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Crime and Corruption
Commission

QUEENSLAND

Our Reference: AD-12-0212 /
Contact Officer: Mr Rob Hutchings

13 August 2015

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Watson

**RE: ELECTORAL (REDISTRIBUTION COMMISSION) AND
ANOTHER ACT AMENDMENT BILL 2015**

I refer to the letter from Mr Mark Furner MP, Chair of the Legal Affairs and Community Safety Committee (the Committee), to the Crime and Corruption Commission (CCC) dated 22 July 2015 inviting a written submission concerning the *Electoral (Redistribution Commission) and Another Act Amendment Bill 2015* (the Bill).

The CCC welcomes the opportunity to comment on the Bill. However, the CCC is not an elected body and the Bill concerns questions about the design of our system of democratic electoral representation which ultimately are appropriate for parliament and the people of Queensland. Accordingly the CCC intends to limit its comments to matters of principle relevant to the purpose of reducing the incidence of corruption in the public sector¹.

The Bill proposes amendments to parts of the *Electoral Act 1992* and the *Constitution of Queensland Act 2001* which implemented certain recommendations of the Fitzgerald Inquiry Report (the Inquiry)² and of the Electoral and Administrative Review Commission in November 1990.

In brief summary, the Inquiry identified the need for fairness in the electoral process to achieve legitimate political authority for government³. This was said to safeguard against the degeneration of the institutional culture of public administration by reason that government activity might cease to be moderated by concern at the possibility of losing power⁴. The Inquiry also identified the need for existing electoral boundaries to be examined by open, independent inquiry to promote social cohesion, public accountability and respect for authority⁵. The Inquiry stated that such an examination should appropriately be conducted by a person or group of people of undoubted integrity whose judgment will be acceptable to all political parties and the general community⁶.

¹ *Crime and Corruption Act 2001*, sections 4 and 5

² Report of a Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct Pursuant to Orders in Council, 3 July 1989

³ *Ibid*, p 127

⁴ *Ibid*

⁵ *Ibid*

⁶ *Ibid*

The Bill's proposal to provide for broader representation within the Redistribution Commission from three to five members whose appointments are all subject to public scrutiny is consistent with the above recommendations of the Inquiry. This may be seen to provide marginal strengthening of protections against corruption by continuing to require that the Commission's membership comprise persons of undoubted integrity but to also include further persons with additional fields of relevant expertise.

The Bill's proposal to allow the Redistribution Commission discretion to increase the number of electoral districts in the Legislative Assembly from 89 to 94 seats is also consistent with the above recommendations of the Inquiry. This may be seen to provide marginal strengthening of protections against corruption with the increased potential for constituents to have direct personal access to their elected representatives.

I note also the Bill's proposal to allow the Redistribution Commission discretion to increase the additional large district number, currently set at 2%, up to 4%. The CCC adopts the view that Queensland's system of parliamentary democracy is based upon the principle of equal representation⁷. While this proposal does not directly promote personal access by constituents with their elected representatives; the policy of an additional large district number inherently involves departure from the principle of equal representation. Of course, the current setting of the additional large district number at 2% has applied since the commencement of the *Electoral Act* 1992 without any specific problem or potential for corruption apparently arising. The CCC considers nevertheless that, in principle, mechanisms which facilitate movement away from equal representation (although they may be designed to improve the quality and effectiveness of representation) have the inherent potential to lead to corruption or perceptions of corruption. Hence it is appropriate that such mechanisms should remain under regular review to ensure that the appropriate balance between effective representation and equal representation in remote electorates is struck.

I would like to thank the Committee again for the invitation to deliver this submission concerning the Bill.

Yours sincerely



KATHLEEN FLORIAN
Acting Chief Executive Officer

⁷ Queensland Redistribution Commission Determination of Queensland Legislative Assembly Electoral Districts, Queensland Government Gazette No. 111, p 2249.
http://www.ecq.qld.gov.au/data/assets/pdf_file/0019/25453/Queensland-Redistribution-Commission-2008-Final-Report.pdf