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**From:** Garry Page [redacted]  
**Sent:** Thursday, 19 October 2023 1:53 AM  
**To:** Merri-bek Submissions 2023  
**Subject:** Electoral Structure Review  
**Attachments:** Submission - Merri-Bek City Council.pdf

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Hi,

Please accept the attached submission. I would also like to take part in the online public hearing.

Regards,  
Garry Page

[redacted]  
[redacted]  
Hampton Park

The Minister for Local Government appointed the Electoral Representation Advisory Panel (ERAP) under the [Local Government Act 2020](#)<sup>1</sup> to conduct an electoral structure review of the Council. The Minister provided instructions on the conduct of this review and included:-

[Terms of Reference](#)<sup>2</sup>

2. Advise, subject to section 13 of the Act, on—
  - c. If the municipal district of the Council should be subdivided into a specified number of wards —
    - iv. the names of the wards of the municipal district of the Council, having regard to local Traditional Owner groups' interests.

The ERAP does not appropriately regard local Traditional Owner groups' interests as required by Clause 2(c)iv. The ERAP published a submission guide that includes:-

[2023–24 Local council electoral structure reviews – Submission guide – Round 3](#)<sup>3</sup>

**Use of Aboriginal Language**

The panel recognises that there should first be meaningful consultation with local Aboriginal communities and groups before a ward is named using Aboriginal language. Meaningful consultation is a significant process that the panel is not able to undertake within the timeframes of the current review program.

The Minister for Local Government [announced](#)<sup>4</sup> on 10<sup>th</sup> October 2022 the establishment of two Electoral Representation Advisory Panels (ERAPs) to conduct electoral structure reviews for 39 Local Government Councils. The Terms of Reference requires all advice must be provided to the Minister by 1<sup>st</sup> March 2024. For the ERAPs this is a 16 month period to undertake a meaningful consultation with local Aboriginal communities.

The ERAPs did not make a decision to actively engage in meaningful consultation with local Aboriginal communities. Not making a decision is actually considered to be having made a decision. In this case the ERAPs have made the decision not to comply with the Terms of Reference, 2(c)iv. The community should have an opportunity to ensure there was an acceptable bank of Aboriginal Language names relevant to their Council.

The [Geographic Place Names Act 1998](#)<sup>5</sup> provides guidelines that include a consultation process. The [Department of Transport and Planning](#)<sup>6</sup> publishes [The Naming Rules](#)<sup>7</sup> web page which provides a link to the current edition of the guidelines as the [Official Naming Rules for places in Victoria 2022](#)<sup>8</sup>. A link under 'Services and resources' provides access to the [VICNAMES register](#)<sup>9</sup> web page. This web page under 'Related Links' provides access to [VICNAMES – The Register of Geographic Names](#)<sup>10</sup> database which can be used to download every entry for Victoria for access in a spreadsheet. The web page also provides a link to the [Australian National Placenames Survey \(ANPS\)](#)<sup>11</sup>.

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<sup>1</sup> Local Government Act 2020 as at 26 April 2023:- <https://content.legislation.vic.gov.au/sites/default/files/2023-04/20-9aa019-authorized.pdf>

<sup>2</sup> Terms Of Reference Of The Electoral Representation Advisory Panels Established Under Section 16 Of The Local Government Act 2020:- [https://www.localgovernment.vic.gov.au/\\_\\_data/assets/pdf\\_file/0020/190091/ERAPs-Terms-of-Reference.pdf](https://www.localgovernment.vic.gov.au/__data/assets/pdf_file/0020/190091/ERAPs-Terms-of-Reference.pdf)

<sup>3</sup> 2023 -2024 Local Council Electoral Structure Review Submission Guide – Round 3:- <https://www.vec.vic.gov.au/-/media/6e80cba3a7b84cb7a6a78eae3d98d1f.ashx>

<sup>4</sup> Electoral structure and ward boundary reviews:- <https://www.localgovernment.vic.gov.au/council-governance/electoral-representation-advisory-panels-eraps>

<sup>5</sup> Geographic Place Names Act 1998:- <https://www.legislation.vic.gov.au/in-force/acts/geographic-place-names-act-1998/011>

<sup>6</sup> Department of Transport and Planning home page:- <https://dtp.vic.gov.au/>

<sup>7</sup> The Naming Rules:- <https://www.land.vic.gov.au/place-naming/understand-the-naming-process/the-naming-rules>

<sup>8</sup> Guidelines under the Geographic Place Names Act:-

[https://www.land.vic.gov.au/\\_\\_data/assets/word\\_doc/0018/501093/Official-Naming-rules-for-places-in-Victoria-2022.docx](https://www.land.vic.gov.au/__data/assets/word_doc/0018/501093/Official-Naming-rules-for-places-in-Victoria-2022.docx)

<sup>9</sup> Department of Transport and Planning – VICNAMES register web page:- <https://www.land.vic.gov.au/place-naming/services-and-resources/vicnames-register>

<sup>10</sup> VICNAMES database:- <https://maps.land.vic.gov.au/lassi/VicnamesUI.jsp>

<sup>11</sup> Australian National Placenames Survey:- <https://www.anps.org.au/>

Access to copies of the Geographic Place Names Act’s guidelines can also be found on various Council websites.

Under these Guidelines, ‘Section 1.9 How long is the naming process?’ a consultation period is 30 to 90 days. In the 16 month window for the ERAP a consultation period of 30 to 90 days is trivial. It is unreasonable for the ERAP to then claim there is insufficient time to engage in meaningful consultation with local Aboriginal communities. Further discussion regarding this process will be continued below.

### **Local Government Act 2020**

#### **16 Electoral structure review**

(9) An electoral representation advisory panel—

(a) may conduct the review in any manner that the electoral representation advisory panel considers appropriate; and

The ERAP has the total freedom in the manner it conducts reviews under the Act and that includes timetabling sufficient time in the 16 month window for community consultations regarding banks of Aboriginal Language names. The Guidelines also state that a consultation timeline can be reduced:

The process can be reduced if the naming authority has a bank of pre-approved names. Councils will often have a bank of names relevant to an area.

An ERAP is not a permanent body as its lifetime is determined by the submission date of their final reports. Due to the decades between a Council electoral structure review each ERAP will be constituted with new members. As there is no membership continuity every ERAP could just say it is too hard to have regard to local Traditional Owner groups’ interests or undertake appropriate consideration of Aboriginal Language ward names.

The Submission Guide also includes:-

#### **2023 -2024 Local Council Electoral Structure Review Submission Guide – Round 3**

##### **Use of Aboriginal Language**

As such, the panel may put forward new ward names using Aboriginal language if:

- it is the name of a place within a ward
- it is currently in common use

and

- the name is registered under the Geographic Place Names Act 1998.

Plus the restriction:-

Any Aboriginal Language ward name you suggest in a public submission must comply with the above guidelines.

Please note the ERAP restriction that a public submission “must comply” with under their guidelines.

The Geographic Place Names Act guidelines enforce additional restrictions on Aboriginal language submissions:-

#### **Official Naming Rules for places in Victoria 2022**

##### **5 Localities**

##### **5.2 Statutory requirements applied to localities**

##### **5.2.5 Hyphens**

Hyphens are not to be used in a locality’s name.

A number of Aboriginal Language names/words have been recorded with a hyphen and the guidelines appear to suggest they can not be registered locality names under the Geographic Place Names Act.

Another side-effect of the ERAP imposed restrictions under their Submission Guide is the Aboriginal Language words for flowers, plants, trees and any other word that does not explicitly name a place does not comply. These words may be classified as unregistered under the Geographic Place Names Act for the Council area and must not be submitted under the ERAP’s Aboriginal Language restrictions.

The Submission Guide also includes:-

### **2023 -2024 Local Council Electoral Structure Review Submission Guide – Round 3**

#### **Use of Aboriginal Language**

Unregistered names using Aboriginal language have not been put forward by the panel as new ward names.

Given all the Aboriginal Language restrictions on Ward names that the ERAP states a submission “must comply” with, it is appropriate to examine the requirements of the Act. There are no restrictions on the use of Aboriginal Language under the Local Government Act or Statutory Rules (Regulations). The only reference in the Act is:-

#### **Local Government Act 2020**

Authorised Version incorporating amendments as at 26 April 2023

#### **Part 2 – Councils**

##### **15 Electoral Structure of a Council**

(1)(b) specify –

(iv) the name of, or alter the name of, a ward of the municipal district of the Council;

The Act makes no reference to, nor places any limitations on the language of ward names. The ERAP has introduced restrictions on submissions by Traditional Owners and other members of the public that are not requirements of the Act. Therefore the ERAP is failing to adhere to the Terms of Reference, Clause 2(c)iv from the Minister.

Examination of existing Council and Ward names in the published Preliminary Reports indicates unregistered Aboriginal Language names are in use, or have been applied by the ERAPs. For example:-

- The Moorland City Council was renamed in 2022 as the [Merri-bek City Council](#)<sup>12</sup>. This Aboriginal Language name has a hyphen and should not be a Registered name for a locality under the guidelines for the Geographic Place Names Act. Merri-bek, meaning ‘rocky country’, Woi-wurrung language, was one of three options presented to Council by Wurundjeri Woi-wurrung elders. It was supported by a majority of participants in Council’s community engagement process.
- In the Monash City Council, Electoral Structure Review, Preliminary Report the ERAP has used an Aboriginal Language word from the Dharug language, meaning “wild”. The names Dharug and Eora were given by linguists to refer to the inland and coastal dialects of the language. Dharug (also Dharuk, Darug, Daruk) is the traditional language of the Australian Aboriginal people in the inland areas of greater Sydney.

Reference is [The Sydney Language \(Dharug and Eora\)](#)<sup>13</sup>.

There is no Registered Location under the Geographic Place Names Act in Monash City Council for this Aboriginal Language word, and may not be a word in a local Aboriginal language.

If anybody was to submit an unregistered Aboriginal Language word only on the basis it appeared to them to be a reasonable name for a Ward then the word would be rejected as it does not meet the ERAP’s restrictions on submission of Aboriginal Language names.

In fact the word for this Monash Ward appears to have been derived from a plant name. The Wikipedia entry details the [Tetragonia tetragonioides](#)<sup>14</sup> plant. As Tetragonia tetragonioides is not an Aboriginal Language name it would automatically be acceptable under the ERAP’s restrictions on submission of Ward

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<sup>12</sup> Merri-bek name for Council approved:- <https://www.merri-bek.vic.gov.au/my-council/news-and-publications/news/merri-bek-name-for-council-approved/#:~:text=Merri%2Dbek%2C%20meaning%20'rocky,by%20Wurundjeri%20Woi%2Dwurrung%20elders.>

<sup>13</sup> Macquarie Dictionary Blog, The Sydney Language (Dharug & Eora):- <https://www.macquariedictionary.com.au/blog/article/560/#:~:text=The%20names%20Dharug%20and%20Eora,inland%20areas%20of%20greater%20Sydney.>

<sup>14</sup> Wikipedia entry for Tetragonia tetragonioides:- [https://en.wikipedia.org/wiki/Tetragonia\\_tetragonioides](https://en.wikipedia.org/wiki/Tetragonia_tetragonioides)

names. While the Aboriginal Language word without context in a submission would be rejected as it doesn't appear as a Registered location name under the Geographic Place Names Act for the Council area.

How can these unregistered names under the Geographic Place Names Act be used for a Council or Ward when they conflict with the ERAP's restrictions on the submission of Aboriginal language words?

[Geographic Place Names Act 1998](#)<sup>15</sup>

Authorised Version incorporating amendments as at 1 December 2013

**Part 1 – Preliminary**

**4 Restriction on operation of Act**

This Act—

- (a) does not apply to the naming of—
  - (ii) a municipal district or a ward of a municipal district; and
- (b) does not affect the powers and authorities conferred by or under any other Act on the Governor in Council or on any person to assign or amend the name of a place.

It is unreasonable for an ERAP to enforce Registered status under an Act that explicitly states that it does not apply to Ward names. Additionally, this Act doesn't limit the ability of an ERAP under the Local Government Act from assigning Aboriginal Language names to Wards.

The ERAP's stated "must require" restriction are only applicable to Aboriginal Language place names for submission as Ward names. Any requirement to limit consideration to those registered under the Geographic Place Names Act appears to conflict with the intent of the Local Government Act 2020 and the Terms of Reference 2(c)iv.

Under the Geographic Place Names Act the guidelines document four stages for registration. The Guidelines, **Section 1.9 How long is the naming process?** provides a timetable that includes:-

Proposal	Proposal initiation	Consultation	Compliance checks and reporting	GNV audit, gazette and notification
Naming a locality	3–4 weeks	30–90 days	30–60 days	30–60 days

The process can be reduced if the naming authority has a bank of pre-approved names. Councils will often have a bank of names relevant to an area.

As Ward names are explicitly restricted from operation under this Act the 'Compliance Checks and reporting' plus the 'GNV audit, gazette and notification' phases do not (i.e. can not) apply under this Act. This trims the timetable to 51 to 118 days. If the Council already has a bank of pre-approved names then the 'Proposal initiation' phase need not apply then the timeline for consultation is reduced to 30 to 90 days. In a 16 month window both lengths of consultation period could be accommodated.

There is enough time before the 1<sup>st</sup> March 2024 deadline to have consideration of Aboriginal Language names for Round 3. Even for the Round 1 and Round 2 reviews there would be enough time to reopen consideration of Ward names. Alternatively the Minister may require additional advice before the Governor in Council may, on the recommendation of the Minister, make an Order in Council under the Local Government Act.

At a minimum the ERAP should invite the appropriate Traditional Owner group for this Council to submit Ward names without restrictions. Additionally the ward names suggested by the public should not be restricted. Compared to the construction of the ward boundaries to meet the requirements of the Act the workload to consider suitable Ward names has to be trivial.

A final Electoral Structural Review report should include all submitted Aboriginal Language names as well as including an appropriate discussion regarding the implementation of the Terms of Reference 2(c)iv. Maybe none of the suggested Aboriginal Language names will be acceptable in this round of Electoral Structure Reviews but at a

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<sup>15</sup> Geographic Place Names Act 1998:- <https://www.legislation.vic.gov.au/in-force/acts/geographic-place-names-act-1998/011>

minimum they should be recorded for consideration in subsequent electoral structure reviews by the next ERAP and the community. In addition to the above restrictions on Traditional Owners use of Aboriginal Languages the ERAPs also stated in their Submission Guide the following general restrictions on ward names:-

### Deciding on ward names

The panel has taken the following approach to naming wards.

1. Retaining existing ward names if these are still relevant to the area covered by the ward.
2. When a new name is required, the panel bases this on features such as:
  - places (registered under the Geographic Place Names Act 1998) in the ward
  - compass directions
  - native flora or fauna.

For non-Aboriginal Language words there are no stated language restrictions. All the Round 2 Preliminary Reports (e.g. Frankston City Council [Preliminary Report](#)<sup>16</sup>) stated:

Unregistered names using Aboriginal language have not been put forward by the panel as new ward names.

In the Local Government Act there is no requirement to limit ward names only to those Aboriginal Language names registered under the Geographic Place Names Act. At a minimum the unregistered names using an Aboriginal Language should have been put forward for the Minister, any future ERAP and the community.

Given the restrictions imposed by the ERAP a search was conducted to determine the available Registered Names under the Geographic Place Names Act plus some other sites. This should not be considered the only possibilities as the local community and the Council are likely to have an expanded set of Aboriginal Language words that maybe more appropriate as Ward names.

A search of the Registration Names database for Merri-bek City Council only returned one Registered Name and that was for Citadel Park. Obviously not derived from an Aboriginal Language.

A further search was conducted using the superseded name for Merri-bek City Council i.e. Moorland City Council plus other web sites.

Name ID	Place Name	Longitude	Latitude	Place ID	Comment
119558	Bababi Djinanang	144.9807516	-37.7010887	119167	The name, meaning 'mother's foot', was bestowed by Wurundjeri elder, Doreen Wandin-Garvey, on 14 August 2006 in recognition of the cultural significance of the site.
-	Ballerrt Mooroop	-	-	-	Unregistered name. Refer to Merri-bek City Council <a href="#">article</a> <sup>17</sup> for background information.
124688	Bulleke-bek	144.960642	-37.7624812	123932	Aboriginal name for Brunswick.
125431	Djirri Djirri	144.9007782	-37.7082062	124658	Means Willy Wagtail or little black dancing bird in Woi Wurrung language.
124687	Garrong	144.959492	-37.7592479	123931	Means "wattle" in Woi wurrung language.
16768	Merri	144.988991	-37.7766495	20865	Merri Merri means stony, rocky
128009	Merri-bek	144.9529226	-37.7298479	30482	
128480	Merribek	144.9664768	-37.7550456	21517	
17486	Moomba	144.967225	-37.6957468	21361	Refer to The Age <a href="#">article</a> <sup>18</sup> for background

<sup>16</sup> Frankston City Council Electoral Structure Review – Preliminary Report:- <https://www.vec.vic.gov.au/electoral-boundaries/council-reviews/electoral-structure-reviews/frankston>

<sup>17</sup> Merr-bek City Council – Ballerrt Mooroop History:- [https://www.merri-bek.vic.gov.au/living-in-merri-bek/community-services/diversity/reconciliation/ballerrt-mooroop-history/#:~:text=Ballerrt%20Mooroop%20\(Strong%20Spirit\)%20Site,site%2C%20and%20Uncle%20Tom's%20Tree](https://www.merri-bek.vic.gov.au/living-in-merri-bek/community-services/diversity/reconciliation/ballerrt-mooroop-history/#:~:text=Ballerrt%20Mooroop%20(Strong%20Spirit)%20Site,site%2C%20and%20Uncle%20Tom's%20Tree)

<sup>18</sup> The Age article - Let's have fun, said some, and name a festival 'Up Your Bum':- <https://www.theage.com.au/national/lets-have-fun-said-some-and-name-a-festival-up-your-bum-20080308-ge6tiq.html>

Name ID	Place Name	Longitude	Latitude	Place ID	Comment
17487		144.96376	-37.69624	21362	information
103109	Tullamarine	144.8884863	-37.7080706	103095	After a native boy Tullamarena.
126973	Warrk-warrk	144.9840031	-37.7646979	126129	This is recorded under Darebin City Council. Refer to the Darebin City Council <a href="#">report</a> <sup>19</sup> for background information. Warrk-warrk means Nimble in Woi Wurrung language.
30723	Yooralla	144.9559781	-37.7029035	30305	Refer to the State Trustees <a href="#">article</a> <sup>20</sup> for background information

A Registered Name or a component of a Registered Name can be duplicated across municipal boundaries. If any of these words were used for a Ward name then that should not be used in neighbouring municipalities.

Name ID	Place Name	Council	Latitude	Place ID	Comment
128248	Bababi Marning	Hume	Grassland	127399	'Bababi' component of name has duplicate
119558	Bababi Djinanang	Merri-bek	Park	119167	'Bababi' component of name has duplicate
123943	Djirri Djirri	Hume	Watercourse	123240	Duplicate
125431	Djirri Djirri	Merri-bek	Park	124658	Duplicate
124687	Garrong	Merri-bek	Park	123931	Duplicate
125347	Garrong	Maribyrnong	Park	124583	Duplicate
16765 16764 117438 16770	Merri	Darebin	Neighbourhood Rail Station Child Care Park	30690 20863 117193 20866	Duplicate
16766	Merri	Whittlesea	Watercourse	20864	Duplicate
16767 32976	Merri	Yarra City	School School	20867 20867	Duplicate
16768	Merri	Merri-bek	Park	20865	Duplicate
128009	Merri-bek	Merri-bek	Local Government Area	30482	Name of the Council
128480	Merribek	Merri-bek	School	21517	Name of the Council
103107	Tullamarine	Brimbank	Locality	103093	Duplicate
103109	Tullamarine	Merri-bek	Locality	103095	Duplicate

<sup>19</sup>Darebin City Council - Naming the Beavers Road Bridge - Warrk-warrk Bridge:-  
<https://yoursay.darebin.vic.gov.au/namingthebeaversroadbridge#:~:text=Amazingly%2C%20we%20received%20over%20700,in%20the%20Victorian%20Government%20Gazette.>

<sup>20</sup> Victorian State trustees - How a \$13,000 gift in 1968 is still helping Yooralla today:-  
<https://www.statetrustees.com.au/how-a-13000-gift-in-1968-is-still-helping-yooralla-today/>

Name ID	Place Name	Council	Latitude	Place ID	Comment
103108	Tullamarine	Hume	Locality	103094	Duplicate
27622			Parish	28251	
27621			Office	28250	
27626			School	28255	

At this point these Aboriginal Language words have not been incorporated into any ward names in neighbouring Councils. Therefore there should not be any impediments to their use as Ward names for Merri-bek Council.

Brimbank City Council is in the first batch of Round 3 and shares the Registered Name of Tullamarine with Merri-bek City Council. None of the suggested ward names in any of the Brimbank models proposed by the ERAP have used Tullamarine. It should be up to Wurundjeri Woi-wurrung Elders, Aboriginal community members, the Merri-bek City Council, Councillors and the community to determine if the original spelling of Tullamarena is used, or Tullamarine, or neither is used as a ward name.

Maribyrnong City Council is in the second batch of Round 3 and at the time of writing the ERAP has not released their models. Garrong is the only shared Registered name.

Hume City Council is in the third batch of Round 3 and at the time of writing the ERAP has not released their models. There is a large number of related words that are Registered Names. Submissions for Merri-bek Council close on the 8<sup>th</sup> November while the Preliminary Report for Hume Council would only be released on 1<sup>st</sup> November and submissions close on the 22<sup>nd</sup> November. Therefore any Ward names used by Merri-bek Council may not be available for Hume Council.

In the following table Registered and Unregistered Ward names provide a possible bank of Aboriginal Language names for possible use under each ERAP model. For example one name (Bababi Djinanang, Merri, Moomba or Yooralla) could be applied to the same locations as the listed Ward names supplied by the ERAP. The simplest change would be Bababi Djinanang or alternative word(s) as the obvious choice replacing Fawkner Ward in Model 1 while there are no name changes under Models 2 and 3. Merri or Merri Creek could be used in another set of Wards while Moomba and Yooralla would not be used at all.

This table only provides Place Names for a limited number of Wards.

Place name	Model 1	Model 2	Model 3
<b>Bababi Djinanang</b>	Fawkner	Bababi Djinanang	Bababi Djinanang
<b>Ballerrt Mooroop</b>	Glenroy West	Djirri Djirri	Box Forest
<b>Bulleke-bek</b>	Brunswick North	Bulleke-bek	Bulleke-bek
<b>Djirri Djirri</b>	Glenroy West	Djirri Djirri	Moonee Ponds Creek
<b>Garrong</b>	Brunswick North	Bulleke-bek	Bulleke-bek
<b>Merri</b>	Fawkner Coburg North Coburg Brunswick East	Bababi Djinanang Pentridge Warrk-Warrk	Bababi Djinanang Merri Creek Warrk-Warrk
<b>Merri-bek</b>	City Council Name	City Council Name	City Council Name
<b>Merribek</b>	City Council Name	City Council Name	City Council Name
<b>Moomba</b>	Fawkner	Bababi Djinanang	Bababi Djinanang

<b>Place name</b>	<b>Model 1</b>	<b>Model 2</b>	<b>Model 3</b>
<b>Tullamarine</b>	Glenroy West	Djirri Djirri	Moonee Ponds Creek
<b>Warrk-warrk</b>	Brunswick East	Warrk-Warrk	Warrk-Warrk
<b>Yooralla</b>	Fawkner	Bababi Djinanang	Bababi Djinanang

Unfortunately the Place Names listed in the table above will not be sufficient to name all Wards. Also some names might not be appropriate to the local community. Hopefully Wurundjeri Woi-wurrung Elders, Aboriginal community members, the Merri-bek City Council, Councillors and the community will submit appropriate Ward names to cover the shortfall.