

# Electoral (Redistribution Commission) and Another Act Amendment Bill 2015

## Explanatory Notes

### **Short title**

The short title of the Bill is the *Electoral (Redistribution Commission) and Another Act Amendment Bill 2015*.

### **Policy objectives and the reasons for them**

*The objectives of the Bill are to:*

1. Provide for broader representation in the Redistribution Commission by increasing the membership of the Commission from 3 to 5 members. In the interests of transparency, the appointments of all Commissioners, with the exception of the Electoral Commissioner who has already undergone a separate appointment process, be subject to the approval of the leaders of all recognised parties represented in the Legislative Assembly.
2. Implement a recommendation by the Electoral and Administrative Review Commission by providing that the independent Redistribution Commission has the ability to determine the number of electoral districts in the Legislative Assembly, subject to a maximum increase of up to 5 additional electoral districts, i.e. the total seats in the assembly would at the commissions discretion be between 89 and 94.
3. Provide that Queenslanders have more equitable access to representation in the Parliament by legislating for the Redistribution Commission to have the capacity, at its discretion, to amend the additional large district number, currently set at 2%, up to 4%.

### **Achievement of policy objectives**

To achieve these objectives, the Bill will amend the *Constitution of Queensland 2001* and *Electoral Act 1992*.

In 1989, the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct - the Fitzgerald Inquiry – reported that a review should be conducted into electoral arrangements, including the justification for retaining the then zonal system.

Consequently, that review was undertaken by the Electoral and Administrative Review Commission (EARC) which reported in November 1990.

EARC recommended that a periodic review of the number of members of Parliament be undertaken by an independent electoral authority every seven years. The number of electoral districts (89) has not changed since 1986. Since that time, the average number of electors in each district has virtually doubled.

The Bill gives effect to this recommendation by EARC by providing that the independent Redistribution Commission has the ability to consider this issue.

EARC also recommended the abolition of the then existing four zonal electoral system and its replacement by a system based on a single quota with a particular concession applying to districts over 100 000 square kilometres in area.

Contemporary problems facing those living in these particular areas are as challenging as those that applied 25 years ago and these still cannot be overcome by additional facilities and technology alone. This problem is greater than that identified in 1990 and changes since that time have done little to overcome the difficulties faced.

This Bill is designed to increase the transparency and fairness of the electoral process.

### ***Alternative ways of achieving policy objectives***

There are no known alternate ways of achieving the same policy objectives.

### ***Estimated cost for government implementation***

The costs for increasing the membership of the Redistribution Commission are minimal and can be met within the existing resources of the Electoral Commission of Queensland.

### ***Consistency with fundamental legislative principles***

The Bill is consistent with fundamental legislative principles.

### ***Consultation***

There has been no public consultation on the specific elements of the Bill.

### **Consistency with legislation of other jurisdictions**

Increasing the membership of the Redistribution Commission from 3 to 5 members is not consistent with other jurisdictions. However this should be considered in the context that the increased Commission will be required to undertake tasks not facing similar bodies in other jurisdictions.

### ***Notes on provisions***

Clause 1 refers to the short title of the Bill.

Clause 2 refers to Part 2 of the Bill amending the *Constitution of Queensland 2001*.

Clause 3 amends the existing sections 11 and 12 of the *Constitution of Queensland 2001* to reflect the policy implemented by the Bill that allows the Redistribution Commission to determine the number of electoral districts, rather than the actual number being prescribed in legislation.

Clause 4 refers to Part 3 of the Bill amending the *Electoral Act 1992*.

Clause 5 amends the definitions to accommodate the changes in the nature of the composition of the Redistribution Commission and the ability of the Commission to consider the number of electoral districts, by prescribing a range.

Clause 6 reflects the change in the number of electoral districts, if it is determined by the Redistribution Commission.

Clause 7 amends section 6 of the *Electoral Act 1992* to stipulate how a Redistribution Commission is constituted.

Clause 8 is a consequential amendment due to the changes in how the Redistribution Commission is constituted.

Clause 9 amends section 15(4) of the *Electoral Act 1992* to amend the quorum required to constitute a meeting of the Redistribution Commission. The previous quorum of 2 was based on a Commission of 3 members and needs to be amended to reflect the increase in membership of the Commission.

Clause 10 is a consequential amendment to the changes in relation to the number of electoral districts and the fact that the number won't be prescribed in the *Electoral Act 1992*, but can now be considered by the Redistribution Commission.

Clause 11 is a transitional provision that outlines the number of electoral districts for the State, until the commencement of this Act and outlines the way in which a Redistribution is to occur.

Clause 12 amends the *Electoral Act 1992* to outline how a redistribution is to be undertaken.

Clause 13 inserts what provisions the Redistribution Commission must consider when proposing the number of electoral districts.

Clause 14 the way in which the Redistribution Commission must notify and publish the determination in relation to electoral districts and the period of public consultation which applies at the point of the public notification.

Clause 15 amends section 45 of the *Electoral Act 1992* and allows for the Redistribution Commission to consider whether the additional large district number percentage needs to be increased up to a maximum of 4%, having consideration of the same matters in Clause 13 of the Bill.

Clause 16 amends the matters to be considered in preparing a proposed electoral redistribution, by the Redistribution Commission.

Clause 17 amends the way in which the Redistribution Commission must publish its determination.

Clause 18 amends the way in which the Redistribution Commission must publish a redistribution.

Clause 19 outlines section 52 of the *Electoral Act 1992* which outlines when a redistribution takes effect.

Clause 20 is a consequential amendment which outlines how an electoral redistribution is publically advertised.

Clause 21 is a consequential amendment which outlines the way in which the Minister tables the relevant documents that relate to the redistribution process.