

Electoral (Redistribution Commission) and Another Act Amendment Bill 2015

Queensland Parliament, Legal and Community Safety Committee

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(This submission is based on a commentary on the bill first published on the TJ Ryan Foundation website. It represents my personal views, and not necessarily those of the Ryan Foundation or the University of Queensland Law School).

How big should parliament be? Should vast constituencies be reined in by reducing their number of electors? Who should decide such matters? These enduring questions are raised in the Electoral Redistribution and Another Enactment Amendment Bill of 2015. Normally opposition bills do not attract much attention. But in a hung parliament, and with electoral law being of direct interest to every politician, this bill may be an exception.

Introducing the bill, the Shadow Attorney-General Ian Walker pointed out that Queensland MPs represent over 33 000 electors, or over 50 000 residents per seat. More than any other state or territory, bar NSW. In addition, there are no upper house MPs in Queensland to assist with that role, unlike say Victoria and WA, where there are regionally focused Legislative Councillors.

The Palaszczuk government scorned the very idea of increasing the number of MPs in the Legislative Assembly. That knee-jerk unhelpfully pre-empts a populist response. Every generation, the number of constituency MPs should be reviewed.

This Bill tries to defuse some of the partisanship by referring the question of the size of parliament to the Redistribution Commission, which is due to redraw boundaries in 2016. It also seeks to expand and increase the independence of that Commission, an adjunct of the Electoral Commission Queensland. Future appointments would need bipartisan support.

So far, so good. Democrats should applaud the idea of regularly reconsidering constitutional issues like the size of parliament, and measures to entrench the independence of the body that makes the all-important electoral maps.

A problem with the bill is that in outsourcing the size of parliament to an independent body, it paradoxically and unduly then constrains that body. The Commission could only consider increasing parliament by up to 5 seats - between the present 89 and 94 - a scope of barely 6%. The principle the bill offers is independent review, but within a politically narrow scope.

There is also the question of whether a Redistribution Commission ought to make such big policy decisions. An all-party parliamentary committee appears to me to be a better option. After all, MPs know better than most how stretched they are, and whether the answer for servicing a growing population is more MPs, or more staff and enhanced communication processes.

There are also inescapable community concerns that need to be assessed. Is state politics attracting a suitable calibre of candidates, to justify expansion? Or are party pre-selection processes too dominated by insiders with union, lawyer and employer association backgrounds?

It seems to me that the bigger, weeping, sore is Queensland's unicameral system, and executive dominance of that one house of parliament. This is exacerbated by majority - really plurality - rules voting. That voting system disenfranchises the 8% who vote Greens. Simply increasing the number of MPs will not address that deeper problem.

Finally, the bill proposes a modest but troubling move away from one-vote, one-value. Since 1992 and the post-Fitzgerald reforms, Queensland has had equal vote weighting. *Except* for the five massive electorates covering almost 1.5 million km² in the far north and west: Cook, Dalrymple, Gregory, Mount Isa, Warrego. By law, any electorate over 100 000km² is treated as if it had notional electors, at the rate of 2% of its size.

So Mount Isa, the geographically biggest electorate at over 570 000 km², needs over 10 000 fewer electors than the average. The bill encourages the Redistribution Commission to consider doubling that allowance of 'phantom electors' to 4%.

With a population density about 1/6000th that of inner Brisbane, an electorate like Mount Isa is obviously very difficult to service. If the proposal were adopted, an electorate like Mount Isa would shrink physically - rather than expand to the southern border, as it risks doing. It may need barely 10 000 electors. If all five of the vast electorates shrink, a sixth north-western electorate will certainly have to be born. Votes in those electorates may then be worth two-to-three times more than those of other Queenslanders. I fear that stretches contemporary ideas of citizen equality to breaking point.

Why not consider more creative options to address the problem? In particular, why not allow parties in electorates over 100 000km² to nominate a pair of candidates, whose names would feature on the same line beside the usual party label / voting box.¹ If elected, each would be entitled to full salary, some enhanced but shared allowances, and a constituency office. Such MPs would share constituency representation duties, and each could be nominated to parliamentary committee roles. But together they would possess a single vote on the floor of the house, with their duties assigned by an annual roster, under which they would alternate parliamentary sitting (possibly subject to their mutual agreement otherwise). Independents - and parties - would remain free to nominate a single candidate. If one (but not both) of an elected pair left the party, a by-election would be triggered. This may sound novel, but the idea of time-sharing an MP's role has recently been proposed and litigated in the UK.² Multi-MP electorates were also the norm in early Queensland (where problems of distance and dispersal of electors mimicked the problems of the vast electorates in question).³

The bill in the end has something for everyone. The majority of the five new MPs would almost certainly turn up in the growing south-east corner, which is shared between the Liberal wing of

¹ As are the joint candidates for US President/Vice-President.

² <http://www.abc.net.au/radionational/programs/lawreport/court-ruling-refuses-uk-parliamentarian-job-share/6684658>

³ <https://www.parliament.qld.gov.au/explore/about-us/parliament-overview/queensland-electoral-system>
Multi-member constituencies also featured in the UK until 1950.

the LNP (Gold and Sunshine Coast) and Labor (Brisbane/Ipswich). The dispensation for the vast electorates would assist the Nationals wing of the LNP, the Katter Party and Labor endorsed cum Independent (Billy Gordon) who represent those electorates.

The bill gives constitutional lawyers and citizens much to ponder.

In summary, I:

- Commend the idea of considering increasing the size of parliament, and the measures to further shield redistribution commission appointments from partisanship.
- Query whether the redistribution commission needs to determine the size of parliament, but if it does whether its discretion should be as constrained as in the bill.
- Recommend against diluting the 1vote-1value principle. Instead consideration should be given to more creative options, such as allowing parties to nominate dual-candidacies in the five vast northern/western seats, who if elected can share constituency representation duties, without increasing the voting power of those regions on the floor of the parliament.