

Electoral (Improving Representation) and Other Legislation Amendment Bill 2016

Explanatory Notes

Short title

The short title of the Bill is the Electoral (Improving Representation) and Other Legislation Amendment Bill 2016

Policy objectives and the reasons for them

The objectives of the Bill:

1. Provide for broader representation on the Redistribution Commission by increasing the membership of the Commission from three to five members. In the interests of transparency, the appointment of all Commissioners, with the exception of the Electoral Commissioner who has already undergone a separate appointment process, is subject to the approval of the leaders of all recognised parties in the Legislative Assembly; and
2. Change the number of electoral districts for the State by increasing the number of members of the Legislative Assembly from 89 to 93 so as to improve representation, particularly in regional Queensland.

Achievement of policy objectives

To achieve these objectives, the Bill will amend the *Constitution of Queensland 2001*, the *Electoral Act 1992*, the *Parliament of Queensland Act 2001* and the *Queensland Independent Remuneration Tribunal Act 2013* for particular purposes.

There is evidence that population density is continuing to increase in South East Queensland and that certain areas in rural and remote Queensland continue to experience a decline in their population base.

Based on the recommendations of the Fitzgerald Inquiry, and then subsequently the Electoral and Administrative Review Commission (EARC), there was a weighting applied to electoral districts over 100 000 square kilometres in area.

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

The two issues of density and distance, amongst other things, is a distinguishing difference between challenges encountered by members providing representation in rural and regional electoral districts as compared with those in South East Queensland. For example, the electoral district of Mount Isa covers 570 502 square kilometres in total which is 32.9% of the entire state of Queensland.

The Bill also expands the existing three member Redistribution Commission to include two additional members and outlines the bipartisan and transparent appointment process for members of the Redistribution Commission, other than the Electoral Commissioner who has already been appointed under a separate process.

Alternative ways of achieving policy objectives

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

Estimated cost for government implementation

The cost of increasing the membership of the Redistribution Commission from three to five members are minimal and can be met within the existing resources of the Electoral Commission of Queensland.

The costs associated with the Bill are reasonable and justified to maintain and improve representation for constituents and residents throughout Queensland.

The Clerk of the Parliament, Mr Neil Laurie, previously advised the Committee upon consideration of this issue that the cost of providing additional resources are likely to cost much more than extra members.

Consistency with fundamental legislative principles

The Bill is consistent with fundamental legislative principles.

Consultation

There has been no formal consultation on the Bill.

Consistency with legislation of other jurisdictions

Increasing the membership of the Redistribution Commission from three to five members is not consistent with other jurisdictions. However, given the unicameral nature of the Queensland Parliament it is vital that the process of undertaking electoral redistributions is thorough and gives due recognition to the issues of population density and access to representation for all Queenslanders.

Notes on provisions

Clause 1 refers to the short title of the Bill.

Clause 2 confirms that amendments to the *Constitution of Queensland 2001*, *Parliament of Queensland Act 2001* and *Queensland Independent Remuneration Tribunal Act 2013* commence immediately after the writ for the general election is issued, following the 2016 electoral redistribution.

Clause 3 refers to Part 2 which amends the *Constitution of Queensland 2001*.

Clause 4 amends the number of members of the Legislative Assembly from 89 to 93.

Clause 5 refers to Part 3 which amends the *Electoral Act 1992*.

Clause 6 amends the definition of non-judicial appointee to reflect the additional members of the Redistribution Commission.

Clause 7 is a consequential amendment to clause 4 and the objective of the Bill to increase the number of electoral districts in the Legislative Assembly from 89 to 93.

Clause 8 reflects the additional members of the Redistribution Commission and that an expert appointee must have qualifications or experience in one or more of the following – demography, statistics or regional and town planning.

Clause 9 is a consequential amendment of Clause 6.

Clause 10 amends the quorum for meetings of the Commission to reflect the increased membership.

Clause 11 is consequential and reflects the amendment to the number of electoral districts for the State.

Clause 12 is consequential and reflects the amendment to the number of electoral districts for the State.

Clause 13 outlines the transitional process for when the redistribution takes effect and is a consequence of the increase in the number of electoral districts, which would need to be considered as part of the 2016 electoral redistribution, but would not take effect until the first post-redistribution writ is issued and upon any appeal under section 57(6) has been disposed of by the Court of Appeal.

Clause 14 refers to Part 3 which amends the *Parliament of Queensland Act 2001*

Clause 15 is consequential and reflects the amendment to the number of electoral districts for the State.

Clause 16 is consequential and reflects the amendment to the number of electoral districts for the State.

Clause 17 is consequential and reflects the amendment to the number of electoral districts for the State and the ratios of portfolio committee membership as per s91B of the *Parliament of Queensland Act 2001*.

Clause 18 is consequential and reflects the amendment to the number of electoral districts for the State and the ratios of portfolio committee membership as per s91B of the *Parliament of Queensland Act 2001*.

Clause 19 refers to part 5 which amends the *Queensland Independent Remuneration Tribunal Act 2013*

Clause 20 is consequential and reflects the amendment to the number of electoral districts for the State.