

**Research Director**

Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane QLD 4000

14 August, 2015

Director,

**RE: Queensland Greens Submission to LACSC - *Electoral (Redistribution Commission) and Another Act Amendment Bill 2015***

Please find attached our submission to the Legal Affairs and Community Safety Committee on the changes proposed by the *Electoral (Redistribution Commission) and Another Act Amendment Bill 2015*.

If there are any questions or further follow up required, please feel free to contact the Queensland Greens Head office.

Yours sincerely,

Neil Cotter  
Queensland Greens Secretary.

# Queensland Greens

*Electoral (Redistribution Commission) and Another Act Amendment Bill 2015 - Submission*

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Prepared - 14 August 2015

## Foreword

The following submission represents the considered position of the Queensland Greens on the *Electoral (Redistribution Commission) and Another Act Amendment Bill 2015*, as well as the general principles that the Greens take to electoral reform suggestions in general.

We consider grassroots participation in elections to be a critical factor in a functioning and effective democracy, and we take all changes to that system very seriously. We also strive to be as constructive as we possibly can in response to changes as they arise, so as to give those tasked with reviewing our system the most complete option set that can be compiled.

The Queensland Greens would like to thank the Legal Affairs and Safety Committee for inviting us to make a submission on the bill, we would also like to thank Mr Ian Walker, Member for Mansfield for sponsoring the bill. All efforts to review our electoral system make a contribution to the continuous improvement of that system, and we appreciate the efforts that are undertaken to review the electoral system.

## Greens Position on Electoral Reform

The position of the Greens on electoral reform in general is that our electoral system should encourage the participation of all voters while managing the influences of political parties, lobbyists, corporations, unions and other groups.

When considering changes to the electoral system we consider the following factors in determining their value to the principle of improving democracy.

- Do voters have control over the key aspects of the electoral system
- Is the process of election transparent to the voters, both in terms of availability and accessibility
- Is the electoral system reasonably free of biases that unduly influence voter behaviour
- Is the electoral system well understood and considered largely fair by all voters
- Does the electoral system unduly advantage specific political interests above their support in the voting community
- Is the electoral system run by managers that are independent of political decision making and external influences
- Do all voters have an equal say in the election of a government that is expected to represent their collective interests
- Is the election system susceptible to financial inducements in such a way as to undermine the say of voters in how they are governed
- Does the electoral system grant a level playing field for ideas based on their merit rather than a campaign's financial resources.

## In Response to the Proposed Aims of the Bill

1. *Provide for broader representation in the Redistribution Commission by increasing the membership of the Commission from 3 to 5 members. In the interests of transparency, the appointments of all Commissioners, with the exception of the Electoral Commissioner who has already undergone a separate appointment process, be subject to the approval of the leaders of all recognised parties represented in the Legislative Assembly.*

Transparency is a fundamental tenet of a good electoral system, even more so in terms of drawing the boundaries for an electoral division. The potential for partisan influence and gerrymandering of districts is a hazard, keeping the process exposed to scrutiny is a key part of ensuring that does not happen.

We have reviewed the current legislation, the tabled documents provided by the Electoral Commission of Queensland (ECQ) and discussed the process that was carried out in terms of the Brisbane City redistribution with our colleagues within the party. While we may have some concerns with the overall process, transparency in its delivery is not one of them. The ECQ do a fine job of implementing the current rules, that expose both the thinking processes of the commissioners themselves as well as the submissions of parties and members of the public.

We are also baffled as to the thinking behind requiring sign-off from only the leadership of recognised parties in the parliament. While it is slightly worrying that the commissioners are chosen by the government with some consultation usually undertaken with the opposition, we fail to see how party bias is alleviated in this process that looks to intentionally leave out other stakeholders in the system such as independent MPs, other registered parties with no representation and the community in general. We simply do not see this as any redressing of bias on the committee in the sense that it would be no better than the status quo.

It's also not a process without cost; Mr Walker in his explanation of the bill suggested that costs of a new commissioner could simply be included in the budget for the ECQ<sup>1</sup>. We are concerned that no consideration was given in

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<sup>1</sup> Parliament of Queensland. Legal Affairs and Community Safety Committee. (2015). *Committee Hearings - August 5, 2015 (Hansard)*. Brisbane, Australia: Queensland Legislative Assembly

terms of costing such a provision imposed on a department with a very modest operating budget (\$17m in 2013/4)<sup>2</sup>.

As a whole we are struggling to figure out what problem the provisions described are trying to solve, if any at all. We aren't technically opposed to the ideas this aim is presenting, but we simply don't see how the provisions will make the system any better.

If the committee is concerned about transparency and participation in the process, there are better approaches to this problem, which we will outline in brief

- If bias is an issue that you wish to address in the selection of appropriate commissioners, then may we suggest allowing an open nomination process based on known qualifications (even perhaps the ones suggested in this bill) and have the final say on whom should take up those **roles decided by a random sortition** of all Queensland residents of voting age.

The advantage of this process is it would allow qualified people, even those that would be considered acceptable by the government or opposition, to be assessed on their merits independently of the party political system.

- Resources could be provided to the ECQ to provide more online tools for submissions to the boundary review. Specifically they could **provide a basic Geographic Information System to submitters** to the process to allow them to better articulate particular boundary issues that they have.

This has been done in other jurisdictions in Australia, the most recent being the redrawing of boundaries in the ACT. Elections ACT created a sign-in web portal for submissions to be made<sup>3</sup>; this process contained the submissions from individuals, community groups and parties all shown clearly with the tool providing the detail for each submission. This change radically changed the quality and number of

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<sup>2</sup> Electoral Commission of Queensland. (2014). *Annual Report 2013-2014*. Retrieved from [http://www.ecq.qld.gov.au/\\_data/assets/pdf\\_file/0015/1563/Annual-Report-2013-14.pdf](http://www.ecq.qld.gov.au/_data/assets/pdf_file/0015/1563/Annual-Report-2013-14.pdf) pg 29.

<sup>3</sup> [http://www.elections.act.gov.au/electoral\\_boundaries/redistributions/2015\\_redistribution](http://www.elections.act.gov.au/electoral_boundaries/redistributions/2015_redistribution)

submissions given for their review, finishing at 56 in total for the ACT as compared to the 10 received for the Brisbane redistribution.

- If there is a concern about partisan influence of boundary commissioners, one way to approach that would be to ensure that the commission and the public cannot identify who made a submission until after the initial boundary determination has been created.

Having an in effect “**Blind Submission**” **system** would go some way to combating subconscious biases based on the submitter both in terms of the commissioners themselves and the subsequent submissions made by the public. It also maintains the transparency of the system by ensuring that all information is known before the final determination of boundaries.

This approach however could not be taken in isolation. It would require at least some standardisation of submissions, probably along the lines of providing a Geographic Information System as described above.

- If transparency is a concern, then perhaps a mathematical method of drawing divisions such as the **Shortest Split-line method** could be implemented.

In this system, a simple mathematical algorithm is applied to the population of the state to split the population into equally sized divisions. It works by calculating the shortest possible boundary that could be drawn to split the population into equal sections, repeating this process over until the desired number of districts is drawn (this is done slightly differently for an odd number of districts, but the concepts stay similar)<sup>4</sup>.

This is an ideal system for dealing with potential biases in the system, and does not require a change commission at all as the determination of boundaries becomes a purely technical process carried out by the ECQ that can be independently checked by any reasonably qualified expert in mathematics or demography. It may not, however meet the current requirements of dividing districts, such as taking into account communities of interest, natural geographic boundaries and infrastructure boundaries.

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<sup>4</sup> A full explanation of the system can be found at - [www.rangevoting.org/GerryExamples.html](http://www.rangevoting.org/GerryExamples.html)

2. *Implement a recommendation by the Electoral and Administrative Review Commission by providing that the independent Redistribution Commission has the ability to determine the number of electoral districts in the Legislative Assembly, subject to a maximum increase of up to 5 additional electoral districts, i.e. the total seats in the assembly would at the commissions discretion be between 89 and 94..*

In terms of increasing the number of members in Parliament, the position of the Queensland Greens is that overall there is a case for increasing the number of MPs, but that case is hard to make in isolation from other considerations. Adding a few new MPs will make little difference to the overall dynamic of parliament, the quality of representatives or the quality of representation provided. It will however increase the cost of parliament and undoubtedly increase the spending on MP entitlements, which may be considered with a certain amount of scepticism in the public.

Of more concern in this bill is the handling of a political decision being made by staff employed by the ECQ. The ECQ is required (to the best of its abilities and resources) to provide independent management of electoral processes and systems, it should be seen as impartial and beyond political interference. Requiring it to be involved in making a determination on how many politicians there will be is ultimately a very political decision, that could leave the ECQ exposed to accusations of bias.

It is also not clear in anywhere in the documentation provided as to why a cap on the number of MPs is set and why it is set to 5 extra MPs, giving the sense that numbers chosen are arbitrary. It is also unclear as to what reasons there would be to increase the number of seats other than to decrease the land area covered by seats in western Queensland, or under what circumstances a smaller than the maximum number of new seats would be added.

If the idea of the bill is to increase the number of seats to meet certain goals in regards to land area coverage or ratio of people to politicians, then maybe the way to approach that would be to set a calculation in the electoral act to determine the number of parliamentarians. This approach however would need some investigation, first to determine an appropriate workload for MPs and then in deciding a calculation that applies an appropriate growth curve to the number of seats in parliament.



Alternatively, if the goal is to put politicians at arms length from the composition of parliament, then maybe incorporate the Electoral and Administrative Review Commission (EARC) 1990 recommendation (7.64) with the use of a public sortition. The sortition could make suggestions about increasing the number of parliamentarians, the method of election and any other related electoral matters based on the most recent evidence and experiences, then have those suggested changes approved by a referendum.

The advantage of using a cross-section of the voting public to decide on changes and then using a referendum to approve them is that the system will stay at arms length of the politicians that will have the most to gain or lose by changes in the system. It will however require quite a lot of preparation and explanation from submitters, the Electoral Commission and potentially other agencies to ensure that the group are across the issues to be considered.

3. *Provide that Queenslanders have more equitable access to representation in the Parliament by legislating for the Redistribution Commission to have the capacity, at its discretion, to amend the additional large district number, currently set at 2%, up to 4%.*

The Queensland Greens oppose the use of the additional large district number, it is a gerrymander that undermines the basic principle of one vote one value. We do not in any way support an increase in the additional large district number, regardless of it being delivered by the parliament or by the Redistribution Commission.

It is hard to separate the fundamental issues about voting intentions when it comes to state districts. It is certainly true to a point that some MPs are elected based on their reputation and achievements, but it is also equally true that local electors also vote for the party they wish to form government. We notice that so far the committee in its investigation has been quiet on the partisan aspects of this bill, we need not be that constrained.

Increasing the additional large district number from 2% to 4% will have a variety of effects on district size, density and 'phantom voters' applied through the Large District Number (LDN), based on the assumption that the net density of LDN seats stays the same, we would expect that between 0.5 and 0.7 extra seat quotas will be created, to bring the number of extra quotas to between 1.3 and 1.5, in practice this denies a bit more than 1 seat to Non-LDN districts, probably in South East Queensland. We suspect that on the balance of probabilities, the net beneficiaries of such an outcome will be either the Liberal National Party or Katter's Australia Party.

It's also worth noting at this point that the district of Mt Isa (currently the largest district by land area at 570,000 Km<sup>2</sup>)<sup>5</sup> will shrink somewhat but not significantly. Assuming average density is maintained (0.03 voters/Km<sup>2</sup>), Mt Isa would be in quota with approximately 452,400 Km<sup>2</sup>, In comparison, the district would be similarly sized to Papua New Guinea. On similar assumptions about density, it will also have less than half of the number of electors of a standard district (We estimated 46%).

The bill's proponent, Mr. Walker, is suggesting that ECQ involvement in such

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<sup>5</sup> Electoral Commission of Queensland. (2013). *Statistical Profiles 1/2013*. Retrieved from [http://www.ecq.qld.gov.au/data/assets/pdf\\_file/0019/1684/2013-Statistical-Profiles.pdf](http://www.ecq.qld.gov.au/data/assets/pdf_file/0019/1684/2013-Statistical-Profiles.pdf)

decisions is right and proper<sup>6</sup>, but the reality is that it will expose ECQ staff, including the electoral commissioner, to accusations of bias by either not increasing the limit (or not increasing it enough) or equally by increasing it by a considerable amount which would indeed lead to different election results with the same votes cast. It's simply not an acceptable outcome to involve ECQ staff in what is a highly political decision.

This is not to take away from the concerns outlined about servicing large districts. Large districts will always be problematic to both represent and cover effectively, the problem is that this change is merely a band-aid to a greater force of demographics and economics that are seeing districts in Western Queensland represent a smaller share of the state's population.

The reality is that single-member, geographically based seats will always have such problems, where the way the boundaries of seats are drawn are often more important than the overall opinion of the voters. The only long-term way to address this problem would be to introduce a proportional seat allocation system allowing people from Western Queensland to combine their collective votes with those of other like-minded people to advance their interests. It would be equally contentious, especially amongst existing MPs, but it removes the perverse rewards of undersized electorate allocations while still allowing for geographically sparse areas to find voices in parliament that represent their interests.

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<sup>6</sup> Parliament of Queensland. Legal Affairs and Community Safety Committee. (2015). *Committee Hearings - August 5, 2015 (Hansard)*. Brisbane, Australia: Queensland Legislative Assembly

## Conclusion

The bill does present a reasonable case for change to deal with significant demographic changes and the effective representation of genuine community interest. That said, the Queensland Greens could not support the bill as presented without significant changes to the overall approach taken.

Fundamentally, we cannot support a bill that erodes further the principles of voter equality even in support of the reasonable assertion that sparsely populated country areas are not easy to represent in a consistent manner.

We are also seriously concerned about the potential to politicise the Electoral Commission of Queensland over what are in essence political decisions about the composition and electoral method used to elect politicians. This outcome should be avoided.

Several suggestions have been made throughout the submission regarding potential reforms, but overall we believe expanding the role of the public in choosing features of the electoral system, as well as moving towards a more proportional system of government may be more resource-efficient and have a greater impact on the ability of many groups to have their say in the electoral system, including those in regional areas.

It requires investing quite a bit of trust in the electorate being educated and aware so they can make good decisions, and also requires politicians giving up quite a bit of say in the way elections are conducted. With those things in mind however, we could think of no process that we would rather entrust to the electors than the electoral system.