



Queensland By-Elections

Includes information and commentary by Honorary Research Fellow Dr Paul Reynolds.

In Queensland, general elections are held at least once every three years. At these elections, 89 Members, representing 89 electoral districts (known as electorates or seats), are elected to the Queensland Parliament.

By-elections are conducted to fill vacancies in individual electorates between general elections. Vacancies cannot be left because this may disturb the balance of power within Parliament and also leave the people in that electorate without representation in the Parliament, although if the seat falls vacant within six months of a general election, it has become the practice to leave it vacant until the election.

Queensland has single-member electorates and, in common with most other English-speaking countries, follows the British practice of using by-elections (called 'special elections' in the USA) to fill vacancies that arise between general elections.

By-elections occur for several reasons:

- death of a sitting member;
- resignation of a sitting member;
- a decision by the Court of Disputed Returns following a general election¹; and
- an increase in the membership of Parliament. This was the case in 1864, 1875 and 1885 but no longer applies. Any increase in parliamentary membership now occurs at a general election, and was last done in 1986.

Vacancies can also occur owing to the 'failure' of an election where:

- a candidate dies before the polling day for a general election; or
- there are no candidates for an election.

Under the *Parliament of Queensland Act 2001*, electorates become vacant when a member:

- fails to make the oath or affirmation of office within 21 sitting days after being elected as a member;
- stops being enrolled on the electoral roll;
- stops being an Australian citizen;
- acknowledges allegiance to, or becomes an agent of, another country;
- becomes a member of another Australian Parliament;

- accepts a paid public appointment with another Australian Government (appointments with the Queensland Government are impossible under the legislation)²;
- is elected or appointed as mayor or a councillor of a local government;
- transacts business with an entity of the State³;
- is convicted of certain offences⁴;
- is bankrupt or insolvent; or
- is absent from the Legislative Assembly for more than 21 consecutive sitting days without the Assembly's permission.

Recent By-Elections

Since 2000 there have been eight by-elections all occasioned by the resignation of the respective sitting Member. Bundamba and Woodridge (February 2000) were safe government seats which were retained. Surfers Paradise (May 2001) was the Leader of the Opposition's seat and won by an Independent. Maryborough (April 2003) was vacated by an Independent and won by another Independent. Gaven (April 2004), Redcliffe and Chatsworth (August 2005) were all Government seats lost to the Coalition, but all were retaken by the government at the next general election (September 2006). Finally, in September 2007 the then Premier resigned his seat of Brisbane Central, and a by-election was held the following month. The seat was retained by the ALP. Interestingly, the Liberal Party did not nominate a candidate for this by-election and half of their previous vote went to the Greens.

By-elections thus far this century have averaged about one per year but their incidence is variable and unpredictable. Generally they represent a chance for electors to vote on local issues and to pass judgement on the current Government without having to weigh up the consequences of defeating the party in power as would be the case in a general election. For this reason, there is a widespread and common expectation that there will be a swing against the Government at any given by-election of around 3-5%. However, of the eight cases above, the government had no realistic expectations of winning two (Surfers Paradise and Maryborough) and, of the six it was defending, three were retained and three lost, but subsequently retaken.

Two Exceptional Cases

In the recent past, there have been two exceptional cases in the run of by-elections, one actual and one potential. In the former case, the seat of Mundingburra, which Labor held in the 1995 election by 14 votes, had its result successfully challenged by the Liberal Party in the Court of Disputed



Returns. The Labor Government had a majority of one, which made the by-election crucial for determining its fate. The Liberal Party won (with a 2.8% swing), which gave Labor and the Coalition 44 seats each with an Independent, Liz Cunningham, holding the balance of power. When she decided to support the Coalition, the Labor Government led by Wayne Goss, resigned and the Coalition governed for two years until Labor was returned to office at the 1998 election.

The potential by-election which would have exposed the Government to grave political risk was the resignation due to ill-health of the Member for Bundaberg, Nita Cunningham, in mid-2006. At the time, a huge controversy had erupted

around procedures at the Bundaberg Hospital which, in turn, enveloped the Health Department and led to a commission of inquiry into the State's health system. Rather than having to fight a by-election in a seat that was at the epicentre of this scandal, the Government called a general election six months early, which it won.

¹ These decisions were previously made by the Parliamentary Committee for Elections and Qualifications (1860 - 1886) and the Elections Tribunal (1886 - 1992).

² *Parliament of Queensland Act 2001 s.69*

³ This must be decided by resolution of the Legislative Assembly (*Parliament of Queensland Act 2001 s.72(h)(i)*).

⁴ These are listed in the *Parliament of Queensland Act 2001 s.71(i)*