

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

## **FACT SHEET**

The Legislative Council Electoral Boundaries Amendment Act 2017 proposes Amendments to the Legislative Council Electoral Boundaries Act 1995 (the Principal Act).

The proposed Amendments are intended to synchronise Legislative Council Boundary reviews with the years of the Australian Census to enable the latest Population Projection data to be used in the determination of redistributions.

**Section 10 (2) of the principal Act (Commencement of redistributions)** provides that:

(a) if 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

(b) a period of 9 years has elapsed since the appointment of the Redistribution Committee under section 4 – the Electoral Commissioner must recommend to the Minister having the administration of the Electoral Act 2004 that the Committee and the Tribunal be re-appointed under section 4 of this Act.

(Section 9 refers to the requirement to take notice of quarterly ascertainment of enrolments. Section 4 refers to the appointment of the Redistribution Committee and Redistribution Tribunal.)

The purpose of the proposed amendments are to synchronise redistribution determinations with the availability of Population Projections from the latest Australian Census data which occurs every five years. The last Australian Census was held in August 2016 and demographic data based on this Census is being released over a 12-month period.

The proposed amendments will address concerns that Census data up to five years old is being used in redistribution determinations to predict the number of enrolled electors 4½ years from the time of the redistribution.

Section 13 subsection (2)(a) of the Principal Act (Redistribution Committee to make Initial Redistribution Proposal) provides that 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;

The proposed amendment is necessary to synchronise redistribution determinations with the availability of Population Projections from the latest Australian Census data which occurs every five years.

Section 29 (2) of the Principal Act (Effective date of redistribution) provides that: Except as provided in the determination of the Redistribution Tribunal under section 29A, a redistribution does not affect the election of a member to fill a vacancy in the Legislative Council until 1 July following that determination. (Section 29A refers to the transition arrangements to implement redistribution in respect of Legislative Council)

The proposed amendment would change the date from which a redistribution takes effect from 1 July to 1 January. This would allow redistributions to come into effect at the beginning of the election period for Legislative Council seats.

Section 37A (1 and 2) is proposed to be inserted into the Principal Act to exempt the amendments to Section 10 (2) (a) and (b) and Section 13 (2) (a) from the Initial Redistribution Proposal made in 2017 under section 13(1); and (b) a Further Redistribution Proposal made in 2017 under section 21(1); and (c) a Redistribution Determination made in 2017 under section 25.

This proposed amendment is intended to remove any concerns about the integrity of the 2016-17 Legislative Council Redistribution process in light of discussion on proposed changes to the timing of divisions.

Section 37 A (3) is proposed to be inserted into the Principal Act to change the date from which the initial redistribution proposal made in 2017 under section 13(1); and (b) a further redistribution proposal made in 2017 under section 21(1) becomes effective from 1 July to 1 January.

This would allow redistributions determined in 2017 to come into effect at the beginning of the election period for Legislative Council seats on 1 January 2018 and subsequent redistributions to take effect at the beginning of the election period for Legislative Council elections.