the future and resolve the issue of uncontested elections, which have occurred in the Shire recently. However, the submissions made by Hindmarsh Shire Council and two currently elected members paint a positive picture of constructive working relationships under the current subdivided structure, where councillors consider the municipality as a whole, and decisions are made by negotiation and consensus.

Numbers of councillors

As with some of Victoria's other rural municipalities, despite a thriving agricultural base and economic development based on local freight industries, ¹⁰ the population of Hindmarsh has been declining recently. While Council's submission indicated that population decline has halted, and Council is optimistic that there will be a slight increase through further inward migration from the Karen community, the VEC's statistical analysis indicates that the overall population pattern does not support increasing the number of councillors for the Shire.

There is stronger evidence to suggest that councillor numbers should be reduced as a result of this review, and it is likely that population statistics will be an important consideration at the time of the next review. However, the submissions by current Hindmarsh councillors and the Council itself are persuasive in support of retaining the status quo on councillor numbers.

Further, it appears that six councillors represent the communities of interest of Nhill, Dimboola and Rainbow-Jeparit effectively, especially given the large geographic size of the Shire. Each councillor acts as a delegate for a number of community organisations and council committees,

Page 18 of 24

¹⁰ Hindmarsh Shire Council Annual Report, 2013-14, p.9.

including some town-specific groups such as the Nhill, Dimboola, Rainbow and Jeparit Town Committees.¹¹

The VEC has historically raised concerns with even councillor numbers possibly leading to tied votes. The submissions of current councillors and Hindmarsh Shire Council also suggested that all councillors base decisions on genuine discussion and consensus.

The VEC gave careful consideration to the two options that proposed decreasing the number of councillors for the Hindmarsh Shire. On balance, the VEC recommends retaining the status quo of six councillors (Option A), based on the arguments outlined in Hindmarsh Shire Council's submission and the lack of significant appetite for change across the municipality.

Electoral structure

The options put forward by the VEC presented both subdivided and unsubdivided structures. Hindmarsh is distinct among rural municipalities of its size in having six representatives in a ward structure, and as outlined in the preliminary report findings, the introduction of an unsubdivided structure would bring Hindmarsh Shire into line with rural councils of a similar size and diversity.

Introducing an unsubdivided structure could also bring the advantages of the system of proportional representation, resulting in a broader choice for electors, as all electors would elect all candidates, rather than just a candidate for their ward. This is a particularly important consideration for Hindmarsh, due to the lack of candidates in two of the Shire's wards in recent elections.

The submission of the PRSA presents strong arguments in favour of an unsubdivided model. In particular, majority representation and minimising the risk of deadlocked voting are important considerations for Hindmarsh's electoral structure.

By contrast, submissions from the Council and two current councillors attest that representatives take a municipality-wide approach to Council business, despite being elected from separate wards, where those local interests might hold sway. These submissions indicated a sense of relatively harmonious governance, where both local interests of the Shire's distinct communities as well as the Shire-wide issues of infrastructure, environmental planning and job creation are appropriately considered.

On balance, submissions overall created a strong sense that stalemates requiring a casting vote rarely occur. In the absence of substantial local interest in change, the VEC recommends retaining the status quo of three two-councillor wards, with the existing boundaries and ward names.

¹¹ Hindmarsh Shire Council website, February 2015 at hindmarsh.vic.gov.au.

The model meets the requirements of the Act in relation to the voter-to-councillor ratio, and reflects the distinct communities of interest outlined in submissions and the VEC's research.

6.2 The VEC's recommendation

The Victorian Electoral Commission (VEC) recommends Hindmarsh Shire Council continue to consist of six councillors elected from three two-councillor wards.

This electoral structure was designated as Option A in the preliminary report. Please see Appendix 2 for a detailed map of this recommended structure.

Appendix 1: Public involvement

Preliminary submissions

Preliminary submissions were received from:

Andrew Gunter

Hindmarsh Shire Council

Proportional Representation Society of Australia (Victoria-Tasmania) Inc

Councillor Ron Lowe (Mayor)

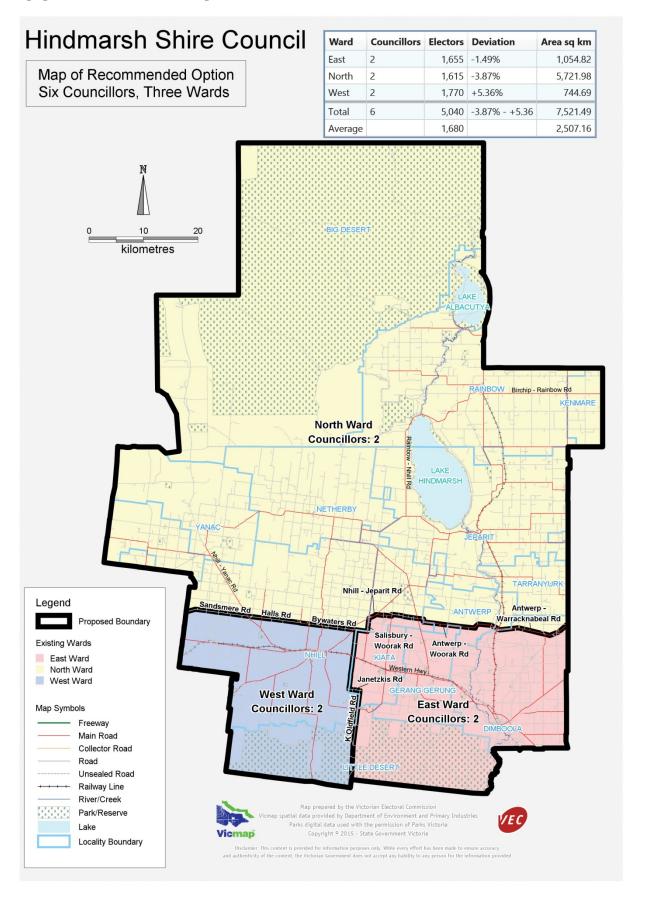
Councillor Tony Schneider

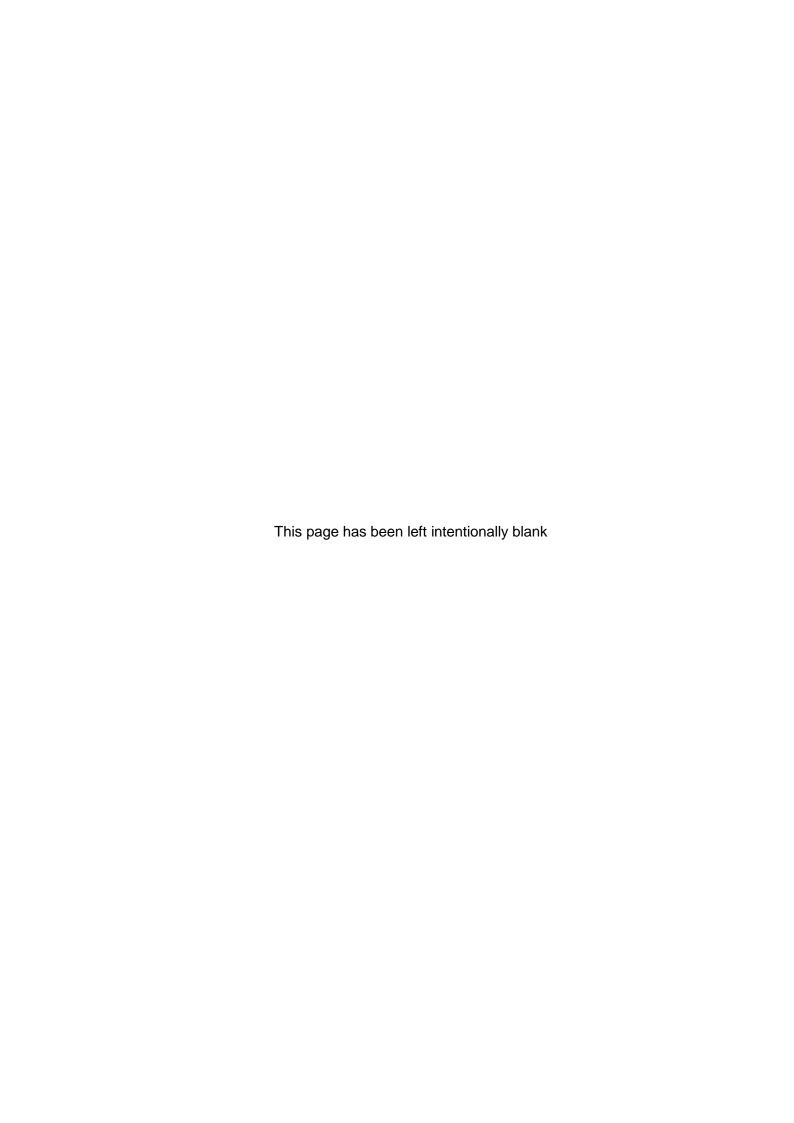
Response submissions

Response submissions were received from:

Proportional Representation Society of Australia (Victoria-Tasmania) Inc

Appendix 2: Map





Victorian Electoral Commission Level 11, 530 Collins Street Melbourne VIC 3000

131 832

hindmarsh.review@vec.vic.gov.au