



## Queensland By-Elections

Queensland general elections are now to be held on a set date every four years with the next election scheduled for 31 October 2020. At these elections, 93 Members, each representing an electoral district (also known as electorate or seats), are elected to the Queensland Parliament.

By-elections are local elections conducted to fill vacancies in individual electorates between general elections. Vacancies cannot be left because this may disturb the balance of power within Parliament and also leave the people in that electorate without representation in the Parliament.

Queensland has single-member electorates and, in common with most other English-speaking countries, follows the British practice of using by-elections (called 'special elections' in the USA) to fill vacancies that arise between general elections.

### Why Do By-elections Occur?

In Queensland, by-elections have occurred for several reasons:

- death of a sitting member
- resignation of a sitting member
- a decision by the Court of Disputed Returns following a general election<sup>1</sup>; or
- an increase in the membership of Parliament. This was the case for 1864, 1875 and 1885 but this no longer applies. Any increase in parliamentary membership now occurs at a general election.

Vacancies can also occur due to the 'failure' of an election where:

- a candidate dies before the polling day for a general election; or
- there are no candidates for an election.

Under the *Parliament of Queensland Act 2001*, electorates become vacant when a member:

- fails to make the oath or affirmation of office within 21 sitting days after being elected as a member

- stops being enrolled on the electoral roll
- stops being an Australian citizen
- acknowledges allegiance to, or becomes an agent of, another country
- becomes a member of another Australian Parliament
- accepts a paid public appointment with another Australian Government (appointments with the Queensland Government are impossible under the legislation)<sup>2</sup>
- is elected or appointed as mayor or a councillor of a local government
- transacts business with an entity of the State<sup>3</sup>
- is convicted of certain offences<sup>4</sup>
- is bankrupt or insolvent
- is absent from the Legislative Assembly for more than 21 consecutive sitting days without the Assembly's permission.

### The 1996 Mundingburra By-election.

In July 1995, a general state election was held in Queensland to elect the then 89 members of the Legislative Assembly. The electorate of Mundingburra determined the fate of the then Goss Labor Government at this election. The result in this seat relied on postal votes. After ten days, the Electoral Commission of Queensland declared that the Labor Party had won the seat by 16 votes. As a result, the Goss Labor Government had a majority of one to govern the state.

But the election result was challenged by the Liberal Party in the Court of Disputed Returns.

After some deliberation, the court accepted that some votes were incorrectly disqualified. They declared the seat vacant which triggered a by-election.

# Queensland Parliament Factsheet

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This by-election was hotly-contested, largely because of the precarious hold Labor had on state government in Queensland. The by-election was won by the Liberal Party's Frank Tanti with a 2.8% swing against Labor, resulting in a hung parliament. The Goss Government fell within a week of the by-election and the National Party's Rob Borbidge became Premier of a minority government with the support of Independent, Liz Cunningham, the then Member for Gladstone. Due to a hung parliament Premier Borbidge governed Queensland with this one vote until the next state election held in 1998.

<sup>1</sup> These decisions were previously made by the Parliamentary Committee for Elections and Qualifications (1860 - 1886) and the Elections Tribunal (1886 - 1992).

<sup>2</sup> *Parliament of Queensland Act 2001 s.69*

<sup>3</sup> This must be decided by resolution of the Legislative Assembly (*Parliament of Queensland Act 2001 s.71(h)(i)*).

<sup>4</sup> These are listed in the *Parliament of Queensland Act 2001 s.71(i)*