

## CLAUSE NOTES

### *Legislative Council Electoral Boundaries Amendment Act 2017*

**Clause 1: Short title**

Clause 1 cites the Bill as the Legislative Council Electoral Boundaries Amendment Act 2017

**Clause 2: Commencement**

Clause 2 provides for the Act to commence on the day on which it received Royal Assent

**Clause 3: Principal Act**

Clause 3 provides that the Principal Act to which the amendments apply is the Legislative Council Electoral Boundaries Act 1995

**Clause 4: Section 10 amended (Commencement of redistributions)**

Clause 4 amends section 10(2) of the Act by omitting from paragraph (a) "4½ years" and substituting "5 years";

At present paragraph (a) provides

- (a) it appears to the Electoral Commissioner, from a determination published under section 9 at any time after 4½ years after a redistribution of the State under this Act, that the number of persons enrolled in respect of 4 or more electoral divisions varies by more than 25% from the average divisional enrolment; or

Clause 4 amends section 10(2) of the Act by omitting from paragraph (b) "9 years" and substituting "10 years"

At present paragraph (b) provides

- (b) a period of 9 years has elapsed since the appointment of the Redistribution Committee under section 4—

**Clause 5: Section 13 amended (Redistribution Committee to make initial redistribution proposal)**

Clause 5 amends Section 13 of the Principal Act by omitting from subsection (2)(a) "4 years and 6 months" and substituting "5 years";

At present Section 13 subsection (2)(a) provides

- (a) the first priority is to ensure, as far as practicable, that, if the State were redistributed in accordance with the initial redistribution proposal, the number of electors enrolled in each

Council division would not, 4 years and 6 months after the redistribution, be less than 90% or more than 110% of the average Council division enrolment;

Clause 5 amends Section 13 of the Principal Act by inserting the following subsection after subsection (2):

(2A) The Redistribution Committee must, in making an assessment under subsection (2)(a) in relation to a redistribution, take into account estimates that –

- (a) are prepared by the Statistician, within the meaning of the Census and Statistics Act 1905 of the Commonwealth; and
- (b) estimate, or enable to be estimated, the future numbers of people of the State, and their location within the State, at a point in time that is 5 years after the redistribution; and
- (c) have regard to the results of the most recent census, conducted under that Act, in respect of the number of people of each State.

**Clause 6: Section 37A inserted**

Clause 6 amends Section 37A of the Principal act by inserting 37A.

After section 37 of the Principal Act, the following section is inserted in Part 3:

37A. Transitional provisions in relation to the Legislative Council Electoral Boundaries Amendment Act 2017

(1) In this section –

amending Act means the Legislative Council Electoral Boundaries Amendment Act 2017.

(2) Without limiting the application of the amendments to this Act made by the amending Act, the provisions of section 13, as amended by the amending Act, apply, in accordance with section 21(2), in relation to the performance and exercise of the Redistribution Tribunal's powers and functions under section 21 in relation to a further redistribution proposal for the State to be made in the 12-month period after the amending Act commences.

(3) For the purposes of the application of subsection (2), the Redistribution Tribunal must not make a further redistribution proposal for the State in the 12-month period after the amending Act commences until the estimates, referred to in section 13(2A), are able to be taken into account by the Redistribution Tribunal in accordance with section 13(2A).

(4) If the Redistribution Tribunal has, before the amending Act commences, made in 2017 a further redistribution proposal under section 21(2) –

- (a) the further redistribution proposal is to be taken to be of no effect; and

(b) section 21 applies to the Redistribution Tribunal as if it had not performed or exercised under that section its powers and functions in relation to the last distribution proposal to which the further redistribution proposal relates; and

(c) any determination of the Redistribution Tribunal made in 2017 under section 25 before the amending Act commences is void and of no effect.

**Clause 7:        Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

# FACT SHEET

## PRIVATE MEMBERS BILL

### LEGISLATIVE COUNCIL ELECTORAL BOUNDARIES AMENDMENT ACT 2017

To be brought in by Greg Hall MLC, Deputy President and Chair of Committees.

The purpose of the Bill would be to amend the Legislative Council Electoral Boundaries Act (1995) to:

- Delay the determination of the 2016 -17 Legislative Council Electoral Boundaries Redistribution Committee until the most recent Census data (2016) is available from the Australian Bureau of Statistics with population projections (2018).
- Synchronise future Legislative Council Electoral Boundary reviews with the availability of population projections based on the most recent Australian Census data by going to a 10-year review cycle from 2018 instead of the current 9-year review.

The 2016-17 Redistribution Committee is proposing major changes to the divisions of Western Tiers, Apsley and Rumney and the creation of new divisions using population projections based on the 2011 Australian Census data.

These changes are the biggest change to divisions since the reduction to 15 Legislative Council seats in 1998.

Population projections for Tasmania using 2016 Australian Census data will be available in the latter half of this year.

Synchronising Legislative Council boundary reviews with the release of Census-based population data every 10 years would provide a much sounder basis for redistributions.