

Legislative Council Electoral Boundaries Amendment Bill 2009

FACT SHEET

The *Legislative Council Electoral Boundaries Amendment Bill 2009* contains amendments to the *Legislative Council Electoral Boundaries Act 1995* in line with recommendations by the Redistribution Tribunal following the 2007-08 Legislative Council Redistribution.

Firstly the Bill removes the hiatus between the determination of the new divisions and the allocation of members to those divisions.

The Redistribution Tribunal determined the boundaries and names of the 15 new divisions on 10 May 2008 but, under the Act, was only able to make its transition determination on 14 June 2008. Had there been any submissions to the initial transition proposal, the hiatus between the two determinations would likely have been longer than five weeks. This raised two issues.

First it is unclear which Member of the Legislative Council represented what, if any, division during the hiatus. This could have created a significant problem had a member died or resigned. This anomaly has been resolved by providing that a redistribution does not take effect until the date the Tribunal makes its transition determination.

The second issue is whether there is any need at all for the Tribunal to inquire into transition arrangements in certain circumstances such as at the 2008 redistribution. Section 29A sets out the principle that a member will “generally be allocated to a new Council division where the electors from the member’s current division comprise the greater number of electors in the division”. In 2008, the most altered division was Hobart (formerly Wellington) but that new division still comprised 84.3% electors from the previous division. In other words, the transition arrangements were obvious, and required no exercise of judgment or discretion by the Tribunal.

Accordingly, the Bill amends the *Legislative Council Electoral Boundaries Act* to provide that the Tribunal may make an immediate transition determination if there is only minor change, and every new division contains at least 75% of the electors from the member’s current division. This is in line with the principle contained in section 29A of the Act.

Finally, amendments to the Boundaries Act will reduce the amount of statutory advertising required under the Act. The detailed advertisements will be replaced with smaller advertisements containing the essence of the notice and pointing to the availability of detailed information either on the Web or on request.