

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

5 May 2016

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey
Government House,

Brisbane,

5th May 2016



Queensland

**No. 20 of 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**



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

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.

Part 4 Amendment of Parliament of Queensland Act 2001

14 Act amended

This part amends the *Parliament of Queensland Act 2001*.

15 Amendment of s 91 (Membership and operation—less than 15% non-government membership of Assembly)

Section 91(1), note, ‘89’—

omit, insert—

93

16 Amendment of s 91A (Membership and operation—at least 15% but less than 25% non-government membership of Assembly)

(1) Section 91A(1), note, ‘89’—

omit, insert—

93

(2) Section 91A(1), note, ‘22’—

omit, insert—

23

17 Amendment of s 91B (Membership and operation—at least 25% but less than 50% non-government membership of Assembly)

(1) Section 91B(1), note, ‘89’—

omit, insert—

93

(2) Section 91B(1), note, ‘23 to 44’—

omit, insert—

[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—

47

**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