



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

**Report No. 6, 55<sup>th</sup> Parliament Legal  
Affairs and Community Safety  
Committee  
September 2015**

## Legal Affairs and Community Safety Committee

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## Abbreviations

Act	Electoral Act 1992
ALDN	additional large district number
Bill	Electoral (Redistribution Commission) and Another Act Amendment Bill 2015
CCC	Crime and Corruption Commission Queensland
Clerk	The Clerk of the Parliament, Mr Neil Laurie
committee	Legal Affairs and Community Safety Committee
Constitution	Constitution of Queensland 2001
EARC	Electoral and Administrative Review Commission
ECQ	Electoral Commission Queensland
Fitzgerald Inquiry	The Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct
Fitzgerald Report	The 1989 report which resulted from The Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct
FLP	fundamental legislative principle
Greens	Greens Queensland
KAP	Katter's Australian Party
LGAQ	Local Government Association of Queensland
LNP	Liberal National Party
PCEAR	Parliamentary Committee for Electoral and Administrative Review
QCCC	Queensland Council for Civil Liberties
Redistribution Commission	Queensland Redistribution Commission

## Chair's foreword

This Report presents a summary of the Legal Affairs and Community Safety Committee's examination of the Electoral (Redistribution Commission) and Another Act Amendment Bill 2015.

The committee's task was to consider the policy outcomes to be achieved by the legislation, as well as the application of fundamental legislative principles – that is, to consider whether the Bill had sufficient regard to the rights and liberties of individuals, and to the institution of Parliament.

The committee has been unable to reach a majority decision as to whether the Bill be passed.

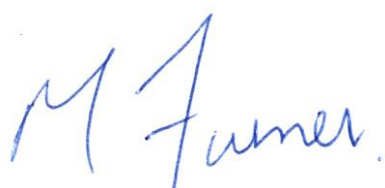
What this report does is to present and examine the evidence considered by the committee in its deliberations.

On behalf of the committee, I thank those individuals and organisations who lodged written submissions on this Bill and participated in the committee's hearings and meetings. I also thank the Member for Mansfield, Mr Ian Walker MP, and the Electoral Commission of Queensland for the advice they have provided the committee during its inquiry.

In particular, I thank all members of the committee for the constructive approach they have taken to the inquiry, and to finalising this report.

I would also like to thank the Parliamentary Library and Committee Office staff for the support they have provided.

I commend this report to the House.



Mark Furner MP

**Chair**



## 1. Introduction

### 1.1 Role of the committee

The Legal Affairs and Community Safety Committee (the committee) is a portfolio committee of the Legislative Assembly which commenced on 27 March 2015 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.<sup>1</sup>

The committee's primary areas of responsibility include:

- Justice and Attorney-General
- Police Service
- Fire and Emergency Services
- Training and Skills.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- for subordinate legislation – its lawfulness.
- On 15 July 2015, Mr Ian Walker MP, Member for Mansfield, Shadow Attorney-General and Shadow Minister for Justice, Industrial Relations and The Arts, introduced the Electoral (Redistribution Commission) and Another Act Amendment Bill 2015 (Bill) into the House. In accordance with Standing Order 131 of the Standing Rules and Orders of the Legislative Assembly, the Bill was referred to the committee for detailed consideration. By motion of the Legislative Assembly the committee was required to report to the Parliament by 11 September 2015.

### 1.2 Inquiry process

On 21 July 2015, the committee wrote to the Electoral Commission Queensland (ECQ) inviting representatives to brief the committee on arrangements for electoral redistributions. This public briefing was held on 30 July 2015.

On 22 July 2015, the committee wrote to Mr Ian Walker MP inviting him to brief the committee at a public session then held on 5 August 2015.

The committee also invited written submissions from all Queenslanders on the legislative proposal to be received by 4.00pm on 14 August 2015. The committee received 16 submissions (see Appendix A for a list of submitters<sup>2</sup>).

The committee then held public hearings on the Bill on the following dates and at the following locations:

- 25 August 2015 at Parliament House in Brisbane
- 31 August 2015 in Mount Isa

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<sup>1</sup> *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

<sup>2</sup> View Submissions: <http://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/current-inquiries/05-ElectoralRedistAAAB15>



- 1 September 2015 in Weipa
- 3 September 2015 in Cairns.

The committee invited witnesses to give evidence and respond to questions on the Bill.

In addition, the committee met privately with representatives of a number of Aboriginal and Torres Strait Island Councils in Cape York.

See Appendix B for a list of the public hearings, briefings and private meetings undertaken as part of the inquiry process.

### **1.3 Policy objectives of the Electoral (Redistribution Commission) and Another Act Amendment Bill 2015**

#### ***Objectives of the Bill***

This Bill is a private member's bill introduced by Mr Ian Walker MP, Member for Mansfield.

It proposes to change Queensland's electoral redistribution laws by amending the *Constitution of Queensland 2001* (Constitution) and *Electoral Act 1992* (Act).

According to the Introduction Speech: '*The Bill is designed to bring about 3 principal changes to the method in which the boundaries of electoral districts are redistributed*'.<sup>3</sup>

The Bill's Explanatory Notes identify these as:

1. increasing membership of the Redistribution Commission (from 3 to 5)
2. empowering the Redistribution Commission to determine the number of electoral districts (with any increases capped at 94)
3. empowering the Redistribution Commission to amend the 'additional large district number' (from the current 2 per cent per square kilometre of an electoral district, up to a maximum of 4 per cent).<sup>4</sup>

#### ***Reasons for the Bill***

Mr Walker advised that the Bill is designed to increase the transparency and fairness of the electoral process: '*It covers sections of the act that have received little attention over the past quarter of a century and which, after the passing of a quarter of a century, are crying out for modernisation and renewal*'.<sup>5</sup> He argued:

*There is an urgent need to update these provisions to account for changing circumstances. To delay any longer invites the calling into question of this important part of the electoral process. This finely balanced parliament is, I believe, the best environment in which to consider parliamentary reform.*<sup>6</sup>

According to Mr Walker:

*Queensland needs a contemporary Electoral Act that meets the challenges of a rapidly changing society and accommodates the reasonable expectations of its citizens. With an electoral redistribution due to commence early next year in accordance with section 38 of*

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<sup>3</sup> Hansard, 15 July 2015, p 1342.

<sup>4</sup> *Explanatory Notes*, Electoral (Redistribution Commission) and Another Act Amendment Bill 2015, p 1.

<sup>5</sup> Hansard, 15 July 2015, p 1345.

<sup>6</sup> Hansard, 15 July 2015, p 1345.

*the Electoral Act, it is imperative that any reforms be introduced and debated as soon as possible.*<sup>7</sup>

#### **1.4 Existing Electoral Redistribution Laws**

Queensland's Parliamentary democracy is: '*...based on the principle of equal representation, or 'one vote-one value'*'.<sup>8</sup> Accordingly, the Act provides for the periodic review of State electoral boundaries to ensure that, as far as practicable, there is the same number of electors in each electoral district.

The Constitution provides that:

- the Legislative Assembly is to consist of 89 members<sup>9</sup>
- the State is to be divided into the same number of electoral districts as there are members of the Legislative Assembly<sup>10</sup>
- each member of the Legislative Assembly is to represent one of the electoral districts.<sup>11</sup>

The Act establishes the Electoral Commission of Queensland (ECQ) and Part 3 of the Act sets out how an electoral redistribution is to be conducted.

When the ECQ is performing its functions under Part 3, it is to be known as the Queensland Redistribution Commission (Redistribution Commission).<sup>12</sup>

The Redistribution Commission is tasked with recommending boundary changes and deciding on new electorate names.

#### **Composition of Redistribution Commission**

Currently the Commission, when constituted, consists of:

- a judge or former judge of a court of the Commonwealth or a State or Territory who has been a judge for at least 3 years (as chairperson)
- the chief executive of a government department (or an equivalent office holder)
- the Electoral Commissioner.<sup>13</sup>

#### **Certain appointments require consultation**

A person may be appointed as the chairperson or non-judicial appointee only if the Minister has consulted with:

1. each Member of the Legislative Assembly who is a leader of a political party represented in the Legislative Assembly (about the proposed appointment)
2. the appropriate parliamentary committee (about the process of selection for appointment and the appointment of the person as chairperson or non-judicial appointee).<sup>14</sup>

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<sup>7</sup> Hansard, 15 July 2015, pp 1342-1343.

<sup>8</sup> Queensland Redistribution Commission, *Determination of Queensland Legislative Assembly Electoral Districts*, Queensland Government Gazette, Volume Vol. 348, No. 111, Wednesday 20 August 2008, p 2250.

<sup>9</sup> Constitution of Queensland 2001, s 11.

<sup>10</sup> *Constitution of Queensland 2001*, s 12. The Act provides the relevant process for division.

<sup>11</sup> Constitution of Queensland 2001, s 13.

<sup>12</sup> Electoral Act 1992, s 8.

<sup>13</sup> Electoral Act 1992, s 6.

<sup>14</sup> Electoral Act 1992, s 6(7).

### Functions and powers of the Redistribution Commission

The functions and powers of the Redistribution Commission are set out in the Act.<sup>15</sup> They include:

- conducting a review of the appropriateness of the number of electoral districts (whenever the Minister requests it) and reporting the results of the review
- considering and reporting to the Minister on electoral matters referred to it by the Minister; and on other electoral matters it considers appropriate.

### Electoral Redistribution

The Redistribution Commission takes the following steps in undertaking an electoral redistribution:

1. invites suggestions
2. invites comments on the suggestions
3. prepares a proposed electoral redistribution
4. publishes the proposed electoral redistribution
5. invites objections against the proposed electoral redistribution
6. invites comments on the objections
7. considers objections and comments
8. makes the electoral redistribution
9. advertises the electoral redistribution
10. tables all relevant documents.<sup>16</sup>

The Act also contains provisions relating to when the redistribution takes effect<sup>17</sup> and appeals against boundaries of electoral districts<sup>18</sup>. Therefore, although the Redistribution Commission may, for example, propose to increase the number of electoral districts, the redistribution does not take effect until the above mentioned process has been completed (including the suggestions and objections stages) and 21 days has elapsed since the publication of a gazette notice.<sup>19</sup> If an elector makes an appeal to the Court of Appeal against the boundaries set out in the notice, the redistribution does not take effect until the appeal has been disposed of by the court.

### Quota

To assist in ensuring an equal number of enrolled electors in each electoral district, the Act requires the Redistribution Commission to determine an enrolment quota for the State as a whole: *'The quota, or 'average number of electors', is determined by dividing the total number of people on the electoral roll across Queensland by the total number of electorates (89 in all).'*<sup>20</sup>

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<sup>15</sup> Electoral Act 1992, s 7.

<sup>16</sup> Electoral Act 1992, ss 42–57.

<sup>17</sup> Electoral Act 1992, s 52.

<sup>18</sup> Electoral Act 1992, s 57.

<sup>19</sup> Electoral Act 1992, s 52.

<sup>20</sup> Queensland Redistribution Commission, *Determination of Queensland Legislative Assembly Electoral Districts*, Queensland Government Gazette, Volume Vol. 348, No. 111, Wednesday 20 August 2008, p 2250.

## Numerical limits

As a general rule, the number of electors in each of the proposed electorates should correspond as closely as possible to the quota:

*The Act recognises, however, that such precision is not always practicable and authorises the Commission to deviate from the quota by a maximum of 10% above or below. For the 2008 Redistribution, this resulted in a minimum of 26,604 and a maximum of 32,516 electors required for each electoral district.<sup>21</sup>*

Since it is desirable for electorates to be of a manageable geographic size, the Act also prescribes a special 'weightage' formula for large electorates:

*For electoral districts that exceed 100,000km<sup>2</sup> in area, a figure equal to 2% of the total area of the electoral district is added to the actual number of electors enrolled in that district. For example, an electoral district 250,000km<sup>2</sup> in area would have 5,000 (i.e.: 2% of 250,000 km<sup>2</sup>) 'notional' electors added to its actual number of electors. This adjusted figure (the total number of actual and notional electors) must fall within the margin of tolerance prescribed by the Act, that is, be no more than 10% above or below the quota.<sup>22</sup>*

The figure equal to two per cent of the total area of the electoral district is known as the 'additional large district number' (ALDN).

These current numerical limits were a product of the Electoral and Administrative Review Commission (EARC) review, which was a result of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald Inquiry) and investigated matters including the Legislative Assembly electoral system. Reporting in 1990, EARC's recommendations relating to the electoral system were immediately implemented.

EARC recommended the abolition of the then existing four-zonal electoral system. Generally, the electoral redistribution process is based on the principle of equal suffrage, however the ALDN stems from the following EARC explanation:

*If on the material available to it, the Commission is persuaded that a strict application of equal suffrage will prejudice the quality of representation in certain areas of the State then the Commission would have to give serious consideration to recommending some form of weightage to ensure the quality of representation is not prejudiced.<sup>23</sup>*

Please refer to Section 1.5 of this report, for more background on the Fitzgerald Inquiry, EARC and its recommendations.

## 1.5 Background

Amendments to electoral distribution laws can be quite contentious. This section of the report outlines the history of reforms in Queensland and issues that have arisen in the past relating to electoral fairness. Electoral boundary redistributions can be particularly controversial if they are seen to favour any particular political party.

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<sup>21</sup> Queensland Redistribution Commission, *Determination of Queensland Legislative Assembly Electoral Districts*, Queensland Government Gazette, Volume Vol. 348, No. 111, Wednesday 20 August 2008, p 2251.

<sup>22</sup> Queensland Redistribution Commission, *Determination of Queensland Legislative Assembly Electoral Districts*, Queensland Government Gazette, Volume Vol. 348, No. 111, Wednesday 20 August 2008, p 2251.

<sup>23</sup> Hansard, 15 July 2015, p 1343 - Mr Ian Walker MP quote from paragraph 10.148 of EARC Report.

**History of electoral redistribution 1910-1985**

In 1910, the Kidston government divided the state into 72 single-member constituencies with a tolerance of 20 per cent above and below the State average.<sup>24</sup> The variation allowed for 'reasonable' factors, such as marked differences in electorates due to physical features, means of communication, community, or diversity of interest, or density of population, to be taken into account when undertaking redistributions. The approach was a 'one person, one vote, one value' electoral system.<sup>25</sup> Under the Moore Conservative (1931) and the Forgan Smith Labor (1935) governments, the number of electorates was reduced to 62 and a degree of vote weightage introduced for rural areas.<sup>26</sup>

In 1949, the Hanlon Labor government introduced a zonal system for distributing electorates as a means of maximising its vote.<sup>27</sup> Queensland was divided into four zones, where each regional group or zone had a different average enrolment or quota.

The zonal system made it possible to discriminate between the value of votes in each zone. The smaller the quota established for each zone, the more parliamentary representatives the region acquired, which saw the number of members increase to 75.<sup>28</sup> While the number of electors in each seat in a zone was roughly equal, there was considerable variation in the number of electors between zones, with vote weightages ranging from 4,000 electors in rural zones to 12,000 in the metropolitan area.<sup>29</sup> The effect was to give an advantage to the Labor Party, which at that time drew its voting strength from rural areas.<sup>30</sup>

The justification for giving greater weight to rural areas was based on the argument that citizens in country electorates have special needs and problems and should receive compensatory treatment by provision of more representatives. It was also argued that parliamentarians in a sparsely populated state like Queensland face difficulties servicing geographically large electorates, especially in their 'ombudsman', problem-solving role.<sup>31</sup>

In 1957, when the Labor Party split and as workers moved to the cities, the advantage for Labor in the zonal system no longer existed. Since the boundaries were drawn to take advantage of the Labor Party's rural supporters, the Country-Liberal Party was able to gain rural seats, and won the 1957 election. The Country-Liberal Party, which originally opposed the zonal system, decided to retain it.<sup>32</sup>

In 1958, the Country-Liberal Party reduced the system to three zones, and separated the provincial cities from their hinterlands. The hinterlands were added to the rural zone, where new seats were created, taking the number of members to 78. The creation of new seats in this zone provided an advantage to the Country Party.

<sup>24</sup> <https://www.parliament.qld.gov.au/explore/about-us/parliament-overview/queensland-electoral-system>

<sup>25</sup> Kelly, James. (1971) 'Vote weightage and quota gerrymanders in Queensland, 1931-1971' *The Australian Quarterly* 43(2) pp 39-54

<sup>26</sup> <https://www.parliament.qld.gov.au/explore/about-us/parliament-overview/queensland-electoral-system>

<sup>27</sup> <https://www.parliament.qld.gov.au/explore/about-us/parliament-overview/queensland-electoral-system>; Orr, Graeme & Ron Levy. (2009) 'Electoral Malapportionment: Partisanship, rhetoric and reform in the shadow of the Agrarian Strong-man'. *Griffith Law Review* 18(9) pp 638-665

<sup>28</sup> Kelly, James. (1971) 'Vote weightage and quota gerrymanders in Queensland, 1931-1971' *The Australian Quarterly* 43(2) pp 39-54;

<https://www.parliament.qld.gov.au/explore/about-us/parliament-overview/queensland-electoral-system>

<sup>29</sup> <https://www.parliament.qld.gov.au/explore/about-us/parliament-overview/queensland-electoral-system>

<sup>30</sup> Orr, Graeme & Ron Levy. (2009) 'Electoral Malapportionment: Partisanship, rhetoric and reform in the shadow of the Agrarian Strong-man'. *Griffith Law Review* 18(9) pp 638-665

<sup>31</sup> Kelly, James. (1971) 'Vote weightage and quota gerrymanders in Queensland, 1931-1971' *The Australian Quarterly* 43(2) pp 39-54

<sup>32</sup> <https://www.parliament.qld.gov.au/explore/about-us/parliament-overview/queensland-electoral-system>

In 1971, the Bjelke-Petersen government modified the zoning system to add a fourth zone—a remote zone, comprising seats with even fewer electors. This served to disadvantage both the Labor and Liberal party. On average, the Country Party needed only 7,000 votes to win a seat, compared with 12,800 for a typical Labor seat. As occurred with Labor, while support for the incumbent government fell, they continued to win elections.<sup>33</sup>

Further refinements were made to this system in 1977, which saw an increase to 82 members, and then again in 1985, which saw another increase to 89 members.<sup>34</sup>

### ***The Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (the Fitzgerald inquiry)***

The 1989 report which resulted from the Fitzgerald Inquiry (the Fitzgerald Report) noted that electoral fairness had been widely questioned and that there were concerns about the electoral boundaries, which were seen to favour the government of the time, allowing it to retain power with minority support. It was the system under which electoral boundaries were determined that was of particular concern.<sup>35</sup>

The Fitzgerald Report identified a need for the existing electoral boundaries to be examined by an open, independent inquiry with no predetermined restrictions. The recommendation was the formation of EARC. It was also recommended that the inquiry must be permitted to reconsider basic assumptions which shaped the electoral boundaries, such as whether there was a genuine justification for a zonal system.<sup>36</sup>

### ***Electoral and Administrative Review Commission (EARC)***

In accordance with the *Electoral and Administrative Review Act 1989*, one of the functions of EARC was to investigate and report on the Legislative Assembly electoral system. It was also given further power when, on 21 July 1989, there was a pre-election agreement by the leaders of all Parliamentary parties that ‘all recommendations of [EARC] with respect to electoral matters will be immediately implemented’. This meant that whoever won power, the recommendations would be implemented. The agreement also meant that parliamentary sovereignty over the electoral system was relinquished to a body that was both unelected and yet to be created.<sup>37</sup>

EARC tabled its report on Queensland’s electoral system in November 1990, recommending the abolition of the zonal system and the introduction of a system of equal suffrage qualified by a limited degree of weightage for electorates over half the size of Victoria (100,000 square kilometres).

### ***EARC Recommendations***

The following EARC recommendations are reflected in current arrangements (save for the periodic review of number of Members) and are relevant to the Bill:<sup>38</sup>

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<sup>33</sup> Orr, Graeme & Ron Levy. (2009) ‘Electoral Malapportionment: Partisanship, rhetoric and reform in the shadow of the Agrarian Strong-man’. *Griffith Law Review* 18(9) pp. 638-665

<sup>34</sup> <https://www.parliament.qld.gov.au/explore/about-us/parliament-overview/queensland-electoral-system>

<sup>35</sup> <http://www.ccc.qld.gov.au/about-the-ccc/the-fitzgerald-inquiry>

<sup>36</sup> <http://www.ccc.qld.gov.au/about-the-ccc/the-fitzgerald-inquiry>

<sup>37</sup> Orr, Graeme & Ron Levy. (2009) ‘Electoral Malapportionment: Partisanship, rhetoric and reform in the shadow of the Agrarian Strong-man’. *Griffith Law Review* 18(9) pp. 638-665

<sup>38</sup> Electoral and Administrative Review Commission, November 1990. *Report on Queensland Legislative Assembly Electoral System, Volume 1 – the Report*.

#### Chapter 7 - The Number of Members of Parliament

- The Commission [EARC] recommends that the Queensland Legislative Assembly continue, for the time being, to be comprised of 89 Members.
- The Commission also recommends that a periodic review of the number of Members of the Legislative Assembly be undertaken by an independent electoral authority every seven years.

#### Chapter 10 - Queensland Zonal Electoral System and Electoral Weightage

- The Commission recommends that, for the purposes of redistributions of Queensland Legislative Assembly electoral districts, the quota of electors per electoral district should be determined by dividing the number of electors enrolled for the State, as nearly as can be ascertained, by the prescribed number of Members of the Legislative Assembly.
- The Commission recommends that electoral districts in Queensland should contain equal numbers of electors with a permissible tolerance of 10% above or below the quota, except that where a proposed electoral district is 100,000 square kilometres or more in area, Redistribution Commissions may depart from the quota to an extent greater than 10% less than the quota, if the number of electors for that proposed electoral district is such that the sum of:
  - a) The number of electors
  - b) A number that expresses the value of 2% of the area of the proposed electoral district expressed in square kilometres, rounded up or down, in the case of a fraction, equals the total or conforms to the permissible margin of tolerance of 10% from the quota.

#### Chapter 11 - Redistribution Principles and Processes

- The Commission recommends that all future redistributions continue to be based upon electoral enrolment statistics.
- The Commission recommends that the permissible degree of tolerance between electoral districts be 10% above or below quota.
- The Commission also recommends that, where a proposed electoral district is 100,000 square kilometres or more in area, Redistribution Commissions may add a number that expresses the value of 2% of the area in square kilometres of such a proposed electoral district to the number of electors in that proposed electoral district, in order to achieve an enrolment within the 10% allowable tolerance of the quota.
- The Commission recommends that, in relation to the conduct of future redistributions, the Redistribution Commission responsible for the task should apply, subject to the quota and the 2% formula, the following criteria and give consideration to:
  - a) Community of interests within the proposed electoral district including economic, social and regional interests
  - b) Means of communication and travel within the proposed electoral district
  - c) Demographic trends within the State with a view to ensuring, as far as practicable, on the basis of those trends, that electoral districts remain within the permitted tolerances above or below the State average until the next periodic redistribution
  - d) The boundaries of existing electoral districts in the State
  - e) The boundaries or existing Local Authorities and their divisions and wards.

- The Commission recommends that redistributions be held automatically:
  - a) If there is an alteration to the number of Members to be chosen for the Legislative Assembly, or
    - i. after State redistribution boundaries have been in force for three (3) General Elections of Members of the Legislative Assembly (if the parliamentary term remains at three years, or
    - ii. After State redistribution boundaries have been in force for two (2) General Elections of Members of the Legislative Assembly (if the parliamentary term is changed to four years)
  - provided that such a redistribution should be commenced a year after the return of the writ for the last relevant General Election, or
  - b) whenever more than one-third of the electoral districts in the State are, and have been for a period of more than two months, at variance from the average state electoral district enrolment by greater than the tolerance level of 10%
- The Commission also recommends that the conduct of subsequent redistributions be undertaken by an independent three-member Redistribution Commission comprised of:
  - a) A current or former Judge (Chair)
  - b) The Queensland Electoral Commissioner, and
  - c) The Queensland Surveyor-General.

### ***Parliamentary Committee for Electoral and Administrative Review***

The Parliamentary Committee for Electoral and Administrative Review (PCEAR) was established under the *Electoral and Administrative Review Act 1989-1990* to examine the reports of EARC, to report to the Legislative Assembly on EARC's reports and to monitor and review the discharge of EARC's functions.<sup>39</sup>

PCEAR supported most of the recommendations related to electoral changes. However, it raised reservations about the formula allowing a two per cent per square kilometre weightage for electoral districts over 100,000 square kilometres<sup>2</sup>. The PCEAR report on the EARC report noted that EARC had advised that two per cent weightage is an arbitrary figure, and was chosen because one per cent was too little and three per cent was too great. PCEAR was unable to detect any logical reason for EARC's selection of either the two per cent weightage value, or the 100,000 square kilometre threshold for remote electorates.<sup>40</sup>

PCEAR expressed concern that a future government could engage in manipulation of the electoral system, either by decreasing the area threshold of 100,000 square kilometres or increasing the

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<sup>39</sup> Parliamentary Committee for Electoral and Administrative Review (1991) 'Report of the Parliamentary Committee for Electoral and Administrative Review on an Electoral and Administrative Review Commission Report on Queensland Legislative Assembly Electoral System'

<sup>40</sup> Parliamentary Committee for Electoral and Administrative Review (1991) 'Report of the Parliamentary Committee for Electoral and Administrative Review on an Electoral and Administrative Review Commission Report on Queensland Legislative Assembly Electoral System'



proposed weightage from two per cent. It affirmed its belief in a system of equal suffrage of one vote, one value.<sup>41</sup>

*Both in this forum [the PCEARC] and on the floor of parliament, Labor MPs felt a clash of principle and honour. Their principles and long-held policy brooked no watering down of one vote, one value, but their leader, in a pact to depoliticise the process of electoral reform, had pledged to honour the outcomes of the Fitzgerald process. In the end, honour won over principle. As a result, a few vast and remote electorates have 'phantom' voters attributed to them at the rate of 2 per cent of their size in square kilometres.*<sup>42</sup>

### **Subsequent redistributions**

There are 89 electoral districts in Queensland – this has been the case since the electoral redistribution preceding the 1986 election. Since then, the average numbers of electors in each district has almost doubled, leaving Queensland with an average 33,430 electors per member (the second highest ratio of electors per member – second only to NSW).<sup>43</sup>

Under the Act, an electoral redistribution arises in three circumstances, including on a periodic basis.<sup>44</sup> Electoral redistributions occur between elections and take effect at the next state general election to allow representatives to fulfil their roles until the end of the Parliament.

Redistributions of the State electoral district boundaries occurred in 1991 and 1999, with the most recent distribution undertaken in 2008.

The 2008 electoral redistribution abolished 8 existing seats and created 8 new electorates (Buderim, Condamine, Coomera, Dalrymple, Mermaid Beach, Morayfield, Pine Rivers and Sunnybank). There was a net shift of three seats to South-east Queensland, reflecting population growth. See Appendix D for a map of Queensland electoral boundaries, as included in the Redistribution Commission's 2008 report.<sup>45</sup>

As at 30 April 2015, there were 12 electoral districts 'out of tolerance', with deviations above or below 10 per cent of the quota, with an additional three electorates showing deviations in the nine to ten per cent range.

The next redistribution is due to commence in February 2016.<sup>46</sup>

## **1.6 Context**

In all jurisdictions in Australia redistributions of electoral districts are made after public consultation processes have taken place. The redistributions are determined according to the numerical limits and matters set out for consideration in the relevant legislation. Responsibility for the redistribution lies with a redistribution committee or commission and in some jurisdictions there is also an augmented committee or commission which ultimately makes the redistribution.

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<sup>41</sup> Parliamentary Committee for Electoral and Administrative Review (1991) 'Report of the Parliamentary Committee for Electoral and Administrative Review on an Electoral and Administrative Review Commission Report on Queensland Legislative Assembly Electoral System'.

<sup>42</sup> Orr, Graeme & Ron Levy. (2009) 'Electoral Malapportionment: Partisanship, rhetoric and reform in the shadow of the Agrarian Strong-man'. *Griffith Law Review* 18(9) pp. 638-665

<sup>43</sup> Transcript of public briefing, 15 July 2015, p 1342.

<sup>44</sup> *Electoral Act 1992*, Part 3, Division 2, ss 36-40.

<sup>45</sup> Queensland Redistribution Commission, *Determination of Queensland Legislative Assembly Electoral Districts*, Queensland Government Gazette, Volume Vol. 348, No. 111, Wednesday 20 August 2008, p 2344.

<sup>46</sup> <http://www.ecq.qld.gov.au/electoraldistricts/statedistricts/state-redistributions-2008>.

Queensland appears to be the only state currently proposing electoral reforms for the redistribution process, although the Australian Capital Territory has recently amended its laws to increase the number of Members in the Legislative Assembly.

The Explanatory Notes comment on the issue of the Bill's consistency with the 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.<sup>47</sup>*

See Appendix C for a summary of the redistribution processes in each Australian State.

### **1.7 Consultation on the Bill**

The Explanatory Notes state there has been no public consultation on the specific elements of the Bill.<sup>48</sup>

At the public briefing on 5 August 2015, Mr Ian Walker MP was asked who he had consulted with and spoken to in relation to rural and regional representation as it pertains to the Bill. He answered:

*I have spoken, obviously, to people within the LNP team who represent rural and regional electorates. I have spoken to them about the principles in the Bill. I have actually gained from the experience of trips out to those electorates with my colleagues. One that particularly sticks in mind was going out with Vaughan Johnson when he was the member for Gregory in the last parliament. My wife and I travelled for a couple of days with Vaughan around his electorate. It is probably not really until you do that that you do appreciate how big the distances are between the places of significant population that those members represent. From going from Emerald to Longreach to Barcaldine with Vaughan, I saw how things were different along the way and I saw the tyranny of distance that he had to deal with in representing those people.*

*As I said before, just in this last week I visited Dalrymple to get some idea of how that electorate is serviced by its member. I met Mr Knuth in his Charters Towers office. He asked me to follow him around to see some of the local sites.<sup>49</sup>*

### **1.8 Outcome of committee considerations**

Standing Order 132(1)(a) requires that the committee after examining the Bill determine whether to recommend that the Bill be passed. In this instance, non-government committee members considered the Bill should pass, whereas government members opposed the Bill.

The committee was not able to reach a majority decision on whether the Bill be passed and, therefore, in accordance with section 91C (7) of the *Parliament of Queensland Act 2001*, the question on the motion failed. The committee is not able to make a recommendation that the Bill be passed.

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<sup>47</sup> *Explanatory Notes*, Electoral (Redistribution Commission) and Another Act Amendment Bill 2015, p 2.

<sup>48</sup> *Explanatory Notes*, Electoral (Redistribution Commission) and Another Act Amendment Bill 2015, p 2.

<sup>49</sup> Transcript of public briefing, 5 August 2015, p 4.

## 2. Examination of the Electoral (Redistribution Commission) and Another Act Amendment Bill 2015

This section discusses issues considered during the committee's examination of the Bill. Many of the relevant issues were identified through the committee's consideration of submissions from witnesses, stakeholders, Mr Ian Walker MP and the ECQ.

The committee received 16 written submissions for its inquiry into the Bill, from:

- political parties and an MP
- local and regional councils
- the Crime and Corruption Commission
- the Local Government Association of Queensland
- the Clerk of the Parliament
- the Queensland Council for Civil Liberties
- an academic
- two individuals.

### 2.1 Proposal one: size and appointment of the Redistribution Commission (Clauses 4 – 9)

The Bill's first proposal is to:

*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.<sup>50</sup>*

According to Mr Ian Walker MP, this proposed change will:

1. broaden the skill base of the commission
2. extend membership beyond those who are, or have been, dependent on the government of the day for their appointment to their substantive positions (that is, the Electoral Commissioner, a judge and a senior public servant).<sup>51</sup>

It is expected to allow greater community involvement and bring to bear the influence of other formal qualifications or practical experiences.

The Bill proposes that the two additional members must have qualifications or experience in one or more of demography, statistics or regional and town planning: *'These particular skills are central to an understanding of the patterns of population movement throughout the state and the potential impacts of those movements'*.<sup>52</sup>

The members of the Redistribution Commission would continue to include the Electoral Commissioner, who has already undergone a separate appointment process to be appointed as Electoral Commissioner.<sup>53</sup>

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<sup>50</sup> *Explanatory Notes*, Electoral (Redistribution Commission) and Another Act Amendment Bill 2015, p 1.

<sup>51</sup> Introduction Speech, 15 July 2015, p 1343.

<sup>52</sup> Introduction Speech, 15 July 2015, p 1343.

<sup>53</sup> Introduction Speech, 15 July 2015, p 1343.

Excluding the Electoral Commissioner, the Bill proposes that the appointments of all commissioners be subject to the approval of the leaders of all recognised parties represented in the Legislative Assembly.<sup>54</sup>

This extends existing arrangements whereby the appointments are only subject to consultation:

*This additional provision will greatly increase community confidence in the bipartisan nature of the entire electoral redistribution process. The broadening of the commission's membership would bring a significant element of professionalism to that body's work.*<sup>55</sup>

Overall this element of the Bill was relatively non-controversial for submitters to the committee's inquiry, though there were suggestions for improvement in the appointment process. However, this is in the context of significant concerns expressed about the functions of the commission (proposals two and three of the Bill), which is the rationale for the size increase.

### ***Increase in size of Redistribution Commission***

Katter's Australian Party (KAP) stated that broader representation '*...will prevent bias, instil confidence and thereby enhance democracy*'.<sup>56</sup>

The Crime and Corruption Commission (CCC) limited its comments to matters of principle relevant to the purposes of reducing corruption in the public sector. It advised that the Bill's proposal in respect of the Redistribution Commission increasing in size is consistent with recommendations of the Fitzgerald Inquiry and:

*...may be seen to provide marginal strengthening of protections against corruption by continuing to require that the Commission's membership comprise persons of undoubted integrity but to also include further persons with additional fields of relevant expertise*.<sup>57</sup>

The Liberal National Party (LNP) noted that:

- the average electoral district in 1990 was 20,250 electors compared to 33,545 at the end of June 2015
- in that time, Queensland's population has increased from 2,929,000 in 1990 to 4,789,098 in 2015 - an increase of 54 per cent
- amidst this change, the number of Queensland electoral districts has remained unchanged.<sup>58</sup>

In the LNP's view:

*...the significant demographic, community and socio-economic changes provide sound grounds for the QRC's numerical strength to be enhanced with an increase from 3 to 5 similar to its Commonwealth entity, to ensure it has the necessary skills within its ranks without having to import or buy-in the additional expertise from other agencies.*<sup>59</sup>

The Greens argued they weren't '*...technically opposed to the ideas this aim is presenting, but we simply don't see how the provisions will make the system any better*'.<sup>60</sup>

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<sup>54</sup> Introduction Speech, 15 July 2015, p 1343.

<sup>55</sup> Introduction Speech, 15 July 2015, p 1343.

<sup>56</sup> Katter's Australian Party, Submission 3, p 1.

<sup>57</sup> Crime and Corruption Commission, Submission 4, p 2.

<sup>58</sup> Liberal National Party, Submission 11, p 3.

<sup>59</sup> Liberal National Party, Submission 11, p 3.

<sup>60</sup> Queensland Greens, Submission 10, p 5.

Mr Neil Laurie, the Clerk of the Parliament could see no valid objection to this measure, stating:

*In particular, given that the heart of any parliamentary democracy lays with its electoral system, it is an anomaly that no matter what the number of Commissioners, they are not all subject to some bipartisan approval process and that such process be more rigorous than simply a requirement to 'consult'.<sup>61</sup>*

He concluded: *'I would prefer the appointment process have the bipartisan support of a committee representative of all parties'.<sup>62</sup>*

### **Appointment process**

Professor Graeme Orr commended the measures to further shield the Redistribution Commission appointments from partisanship, however this should be viewed in the context of his views on the second of the Bill's proposals (see the next section of this report), where he queries the role of the Commission as proposed by the Bill.

The Queensland Greens criticised the Bill's proposal that only the leadership of recognised parties in the Parliament would be required to approve appointment of members of the Redistribution Commission:

*...we fail to see how party bias is alleviated in this process that looks to intentionally leave out other stakeholders in the system such as independent MPs, other registered parties with no representation and the community in general. We simply do not see this as any redressing of bias on the committee in the sense that it would be no better than the status quo.<sup>63</sup>*

Queensland Council for Civil Liberties (QCCL) also questioned the necessity of the proposed change and expressed concern the proposal would lead to paralysis given the recent problems associated with using this process for the appointment of the new Parliamentary Crime and Corruption Committee chair.

During the committee's public briefing from the ECQ on 30 July 2015, Mrs Tarnya Smith MP queried Mr van der Merwe, the Electoral Commissioner, in relation to the Bill's proposals:

**Mrs SMITH:** *...One [issue] is giving greater authority to the commission to make some determinations in an independent way but then also having the additional couple of people to help you with those extra responsibilities and workload. I am wanting to get a sense of how that would assist you in your workload. If the changes occurred, would it increase your workload if we did not increase the number of experts on the panel?*

**Mr van der Merwe:** *I believe three can do it and five can do it just as well. It is debatable whether five is going to make it easier for us or complicate it. The three has worked extremely well in the past, but if the parliament wants five we will work with five.<sup>64</sup>*

In the subsequent public briefing from Mr Ian Walker MP on 5 August 2015, there was further discussion on the proposed expansion of Redistribution Commission membership:

**CHAIR:** *I am just trying to get my head around where the concept was developed in terms of moving from three to five. The evidence that the Electoral Commissioner provided at that hearing indicated that it was adequate in terms of the workload of three and also*

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<sup>61</sup> Neil Laurie, The Clerk of the Parliament, Submission 13, p 6.

<sup>62</sup> Neil Laurie, The Clerk of the Parliament, Submission 13, p 6.

<sup>63</sup> Queensland Greens, Submission 10, p 4.

<sup>64</sup> Transcript of public briefing, 30 July 2015, p 7.

went on to say that it was debatable whether five was going to make it easier or complicate things.

**Mr Walker:** Yes, I understand your question. The reason for suggesting that the committee expand is that, as I said, in our mind we are wanting to create, for want of a better word, a mini EARC to look at this, given that the role is expanded from merely drawing the lines on the map to actually looking at the numbers of electorates and the weightage that needs to be given to them. I think that does put extra responsibility on commissioners and, in my view, it is a sensible thing to add skills to that. You will see that the Bill sets out the skills that would be required of the additional people and they would be in the area of demographics or town planning or economic growth or those sorts of areas so that the criteria that are also set out in the Bill for determining the number of seats can be properly applied.

The committee notes that the Change Commission responsible for determining local government boundaries consists of the following parties:

- the Electoral Commissioner
- the Deputy Electoral Commissioner
- a Casual Commissioner.<sup>65</sup>

The way that the Commission conducts the local government boundary review was described at the public briefing on 30 July by the ECQ:

*Up until the 2009 Local Government Act the review of the City of Brisbane was conducted by a three-person commission similar to how the state is set up: a retired judge, the Electoral Commissioner and a CEO or equivalent. When the 2009 Local Government Act came in and the 2010 City of Brisbane Act came in, it just referred to the Change Commission as being able to do it—the Change Commission being either the Electoral Commissioner and/or casual commissioners as may be appointed. Also the assessment process was left fairly much open-ended and up to the Change Commission. It was prescriptive in the 1993 Local Government Act how we did the Brisbane review, but in the current legislation it is up to the Change Commission to choose the best way to conduct the assessment.*

*What we have chosen to do is probably follow what was prescribed in 1993 in terms of the process we follow because we feel it is best to. It is very similar to the state process that Walter outlined in that we call for suggestions, we call for comments on the suggestions and then we put out a proposed determination. Now we are calling for comments on that and then we will do a final. So there are maybe one or two steps less than what the state review is for Brisbane.<sup>66</sup>*

### **Cost of increasing size of Redistribution Commission**

The Queensland Greens expressed concern that ‘...no consideration was given in terms of costing such a provision imposed on a department [the ECQ] with a very modest operating budget (\$17m in 2013/4)’.<sup>67</sup>

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<sup>65</sup> Electoral Commission Queensland, <http://www.ecq.qld.gov.au/electoraldistricts/localgovernmentareas/local-government-reviews>. Accessed on 9 September 2015.

<sup>66</sup> Transcript of public briefing, 30 July, p 7.

<sup>67</sup> Queensland Greens, Submission 10, pp 4-5.

According to the Explanatory Notes: ‘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’.<sup>68</sup>

The following exchange occurred between Mr Mark Ryan MP and Mr van der Merwe during the committee’s public briefing from the ECQ on 30 July 2015:

**Mr RYAN:** *Just to finish off on that particular point about possibly increasing the size of the Redistribution Commission, I note in the explanatory notes to the Bill that it is proposed that the funding and resourcing for those additional two commissioners will come from existing resources within the ECQ. Obviously that is very relevant to you and your staffing make-up. Whilst there may be a position put, and the Deputy Chair put that position just a couple of moments ago, that it might ease the workload of the Redistribution Commission, surely there might be some increased burdens on the other operations of the ECQ if you are funding those additional redistribution commissioners from existing resources.*

**Mr van der Merwe:** *The Electoral Commission runs a very tight budget. If I have to put two extra staff on I am going to have to make some cuts somewhere along the line. That is a matter that I will take up with the Attorney-General if that is the case.*<sup>69</sup>

In the subsequent public briefing from Mr Ian Walker MP there was further discussion on the issue of resourcing:

**CHAIR:** *Furthermore, the explanatory notes indicate that the costs of moving from three to five will be met within the existing resources of the commission. Once again, the commission indicated in their response on this matter that, should they have to provide two extra staff, there will be job cuts in the commission. Is that something you are proposing to occur in the commission therefore?*

**Mr Walker:** *This is a limited role that occurs once every three elections—it is not a continuing role—and I would not expect that the economic impacts were such that they could not be absorbed by the commission in its normal running expenses over that time.*

**CHAIR:** *That is contrary to the evidence that we heard.*

**Mr Walker:** *I understand that.*<sup>70</sup>

Issues about the size or appointment of the Redistribution Commission were not identified by people the committee spoke with outside of the Brisbane public hearing, save for in Cape York where a Mayor welcomed the proposed power of the Redistribution Commission to determine the numbers of seats and weightings applied to large electoral districts, in the context of a wish to make a submission to that Commission to achieve an additional electorate in that region.

### **Alternative suggestions**

The Greens suggested alternative ways to promote transparency and participation in the process, including:

- introducing an open nomination process for the appointment of Redistribution Commission members based on known qualifications, with the final appointments determined by a random drawing of lots of all Queensland residents of voting age – this process would allow assessments on merits independently of the party political system

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<sup>68</sup> Explanatory Notes, Electoral (Redistribution Commission) and Another Act Amendment Bill 2015, p 2.

<sup>69</sup> Transcript of public briefing, 30 July 2015, p 7.

<sup>70</sup> Transcript of public briefing, 5 August 2015, p 3.

- resources could be provided to the ECQ to provide more online tools for submissions to the boundary review, such as a basic Geographic Information System to assist submitters to better articulate particular boundary issues they have - this has been implemented in other Australian jurisdictions, most recently in the ACT
- implementing a 'Blind Submission' system (by ensuring that the Redistribution Commission and the public can't identify who made a submission until after the initial boundary determination) to combat subconscious biases
- implementing a mathematical method of drawing divisions, such as the 'Shortest Splitline' method, which applies a simple mathematical algorithm to the population of the state to split the population into equally sized divisions – it deals with potential biases in the system and does not require a change commission, however it may fail to meet the current requirements of dividing districts, such as taking into account communities of interest, natural geographic boundaries and infrastructure boundaries.<sup>71</sup>

## **2.2 Proposal two: number of seats in the Queensland Parliament (clauses 3, 10-14, 16-21).**

The Bill's second proposal is to:

*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.<sup>72</sup>*

There are two elements of this proposal:

- a) whether there is a need to increase the number of electoral districts
- b) the role of the Redistribution Commission in doing so.

Each of these is discussed in detail below. Firstly, however, it is pointed out that consideration of the second and third proposals in the Bill requires an appreciation of what 'representation' means in the Queensland political context.

### ***Concepts of 'representation'***

It became clear to the committee that there were two fundamental concepts at play in any discussion of representation: firstly, representation at a constituency level, which means having access to one's elected representative in the context of issues that arise personally and within the electorate; and secondly, representation in terms of the number of seats in Parliament reflecting the will of voters and as part of that, forming the government. Individual elected members, and constituents, who spoke with the committee focussed on the constituency aspect of representation, specifically the ability of an elected member to adequately represent the interests of his or her constituents in the Parliament, which of necessity involves ensuring adequate contact with those constituents. This aspect of representation is also greatly relevant to discussion about treatment of electorates with large geographical areas and small populations – the third proposal contained in the Bill.

Others who spoke with the committee focused on the 'representativeness' of the Parliament's composition, in comparison with actual votes cast. Mr Laurie referred to the Gallagher Index, which when applied to Queensland at present, shows that the composition of the Parliament, and the consequent forming of a government, is frequently very disproportionate to the way people actually vote. While this is in large part a product of the single-member electorate system used here (in

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<sup>71</sup> Queensland Greens, Submission 10, pp 5-6.

<sup>72</sup> *Explanatory Notes*, Electoral (Redistribution Commission) and Another Act Amendment Bill 2015, p 1.



contrast to other systems, like multi-member proportional voting system used in New Zealand which also has only one House), his point is that in the context of our single-member electorates, if the number of members in the Parliament is not increased, the Parliament will over time become increasingly disproportionate to votes cast.<sup>73</sup>

Both of these aspects of representation intertwine, such that constituents in some seats can feel under-represented due to a limited ability to access their elected member; when in fact they are over-represented in terms of having a vote on the floor of Parliament due to the relatively smaller number of voters represented by their elected member, in the case of electorates with areas over 100,000 square kilometres in size.

Both aspects of 'representation' are highly relevant to the consideration of the second and third proposals of the Bill; and could be seen, in the context of Queensland's single-member electorate system, as posing a fundamental dilemma about which aspect of representation is more important.

### ***Increasing the number of electoral districts***

The Queensland population has increased by 79 per cent from 2.65 million in 1986 when the number of seats was increased to 89, to 4.75 million in 2015.<sup>74</sup>

Queensland has the second highest voter to representative ratio of 33,430:1 (NSW is 34,339:1) in its lower House of Parliament (of course, Queensland has only one House while electors in other jurisdictions have representation in the Upper House as well). Since 1986, the average number of electors in each of Queensland's 89 electorates has doubled, from 17,565 to 33,521.<sup>75</sup>

In introducing the Bill Mr Walker MP claimed that these statistics indicate there is a need to at least examine whether an increase in the number of electoral districts is justified.<sup>76</sup> He cited Dr Paul Williams of Griffith University and Mr Neil Laurie, the Clerk of Parliament, as proponents for an increase.

The Bill itself does not increase the number of electoral districts in the Parliament: it merely provides a mechanism – the Redistribution Commission – for considering whether the number of districts should alter.

Submitters to the committee's inquiry were broadly supportive of there being a mechanism to increase the number of seats in the Parliament; however there were concerns expressed about using the Redistribution Commission to make that decision, and the constraints put upon that decision by the Bill.

It would be fair to say that the committee did not observe any groundswell of public support for an increase in the number of electoral districts in the state Parliament.

The Hon Tony McGrady, Mayor of Mount Isa, expressed the view that:

*I do not think people know or particularly care.....I think the average punters out there are more interested in jobs and the economy than politicians fiddling round with electoral boundaries or increasing the number of politicians because there are more important things to do that to be...putting this on the agenda at a time when we have major issues in the resources sector and the unemployment figures are rising.<sup>77</sup>*

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<sup>73</sup> Transcript of public hearing, 25 August 2015, p 9.

<sup>74</sup> Office of the Queensland Government Statistician, <http://www.qgso.qld.gov.au/products/reports/pop-growth-qld/qld-pop-counter.php> accessed on 8 September 2015.

<sup>75</sup> Australian Bureau of Statistics, *Australian Historical Population Statistics, 2014* Cat no. 3105.0.65.001 (and cited in Submission no 13, Mr Neil Laurie, p 10).

<sup>76</sup> Introduction Speech, 15 July 2015, p 1343.

<sup>77</sup> Transcript of public hearing, 31 August 2015, Mount Isa, p 3.

This was countered to some extent by Mr Robbie Katter MP, Member for Mount Isa, who in response to a query from the committee Chair about the level of concern there might be in the electorate, said:

*No. I could probably be criticised for not making people aware of this issue enough because I think it stands to reason that it is really a fait accompli. I think that people would have a pretty strong position on this matter if they realised what it could mean. I think it is a pretty safe assumption to make that everyone – almost everyone in my electorate – would say they feel forgotten and their main connection to the government is through their MP. I would say it would be pretty easy to gauge which way public opinion would go on this issue in a place like Mount Isa because we are constantly battling remoteness and issues like decentralisation, maintenance to cost of living and those things out in rural and remote areas and the fact that our towns are declining in population. I could pretty safely assume that if it was advertised and if I was a lot more public about this issue it would probably polarise, I would say, and be fairly strongly in favour of at least maintaining what we have now in rural and regional areas.*

The bulk of written and oral submissions to the inquiry were from elected representatives at the state or local government level who argued that more electoral districts would, as KAP put it, ‘...serve to improve democracy’.<sup>78</sup> The point made by several local government authorities in their submissions was that state electorates in regional areas were too big, and should not get any bigger; and the Torres Strait region is keen to increase autonomy and improve both representation and coordination through an additional electoral district.

The CCC, again, limited its comments to matters of principle relevant to the purposes of reducing corruption in the public sector. It stated the Bill’s proposal is consistent with recommendations of the Fitzgerald Inquiry and:

*...may be seen to provide marginal strengthening of protections against corruption with the increased potential for constituents to have direct personal access to their elected representatives’.*<sup>79</sup>

Ms Joyce Newton made various observations in her written submission, including Queensland’s increasing population, the expansion of rural electorates and increasing demands on the time and resources of MPs which have reduced their ability to service their electorates, the latter being exacerbated by technological advancements and consequent increased expectations of service.<sup>80</sup>

Mr Lachlan Millar MP, Member for Gregory, asserted this objective of the Bill is ‘...vital to ensuring that Queenslanders have, and perceive that they receive, fair representation in the Queensland Legislative Assembly’.<sup>81</sup>

The Local Government Association of Queensland (LGAQ) was broadly supportive of increasing the number of seats in Parliament, and increasing the ALDN formula applied to large electorates from two per cent to four per cent per square kilometre, as proposed by the Bill.<sup>82</sup>

The LNP supported the proposals in the Bill and advised that, in its large and decentralised membership a failure to increase the number of electoral districts creates:

*...the feeling, and in some cases fear, [is] that as a consequence of the 2016 Redistribution, the populous south east corner may gain additional electoral district/s at the expense of*

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<sup>78</sup> Katter’s Australian Party, Submission 3, p 1.

<sup>79</sup> Crime and Corruption Commission, Submission 4, p 2.

<sup>80</sup> Joyce Newton, Submission 6, p 1.

<sup>81</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 1.

<sup>82</sup> Local Government Association of Queensland, Submission 8, p 1.

*the regions. This has the potential to diminish the regional and decentralised voice in the Parliament. In turn, for residents in electoral districts over 100,000 square [kilometres], any increase in size will reduce reasonable access to local and effective representation and participation in public affairs.*<sup>83</sup>

Professor Orr though, was critical of the Bill's proposal to constrain in legislation how many additional seats there might be. In his written submission he noted:

*A problem with the Bill is that in outsourcing the size of parliament to an independent body, it paradoxically and unduly then constrains that body. The Commission could only consider increasing parliament by up to 5 seats – between the present 89 and 94 – a scope of barely 6%. The principle the Bill offers is independent review, but within a politically narrow scope.*<sup>84</sup>

He expanded upon this at the public hearing:

*If you accept, as I do, that parliament should continue to grow as a general rule because society gets more complex and there is no reason why in 20 years time seats should [not] grow to 50,000 voters rather than 35,000 voters, then I am not sure why you could not entrench that in a provision in the Constitution or in ordinary legislation to have a 10 or 20 year reconsideration using a formula.*<sup>85</sup>

Mr Neil Laurie supported the proposal, noting that previous governments had failed to adopt EARC's recommendations which had not being palatable for party political reasons:

*I ask all members to resist the automatic temptation to reject such legislation on the basis that 'the public does not want more members of parliament'...*

*It is inevitable that if the number of members is not increased there will be pressure for more resources to assist members who will increasingly struggle to service their electorates and perform their other duties.*

*Extra resources for existing members are likely to cost much more than extra members.*<sup>86</sup>

Mr Laurie also noted the inevitability of large electoral districts increasing in size if there is no increase in the number of electoral districts:

*I think the real risk is that it does not just affect the members in the five larger electorates. It does not just affect the regional members. It affects all members in the sense of what they can realistically hope to achieve with the increasing workload—and technology has not made it easier; it has made it much more difficult. I know in my own role the advent of email has created more work rather than less work and I suspect that that is the same for members and their electorate office staff. So in my view, the issue is about finding a number which eases the burden on all members. One consequence of that is to also make sure that, as I have said flippantly a few times but not without some grain of truth, Mount Isa does not begin at the outskirts of Toowoomba because that will be the inevitably if there is no actual increase in the number of members. So I come back and say that the root issue here is the number of members, and it has been a long time since we have had an increase and ..... there has been significant growth.*<sup>87</sup>

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<sup>83</sup> Liberal National Party, Submission 11, p 5.

<sup>84</sup> Professor Graeme Orr, Submission 9, p 1.

<sup>85</sup> Hansard, Public Hearing Transcript 25 August 2015, p 2.

<sup>86</sup> Neil Laurie, The Clerk of the Parliament, Submission 13, p 6.

<sup>87</sup> Transcript of public hearing, 25 August 2015, p 11.

The Greens argued that adding a few new Members of Parliament ‘...will make little difference to the overall dynamic of parliament, the quality of representatives or the quality of representation provided’, but would ‘...increase the cost of parliament and undoubtedly increase the spending on MP entitlements...’.<sup>88</sup>

Like Professor Orr, the Greens questioned why the number of Members of Parliament would be capped, and why it would be capped at five extra MPs. The Greens claimed it was:

*...unclear as to what reasons there would be to increase the number of seats other than to decrease the land area covered by seats in western Queensland, or under what circumstances a smaller than the maximum number of new seats would be added.*<sup>89</sup>

### **The functions of the Redistribution Commission**

The functions of the Redistribution Commission are articulated in the second and third proposals in the Bill. The delegating of significant policy and political decisions from the Parliament to an unelected and independent body, and then constraining the nature and extent of the decisions that body can make in any event, was seen as problematic by some submitters.

Mr Walker MP claimed that the Bill implemented EARC’s recommendation 7.64 (from November 1990) that a periodic review of the number of MPs be undertaken by an independent electoral authority every 7 years.<sup>90</sup>

The Bill would require the Redistribution Commission to consider the following factors in determining the number of electoral districts, and what ALDN, or weighting, between two and four per cent to apply to electoral districts over 100,000 square kilometres:

- the extent to which there is a community of economic, social, regional or other interests within each existing electoral district
- the ways of communication and travel within each existing electoral district
- the physical features of each existing electoral district
- the boundaries and area of each existing electoral district
- the extent to which the area of each existing electoral district affects the ability of a member of the Legislative Assembly to effectively represent the district
- demographic trends in the state.<sup>91</sup>

It is important to note that the Bill (clauses 13 – 18) requires the Commission to propose and ultimately determine the number of electoral districts, within the ‘prescribed range’, that range being ‘...from 89 to 94, both numbers inclusive’.<sup>92</sup> The passing of the Bill will not in itself necessarily mean that the number of electoral districts will be increased: the Commission would decide whether to propose and ultimately make an increase.

According to Mr Walker MP, under the Bill neither the Parliament nor the executive would have the final say in this matter. This is said to represent a significant change from current law and to significantly depoliticise the process.<sup>93</sup>

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<sup>88</sup> Queensland Greens, Submission 10, p 7.

<sup>89</sup> Queensland Greens, Submission 10, p 7.

<sup>90</sup> Introduction Speech, 15 July 2015, p 1344.

<sup>91</sup> Bill, clause 13.

<sup>92</sup> Bill, clause 5.

<sup>93</sup> Introduction Speech, 15 July 2015, p 1344.

An increase in the number of electoral districts would only follow proper examination by the Redistribution Commission. The Bill (clauses 13 - 14) proposes to insert a 30-day period for public submissions followed by a 30-day period for consideration by the Redistribution Commission before the formal redistribution process commences.<sup>94</sup>

### Decision-making

The question of an important political decision being made by an unelected, unaccountable body is the key issue that was raised in submissions.

The Greens observed that:

*The ECQ is required (to the best of its abilities and resources) to provide independent management of electoral processes and systems, it should be seen as impartial and beyond political interference. Requiring it to be involved in making a determination on how many politicians there will be is ultimately a very political decision, that could leave the ECQ exposed to accusations of bias.*<sup>95</sup>

Note that the same point is made by the Greens with respect to the decision to apply the ALDN formula to large districts:

*[it will]...expose ECQ staff, including the electoral commissioner, to accusations of bias by either not increasing the limit (or not increasing it enough) or equally by increasing it by a considerable amount which would indeed lead to different election results with the same votes cast.*<sup>96</sup>

The issue of whether the Bill inappropriately bestows a political decision on the Redistribution Commission, and the rationale for a cap on the number of electoral boundaries, was canvassed in Mr Walker's public briefing on 5 August 2015:

**Mr RYAN:** *Further to the point you made about giving some flexibility to the commission, some people may view that with some difficulty. The reason is that they may say that you are actually turning the Redistribution Commission, which sits within the ECQ for these purposes, into a policymaker. EARC was a separate process. EARC made recommendations to government and then the parliament adopted which recommendations it saw fit. So the difficulty here is that we are giving a policymaker role to an independent commission. How do you respond to that? Do you think it would be more appropriate to have an independent process which makes recommendations to the government and parliament and then government and parliament adopt them?*

**Mr Walker:** *The proposal I put does not offend, I do not think, the principles that you are enunciating. If we go back to EARC's recommendation, which was 7.64, the commission recommended that a periodic review of the number of members of the Legislative Assembly be undertaken by an independent electoral authority every seven years. That has not happened for 30 years. I think what I am proposing does that. Parliament remains supreme in that it has set the scope for this body to operate. The determination is then made by an independent body. I can see the argument—and I have heard it before—that that abrogates the role of the parliament. I do not believe it does, given that the parliament has set firstly the scope for an increase or potential increase and of course the requirement of the appointment of what I would call the mini EARC for this purpose signed off by the leader of each party in the parliament. I think that sufficiently ties the matter to*

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<sup>94</sup> Introduction Speech, 15 July 2015, p 1344.

<sup>95</sup> Queensland Greens, Submission 10, p 7.

<sup>96</sup> Queensland Greens, Submission 10, p 10.

*the parliament and yet takes away the objection that it is the politicians deciding upon the number of politicians. To me it resolves that in an acceptable way.*

**Mr RYAN:** *It is just that the commission, by its virtue of being independent and also unelected—it is appointed by proper processes—is unaccountable to the public. So the issue of how many MPs you have does become an issue for a body which is unaccountable.*

**Mr Walker:** *Yes, but the parliament has put a cap on that, and I think that is appropriate for the public interest. Bear in mind that the Redistribution Commission, of its nature, will make decisions that ruffle feathers. We have seen that in the recent Brisbane City Council redistribution. You will no doubt see it, even if this bill does not happen, in the next redistribution. It is the nature of those bodies. I think there are important safeguards therefore in respect of the commission's decisions and its proper accountability that need to be built in. I believe we have covered that by (a) expanding the number of commissioners to get those extra skill sets in and (b) ensuring that they are not just appointed by the government of the day but that they require the agreement of all political parties.<sup>97</sup>*

At the public hearing on 25 August 2015, Professor Orr addressed the issue of who should decide the size of Parliament:

*...That is ultimately a policy matter so I think it is something that parliament should be deciding rather than kicking it to an independent body. Certainly, if you are going to kick it to an independent body, it is not clear why the Bill constrains the discretion of the Redistribution Commission so much. I understand the politics of it, but I am not clear on the principle of that. As I say, if you accept, as I do, that parliament should continue to grow as a general rule because society gets more complex and there is no reason why in 20 years time seats should go grow to 50,000 voters rather than 35,000 voters, then I am not sure why you could not entrench that in a provision in the Constitution or in ordinary legislation to have a 10- or 20-year reconsideration using a formula.<sup>98</sup>*

And:

*It does not make sense in principle to kick it to an independent body and then constrain their discretion....You are asking them to deal with big policy and political questions. I think that is something that the parliament and the parliamentary committee really has to take the fall for.*

### **Alternative suggestions**

Southern Downs Regional Council considered electoral districts should be based on communities of interest and geographical features (i.e. where there are less diverse issues of interest), allowing for a variation of population in each electorate of up to 20 per cent.<sup>100</sup>

In contrast, the Greens, like Professor Orr, suggested an approach that would set a calculation in the electoral legislation to determine the number of parliamentarians.<sup>101</sup>

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<sup>97</sup> Transcript of public briefing, 5 August 2015, p 7.

<sup>98</sup> Transcript of public hearing, 25 August 2015, pp 1-2.

<sup>99</sup> Transcript of public briefing, 5 August 2015, p 5.

<sup>100</sup> Southern Downs Regional Council, Submission 2, p 1.

<sup>101</sup> Queensland Greens, Submission 10, p 7.

A further option suggested by the Greens was to engage a cross-section of the voting public to decide on changes and then using a referendum to approve them.<sup>102</sup> This approach would also reflect EARC's 1990 recommendation (7.64) and would implement a system 'at arm's length' of the politicians who will have the most to gain or lose.

Professor Orr commended the idea of considering increasing the size of parliament, however queried whether the Redistribution Commission needs to determine the size of parliament and, if it does, whether its discretion should be as constrained as in the Bill:

*There is also the question of whether a Redistribution Commission ought to make such big policy decisions. An all-party parliamentary committee appears to me to be a better option.*<sup>103</sup>

Professor Orr also identified community concerns requiring assessment, asking whether state politics attracted a suitable calibre of candidates to justify expansion.<sup>104</sup>

Despite noting that the increase in Queensland's population necessitated an increase in the Parliament to ensure proper representation, QCCL contended that this should be achieved by the Parliament, not by a statutory body.<sup>105</sup>

### **2.3 Proposal three: Additional large district number formula (clause 15)**

The Bill's third proposal is to:

*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 [ALDN], currently set at 2%, up to 4%.*<sup>106</sup>

This was the most controversial aspect of the Bill for those who made submissions, for those with whom the committee met, and for the committee itself. It relates to the concepts of 'representation' at the state and constituency levels, and equality of representation as expressed in the principle of 'one vote one value'.

Further, the concerns expressed in respect of delegation of an important policy and political decision to the Redistribution Commission from the Parliament was also identified as problematic (see *Functions of the Redistribution Commission*, page 21, for a more detailed discussion of this issue).

The proposed change would particularly impact electoral districts over 100,000 square kilometres in size: presently, five of these exist in the more remote northern and western parts of Queensland.

Section 1.4 of this report details how the ALDN works under current law to apply a 'weighting' to these large electorates so that they can have fewer voters in them than is allowed in other electorates. If the ALDN were to be increased it would potentially provide further assistance to large districts by increasing the allowance of what have been called 'phantom voters' required to achieve an enrolment within a 10 per cent allowable tolerance from the quota.

The passing of the Bill will not in itself necessarily mean the ALDN will be increased. Rather, it would allow the Commission to decide on a percentage '*not less than 2% or more than 4%*', which it considers

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<sup>102</sup> Queensland Greens, Submission 10, p 8.

<sup>103</sup> Professor Graeme Orr, Submission 9, p 1.

<sup>104</sup> Professor Graeme Orr, Submission 9, p 2.

<sup>105</sup> Queensland Council for Civil Liberties, Submission 12, p 1.

<sup>106</sup> *Explanatory Notes*, Electoral (Redistribution Commission) and Another Act Amendment Bill 2015, p 1.

appropriate for the proposed redistribution. The percentage must be the same for each 'large electoral district'.

Mr Ian Walker MP advised:

*Should the existing provision not be amended, it is likely that significant increases in area will apply across the five districts concerned in an effort to increase enrolments. The likelihood of the district of Mount Isa, for example, having to cover the vast bulk of Western Queensland cannot be discounted.<sup>107</sup>*

In public briefing on 30 July 2015, Mr van der Merwe, Electoral Commissioner, agreed with Mr Krause MP's comments relating to existing large electorates:

**Mr KRAUSE:** *...under the present system we have the five large electorates, which are over 100,000 square kilometres. As time goes by, as the legislation stands, those five could become four or even three, couldn't they? We could have seats like Mount Isa and Dalrymple being potentially joined up, or Mount Isa and Gregory, or Gregory and Warrego, just because of the weighting and the population decline in those areas. That is correct, isn't it?*

**Mr van der Merwe:** *That is quite correct.<sup>108</sup>*

In the subsequent public briefing, on 5 August 2015, Mr Ian Walker MP advised that one of the drivers for the Bill was the likelihood that under the current large electorate formula the five large electorates would:

*...fold down into four seats, so from five to four. The reason for that is that the growth in population is clearly mostly in the south-east corner and in some of the coastal areas and that if you are stuck with 89 seats and you have to create, for example, a new seat south of Brisbane between Brisbane and the Gold Coast and a new seat, say, around Caboolture, those two seats therefore have to come from somewhere else. Given the degree to which Western Queensland's population is growing compared with that of other parts of the state, it is clear that the west would pay the price to give the south-east corner in particular those new seats. That led us to question whether that was good public policy to have that situation exist. In this redistribution perhaps five would become four but then in the next redistribution four would become three and I expect there is a point at which the parliament should say, 'That's not in the democratic interest of Queensland and we need to do something to ensure that seats don't just grow and grow in the west and become too big.'<sup>109</sup>*

This was pursued by Mr Mark Ryan MP:

**Mr RYAN:** *You mentioned before that one of the goals of the Bill is to save those five large electoral districts at the next redistribution. Where does it say in your draft Bill that those five large electorates are protected?*

**Mr Walker:** *It does not say that. As I said, it leaves it deliberately to the discretion of the commissioners. I think it would be too direct for the parliament to do that. You are really then moving to a sort of zonal system, which is something we shied away from before. While that is my desired outcome, I think I have to accept that we need an indirect way of getting there, because I think people need to have confidence that the decision has not been made by us but has been made one removed under guidelines by an independent*

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<sup>107</sup> Introduction Speech, 15 July 2015, p 1344.

<sup>108</sup> Transcript of public briefing, 30 July 2015, p 10.

<sup>109</sup> Transcript of public hearing, 5 August 2015, pp 1-2.



*commission. So you are right that it does not say that that is what is to happen. It does allow the commission that independence, but I believe that when the commission looks at it there will be a compelling argument that something has to be done so those seats do not get bigger. I also accept that for public confidence in the process I need to leave that decision to someone else.*<sup>110</sup>

Professor Orr recommended against further diluting the 'one-vote, one value' principle, which is presently only diluted by the existence of the five additional large districts.<sup>111</sup>

Whilst acknowledging that with a population density about 1/6000th that of inner Brisbane, an electorate like Mount Isa is very difficult to service, he expressed concerns with the practical impact of this objective of the Bill:

*If the proposal were adopted, an electorate like Mount Isa would shrink physically – rather than expand to the southern border, as it risks doing. It may need barely 10 000 electors. If all five of the vast electorates shrink, a sixth north-western electorate will certainly have to be born. Votes in those electorates may then be worth two-to-three times more than those of other Queenslanders. I fear that stretches contemporary ideas of citizen equality to breaking point.*<sup>112</sup>

Ms Joyce Newton supported this objective of the Bill and commented on large electorates, noting:

*Servicing individual communities with this electorate is so much more time consuming than urban electorates with the same number of electors.*<sup>113</sup> *On the matter of technology, she claimed: 'Only 80 percent of the Glass House electorate has internet and in the electorate of Cook it is only 62 percent.'*<sup>114</sup>

Mr Millar MP argued this objective of the Bill is '*...vital to ensuring that Queenslanders have, and perceive that they receive, fair representation in the Queensland Legislative Assembly*'.<sup>115</sup> Referring to the 1990 EARC recommendation that an independent electoral authority review the number of members of parliament every seven years, he noted:

*The intention was to keep pace with population growth. By not implementing this recommendation, we have condemned rural and remote Queenslanders to lesser representation than other Queenslanders.*<sup>116</sup>

Mr Millar claimed the issue is exacerbated because:

*...the continual expansion of the large seats under the quota system largely ignores the natural geographical boundaries of Queensland's districts and the very real, human cultural boundaries created by these geographical differences. I believe this is dangerous because it undermines people's sense of being part of a community of common interests, which is so vital to the functioning of our democracy.*<sup>117</sup>

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<sup>110</sup> Transcript of public briefing, 5 August 2015, p 7.

<sup>111</sup> Professor Graeme Orr, Submission 9, p 2.

<sup>112</sup> Professor Graeme Orr, Submission 9, p 2.

<sup>113</sup> Joyce Newton, Submission 6, p 2.

<sup>114</sup> Joyce Newton, Submission 6, p 2.

<sup>115</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 1.

<sup>116</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 2.

<sup>117</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 2.

He argued that the forced amalgamations of councils in 2007 further exacerbated the problem and that the only way to overcome this situation is to increase the total number of seats so that the five large electorates are not further reduced in number and expanded in size.<sup>118</sup>

The LGAQ also supported this objective, expressing concern at potential disenfranchisement of rural and remote voters due to the large size of electorates.<sup>119</sup>

In contrast to Professor Orr's concerns about the dilution of the 'one-vote one, value' principle, KAP argued that certain considerations may justify departure from absolute voter parity (that is, equal numbers of electors in each electorate) in the pursuit of more effective representation:

*...effective representation is not equality of voting power per se, representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representatives.*<sup>120</sup>

These considerations include: '*...geography, community history, community interests and minority representation...*'<sup>121</sup> Clause 13 of the Bill provides that such factors are to be considered by the Redistribution Commission when it considers how many electoral districts there should be, and what weighting to apply (via the ALDN formula) to remote electorates over 100,000 square kilometres in size. Clause 13 was pointed to by the Mayor, Torres Strait Island Regional Council in his oral submission to the committee, in support of the need for a local representative who has a very good understanding of the region:

*'there needs to be strong essence around having our culture considered in looking at whoever that representative is going to be. As a sure thing in terms of one member for Cook, I can tell you now, being brutally blunt, that it does not work. I feel for whoever is in that seat...*'<sup>122</sup>

Torres Strait Island Mayors have pointed out that the region is internally over-governed, with three local governments (the Torres Strait Island Regional Council, the Torres Shire Council, and the Northern Peninsula Area Regional Council, as well as state and federal governments). The committee understands, based on discussions at meetings with several Torres Strait Islander and Cape York Indigenous Mayors and Councillors, that there is a desire in that region to establish a separate electoral district from the Cook electorate which would take in the Torres Strait Islands and communities in Cape York, potentially from Kowanyama and Pormpuraaw to the Torres Strait. This would reflect a perceived need for greater autonomy and adequacy of representation, including improved cultural representation, with the unique issues of Cape York and Torres Strait Islander communities better represented in the Queensland Parliament.

Should a proposal to this effect proceed, it will again highlight the tension between perceptions about the adequacy of representation at the electorate level – and in this case, a cultural level – with the implications for equity of representation at the state level.

Data provided to the committee suggests that this proposal, if adopted, would result in an electoral district with approximately 11,120 voters.<sup>123</sup>

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<sup>118</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 2.

<sup>119</sup> Local Government Association of Queensland, Submission 8, p 1.

<sup>120</sup> Katter's Australian Party, Submission 3, p 3.

<sup>121</sup> Katter's Australian Party, Submission 3, p 2.

<sup>122</sup> Transcript of private meeting, 2 Sept 2015, Bamaga, pp 3-4.

<sup>123</sup> Based on local government area voter numbers; provided by Councillor Fred Gela, Mayor, Torres Strait Island Regional Council.

Queried about the implications of an electoral district that had a very small population relative to the other districts in the state, the view of at least one Mayor (with echoes of the KAP view) was that local ownership of the position is more important than the one vote, one value principle. In his words, ‘*We need a leader who recognises our struggle is part of their survival*’:<sup>124</sup>

*So when you look at it, the member who will represent that electorate will be representing those Indigenous communities. It is having a voice within parliament....we need a champion that sits in here and that champion, we see, is not a government champion program that the state is talking about, because the only champions are the elected leaders who have been democratically elected by their constituents. That champion for that that electorate will be that individual who represents that electorate and that champion will be in parliament.*<sup>125</sup>

The Torres Strait Mayors support the establishment of the Redistribution Commission, and the functions it would have, as proposed by the Bill, as being a mechanism through which they may achieve a separate electoral district:

**Mayor Gela:** *...The boundary that we will be proposing going forward, once the commission has the independence in terms of making that decision—we will be making a submission for a boundary realignment—will be to carve off from Kowanyama all the way to Pormpuraaw; so from Kowanyama, straight across from Pormpuraaw, all the way up, encompassing NPA and the cape communities—Coen the whole lot coming up—Weipa and even the Torres Strait.*

*It is already there. The boundary is there. You have the protected zone—the PZJA zone that we have in terms of the quarantine zone where the buffer is within Australian territorial waters and is shared with the international community of Papua New Guinea. So what we have as a zone, a distinctive zone, our zone with the Torres shire, is that line that will run—it is already there—across from Pormpuraaw to Kowanyama.*

Under clause 15 of the Bill, the factors which would have to be considered by the Redistribution Commission in respect of how many electoral districts there are (communities of interest, means of communication and travel, etc)<sup>126</sup> are also to be considered in respect of any decision about applying an ALDN based on between two per cent and four per cent per square kilometre, to a large electoral district. However despite these factors likely varying between the large electoral districts, the percentage applied to one electoral district would have to be the same for all of them.<sup>127</sup>

In contrast with the argument of KAP and the Torres Strait Island Regional Council Mayor that achieving adequate representation may justify departure from absolute voter parity, the QCCC confirmed its view that ‘*...Queensland’s system of parliamentary democracy is based upon the principle of equal representation...*’ and that the policy of an additional large district number inherently involves departure from this principle.<sup>128</sup>

Whilst acknowledging the current two per cent ALDN formula has applied since the commencement of the Act without any specific problem or potential for corruption apparently arising, the QCCC nevertheless stated:

*...in principle, mechanisms which facilitate movement away from equal representation (although they may be designed to improve the quality and effectiveness of*

<sup>124</sup> Transcript of private meeting, 2 Sept 2015, Bamaga, pp 3-4.

<sup>125</sup> Transcript of private meeting, 2 Sept 2015, Bamaga, p 8.

<sup>126</sup> Bill, clause 13

<sup>127</sup> Bill, clause 15.

<sup>128</sup> Crime and Corruption Commission, Submission 4, p 2.

*representation) have the inherent potential to lead to corruption or perceptions of corruption. Hence it is appropriate that such mechanisms should remain under regular review to ensure that the appropriate balance between effective representation and equal representation in remote electorates is struck.*<sup>129</sup>

The LNP asserted in its submission: *'Any fair assessment of the 5 existing large electorates under the existing weightage formula at the 2016 redistribution suggests that there is a likelihood of an enlargement of the total area'*.<sup>130</sup> Specifically, it expressed concern at the potential for the Mount Isa electorate to increase in size which would further disadvantage small and vulnerable communities. It considered the Bill's proposal as remedial, arguing that: *'...ultimately, if remedial measures are not taken now, the number of large electorates may decline from 5 to 4 in the future further eroding effective and fair representation'*.<sup>131</sup>

Southern Downs Regional Council specifically objected to any future boundary changes which would increase the size or population of the Southern Downs electorate, due to concerns: *'...there is an increasing dominance of population east of the Great Dividing Range and potentially less representation of regional areas'*.<sup>132</sup>

Mr Millar MP advised that Gregory is one of the five electorates with an ALDN applied, covers 330,000 square kilometres and is larger than Victoria and Tasmania combined.<sup>133</sup> He provided further details of the size of his electorate, including that, as a Member, he deals with:

*... 8 local governments, four separate health and hospital boards administering 20 hospitals and outpatients clinics. Gregory covers two different districts within the Department of Transport and Main Roads with two key rail routes, the southern east-west line and the central east-west line incorporating the key Blackwater-Bluff coal freight hub, as well as thousands of kilometres of state roads vital to Queensland's freight task and to bringing a large portion of Queensland's products to market and port.*

*I represent constituents employed by, dealing with or utilising 57 schools, 26 police stations and 25 ambulance stations. Of course a seat like Gregory involves representing the front-line public servants on issues such as state government employee housing as well as the many constituents who engage with these state government agencies as customers. Every one of the State Government departments has daily relevance to Gregory's people, even Fisheries.*<sup>134</sup>

Mr Millar advised he must deduct travel time from the time available to meet with his constituents and represent their issues – he must travel between 39 locations only two of which are connected by commercial air flight.<sup>135</sup>

Despite the population concession and second office, Mr Millar noted:

*...the access of constituents to members is still in no way comparable to that of city electorates which can be driven across in minutes, or even regional electorates which can be crossed in a single return trip'*.<sup>136</sup>

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<sup>129</sup> Crime and Corruption Commission, Submission 4, p 2.

<sup>130</sup> Liberal National Party, Submission 11, p 8.

<sup>131</sup> Liberal National Party, Submission 11, p 8.

<sup>132</sup> Southern Downs Regional Council, Submission 2, p 1.

<sup>133</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 1.

<sup>134</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 1.

<sup>135</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 2.

<sup>136</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 2.

Mr Katter told the committee:

*I have slept in my car twice this year not because I like sleeping in my car but I was trying to get home and the roadhouse and the motel in the town I was passing through were shut. This is just the life when trying to do this job properly. It is a pretty large personal problem as well trying to juggle those things. The first time my travel budget ever ran over was in the last six months. I was out of pocket \$8000 which I was not really happy about. I do not do any travel that I do not have to do. I go where I feel I have to go.*<sup>137</sup>

Mr Laurie provide qualified support for the proposed modification to the large electorate formula, observing that it only becomes necessary if the current numbers of members is 'frozen':

*It needs to be made clear, however, that the status quo (ie. no extra seats) will mean that each redistribution will result in less country and regional seats. This will result in less representation in the Queensland Parliament of country and regional people.*<sup>138</sup>

Making a similar point, Mr Millar argued that, over the years, electorate boundaries have been rearranged and expanded as more seats have been pushed to the coastal areas of Queensland, especially in the South East corner: *'The population quota system then dictates that the larger electorates expand their boundaries to provide for smaller electorates in the more densely settled parts of the State'*.<sup>139</sup>

The Greens opposed the use of the ALDN as *'...a gerrymander that undermines the basic principle of one vote one value'* and did not support its increase *'...regardless of it being delivered by the parliament or by the Redistribution Commission'*.<sup>140</sup>

They argued that increasing the ALDN will have a variety of effects on district size, density and 'phantom voters': *'We suspect that on the balance of probabilities, the net beneficiaries of such an outcome will be either the Liberal National Party or Katter's Australia Party'*.<sup>141</sup>

The Queensland Council for Civil Liberties (QCCL) objected to the possibility of increasing weightings to address the constituent level representation difficulties in large electorates. Further it argued that, if such a decision was possible, it should be made by the Parliament. It also supported the principle of 'one vote, one value', arguing the existing weighting mechanism should be repealed and noting: *'It only exists in one other state with an equally distressing history of malapportionment – Western Australia'*.<sup>142</sup> The ALDN formula in WA is 1.5 per cent per square kilometre.

At the public briefing to the committee by Mr Walker, he responded to a question from Mr Ryan that no constitutional advice had been provided on the Bill.<sup>99</sup>

Overall the submissions highlight the tension between representation at a constituent level and at a state level, and the impact on the principle of 'one vote one value' of improving representation at a constituent level by applying a weighting.

It is important to note that the Bill itself would not increase the percentage used in the ALDN formula. It provides that the Redistribution Commission can determine whether the percentage amount, between two and four per cent, as the means of addressing perceived under-representation at the constituent level. This constraint in how the Commission would be able to address the issue has been discussed above.

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<sup>137</sup> Transcript of public hearing, 31 August 2015, Mount Isa, p 10.

<sup>138</sup> Neil Laurie, The Clerk of the Parliament, Submission 13, p 7.

<sup>139</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 2.

<sup>140</sup> Queensland Greens, Submission 10, p 9.

<sup>141</sup> Queensland Greens, Submission 10, p 9.

<sup>142</sup> Queensland Council of Civil Liberties, Submission 12, p 2.

A council official at the committee's meeting with Napranum Aboriginal Shire Council queried what it really was that the Bill was trying to address:

*So I am thinking this redistribution investigation or discussion should really first try to identify the problem that they are trying to solve. Are they trying to solve one vote, one person, or are they trying to solve a funding issue that some areas are just not getting enough funding to be able to give their member enough resources to represent properly? I throw this question back to the committee: what is it trying to do?*<sup>143</sup>

### **Alternatives to increasing the 'additional large district number' (ALDN)**

#### Technology

The use of technology to improve the ability of members to represent constituents in large electorates without compromising the 'one vote one value' principle, was canvassed at regional hearings and meetings held by the committee as it considered this Bill.

The QCCL considered that issues relating to distance in large electorates are best dealt with by: '*...the use of modern technology and increased resources and not by distorting the voting system*'.<sup>144</sup>

Mr Millar rejected claims that advances in communications and digital technology have ameliorated the disadvantage:

*It is exactly these very large electorates where constituents struggle with physically poor internet and telephone coverage, few transportation options apart from private vehicles and challenging roads and distances.*<sup>145</sup>

This theme of technology was raised throughout the committee's hearings and meetings in the Mount Isa and Cook electorates. While strong support was shown for improving telecommunications capabilities generally (and the committee certainly observed that there was considerable room for improvement), there was an equally strong message that technology cannot compensate for face to face contact with a human being.

People with whom the committee met in Mount Isa, Napranum, Cape York and Torres Strait, all suggested that while technology might improve access to a member of Parliament, there were significant issues with telecommunications infrastructure in those areas. For example:

**Mrs Smith:** *Is telecommunications an issue at all up here or not really?*

**Mr Maduma:** *It can be.*

**Ms Schuh:** *When were out like three days or four days and no landlines, no internet, no mobiles*—<sup>146</sup>

And these exchanges from Bamaga highlight the importance of direct communication with the parliament:

**Mayor Charlie:** *In the days before there were telecommunications and all that, our people used to send message sticks. When that message stick reached Brisbane, it was the same carving that we sent from here, whether or not we knew it. When we got these telecommunications, what is said in the parliament may be different to what we wrote. It*

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<sup>143</sup> Transcript of private meeting, Napranum, 1 September 2015, p 9.

<sup>144</sup> Queensland Council of Civil Liberties, Submission 12, p 2.

<sup>145</sup> Lachlan Millar MP, Member for Gregory, Submission 7, p 2.

<sup>146</sup> Transcript of private meeting, Napranum, 1 Sept 2015, p 6.

*is not effective at all. This is the modern day and we are still talking about what people said back in—what was the date of that big meeting on Masig?*

**Mayor Gela:** *23 August 1937.*

**Mayor Charlie:** *In 1937 our forefathers were talking about this. Today you can text or anything, but it will never get there, let alone in the culturally appropriate way of how we look at addressing and closing our gap, rather than somebody from Noosa trying to close their gap.*

**Mayor Gela:** *That said, there still need to be improvements in telecommunications, and we continue to lobby for that. I think all of us in this room can appreciate the fact that nothing can replace engaging with the individual, the person that you elect. I am always a strong advocate for local government because we are right at the coalface. If you walk out of this office, you can bet your bottom dollar you will bump into a constituent outside the door. In terms of bringing that position to a personal level, that still needs to occur. Whilst there needs to be improvement in telecommunications, in terms of looking at representation and, I guess, gaining a better appreciation of the challenges of individuals, you have to be able to put a face to those individuals. You have to see firsthand.*

*I will give you an example of—I am not going to use his name—a federal politician who had a portfolio that looked at border security. I had that representative visit Boigu Island, which is only a stone's throw away from the Papua New Guinea border. You can see the village, you can see their fires. That individual stood there and he turned around looked at me and said, 'Fred, what island is that?' I said, 'Mate, that's Papua New Guinea'. He said, 'Is it? You're kidding me?' I said, 'That's what I have been telling you about. That is the nature of where we sit in comparison to our close proximity to the border.' It is only a 10-minute boat ride. Nothing replaces that. You cannot gain that appreciation through a mobile phone or through internet coverage. Whilst telecommunications need to be improved, you still need that face-to-face contact.*

**CHAIR:** *You are basically referring to local knowledge, are you not?*

**Mayor Gela:** *Yes.*

**Mayor Charlie:** *And an extra seat. We see that there is room for improvement and putting in an extra seat. It is not duplicating the Cook electorate or the Cook candidate; it is complementing. It is not duplicating at all; it is complementing.<sup>147</sup>*

The committee was interested to discover that the federal electorate of Leichhardt is in fact smaller than the State electorate of Cook, with the boundary of Cook extending beyond Leichhardt to take in part of the Federal seat of Kennedy, including the Shire of Mareeba.

Constituents of Cook and Mount Isa consulted by the committee during its inquiry perceived varying levels of access to and representation from their state and federal members respectively. In one area within Cook there was a sense that the federal member was 'part of the furniture',<sup>148</sup> while the state member was less visible. In another, though, there was a sense that the federal member was not particularly visible. Those spoken to in the latter community were hoping to establish the

<sup>147</sup> Transcript of private meeting, Bamaga, 2 Sept 2015, p 4.

<sup>148</sup> Transcript of private meeting, Bamaga, 2 Sept 2015, p 5.

personal relationship that they had had with a previous state member, with the new member but noted that this requires physical presence.<sup>149</sup> They added:

**Mr MADDEN:** .... I think we are all a bit scared of technology. We should be looking at all the ways that we can—

**Mr Flewollen:** I do not think that we are scared of it; we just want it. We do not have it. We need it.

**Mr MADDEN:** Do you see that as a way of dealing with, as you said, the tyranny of distance, which we all have to cope with? Collectively, can you see technology as providing us with some of the solutions to solve the problems of the tyranny of distance?

**Mr Ouma:** Technology is a facilitator. At the end of the day, as I said before, an on-the-ground, person-to-person meeting is how you get to the real issues that each electorate wants to address. You can have an office in a big city somewhere and just dial in to your electorate, but you still have the distance, you still have the disconnect.<sup>150</sup>

### Resourcing travel

The General Travel Allowance (GTA) for the five Queensland state electoral districts over 100,000 square kilometres in size is \$61,720 per annum each. In its November 2014 report of a Review of the Allowances System, Queensland's Independent Remuneration Tribunal noted that:

*...at this stage there is no overwhelming evidence that the current General Travel Allocation amounts are insufficient and the Tribunal will keep a watching brief in this area.*<sup>151</sup>

Mr Robbie Katter MP indicated that an improved allowance to cover charter flights would increase his ability to service his electorate, but that *'it still does not fix the problem, I do not think'*.<sup>152</sup>

The committee notes that the lack of an upper House in the Queensland Parliament also reduces the amount of representation available to Queenslanders at the state level, in comparison with other jurisdictions and notably the federal Parliament, in which Queenslanders have representation from both a federal member and senators.

The observations of Ms Joyce Newton in her written submission are relevant here, noting the potential for additional demands on members in Queensland's unicameral system. She observes:

*The replacement of the role of an Upper House with an enhanced committee system has increased the workload for many Members of Parliament, reducing the time available for constituent matters.*<sup>153</sup>

### Multiple member electorates

Instead of increasing the ALDN, Professor Orr suggested *'...allowing parties to nominate dual-candidacies in the five vast northern/western seats, who if elected can share constituency*

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<sup>149</sup> Transcript of private meeting, Napranum, 1 Sept 2015, p 10.

<sup>150</sup> Transcript of private meeting, Napranum, 1 Sept 2015, p 10.

<sup>151</sup> Independent Remuneration Tribunal, November 2014, p ii.

<sup>152</sup> Transcript of public hearing, Mount Isa, 31 August 2015, p 11.

<sup>153</sup> Ms Joyce Newton, Submission 6, p 1.



*representation duties, without increasing the voting power of those regions on the floor of the parliament’.*<sup>154</sup>

He stated that ‘...*the idea of time-sharing an MP’s role has recently been proposed and litigated in the UK*’ and that: ‘*Multi-MP electorates were also the norm in early Queensland (where problems of distance and dispersal of electors mimicked the problems of the vast electorates in question)*’.<sup>155</sup>

The idea of a ‘pair’ of members was tested by committee members with councillors and staff at Napranum Aboriginal Shire Council:

**Mr Perrett:** *The interesting part in the proposal – and it was only a proposal about having multiple member electorates from one witness – was that you would have two members but only one of them would sit in Parliament and there would only be one vote....The voting power did not increase within the Parliament, but you would have two local members and they would have to sort it out amongst themselves...*

**Ms Schuh:** *Good luck with that.*

The Greens saw the Bill as a mere band-aid, arguing that single member, geographically based seats will always have representation problems, where the way the boundaries of seats are drawn are often more important than the overall opinion of the voters:

*The only long term way to address this problem would be to introduce a proportional seat allocation system allowing people from Western Queensland to combine their collective votes with those of other likeminded people to advance their interests. It would be equally contentious... but it removes the perverse rewards of undersized electorate allocations while still allowing for geographically sparse areas to find voices in parliament that represent their interests.*<sup>156</sup>

KAP recommended that no further ‘additional large districts’ should be created in future electoral redistributions.<sup>157</sup> It also recommended that the 5 existing ‘additional large districts’ ‘...*should be either capped or reduced in terms of square kilometres, with appropriate weightings applied to achieve this end*’.<sup>158</sup>

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<sup>154</sup> Professor Graeme Orr, Submission 9, p 3.

<sup>155</sup> Professor Graeme Orr, Submission 9, p 2.

<sup>156</sup> Queensland Greens, Submission 10, p 10.

<sup>157</sup> Katter’s Australian Party, Submission 3, p 3.

<sup>158</sup> Katter’s Australian Party, Submission 3, p 3.

### **3. Compliance with the *Legislative Standards Act 1992***

#### **3.1 Fundamental legislative principles**

Section 4 of the *Legislative Standards Act 1992* states that 'fundamental legislative principles' (FLPs) are the 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of parliament.

A major policy issue proposed in the Bill is the imposing of a significant policy and political decision upon the Redistribution Commission. As a fundamental element of the Bill, it is subject to express policy consideration. This is discussed extensively in section 2 of this report and will ultimately be a decision for the Legislative Assembly.

Other than this major policy question, the committee has identified no breaches of fundamental legislative principle.

#### **3.2 Explanatory notes**

Part 4 of the LSA relates to explanatory notes. It requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain.

Explanatory notes were tabled with the introduction of the Bill.

The Explanatory Notes state that public consultation was not conducted on the specific elements of the Bill. It would be appropriate if the Explanatory Notes, when stating this, also provide a reason as to why consultation was not conducted.

The notes contain the information required by Part 4 and a reasonable level of background information and commentary to facilitate understanding of the Bill's aims.

## **Appendix A – List of Submissions**

- 001 Western Downs Regional Council
- 002 Southern Downs Regional Council
- 003 Katter’s Australian Party
- 004 Crime and Corruption Commission
- 005 Brisbane City Council
- 006 Greg & Joyce Newton
- 007 Lachlan Millar MP, Member for Gregory
- 008 Local Government Association of Queensland
- 009 Professor Graeme Orr
- 010 Queensland Greens
- 011 Liberal National Party
- 012 Queensland Council for Civil Liberties
- 013 The Clerk of the Parliament
- 014 Shire of Flinders
- 015 Torres Shire Council
- 016 Tony Wnuczynski

## **Appendix B – List of briefings, hearings and meetings**

**Public Briefing** – Thursday 30 July 2015, Brisbane

**Public Briefing** – Wednesday 5 August 2015

**Public Hearing** – Tuesday 25 August 2015

**Public Hearing** – Monday 31 August 2015 (Mount Isa)

**Private Meeting** – Tuesday 1 September 2015 – Napranum Aboriginal Shire Council

**Public Hearing** – Tuesday 1 September 2015 (Weipa)

**Private Meeting** – Wednesday 2 September 2015 (Bamaga) – Northern Peninsula Area Regional Council and Torres Strait Island Regional Council

**Public Hearing** – Thursday 3 September 2015 (Cairns)

**Appendix C – Comparison of electoral redistribution processes in the lower houses of Parliament in all Australian jurisdictions**

# Comparison of electoral redistribution processes in the lower houses of Parliament in all Australian jurisdictions

## Summary

Redistributions of electoral districts in all jurisdictions in Australia, are made after public consultation processes have taken place. The redistributions are determined according to the numerical limits and matters set out for consideration in the relevant legislation. Responsibility for the redistribution lies with a redistribution committee or commission and in some jurisdictions there is also an augmented committee or commission which ultimately makes the redistribution. Queensland appears to be the only state currently proposing electoral reforms for the redistribution process, although the Australian Capital Territory has recently amended its laws to increase the number of Members in the Legislative Assembly.

A short summary of the redistribution processes in each state is included below.

## Queensland

Currently, the Redistribution Commission consists of three people. The number of State electoral districts is contained in legislation and the number of electors in each district should not differ by greater than 10% from the average number of electors in each district across the state. For large electorates greater than 100 000km<sup>2</sup>, an additional large district number is added to the number of electors in the district and this total number should not differ by greater than 10% from the average number of electors in each district across the state.

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### **New South Wales**

New South Wales appoints a special committee of Electoral District Commissioners consisting of three people to conduct redistributions. The number of members is contained in legislation and the number of electors in each district should not differ by greater than 10% from the average number of electors in each district across the state.

### **Victoria**

The independent Electoral Boundaries Commission consists of three people. The number of State electoral districts and members is contained in legislation and the number of electors in each district should not differ by greater than 10% from the average number of electors in each district across the state.

### **South Australia**

The redistribution process for South Australia's 47 House of Assembly electoral districts is undertaken by a three member Electoral Districts Boundaries Commission. The basis of any redistribution is that the number of electors in each district must not vary by more than 10%. South Australia considers itself as unique in that a basis of a redistribution is a principle of 'fairness'. The redistribution process involves a timeline for the public to make representations to the Commission prior to the Commission making a draft Redistribution Order, followed by a public submission process before the final Redistribution Order is made. The Order can be appealed to the Supreme Court on narrow grounds. Fundamental aspects of the redistribution process are entrenched by referendum requirements, meaning that significant legislative amendments to the process are rare.

### **Western Australia**

The redistribution process for Western Australia's 59 electoral districts is undertaken by three Electoral Distribution Commissioners. Like in Queensland, average district enrolment should vary by up to 10% more or 10% less. There is a different calculation for large districts. The process for conducting a redistribution involves a timeline for suggestions, comments and objections prior to the Commissioners making a final redistribution.

### **Tasmania**

The House of Assembly has no mechanism for reviewing electoral boundaries with the number of State divisions and members returned fixed by Parliament. For the Legislative Council, an initial redistribution proposal is published by a three member Redistribution Committee which is subject to an objection and inquiry process before the Redistribution Tribunal (the Committee plus two additional members) which is responsible for making a further redistribution proposal upon which objections can be made if 'significantly different' from the initial proposal. A final determination is then made and transition arrangements put in place. In no case can a redistribution result in a variation from the Council division quota of more than 10%.

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## Northern Territory

Redistribution is conducted jointly by the Redistribution Committee, consisting of three people, and the Augmented Redistribution Committee, in which there is an additional member. The number of members and electoral districts is contained in legislation. Each proposed division must contain a number of electors not exceeding, or falling short of, the quota by more than one-fifth of the quota. The quota for the number of electors is determined in each district by averaging total electors in the Territory amongst all electoral districts.

## Australian Capital Territory

The Australian Capital Territory has established both a Redistribution Committee, consisting of four people, and an Augmented Electoral Committee, which includes the Redistribution Committee (other than the commissioner) together with the members of the Electoral Commission. After legislative amendments in 2013, the number of members will be determined by the Australian Capital Territory Legislative Assembly from the 2016 election. A redistribution must not result in any electorate having a number of electors greater than 110% of its quota or less than 90% of its quota. The quota is calculated by the following formula:

$$(\text{Number of Territory electors} \times \text{Number of Electorate members}) / \text{Number of Territory Members}$$

## Commonwealth

Commonwealth electoral redistributions for each state and territory are conducted jointly by a Redistribution Committee for the state or territory, consisting of four members, and the Augmented Electoral Commission for the state or territory, consisting of six members. The number of members required for each state and territory is contained in legislation and the Australian Constitution. The numerical limits for the Commonwealth require a two-step process where firstly, the number of members for each state and territory are determined and then the enrolments in a proposed division in a state or territory are determined according to the requirements of the [Commonwealth Electoral Act 1918 \(Cth\)](#). The numerical requirements under this Act are more complicated than those for the states and territories.

## Proposed Queensland reforms

The [Electoral \(Redistribution Commission\) and Another Act Amendment Bill 2015](#) proposes three principle reforms.

- *Increasing the number of members of the Redistribution Commission to five to include expert appointees.*

Only the Northern Territory and the ACT have provisions which allow the appointment of a committee or commission member based on a specific relevant skill rather than a specific office held. In addition, Tasmania specifically states that one member of the committee will be a delegate of the Australian Statistician.

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- *Allowing the Redistribution Commission the discretion to increase the number of electoral districts in the Legislative Assembly subject to a limit of 94 seats.*

The number of members in the Parliaments of each state and territory in Australia are set out in legislation and any amendment would need to be passed by Parliament.

- *Allowing the Redistribution Committee to amend the additional large district number at its discretion, from 2% to 4%.*

The 'large district allowance' used in Western Australia is set at 1.5%.<sup>1</sup>

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<sup>1</sup> Electoral Boundaries WA, [Introduction and background](#), 24 July 2015.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
<p><b>QLD Legislative Assembly</b></p> <p><a href="#">Constitution of Queensland 2001 (Qld)</a></p> <p><a href="#">Electoral Act 1992 (Qld) (EA)</a></p>	<p>The Queensland Redistribution Commission is an independent body, consisting of three members who shall be:</p> <p>-the Electoral Commissioner, -a judge (or former judge) as Chairperson, and -a chief executive of a department (or the equivalent).<sup>2</sup></p>	<p>The process for redistribution is set out in the <a href="#">Electoral Act 1992 (Qld)</a>:</p> <p>(a) inviting suggestions within 30 days of publication of gazette notice (s 42), (b) inviting comments on the suggestions within 21 days of publication of gazette notice (s 43), (c) preparing a proposed electoral redistribution (ss 44-6), (d) publishing the proposed electoral redistribution (s 47), (e) inviting objections against the proposed electoral redistribution within 30 days of the gazette notice publication (s 48), (f) inviting comments on the objections within 10 days of the</p>	<p>There are 89 electoral districts in Queensland.<sup>4</sup> This number can be amended by the Queensland Parliament.<sup>5</sup></p> <p>For each proposed electoral district: (a) if the electoral district has an area of less than 100 000 km<sup>2</sup>—the number of enrolled electors must not differ from the average number of enrolled electors for electoral districts by more than 10%.<sup>6</sup></p> <p><b>The average number of enrolled electors for electoral districts</b> means the number worked out by dividing the total number of enrolled electors for all electoral districts by 89.<sup>7</sup></p>	<p>Changes proposed by the <a href="#">Electoral (Redistribution Commission) and Another Act Amendment Bill 2015</a>:</p> <p><b>Proposed changes to the body responsible</b></p> <p>Membership of the Redistribution Commission is to be increased from three to five members. The commission will consist of:</p> <p>(a) the chairperson; (b) the electoral commissioner; (c) 1 other commissioner (the chief executive appointee) who must be—</p> <ul style="list-style-type: none"> <li>• the chief executive of a department; or</li> <li>• the holder of an office established by or under an Act that the Governor in Council considers to be equivalent to the chief executive of a department.</li> </ul> <p>(d) two other commissioners (each an expert appointee) who must have qualifications or experience in one or more subject areas of demography, statistics or regional and town planning.<sup>12</sup></p>

<sup>2</sup> [Electoral Act 1992 \(Qld\)](#), s 6; Queensland Government, 'Extraordinary', Queensland Government Gazette, No.111, Vol.348, 20 August 2008, p.2250.

<sup>4</sup> [Electoral Act 1992 \(Qld\)](#), s 34.

<sup>5</sup> [Electoral Act 1992 \(Qld\)](#), s 37.

<sup>6</sup> [Electoral Act 1992 \(Qld\)](#), s 45.

<sup>7</sup> [Electoral Act 1992 \(Qld\)](#), s 45.

<sup>12</sup> Clause 7 of the Bill amends s 6 of the [Electoral Act 1992 \(Qld\)](#).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
		<p>gazette notice publication(s 49);  (g) considering objections and comments (s 50),  (h) making the electoral redistribution within 60 days after the end of the objection period (s 51),  (i) advertising the electoral redistribution (s 53),  (j) tabling all relevant documents (s 54).<sup>3</sup></p>	<p>If the electoral district has an area of 100 000 km<sup>2</sup> or more—the sum of the number of enrolled electors and the additional large district number must not differ from the average number of enrolled electors for electoral districts by more than 10%.<sup>8</sup></p> <p>The <b>additional large district number</b> means 2% of the number of km<sup>2</sup> in the area of the electoral district.<sup>9</sup></p> <p>The commission must consider the following matters:  (a) the extent to which there is a community of economic, social, regional or other interests within each proposed electoral district;  (b) the ways of communication</p>	<p>The quorum of the Redistribution Commission is accordingly increased from two commissioners to four.<sup>13</sup></p> <p>The appointments of all Commissioners (except the Electoral Commissioner) shall be subject to approval of the leaders of all recognised parties represented in the Legislative Assembly rather than the current requirement that the Minister consult with those leaders.<sup>14</sup> The requirement of the Minister to consult with the parliamentary committee remains.</p> <p><b>Proposed changes to the numerical limits</b></p> <p>The <i>Constitution of Queensland 2001</i> (Qld) and the <i>Electoral Act 1992</i> (Qld) will be amended to allow the Redistribution Commission to determine the number of electoral districts in the Legislative Assembly, subject to a maximum increase of up to 5 additional districts (ie 94 districts). The Commission must consider:  (a) the extent to which there is a community of economic, social, regional or other interests within each existing electoral district;</p>

<sup>3</sup> [Electoral Act 1992 \(Qld\)](#), s 41(2).

<sup>8</sup> [Electoral Act 1992 \(Qld\)](#), s 45.

<sup>9</sup> [Electoral Act 1992 \(Qld\)](#), s 45.

<sup>13</sup> Clause 9 of the Bill amends s 15(4) of the [Electoral Act 1992 \(Qld\)](#).

<sup>14</sup> Clause 7 of the Bill amends s 6(7) of the [Electoral Act 1992 \(Qld\)](#).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
			<p>and travel within each proposed electoral district;  (c) the physical features of each proposed electoral district;  (d) the boundaries of existing electoral districts;  (e) demographic trends in the State, with a view to ensuring as far as practicable that, on the basis of the trends, the need for another electoral redistribution will not arise under s 39 before it does under s 38.<sup>10</sup></p> <p>The commission may consider the boundaries of local government areas and must also take into account public comments and suggestions.<sup>11</sup></p>	<p>(b) the ways of communication and travel within each existing electoral district;  (c) the physical features of each existing electoral district;  (d) the boundaries and area of each existing electoral district;  (e) the extent to which the area of each existing electoral district affects the ability of a member of the Legislative Assembly to effectively represent the district;  (f) demographic trends in the State.<sup>15</sup></p> <p>This proposed amendment implements a recommendation by the Electoral and Administrative Review Commission.</p> <p>The Redistribution Commission will also be given capacity, at its discretion, to amend the additional large district number, from 2% to 4%.<sup>16</sup></p> <p><b>Proposed changes to how the redistribution is undertaken</b>  A number of consequential amendments to the <i>Electoral Act 1992 (Qld)</i> have been made to sections setting out the redistribution process so that, in addition to the details</p>

<sup>10</sup> [Electoral Act 1992 \(Qld\)](#), s 46.

<sup>11</sup> [Electoral Act 1992 \(Qld\)](#), ss 46(2) and 44(3)(a).

<sup>15</sup> Clause 13 of the Bill inserts s 41A of the [Electoral Act 1992 \(Qld\)](#).

<sup>16</sup> Clause 15 of the Bill amends s 45(2) of the [Electoral Act 1992 \(Qld\)](#).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
				<p>previously required, information about the number of proposed electoral districts and the actual number of electoral districts after redistribution, is included in the notices which are required to be published in the following circumstances:</p> <ul style="list-style-type: none"> <li>• inviting suggestions,</li> <li>• publishing the proposed electoral redistribution,</li> <li>• making the electoral redistribution, and</li> <li>• advertising an electoral redistribution.<sup>17</sup></li> </ul> <p>If the electoral redistribution includes an increase in the number of electoral districts, the redistribution does not take effect until a writ for a general election is first issued after the redistribution.<sup>18</sup></p> <p>In preparing a proposed redistribution, the commission must consider the areas of existing electoral districts in addition to the boundaries as currently required.<sup>19</sup></p> <p>The Commissions must now also give reasons for proposing the particular number of electoral districts, when tabling</p>

<sup>17</sup> Clauses 14, 17, 18 and 20 of the Bill amend ss 42(3), 47(2)(b), 1(1) and 53(2)(b) of the [Electoral Act 1992 \(Qld\)](#).

<sup>18</sup> Clause 19 of the Bill inserts s 52(3) into the [Electoral Act 1992 \(Qld\)](#).

<sup>19</sup> Clause 16 amends s 46(1)(d) of the [Electoral Act 1992 \(Qld\)](#).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
				information about the commission's reasons for the redistribution. <sup>20</sup>

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<sup>20</sup> Clause 21 amends s 54(1)(g) of the [Electoral Act 1992 \(Qld\)](#).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
<p><b>NSW Legislative Assembly</b></p> <p><a href="#">Constitution Act 1902 (NSW)</a> Sets out the conditions under which a redistribution should take place)</p> <p><a href="#">Parliamentary Electorates and Elections Act 1912 (NSW)</a> Sets out the framework, process and timetable for redistribution</p>	<p>A special committee of three <a href="#">Electoral Districts Commissioners</a> who are appointed by the Governor. The Commissioners must be one of each of the following:</p> <ul style="list-style-type: none"> <li>-Judge of the Supreme Court (past or present),</li> <li>-Electoral Commissioner, and</li> <li>-Surveyor General.<sup>21</sup></li> </ul>	<p>The redistribution process in NSW is as follows:<sup>22</sup></p> <p><b>The process</b> <i>A process and timetable which is outlined in NSW parliamentary legislation is followed. (<a href="#">Parliamentary Electorates and Elections Act Part 2</a>)</i></p> <p><b>STEP 1</b> <i>A special committee of three Commissioners called the <a href="#">Electoral Districts Commissioners</a> is appointed to oversee the process and determine the final boundaries and names of the electoral districts following a public consultation period. (<a href="#">Parliamentary Electorates and Elections Act Part 2 Section 6</a>)</i></p> <p><b>STEP 2</b> <i>A snapshot of current <a href="#">enrolment numbers</a> in NSW and in each electoral district is taken, at a fixed point in time, and these numbers form the initial basis for the redistribution process.</i></p> <p><b>STEP 3</b> <i>The public and other interested parties are advised of the redistribution and invited to submit written suggestions for changes to electoral districts and boundaries within a 30 day period, after which all the suggestions are published and made</i></p>	<p>Every Legislative Assembly shall consist of 93 Members.<sup>23</sup></p> <p>Voters in each proposed electoral district must be equal to the quotient obtained by dividing the number of persons entitled at that time to vote at any such general election in all of the proposed electoral districts by the number of those proposed electoral districts, but subject to a margin of allowance not exceeding 10 % more or less of that quotient.<sup>24</sup></p> <p>Under s 17A of the <a href="#">Parliamentary Electorates and Elections Act 1912 (NSW)</a> the commissioners shall,</p> <p>(a) have regard to demographic trends within the State and, as far as practicable, endeavour to ensure on the basis of those</p>	<p>Does not appear to be a current proposal for change.</p>

<sup>21</sup> [Parliamentary Electorates and Elections Act 1912 \(NSW\)](#) s 6(2); Electoral Commission NSW, '[Electoral Boundaries](#)', accessed 1 June 2015.

<sup>22</sup> 2013 NSW Redistribution, [How is a redistribution conducted?](#), 2013.

<sup>23</sup> [Constitution Act 1902 \(NSW\)](#), s 25.

<sup>24</sup> [Constitution Act 1902 \(NSW\)](#), s 28.

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		<p>available for viewing. (<a href="#">Parliamentary Electorates and Elections Act Part 2 Section 13(2a)</a>)</p> <p><b>STEP 4</b> Comments on the suggestions can then be submitted within a 14 day period, after which they are also all published and made available for viewing. (<a href="#">Parliamentary Electorates and Elections Act Part 2 Section 13(2b)</a>)</p> <p><b>STEP 5</b> Taking into account the suggestions and comments submitted, as well as advice from demographers about projected population growth and decline, the Commissioners then draft a proposal for changes that will allow electoral districts to have approximately the same number of voters.</p> <p>The Commissioners' draft cannot establish electoral districts that differ from the average voter numbers by more or less than 10%, even if projected growth or decline in any district may suggest they should.</p> <p>In addition, the allowable banding of plus or minus 10% must also be applicable shortly after the next State election in March 2015.</p> <p><b>STEP 6</b> The proposed boundaries are then published in the NSW Government Gazette and newspapers via advertisements. (<a href="#">Parliamentary Electorates and Elections Act Part 2 Section 14</a>) Copies of maps, together with the Commissioners' reasons for the proposed changes will be available at:</p>	<p>trends that, at the relevant future time, the number of electors enrolled in each electoral district will be equal (within a margin of allowance of 10 % more or less of the average enrolment in electoral districts at that future time), and</p> <p>(b) subject to paragraph (a), give due consideration, in relation to each electoral district, to:</p> <ul style="list-style-type: none"> <li>(i) community of interests within the electoral district, including economic, social and regional interests,</li> <li>(ii) means of communication and travel within the electoral district,</li> <li>(iii) the physical features and area of the electoral district,</li> <li>(iv) mountain and other natural boundaries, and</li> <li>(v) the boundaries of the existing electoral</li> </ul>	

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
		<ul style="list-style-type: none"> <li>• <a href="#">NSWEC Office</a>;</li> <li>• <i>Local Council offices</i>; and</li> <li>• <i>this website</i>.</li> </ul> <p><i>Suggestions and objections submissions are invited from the public within a 30 day period. (<a href="#">Parliamentary Electorates and Elections Act Part 2 Section 14(2)</a>)</i></p> <p><b>STEP 7</b> <i>Following this 30 day period, and within a maximum of 70 days, the Commission must hold one or more public inquiries on the suggestions or objections submitted, providing the submissions are not frivolous or vexatious. (<a href="#">Parliamentary Electorates and Elections Act Part 2 Section 14(5)</a>)</i></p> <p><b>STEP 8</b> <i>Following the public inquiries, the Commissioners prepare a final determination of electoral districts, boundaries, and names. If the proposal differs significantly from the draft proposal, legislation allows for another consultation process to take place. (<a href="#">Parliamentary Electorates and Elections Act Part 2 Section 14(12)</a>)</i></p> <p><i>Otherwise the new boundaries and names are proclaimed by the Governor and published in the Gazette and maps displayed in the same locations as noted in STEP 5 above.</i> <i>The new boundaries and electoral districts do not come into effect until the next State general election in March 2015.</i></p>	<p>districts.</p> <p>Under s 14A of the <a href="#">Parliamentary Electorates and Elections Act 1912 (NSW)</a>, the commissioners are required to determine the boundaries of electoral districts by determining the area of each district by reference to such matters (including cadastral, topographical, administrative and other spatial information) as they think fit.</p>	

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
<b>VIC Legislative Assembly</b>  <a href="#">Electoral Boundaries Commission Act 1982 (Vic)</a>	<p>The Victorian Electoral Boundaries Commission (EBC) is an independent statutory body, not responsible to any Minister or government. The EBC consists of:</p> <ul style="list-style-type: none"> <li>-Chief Judge of the County Court, who is also the Chairman,</li> <li>-Electoral Commissioner, and</li> <li>-Surveyor-General.<sup>25</sup></li> </ul> <p>The members are supported by the secretary to the EBC.<sup>26</sup></p>	<p>The redivision process is set out in the <a href="#">Electoral Boundaries Commission Act 1982 (Vic)</a> and is as follows:<sup>27</sup></p> <p><i>The EBC advertises the redivision and invites submissions from the public. Submissions are public documents and are made available on this website.</i></p> <p><i>The EBC then releases proposed boundaries. Members of the public have a month to submit suggestions or objections to the proposed boundaries. Suggestions and objections are also public documents and are made available on this website.</i></p> <p><i>After considering suggestions and objections, the EBC releases the final boundaries. These boundaries are not subject to veto or alteration by Parliament</i></p>	<p>Victoria is divided into 88 districts, each of which shall return one member to the Assembly.<sup>29</sup></p> <p>Under the <a href="#">Electoral Boundaries Commission Act 1982 (Vic)</a> one of the objects of the Act is to establish and maintain electoral districts of approximately equal enrolment and to determine the boundaries thereof for the Legislative Assembly.<sup>30</sup></p> <p>The Commission may take electoral regions or electoral districts to be of approximately equal enrolment where the enrolment for each region or district does not vary by more than 10 % from the average enrolment of all regions or districts (as the case requires).<sup>31</sup></p> <p>In determining the electoral boundaries under the <a href="#">Electoral Boundaries Commission Act 1982 (Vic)</a>, the Commissioners shall give due consideration to—</p>	<p>Does not appear to be a current proposal for change.</p>

<sup>25</sup> [Electoral Boundaries Commission Act 1982 \(Vic\)](#), s 3; Electoral Boundaries Commission, '[About the EBC](#)', (accessed 28 July 2015).

<sup>26</sup> Electoral Boundaries Commission, '[About the EBC](#)', (accessed on 28 July 2015).

<sup>27</sup> Electoral Boundaries Commission, '[About the EBC](#)', (accessed on 28 July 2015).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
		<p><i>or the Government.</i></p> <p><i>These new boundaries come into operation at the following State election.<sup>28</sup></i></p>	<p>(a) area and physical features of terrain;</p> <p>(b) means of travel, traffic arteries, and communications and any special difficulties in connection therewith;</p> <p>(c) community or diversity of interests; and</p> <p>(d) the likelihood of changes in the number of electors in the various localities.<sup>32</sup></p>	

<sup>29</sup> [Constitution Act 1975 \(Vic\)](#), s 35(1).

<sup>30</sup> [Electoral Boundaries Commission Act 1982 \(Vic\)](#), s5(1).

<sup>31</sup> [Electoral Boundaries Commission Act 1982 \(Vic\)](#), s9(2).

<sup>28</sup> Electoral Boundaries Commission, '[About the EBC](#)', (accessed on 28 July 2015).

<sup>32</sup> [Electoral Boundaries Commission Act 1982 \(Vic\)](#), s 9(1).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes to the process for redistributions
South Australia	<p>The Electoral Districts Boundaries Commission (EDBC) is appointed under the <a href="#">Constitution Act 1934 (SA)</a>, Part 5.</p> <p>The EDBC is a body corporate has the powers and functions of a Royal Commission.<sup>33</sup></p> <p>Membership consists of:</p> <ul style="list-style-type: none"> <li>• a senior judge of the Supreme Court, appointed by the Chief Justice,</li> <li>• the Electoral Commissioner, and</li> <li>• the Surveyor-General (s 78(1)).</li> </ul> <p>The Electoral Commission of South Australia (ECSA) is responsible for implementing the boundary changes.<sup>34</sup></p>	<p>The redistribution process is set out in Part 5 of the <i>Constitution Act 1934</i> as follows:</p> <ul style="list-style-type: none"> <li>• prior to commencing proceedings, the EDBC must invite (by statewide newspaper advertisement) representations up to a specified date,</li> <li>• <b>representations</b> to EDBC are by written instrument to EDBC secretary before specified date,</li> <li>• EDBC must consider all representations. It has discretion to hear and consider evidence/arguments in support of representations,</li> <li>• after completing consideration of relevant matters, the EDBC must: <ul style="list-style-type: none"> <li>○ prepare <b>draft Redistribution Order</b>,</li> <li>○ send a copy to each person making a representation,</li> <li>○ give notice (by statewide</li> </ul> </li> </ul>	<p>There are 47 House of Assembly electoral districts in South Australia each represented by one member(s 27).</p> <p>The district boundaries must be reviewed by the EDBC within 24 months after each polling day or as soon as practicable after the enactment of an Act that alters the numbers of the House of Assembly (s 82).</p> <p>The basis of redistribution is upon the principle that the number of electors in each electoral district must not vary from the electoral quota by more than the permissible tolerance of 10%.</p> <p>The <i>electoral quota</i> is</p>	<p>Part 5 of the <i>Constitution Act 1934</i> is entrenched by s 88 which requires a referendum to change fundamental aspects of the Part 5 processes. Section 88(2) sets out aspects that cannot be amended without referendum.</p> <p>The South Australian Deputy Electoral Commissioner has advised there are no current legislative proposals for change.<sup>37</sup></p>

<sup>33</sup> See s 79 of the *Constitution Act 1934*. Section 84 provides that the *Royal Commissions Act 1917 (SA)* applies as if the Commission and its members and its proceedings were a commission of inquiry.

<sup>34</sup> Electoral Commission of SA, [Electoral Districts Boundaries Commission](#), (accessed on 28 July 2015).

<sup>37</sup> Telephone conversation with South Australian Deputy Electoral Commissioner on 28 July 2015.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes to the process for redistributions
		<p>newspaper advertisement) about where draft can be inspected/purchased,</p> <ul style="list-style-type: none"> <li>• EDBC must invite person(s) to whom abovementioned draft sent or interested members of the public reading the abovementioned notice to make a final submission within a specified period (not less than one month),</li> <li>• EDBC must consider all submissions and has discretion to hear and consider evidence/arguments in support of submission,</li> <li>• EDBC may then proceed to finalise the Order (s 85).</li> </ul> <p>The EDBC shall cause an Order making a redistribution to be published in the Gazette and is final unless appeal lodged.</p> <p>An elector has one month to appeal to the full court of Supreme Court on the ground that the Order non-compliant with Act.</p>	<p>determined by dividing the total number of electors for the House of Assembly (as at the relevant date) by the number of electoral districts (s 77).</p> <p><b>Factors Considered</b> The EDBC must also make redistributions that, as far as practicable, are fair to prospective candidates and groups so that if candidates of a particular group attract more than 50% of the popular vote,<sup>35</sup> they will be elected in sufficient numbers to enable a government to be formed (s 83(1)).</p> <p>This ensures that parties with large popular votes are not disadvantaged by re-drawing boundaries. The ‘fairness’ criterion is unique to South Australia by ensuring that the</p>	

<sup>35</sup> This is determined by aggregating votes cast throughout the State and allocating preferences to the necessary extent.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes to the process for redistributions
		<p>Court hears and determines appeal within one month of Order being made. It can quash or vary Order or dismiss appeal (s 86).</p> <p>Order takes effect three months after publication (s 33(5)).</p> <p>Part 5 of the <i>Constitution Act 1934</i> is <b>entrenched</b> by s 88 which requires a referendum to change fundamental aspects of the Part 5 processes.</p>	<p>political outcome of redistributions are considered.<sup>36</sup></p> <p>The EDBC must also consider:</p> <ul style="list-style-type: none"> <li>• communities of interest,</li> <li>• the population of proposed electoral districts,</li> <li>• the physical environment,</li> <li>• the feasibility of communication between electors and elected members, and</li> <li>• any substantial demographic changes that are likely to take place before the next election (s 83(2)).</li> </ul>	

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<sup>36</sup> The Electoral Commission of SA states that South Australia is the only state or territory that provides for this consideration: see [Electoral Districts Boundaries Commission](#).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
<p><b>Western Australia</b></p> <p><a href="#">Electoral Act 1907 (WA)</a>, Part IIA</p>	<p>The redistribution process is undertaken by three Electoral Distribution Commissioners who are:</p> <ul style="list-style-type: none"> <li>a former/current Supreme Court judge (Chair) appointed by the Governor on the recommendation of the Premier,<sup>38</sup></li> <li>the Electoral Commissioner, and</li> <li>the Government Statistician (s 16B).<sup>39</sup></li> </ul> <p>The Commissioners have the powers, protections and immunities of a Royal Commission under the <i>Royal Commissions Act 1968</i> (WA).</p>	<p>The process for reviewing electoral boundaries is prescribed in Part IIA of the <a href="#">Electoral Act 1907</a>.</p> <p>Under s 16F, the Commissioners shall divide the State into districts and regions<sup>40</sup> in accordance with Part II whenever a division of the State is required.</p> <p>The review process takes eight months to complete.</p> <p>For the purpose of the review, the Commissioners shall:</p> <ul style="list-style-type: none"> <li>by notice in the Gazette and statewide newspaper, invite: <ul style="list-style-type: none"> <li>suggestions relating to the division of the State to be lodged within 30 days,</li> <li>comments on the above suggestions to be lodged within 14 days from the end of the 30 days for lodging of the suggestions,</li> </ul> </li> <li>after the expiration of aforementioned 30 days, allow copies of the suggestions to be available for perusal at the office of the Electoral Commissioner,</li> <li>consider all the suggestions and comments,</li> <li>formulate proposals for division of the State and</li> </ul>	<p>There are 59 electoral districts each of which return one member to serve in the Assembly (s 16C).</p> <p>The division into districts occurs as soon as practicable two years after the previous State general election (s 16E).</p> <p>Section 16G sets out how the State is divided into districts:</p> <ol style="list-style-type: none"> <li>the Commissioners shall divide the number of electors by the number of districts, and the result of that division is referred to as the <b>average district enrolment</b>,</li> <li>The Commissioners shall divide the State into districts in accordance with the principle that, for each district, the number of electors that the district would have had at the</li> </ol>	<p>The <a href="#">Electoral Amendment Act 2014 (WA)</a> amended the <i>Electoral Act 1907</i> and took effect 3 July 2014.</p> <p>The main amendments to Part IIA of the Act included:</p> <ul style="list-style-type: none"> <li>giving the Commissioners powers, protections and immunities of a Royal Commission,</li> <li>giving Commissioners</li> </ul>

<sup>38</sup> The Premier shall consult with, and seek the written views of, the parliamentary leader or representative of each party and Independent members in the Parliament.

<sup>39</sup> Electorate Boundaries WA, '[The Electoral Boundary Review](#)', Office of the Electorate Distribution Commissioners, (accessed on 27 July 2015). See also, '[Commissioners' Fact Sheets](#)'.

<sup>40</sup> Part IIA of the *Electoral Act 1907* (WA) also sets out the process for review of the six electoral regions for the members of Legislative Council.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
		<p>proposed names of the districts and publish in the Gazette and statewide newspaper, a map setting out the proposals and a statement of the Commissioners' reasons for making the proposals,</p> <ul style="list-style-type: none"> <li>• consider objections lodged with the Commissioners within 30 days of the publication of the map(s) and reasons,</li> <li>• as soon as practicable after the expiration of the 30 days (referred to in previous paragraph), divide the State into districts by way of a Gazette notice. Such notice must set out: <ul style="list-style-type: none"> <li>○ average district enrolment at relevant day,</li> <li>○ name assigned to the district and description of the boundaries fixed for the district<sup>41</sup> and the number of electors within these boundaries, and</li> <li>○ include a map(s) showing the boundaries.</li> </ul> </li> </ul> <p>The Commissioners may also publish a consultation paper about any division.</p> <p>The final boundaries take effect at the next State general election.</p> <p>For more information on this process, see Office of the</p>	<p>relevant day must not be more than 10% greater, or more than 10% less, than the average district enrolment at the close of electoral rolls two years after last State election (the relevant day). Thus, a district can have a permissible total of voters with up to 10% greater or 10% less than the average district enrolment.</p> <p>(3) However, the permissible variance from average district enrolment is different for districts larger than 100 000 km<sup>2</sup>. These large districts are allowed a large district allowance (LDA) of 1.5% of the total area of the district.</p> <p>(4) The LDA is added to the number of electors in the district and the outcome must not be more than 10% greater, or more than 20% less, than the average district enrolment at the relevant day.</p>	<p>capacity to take longer for formulating proposals for the division of the State ('as soon as practicable' rather than 'within 42 days');</p> <ul style="list-style-type: none"> <li>• provide that 'means of travel' to be a further consideration under s 16I.<sup>42</sup></li> </ul>

<sup>41</sup> Section 16F(5A) sets out how the boundaries may be described (e.g. by reference to local government or other administrative boundaries).

<sup>42</sup> See also, the [Explanatory Notes](#) for the Bill.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
		Electorate Distribution Commissioners, <a href="#">Electoral Boundary Review</a> .	<p><b>Factors considered</b>            In making the division, the Commissioners must give due consideration to (s 16I):</p> <ul style="list-style-type: none"> <li>• community of interest,</li> <li>• land use patterns,</li> <li>• means of communication, means of travel and distance from the capital,</li> <li>• physical features,</li> <li>• existing boundaries of regions and districts,</li> <li>• existing local government boundaries, and</li> <li>• the trend of demographic changes.</li> </ul>	

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<b>Tasmania</b> <a href="#">Constitution Act 1934 (Tas)</a> , s 22.  <a href="#">Legislative Council Electoral Boundaries Act 1995 (Tas)</a> , Part 2 (LCEB Act).	For the House of Assembly there is no legislation providing a mechanism for undertaking a review of electoral boundaries and providing for a process of redistribution.  Section 22 of the <a href="#">Constitution Act 1934 (Tas)</a> states that for the purpose of returning Assembly members, the State is to be divided into five divisions, each of which is to return five members. <sup>43</sup> These have the same boundaries as the five Commonwealth House of Representatives divisions for Tasmania. The area of each division is set out in <a href="#">Schedule 4</a> of	For the House of Assembly, there is no mechanism other than as provided by s 22 of the <i>Constitution Act 1934</i> .  For the Legislative Council, the process is set out in Part 2 of the <a href="#">LCEB Act</a> . <sup>45</sup> <ul style="list-style-type: none"> <li>the Redistribution Committee (Committee) publishes initial redistribution proposal, including maps showing names and boundaries of proposed divisions, boundary descriptions and reasons for proposal (s 13),</li> <li>the Committee must provide written reasons for initial redistribution proposal (s 14),<sup>46</sup></li> <li>map(s) showing boundaries etc must be exhibited at each public office and copies of proposal, descriptions and reasons made available there and a s 30 notice of availability published (s 15),<sup>47</sup></li> <li>the Committee's s 30 notice must advise that objections to initial proposal can be lodged with Redistribution Tribunal (Tribunal) within 28 days (s 15(3)) and may provide public notification of a summary of essential features of initial proposal (s 16). The Committee is then dissolved and its members become Tribunal members,</li> <li>public objections, comments or suggestions regarding initial proposal (initial objections) can be lodged with Tribunal within</li> </ul>	There are 15 Legislative Council divisions each of which is represented by one member. Elections are conducted on a six year periodic cycle.  A redistribution process is triggered if either nine years has elapsed since Committee appointed or if, after four and a half years after a Redistribution the number of electors in four or more divisions varies by 25% from average divisional enrolment. <sup>53</sup> If so, the Electoral Commissioner must recommend re-establishment of Committee and Tribunal (s 10).  <b>Factors considered</b> In accordance with the <a href="#">LCEB Act</a> , the Redistribution Tribunal must take into account the following priorities:  (i) to ensure, as far as practicable, that the number of electors in each Council division would not (in four and a half years' time) vary more than ±10% of the	Does not appear to be a current proposal for change.

<sup>43</sup> The names of the divisions of the Assembly are Bass, Braddon, Denison, Franklin and Lyons.

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	<p>the <i>Constitution Act 1934</i>.<sup>44</sup></p> <p>The Legislative Council (upper house) is more directly comparable to the Queensland Legislative Assembly as its membership is based on the principle of an equal number of electors per electorate. Until 1995, Legislative Council division boundaries were decided by the Parliament. The <a href="#">Legislative Council Electoral Boundaries Act 1995 (Tas) (LCEB Act)</a> established the 'one vote,</p>	<p>28 days (s 17),</p> <ul style="list-style-type: none"> <li>• Tribunal must consider each initial objection within 60 days after expiry of 28 day objection period and must hold a public inquiry<sup>48</sup> unless it believes that the objection is frivolous or vexatious (ss 18, 20). Notice of inquiry must be published on its website plus other information set out in s 19,</li> <li>• Tribunal inquiry proceedings are at the discretion of the Tribunal (s 20) but it must consider all the evidence,</li> <li>• as soon as practicable after ending inquiry or inquiries into initial objections, the Tribunal must make a further redistribution proposal and a public announcement<sup>49</sup> in accordance with s 30. If the further proposal is considered 'significantly different' from initial proposal, the public announcement must invite those entitled to make initial objection to make a further objection within seven days (s 21),<sup>50</sup></li> <li>• if further objections are lodged within the seven day period, the Tribunal must consider and hold an inquiry into each objection (s 22),</li> </ul>	<p>average Council division enrolment, and</p> <p>(ii) to take into account community of interest within each Council division.</p> <p>After taking into account the above priorities, the Redistribution Tribunal must consider the following matters in the case of each electoral division:</p> <ul style="list-style-type: none"> <li>– the means of communication and travel within the division,</li> <li>– the physical features and area of the division,</li> <li>– existing electoral boundaries, and</li> <li>– distinct natural boundaries.</li> </ul> <p>The Council division quota is to be the basis for the Initial Redistribution</p>	
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<sup>45</sup> See also, Tasmanian Electoral Commission, [The Legislative Council](#), 3 February 2014.

<sup>46</sup> A Committee member disagreeing with initial redistribution proposal may state reasons for disagreeing.

<sup>47</sup> In accordance with s 30 requiring publication in Gazette, three statewide newspapers, certain regional newspapers and by other appropriate means.

<sup>53</sup> The average Council division enrolment is the nearest whole number ascertained by dividing the number of electors enrolled in the State by the number of Council divisions (s 9(3)).

<sup>44</sup> Tasmanian Electoral Commission, [Map of House of Assembly Divisions](#). See separate maps/area descriptions for [Bass](#), [Braddon](#), [Denison](#), [Franklin](#) and [Lyons](#).

<sup>48</sup> However, can direct that part or all of inquiry be in private and/or restrict publication of evidence in certain circumstances if in the public interest (s 20(6)).

<sup>49</sup> Public announcement must include summary of further proposal, statement whether Tribunal believes further proposal is 'significantly different from initial proposal and, if so, that further objections can be lodged (s 21(3)).

<sup>50</sup> Section 21(4) provides what must be published on a website regarding the further proposal.

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	<p>one value' principle.</p> <p>Redistribution process is undertaken by the Redistribution Committee (makes initial redistribution proposal) and the Redistribution Tribunal (further and final redistribution proposals) appointed by the Governor.</p> <p>The LCEB Act provides that the Committee comprises 3 members:</p> <ul style="list-style-type: none"> <li>• the Electoral Commissioner (chair), and</li> <li>• the Surveyor-General, and</li> <li>• a person nominated by the Australian Statistician.</li> </ul> <p>The Tribunal comprises five members:</p> <ul style="list-style-type: none"> <li>• the members of the</li> </ul>	<ul style="list-style-type: none"> <li>• the further inquiry proceedings are the same as for initial inquiry,</li> <li>• the Tribunal must make a final determination by way of a s 30 notice<sup>51</sup> of names and boundaries of Council divisions as soon as practicable after all initial and further objections have been considered. Factors under s 13 (see column to right) must be considered when making determination (s 25). Written reasons must be stated for the determination (s 26).<sup>52</sup></li> </ul> <p>Decisions and determinations of the Committee and Tribunal are final and cannot be appealed against or challenged (s 28).</p> <p>Sections 29A-29L set out transition arrangements to implement the redistribution. These involve allocation of members to any new divisions and associated matters. A hearing must be conducted and initial transition proposal published. Submissions can be lodged regarding the proposal within 14 days and the submissions are considered and the Tribunal may hold an inquiry. The Tribunal then publishes a final transition determination as soon as practicable after deliberations completed.</p>	<p>Proposal.</p> <p>In no case is any variation from the Council division quota to exceed 10% (s 13(2)-(4)).</p>	
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<sup>51</sup> Copy of the notice must be published on a website plus substance of Tribunal findings or conclusions regarding objections (s 25(4), (5)).

<sup>52</sup> A Tribunal member disagreeing with initial redistribution proposal may state reasons for disagreeing.

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	<p>Redistribution Committee, and</p> <ul style="list-style-type: none"> <li>two additional members of whom one is the chairperson of the Electoral Commission (chair), and one is the member of the Electoral Commission who is not the Commission chairperson or the Electoral Commissioner (ss 5, 6 of the <a href="#">LCEB Act.</a>)</li> </ul>			
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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
<p><b>NT</b></p> <p><a href="#">Electoral Act (NT)</a></p> <p><a href="#">Northern Territory (Self-Government) Act 1978 (NT)</a></p> <p><a href="#">2015 Redistribution Information Guide</a></p>	<p>Part 16 of the <a href="#">Electoral Act (NT)</a> provides how the Redistribution Committee is constituted.</p> <p>The Redistribution Committee and Augmented Redistribution Committee have functions given to them for conducting redistributions.<sup>54</sup></p> <p><b>Redistribution Committee</b></p> <p>The Redistribution Committee consists of the following members:</p> <p>(a) the Commissioner;  (b) the Surveyor-General;  (c) the Auditor-General.<sup>55</sup></p> <p>The Commissioner is the Chairperson of the Redistribution Committee.<sup>56</sup></p>	<p>Part 8 of the <a href="#">Electoral Act (NT)</a> provides how a redistribution is to be undertaken.</p> <p>A redistribution process be conducted as soon as practicable two years and six months after the polling day for the general election, and is to be completed as soon as practicable.<sup>62</sup></p> <p>The Redistribution Committee (by notice in accordance with s 137) must invite suggestions relating to the redistribution which must be given to the Committee within 30 days of the publication of the notice.<sup>63</sup> The Committee must, as soon as practicable after receiving suggestions, publish a notice advising that copies of all the suggestions received are available for public inspection and inviting comments in writing on the suggestions to be given within 14 days.<sup>64</sup></p> <p>As soon as practicable after the 14 days mentioned in s 142, the Redistribution Committee</p>	<p>The Territory has 25 Legislative Assembly divisions, each represented by one elected Member.<sup>71</sup></p> <p>The objects of a redistribution include:</p> <p>(a) at the time of the next general election, the number of electors in each proposed division should be as near to equal as practicable,  (b) the physical area of each proposed division containing rural and remote areas should be kept as small as practicable,  (c) the demographic and geographic nature of each proposed division should be as uniform as practicable, and  (d) identifiable communities should be included in only one proposed division if practicable.<sup>72</sup></p> <p>Section 13(4) of the <a href="#">Northern Territory (Self-Government) Act 1978</a> states</p> <p>For the purposes of the election of members of the Legislative Assembly, the Territory</p>	<p>Does not appear to be a current proposal for change.</p>

<sup>54</sup> [Electoral Act \(NT\)](#), s 341.

<sup>55</sup> [Electoral Act \(NT\)](#), s 332.

<sup>56</sup> [Electoral Act \(NT\)](#), s 333.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
	<p><b>Augmented Redistribution Committee</b></p> <p>For each distribution, an Augmented Redistribution Committee must be established.<sup>57</sup></p> <p>The Augmented Redistribution Committee consists of:</p> <p>(a) the members of the Redistribution Committee; and</p> <p>(b) the appointed member.<sup>58</sup></p> <p>The appointed member is the Chairperson of the Augmented Redistribution Committee.<sup>59</sup> A person is eligible for appointment as the appointed member if:</p>	<p>must prepare a proposed redistribution of the Territory into divisions, which must include names for the proposed divisions.<sup>65</sup></p> <p>As soon as practicable after the Redistribution Committee has prepared the proposed redistribution, it must make available for public inspection, a map showing the names and boundaries of all proposed divisions.<sup>66</sup></p> <p>The Redistribution Committee must publish a notice inviting objections to the proposed redistribution be made to the Augmented Redistribution Committee within 30 days.<sup>67</sup> The Augmented Redistribution Committee must then</p>	<p>shall be distributed into as many electoral divisions as there are members to be elected, and a quota shall be calculated by dividing the whole number of electors in the Territory, as nearly as can be ascertained, by the number of members to be elected.</p> <p>(5) For the purposes of subsection (4), each electoral division shall contain a number of electors not exceeding, or falling short of, the quota calculated.</p> <p>Each proposed division must contain a number of electors not exceeding, or falling short of, the quota mentioned in s 13(4) of the Self-Government Act by more than one-fifth of the quota.<sup>73</sup></p>	

<sup>62</sup> [Electoral Act \(NT\)](#), s 138.

<sup>63</sup> [Electoral Act \(NT\)](#), s 141.

<sup>64</sup> [Electoral Act \(NT\)](#), s 142.

<sup>71</sup> Northern Territory Electoral Commission, [Electoral Boundaries](#), (accessed on 28 July 2015).; [Electoral Act \(NT\)](#), s 50.

<sup>72</sup> [Electoral Act \(NT\)](#), s 139 (a)-(d).

<sup>57</sup> [Electoral Act \(NT\)](#), s 334.

<sup>58</sup> [Electoral Act \(NT\)](#), s 335.

<sup>59</sup> [Electoral Act \(NT\)](#), s 339.

<sup>65</sup> [Electoral Act \(NT\)](#), s 143.

<sup>66</sup> [Electoral Act \(NT\)](#), s 144.

<sup>67</sup> [Electoral Act \(NT\)](#), s 145.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
	<p>(a) the person has served as, or is qualified for appointment as, a Judge of the Supreme Court or a magistrate, or</p> <p>(b) the person:</p> <ul style="list-style-type: none"> <li>(i) has other appropriate qualifications or experience, and</li> <li>(ii) is not a member of a political party.<sup>60</sup></li> </ul> <p>Before a person mentioned in subsection (b) is appointed, the Minister must consult the following persons about the proposed appointment:</p> <ul style="list-style-type: none"> <li>(a) the leader of each political party represented in the Legislative Assembly, and</li> <li>(b) all MLAs who are not also members of a political party represented in the Legislative Assembly.<sup>61</sup></li> </ul>	<p>consider the objection and make the redistribution.<sup>68</sup></p> <p>The redistribution takes effect for the next general election after publication of the notice.<sup>69</sup> The decisions of the Redistribution Committee or Augmented Redistribution Committee are final and conclusive.<sup>70</sup></p>	<p><b>Matters to be considered</b></p> <p>Section 140 of the <i>Electoral Act</i> provides the matters the Committees are to give proper consideration to include:</p> <ul style="list-style-type: none"> <li>(a) community of interests in each proposed division, including economic, social and regional interests,</li> <li>(b) types of communication and travel in each proposed division, with special reference to disabilities arising out of remoteness or distance,</li> <li>(c) the trend of population changes in the Territory,</li> <li>(d) the density of population in each proposed division,</li> <li>(e) the area of each proposed division,</li> <li>(f) the physical features of each proposed division,</li> <li>(g) the existing boundaries of the following: <ul style="list-style-type: none"> <li>(i) divisions,</li> <li>(ii) local government areas and wards under the Local Government Act and suburbs and towns,</li> </ul> </li> </ul>	

<sup>73</sup> [Electoral Act \(NT\)](#), s 140(1).

<sup>60</sup> [Electoral Act \(NT\)](#), s 336(2).

<sup>61</sup> [Electoral Act \(NT\)](#), s 336 (3).

<sup>68</sup> [Electoral Act \(NT\)](#), ss 146 and 147.

<sup>69</sup> [Electoral Act \(NT\)](#), s 150.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
			(iii) Divisions and Subdivisions under the Commonwealth Act, (iv) areas of Aboriginal Land Councils established by or under the <i>Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)</i> ;	

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<sup>70</sup> [Electoral Act \(NT\)](#), s 151.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
<b>ACT</b>  <a href="#">Electoral Act 1992 (ACT)</a>  <a href="#">Australian Capital Territory (Self-Government) Act 1988 (ACT)</a>	<p><b>Redistribution Committee</b></p> <p>The redistribution committee shall consist of:</p> <p>(a) the commissioner; and</p> <p>(b) the planning and land authority; and</p> <p>(c) the surveyor-general; and</p> <p>(d) a person appointed by the electoral commission whose qualifications or experience would, in the opinion of the electoral commission, enable the person to assist the committee, particularly in relation to the factors set out in s 36.<sup>74</sup></p> <p><b>Augmented Electoral Committee</b></p> <p>For each electoral redistribution, an augmented electoral committee is established. The committee consists of the members of the electoral commission and the members (other than the commissioner) of the redistribution</p>	<p>A redistribution process shall begin as soon as practicable after the beginning of the period of two years ending on the 3<sup>rd</sup> Saturday in October in the year when the next ordinary election is to be held.<sup>76</sup></p> <p>The redistribution process begins when a redistribution committee is formed for the purposes of a redistribution.<sup>77</sup> The process ends when the redistribution is determined under s 35.<sup>78</sup></p> <p>The commissioner may call a meeting of the redistribution committee, where three members constitute a quorum.<sup>79</sup></p> <p>The redistribution committee must prepare a written notice stating that written suggestions about the redistributions may be given to it within 28 days after the notice is notified under the <i>Legislation Act 2001</i>.<sup>80</sup></p>	<p>Currently, the Australian Capital Territory has three electorates with multiple members in each electorate:</p> <p><i>Members of the Assembly are elected by the Hare-Clark proportional representation system. Canberra is divided into three electorates — Brindabella, Ginninderra, and Molonglo. Five members are elected in the Brindabella and Ginninderra electorates, while the Molonglo electorate elects seven members, making a 17 member Assembly.</i><sup>82</sup></p> <p>Section 67D(2) provides that a distribution or redistribution of the Territory into electorates is not to result in any electorate having, immediately after the distribution or redistribution:</p> <p>(a) a number of electors of the Territory</p>	<p>The <a href="#">Australian Capital Territory (Legislative Assembly) Act 2014 (ACT)</a> as passed on 5 August 2014. The Legislative Assembly agreed to increase its size from 17 to 25 Members at the 2016 election.</p> <p>The <a href="#">Australian Capital Territory (Self-Government) Act 1988 (Cth)</a> was amended</p>

<sup>74</sup> [Electoral Act 1992 \(ACT\)](#), s 39(3).

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
	committee formed for the purposes of the redistribution. <sup>75</sup>	<p>The redistribution committee must make a proposed redistribution of electorates after considering suggestions and comments.<sup>81</sup></p> <p>Section 44 requires the redistribution committee to publish their proposal and copies of other material considered by the committee. The Committee is also required to prepare a written notice telling the public about the exhibition mentioned above, and state that written objections against the proposal may be given to the electoral commission within 28 days after the day the notice is notified under the <i>Legislation Act 2001</i>. A notice must also be published in a newspaper identifying the map or maps of each proposed electorate</p>	<p>greater than 110% of its quota, or</p> <p>(b) a number of electors of the Territory less than 90% of its quota.</p> <p>Section 67D(1) of the <a href="#">Australian Capital Territory (Self-Government) Act 1988 (Cth)</a> provides that a 'quota' is calculated utilising the following formula:</p> <p>(Number of Territory electors x Number of Electorate members) / Number of Territory Members</p> <p>where:</p> <p>'Number of Territory electors' means the</p>	<p>in 2013 to allow the ACT Legislative Assembly to pass legislation to amend the number of members.</p> <p>Previously, a Commonwealth regulation made in accordance with an Assembly</p>

<sup>76</sup> [Electoral Act 1992 \(ACT\)](#), s 37(1).

<sup>76</sup> [Electoral Act 1992](#), s 37(1).

<sup>77</sup> [Electoral Act 1992](#), s 37(1)(a).

<sup>78</sup> [Electoral Act 1992](#), s 37(1)(b).

<sup>79</sup> [Electoral Act 1992](#), s 40.

<sup>80</sup> [Electoral Act 1992](#), s 41.

<sup>82</sup> Australian Capital Territory Legislative Assembly, [Members](#), 1 May 2015.

<sup>75</sup> [Electoral Act 1992 \(ACT\)](#), s 47.

<sup>81</sup> [Electoral Act 1992 \(ACT\)](#), s 43.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
		<p>Once the notice and maps have been published as required by s 44, the redistribution committee is dissolved.</p> <p><b>Augmented electoral commission</b></p> <p>Section 48 provides that the chairperson of the electoral commission may call a meeting of an augmented commission where four members constitute a quorum.</p> <p>Section 49 provides that the augmented commission shall investigate each objection made in accordance with s 46.</p> <p>Section 50 provides that the augmented electoral commission shall make a proposed redistribution after completing any investigation required by s 49. Section 51 provides that after making a proposed redistribution, the augmented electoral commission shall make a public announcement concerning the proposal. This announcement includes the substance of the augmented electoral</p>	<p>number of electors of the Territory.</p> <p>‘Number of electorate members’ means the number of members to be elected by the electorate.</p> <p>‘Number of Territory members’ means the number of members of the Assembly.</p> <p>The committee are also to consider the factors in s 36 which are to:</p> <p>(a) ensure that the number of electors in an electorate immediately after the redistribution is within the range permitted by the <a href="#">Australian Capital Territory (Self-Government) Act 1988</a>, section 67D (2),</p> <p>(b) endeavour to ensure, as far as practicable, that the number of electors in an electorate at the time of the next general election of members of the Legislative Assembly will not be greater than 105%, or less than 95%, of the expected quota for the electorate at that time ascertained in accordance with the formula set out in the <a href="#">Australian Capital Territory (Self-Government) Act 1988</a>, section 67D (1), and</p> <p>(c) duly consider—</p>	<p>resolution was required.<sup>83</sup></p> <p>The <i>Electoral Amendment Act 2014 (ACT)</i> will amend the <a href="#">Electoral Act 1992 (ACT)</a> to provide that the ACT must be divided into 5 electorates, with 5 members to be elected from each electorate. This Act will also make consequential amendments to the Electoral Act to remove</p>

<sup>83</sup> ACT Legislative Assembly, [FAQ-How many members are there in the ACT Legislative Assembly?](#), 16 June 2014.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
		<p>commission's findings about the redistribution committee's proposal, the particulars of the augmented commission's proposal, and, whether the augmented electoral commission's proposal is significantly different from the redistribution committee's proposal. If the augmented commission believes that its proposal is significantly different from the redistribution committees, then it must issue a notice to allow written objections within 28 days. Section 52 details the objections that can be made in this time.</p>	<p>(i) the community of interests within each proposed electorate, including economic, social and regional interests; and  (ii) the means of communication and travel within each proposed electorate; and  (iii) the physical features and area of each proposed electorate; and  (iv) the boundaries of existing electorates; and  (v) the boundaries of divisions.</p>	<p>references to seven member electorates.<sup>84</sup></p>

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<sup>84</sup> Elections ACT, [ACT Legislative Assembly votes to increase the size of the Assembly to 25 Members from the 2016 election](#), 6 August 2014.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
<p><b>Commonwealth</b></p> <p><a href="#">Commonwealth Electoral Act 1918 (Cth)</a></p> <p><a href="#">Steps in the redistribution process</a></p>	<p><b>Redistribution Committee</b></p> <p>The Electoral Commission shall, as soon as practicable after the commencement of the redistribution, appoint a Redistribution Committee for the state.<sup>85</sup></p> <p>The members of the Redistribution Committee for the state shall be:</p> <p>(a) the Electoral Commissioner; and</p> <p>(b) the Australian Electoral Officer for the State; and</p> <p>(c) either:</p> <p>(i) the Surveyor-General for the State; or</p> <p>(ii) if there is no office of Surveyor-General for the State—the person nominated by the</p>	<p>A redistribution shall commence whenever the Electoral Commission so directs by notice in the Gazette.<sup>88</sup></p> <p>The Electoral Commissioner may convene a meeting of the Redistribution Committee, where three members constitutes a quorum.<sup>89</sup></p> <p>The Redistribution Committee shall state in writing the reasons for the proposed redistribution.<sup>90</sup></p> <p>The Redistribution Committee must exhibit a map or maps showing the names and boundaries of each proposed electoral division and make available:</p> <p>(i) the suggestions and comments lodged under subsection 64(1);</p> <p>(ii) descriptions (whether by reference to a map or plan or otherwise) of the boundaries of each proposed Electoral Division;</p> <p>(iii) its reasons for the proposed redistribution; and</p> <p>(iv) if a member of the Redistribution Committee has stated in writing reasons for his or her</p>	<p>Section 24 of the <i>Australian Constitution</i> states that the number of members of the House of Representatives shall be, as near as possible, 'twice the number of senators'.<sup>95</sup></p> <p>The number of members which each state will have is determined by the population of the State under s 48 of the <a href="#">Commonwealth Electoral Act 1918 (Cth)</a>.<sup>96</sup>:</p> <p><i>In order to determine the number of Members for the States and Territories the Electoral Commissioner first ascertains a quota by dividing the population of the Commonwealth (excluding territorial populations) by twice the number of Senators for the States. The number of Members to be chosen for each State or Territory (other than Norfolk Island and the Jervis Bay Territory) is then determined by dividing the number of people of the State or Territory by</i></p>	<p>Does not appear to be a current proposal for change.</p>

<sup>85</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s 60.

<sup>88</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s 59.

<sup>89</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s 62.

<sup>90</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s 67.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
	<p>relevant State Minister as the person holding the office equivalent to the office of Surveyor-General for the State; and (d) the Auditor-General of the State.<sup>86</sup></p> <p><b>Augmented Electoral Commission</b></p> <p>The members of the augmented Electoral Commission for a state shall be:</p> <p>(a) the Chairperson of the Electoral Commission; (b) the member of the Electoral Commission referred to in paragraph 6(2)(c); and (c) the members of the Redistribution Committee for the State or Territory.<sup>87</sup></p>	<p>disagreement with the proposed redistribution—those reasons.<sup>91</sup></p> <p><b>Augmented Electoral Commission</b></p> <p>The Chairperson of the Electoral Commissioner may convene a meeting of the augmented Electoral Commission, where 4 members constitutes a quorum.<sup>92</sup></p> <p>The augmented Electoral Commission shall consider all initial objections, comments and further objections.<sup>93</sup></p> <p>The augmented Electoral Commission shall determine the names and boundaries of the electoral divisions after it has considered all objections, and publish a notice in the Gazette.<sup>94</sup></p>	<p><i>the quota. If on such division there is a remainder greater than one half of a quota, an additional Member is chosen.</i> <a href="#">[43]</a> This determination is subject to the constitutional requirement of there being a minimum of five Members for each of the original States <a href="#">[44]</a> and the requirement of the Commonwealth Electoral Act that there be a minimum of one Member for each of the Northern Territory and the Australian Capital Territory. <a href="#">[45]</a>.<sup>97</sup></p> <p>The requirements of s 65 of the <a href="#">Commonwealth Electoral Act 1918 (Cth)</a> are as follows:<sup>98</sup></p> <p><i>A quota of electors, ascertained by dividing the number of electors in the State or Territory by the number of Members, <a href="#">[53]</a> is the basis for the</i></p>	

<sup>95</sup> Parliamentary Education Office, *Members of the House of Representatives*, (accessed on 28 July 2015).

<sup>96</sup> *House of Representatives Practice, 6th ed, Electoral Divisions* chapter.

<sup>86</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s 60(2).

<sup>87</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s 70(1).

<sup>91</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s 67.

<sup>92</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s71

<sup>93</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#), s71

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
		<a href="#">Redistribution Timetable</a>	<p><i>proposed redistribution. The estimated enrolment in a proposed division may not depart from this quota by more than 10 per cent. In making the proposed redistribution, the Redistribution Committee is required, as far as practicable, to endeavour to ensure that, three years and six months after the redistribution (or earlier time determined by the Electoral Commission),<sup>[54]</sup> the number of electors enrolled in each proposed electoral division in the State or Territory will be not less than 96.5% or more than 103.5% of the average divisional enrolment in the State or Territory. Subject to this requirement the Redistribution Committee shall give due consideration, in relation to each proposed electoral division, to:</i></p> <ul style="list-style-type: none"> <li><i>community of interests within the proposed electoral division, including economic, social and regional interests;</i></li> </ul>	

<sup>94</sup> [Commonwealth Electoral Act 1918 \(Cth\)](#)s73

<sup>97</sup> Parliament of Australia, House of Representatives Practice, 6th Ed, [Chapter 3 Electoral Divisions](#), September 2012.

<sup>98</sup> Parliament of Australia, House of Representatives Practice, 6th Ed, [Chapter 3 Electoral Divisions](#), September 2012.

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	Current body responsible for redistribution	How redistribution is undertaken	Numerical limits and matters to be considered in redistribution	Proposed changes
			<ul style="list-style-type: none"> <li>• <i>means of communication and travel within the proposed electoral division;</i></li> <li>• <i>the physical features and area of the proposed electoral division; and</i></li> <li>• <i>the boundaries of existing divisions in the State or Territory.</i><a href="#">[55]</a></li> </ul>	

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**Appendix D – Current Queensland Electoral Boundaries (2008)**

