

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, April 2016*



Queensland

**No.
A BILL for**

An Act to 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



Queensland

Electoral (Improving Representation) and Other Legislation Amendment Bill 2016

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2016

A Bill

for

An Act to 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

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Electoral (Improving Representation) and Other Legislation Amendment Act 2016*.

2 Commencement

(1) Parts 2, 4 and 5 commence immediately after the first post-redistribution writ is issued.

(2) In this section—

first post-redistribution writ means the writ for the general election first issued under the *Electoral Act 1992*, section 82 after the post-commencement electoral redistribution has become final.

post-commencement electoral redistribution means the first electoral redistribution under the *Electoral Act 1992* that becomes final under that Act after the commencement of part 3.

Note—

For electoral redistributions, see the *Electoral Act 1992*, part 3.

Part 2 Amendment of Constitution of Queensland 2001

3 Act amended

This part amends the *Constitution of Queensland 2001*.

4 Amendment of s 11 (Number of members of Legislative Assembly)

Section 11, '89'—

omit, insert—

93

Part 3 Amendment of Electoral Act 1992

5 Act amended

This part amends the *Electoral Act 1992*.

6 Amendment of s 2 (Definitions)

(1) Section 2, definition *nonjudicial appointee*—

omit.

(1A) Section 2, definition *exhausted ballot paper*—

omit.

(2) Section 2—

insert—

chief executive appointee see section 6(2)(c).

expert appointee see section 6(2)(d).

nonjudicial appointee means a chief executive appointee or an expert appointee.

(3) Section 2, definition *appointed commissioner*, 'the nonjudicial'—

omit, insert—

a nonjudicial

(4) Section 2, definition *first preference vote*, 'or a tick or cross'—

[s 7]

omit.

7 Amendment of s 3 (Average number of enrolled electors for electoral districts)

Section 3(1), definition *average number of enrolled electors for electoral districts*, ‘89’—

omit, insert—

93

8 Amendment of s 6 (Establishment of Electoral Commission of Queensland etc.)

(1) Section 6(2)(c)—

omit, insert—

(c) 1 other commissioner (the *chief executive appointee*) appointed as mentioned in subsection (6);

(d) 2 other commissioners (each an *expert appointee*) appointed as mentioned in subsection (6A).

(2) Section 6(4), ‘appointee’—

omit, insert—

appointees

(3) Section 6(6), ‘nonjudicial’—

omit, insert—

chief executive

(4) Section 6—

insert—

(6A) A person appointed as an expert appointee must have qualifications or experience in 1 or more of the following—

(a) demography;

- (b) statistics;
 - (c) regional and town planning.
- (5) Section 6(7)—
omit, insert—
 - (7) A person may be appointed as the chairperson or a nonjudicial appointee only if—
 - (a) the Minister has consulted with the parliamentary committee about—
 - (i) the process of selection for appointment; and
 - (ii) the appointment of the person as the chairperson or nonjudicial appointee; and
 - (b) the person’s appointment is made with the support of each member of the Legislative Assembly recognised as the leader of a political party represented in the Assembly.

11 Amendment of s 34 (Number of electoral districts for the State)

Section 34, ‘89’—

omit, insert—

93

12 Amendment of s 35 (Distribution, and redistribution, of State into electoral districts)

Section 35(3), ‘89’—

omit, insert—

93

[s 13]

13 Amendment of s 52 (When redistribution takes effect)

(1) Section 52(1), after ‘subject to’—

insert—

subsection (3) and

(2) Section 52(2), ‘The’—

omit, insert—

Subject to subsection (3), the

(3) Section 52—

insert—

(3) For the post-commencement electoral redistribution—

(a) there is no increase in the number of members of the Legislative Assembly; and

(b) the electoral districts, as in existence before the redistribution, continue in force;

until the first post-redistribution writ is issued and any appeal under section 57(6) has been disposed of by the Court of Appeal.

(4) Subsection (3) has effect despite the *Constitution of Queensland 2001*, sections 12 and 13.

(5) In this section—

first post-redistribution writ means the writ for a general election first issued after the post-commencement electoral redistribution has become final.

post-commencement electoral redistribution means the first electoral redistribution that becomes final after the commencement of the *Electoral (Improving Representation) and Other Legislation Amendment Act 2016*, part 3.

13A Amendment of s 102 (Supply of ballot papers and electoral rolls)

Section 102(3), second dot point—

omit, insert—

- Indicate your preference for all the other candidates by numbering the other squares in your preferred order.

13B Amendment of s 122 (How electors must vote)

(1) Section 122(1)(b)—

omit, insert—

(b) otherwise—subsections (2) and (3).

(2) Section 122(2) and (3)—

omit, insert—

- (2) An elector must vote by writing on a ballot paper—
 - (a) the number 1 in the square opposite the name of the candidate for whom the elector votes as the elector's first preference; and
 - (b) the numbers 2, 3 and so on in the squares opposite the names of all the other candidates to indicate the order of the elector's preferences for them.
- (3) The numbers mentioned in subsection (2)(b) must be consecutive numbers, without the repetition of a number.

13C Amendment of s 123 (Formal and informal ballot papers)

(1) Section 123(1)(a), 'intended preference or'—

omit.

(2) Section 123(2)—

[s 13D]

omit, insert—

- (2) A ballot paper is taken to contain writing or marks that indicate the voter's intended order of preferences, even though the square opposite the name of 1 of the candidates has been left blank, if—
 - (a) the voter has written the numbers 1, 2, 3 and so on in all the squares opposite the candidates' names except for the blank square; and
 - (b) the numbers mentioned in paragraph (a) are consecutive numbers, without the repetition of a number.
- (2A) A ballot paper mentioned in subsection (2) is taken to indicate that the candidate whose name is opposite the blank square is the voter's last preference.

13D Amendment of s 128 (Official counting of votes)

- (1) Section 128(7)(b) and (9)(b), 'that is not exhausted'—
omit.
- (2) Section 128(11), from 'transferring' to 'exhausted'—
omit, insert—

transferring a ballot paper to a continuing candidate

13E Amendment of s 183 (Lodging how-to-vote cards)

Section 183—

insert—

- (3A) The reference in subsection (3)(b) to voting under this Act includes voting in the way required under section 122.

[s 18]

24 to 46

18 Amendment of s 91C (Membership and operation—at least 50% non-government membership of Assembly)

(1) Section 91C(1), note, ‘89’—

omit, insert—

93

(2) Section 91C(1), note, ‘45’—

omit, insert—

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**Part 5 Amendment of Queensland
Independent Remuneration
Tribunal Act 2013**

19 Act amended

This part amends the *Queensland Independent Remuneration Tribunal Act 2013*.

20 Amendment of s 39 (Meaning of *recognised political party*)

Section 39(1)(a), note, ‘89’—

omit, insert—

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Authorised by the Parliamentary Counsel