



Comment on objections 36

Michael Borowick JP

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The Hon. Justice Susan Kenny
Chair
Augmented Electoral Commission for Victoria

Comment on objections – Higgins and Macnamara

Dear Chair and Committee,

I thank you for the opportunity to comment on the objections to the Redistribution Committee's proposal for the Division of Macnamara.

I concur with the objections in OB5, OB38, OB42, OB49, OB53, OB54, OB58 and OB63. I will make a few additional comments as to why I think the proposed redistribution should not proceed.

Macnamara is only marginally over the projected quota. As a result the sensible and logical thing to do is transfer Windsor back to Higgins, with Windsor currently having 4,731 electors and only being added to Macnamara in 2019.

Despite this, the Redistribution Commissioners have returned with a proposed redrawing of the boundaries that can be quite fairly described as dizzying. It involves Caulfield and nearby suburbs being moved into Higgins, and a transfer of South Yarra and Prahran into Macnamara (previously Melbourne Ports). Its problematic consequences have been detailed in the objections I referred to earlier. As a member of the Jewish community, I would like to highlight to you the objections by the community's leadership that as a 'community of interest' it has not been properly considered in the proposal.

The gist of my comment is that the Redistribution Commissioners' proposal is premised on the flawed assumption that Dandenong Road / Princes Highway is not a major barrier. It gets entirely wrong the means of travel and communication that exist between Macnamara and Higgins.

This is not the first time this proposal has been mooted by the Redistribution Commissioners. It last cropped up in 2010. The Augmented Electoral Commission reversed the proposal. Relevantly, the Augmented Electoral Commission in the *Final Report* states that:

*"92. On balance however, the Commission found the arguments for a substantial reversal of boundaries more compelling and, in particular, agreed that suitable alternatives were available to **negate the need to cross Dandenong Road** as proposed by the Redistribution Committee.*

93. Therefore the Commission upheld the objections to return to the existing boundary of Punt Road and Dandenong Road between the divisions of Melbourne Ports and Higgins. This proposal transferred the localities of Caulfield North and Caulfield East back to the Division of Melbourne Ports and parts of South Yarra, Prahran and Windsor back to the Division of Higgins."

Indeed, nothing has changed since 2010.

It is for precisely the same reason, the strength of the boundary presented by Dandenong Road/Princes Highway, that the State District of Malvern borders the State District of Caulfield at Dandenong Road/Princes Highway. In the *Report on the 2012–13 Redivision of Electoral Boundaries* by the *Electoral Boundaries Commission*, which is the most recent redivision of the relevant State boundaries, the Commission states that:

*“119. **Malvern ... The district has very strong boundaries along the Yarra River, Gardiners Creek, Warrigal Road and Dandenong Road, that are identical with the Stonnington City Council boundaries.** The only area where Malvern district could readily expand was in the west. The inclusion of nearly all of Toorak fitted communities of interest as well as improving Malvern’s numbers...*

*120. **Caulfield ... district’s enrolment is 8.9 per cent below the State average and is declining to 13.02 per cent below. Most submissions suggested only minor changes to the district’s boundaries. The district has a strong community of interest based on Caulfield and clear boundaries.** The EBC considered that only marginal changes were required...*

There is clearly a consensus that Dandenong Road is a major boundary. I note that this is the only time in the report that the Commission chose to describe the boundaries between electorates as ‘very strong.’

I am astonished by the reasons that were provided by the 2021 Commissioners for the current proposal:

“334. Seven suggestions to the redistribution and four comments on suggestions advocate a swap of territory between the proposed Divisions of Higgins and Macnamara on community of interest grounds adopting Hotham Street and Williams Road as the eastern boundary.

*335. The Redistribution Committee proposes the Division of Macnamara gains further territory in the Stonnington City Council from the Division of Higgins, gaining all territory west of Williams Road (South Yarra and part of Prahran). In making this change the Redistribution Committee is able to accommodate these suggestions and comments on suggestions, seeing **value in this alteration acknowledging the community of interest surrounding public housing and in the strong eastern boundary of Williams Road and Hotham Street providing a strong north south transport link**”*

The public housing rationale was put forward by The Greens in their suggestion. It is patently untrue. It is presented without a shred of supporting evidence. There is no ‘community of interest surrounding public housing’ that spans across the current borders of Macnamara and Higgins. By contrast there is a clear community of interest that will be divided by the proposed boundaries. Also, the proposed Williams Road/Hotham Street boundary is far less significant as a barrier between suburbs than the existing Punt Road boundary. Rather than Hotham St being a ‘strong eastern boundary,’ it is better understood as simply another road across which the local communities in this area connect every day.

The orientation of the areas in both Higgins and Macnamara is east west, separated by Punt Road at the western end of Higgins and Dandenong Road which currently separates these electorates. The simple, sensible move, which I outlined earlier has been rejected in favour of an unnecessary movement of 46,954 electors between the two Divisions: 27,393 electors transferred to Higgins from Macnamara and 19,571 electors going the other way.

In the process, instead of uniting all of Stonnington Council in Higgins (which was the case until 2019 when Windsor was removed) and keeping all of Port Phillip Council in Macnamara (as is the case at present), the proposal splits both Councils between the seats. Additionally, under the proposal, both the suburbs of Prahran and St Kilda East are also split between the two Divisions.

Earlier I wrote that the orientation of both seats is east-west. Of course, no metropolitan suburb is an island: adjoining suburbs, whatever the compass says, have a connection. But the best outcome in terms of community of interest and means of communication and travel is determining which suburbs have the strongest connection. In this case, it is certainly not north-south, as the Commissioners have asserted. It is east-west. Strong evidence to this point is found in a number of the objections and in the strong boundary in Dandenong Road.

The Jewish community in Victoria is only 0.7% of the State's population, but its numbers are concentrated in both the adjoining seats of Macnamara and Goldstein. A majority of the population is Jewish in both the suburbs of Caulfield (52.4%) and Caulfield North (51.6%). In St Kilda East, 32.1% of the population is Jewish. All three suburbs are currently entirely in Macnamara but proposed to be transferred out. Additionally the suburbs with the biggest increase in Jewish residents, from the most recent census, are Caulfield North (344), Elsternwick (219) and Bentleigh East (190), which notably are all south of Dandenong Road (see *Andrew Markus, Tanya Munz, David Graham and Emmanuel Gruzman, 'The Jewish Population of Victoria: Key Findings from the 2016 Census' December 2020*).

The community is split under your proposal. Some services, cultural organisations, shopping and community members will remain in Macnamara, while others will be sent into Higgins. That's not the case with the current boundaries.

This community of interest is surely a far more important consideration in the final determination than other suggestions such as making the electorate more compact (OB60) and arbitrary or vague assertions that some areas are "inner city" while others are "suburban" (OB37). I think that these suggestions are not relevant in the sense that they ought to have no bearing on the decision-making of the Committee because it is hard to see how they relate to the factors in the Commonwealth Electoral Act.

As a summary of my comment, I do not think that the proposed redistribution and its rationale make sense against the relevant considerations. Dandenong Road is the real boundary and that has not been appropriately considered. There is no 'community of interest surrounding public housing' to be served by this proposal, but there is a very clear community of interest surrounding the Jewish community to be divided by this proposal. Rather than substantially revising these borders, a simpler fix exists in transferring Windsor to Higgins.

I ask the Commission why it is desirable to split the highly concentrated Jewish community between three Divisions – Goldstein, Macnamara and Higgins – instead of the present situation, especially when the justifications for doing so simply don't stack up.

Yours faithfully

Michael Borowick JP

30 April 2021