



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

13th Assembly

SOCIAL POLICY SCRUTINY COMMITTEE

Public Briefing Transcript

Electoral Amendment Bill 2018

10.30 am, Monday, 10 September 2018

Litchfield Room, Level 3, Parliament House, Darwin

Members:

Ms Ngaree Ah Kit MLA, Chair, Member for Karama
Mrs Robyn Lambley MLA, Deputy Chair, Member for Araluen
Ms Sandra Nelson MLA, Member for Katherine

Witnesses:

Maria Mohr: Deputy Chief Executive Officer, Department of the Chief Minister

Jean Doherty: Executive Director, Federal Policy and Strategic Coordination, Department of the Chief Minister

Genevieve Mogridge: Director, Federal Policy and Strategic Coordination, Department of the Chief Minister

Catherine Pledge: Principal Policy Officer

Tom McCrie: Principal Legal Officer, Federal Policy and Strategic Coordination, Department of the Chief Minister

ELECTORAL AMENDMENT BILL 2018

DEPARTMENT OF THE CHIEF MINISTER

Madam CHAIR: Good morning, everyone. Thank you for joining us. I am Ngaree Ah Kit, the Member for Karama and Chair of the Social Policy Scrutiny Committee. On behalf of the committee I welcome everyone to this public briefing into the Electoral Amendment Bill 2018.

I welcome to the table to give evidence to the committee, from the Department of Chief Minister, Maria Mohr, Deputy Chief Executive Officer; Jean Doherty, Executive Director Federal Policy and Strategic Coordination; Genevieve Mogridge, Director Federal Policy and Strategic Coordination; Catherine Pledge, Principal Policy Officer; and Tom McCrie, Principal Legal Officer, Federal Policy and Strategic Coordination.

Thank you for coming before the committee. We appreciate you taking the time to speak to the committee. I look forward to hearing from you today. This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public briefing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website.

If at any time during the briefing you are concerned that what you will say should not be made public, you may ask that the committee go into a closed session and take your evidence in private. I will ask each witness to state their name for the record and the capacity in which they appear. I will then invite you to make a brief opening statement before proceeding to the committee's questions. Could you each please state your name and the capacity in which you are appearing?

Ms MOHR: Maria Mohr, Deputy Chief Executive Officer in the Department of Chief Minister.

Ms DOHERTY: Jean Doherty, Executive Director Federal Policy and Strategic Coordination in the Department of the Chief Minister.

Ms PLEDGE: Catherine Pledge, Principal Policy Officer in the Department of the Chief Minister.

Ms MOGRIDGE: Genevieve Mogridge, Director Federal Policy and Strategic Coordination, Department of the Chief Minister.

Mr McCRIE: Tom McCrie, Principal Policy Officer, Federal Policy and Strategic Coordination, Department of the Chief Minister.

Madam CHAIR: Thank you. Ms Mohr, would you like to make an opening statement?

Ms MOHR: Madam Chair, thank you for the opportunity to brief the committee on the Electoral Amendment Bill. The overarching aim of electoral reform, which is a key element of the government's integrity reform agenda, is to improve participation and increase public support and confidence in our system of government. This bill amends the *Electoral Act* to provide for a strengthened, simplified and more transparent boundary redistribution process.

Redistribution is the mechanism that implements the key democratic principle of one vote, one value, which is why it is important to ensure an impartial, transparent electoral boundary redistribution process. The amendments underscore the important function of electoral boundary redistribution as a foundation stone of our electoral system.

Key reforms in this bill include establishing a single redistribution committee with an independent chair; tightening the appointment process for the chair of the redistribution committee, including stricter eligibility criteria; providing an additional public objection period to give Territorians who may be affected by significant changes to their electoral boundaries with the opportunity to provide feedback and objections; and clarifying that the primary object of redistribution is the number of electors in each proposed division should be equal, the basis of the one vote, one value principle.

I would now like to introduce Catherine Pledge, Principal Policy Officer, who is available to answer questions you may have regarding the provisions of the amendment bill.

Madam CHAIR: Thank you very much. I will now open it up to the committee for any questions.

Ms NELSON: I have a couple of quick questions. I was just reading on there that the time frames are going to be amended. Is that correct? I am just looking for my sheet. I had it here but have completely lost it now.

Ms PLEDGE: Catherine Pledge: Principal Policy Officer. The time frames for the redistribution process—just to clarify?

Ms NELSON: Yes.

Ms PLEDGE: There is an opportunity to have an additional public objection period at the end. So, if that was the case, then the process would, perhaps, be extended for a month to take it into account. Otherwise, if the process goes as usual, then it should take about six months to undertake. That should be the case.

Ms NELSON: Okay. Sorry. No, I am talking more about subsection (2)(1)(a) ‘the redistribution process must start as soon as practicable after two years, six months after the polling day for the general election’. I am talking about those time frames.

Ms PLEDGE: No, they have not changed that in the act. That has not changed, it is two years and six months that it should commence.

Madam CHAIR: In 2019?

Ms PLEDGE: Oh, the redistribution? Yes, that is right.

Ms NELSON: Is section 138 amended, when redistribution can be conducted?

Ms PLEDGE: The amendment is to include a provision dealing with where there is an extraordinary general election. The act was silent on that and the Electoral Commission asked us to clarify what would happen in that situation. So, if there was an extraordinary general election, you would have to have a shorter period, obviously, between that election and then the—it is three years until the next election in that case, if there is an extraordinary general election. So, you would have to have the redistribution period would take place, sorry, one year and six months, rather than two years and six months.

Ms NELSON: Okay.

Madam CHAIR: Does that answer your question?

Ms NELSON: Not really, but I will move on from that.

Ms PLEDGE: I can provide further ...

Ms NELSON: It might become clearer as I hear other responses.

Madam CHAIR: Sure. Do you have any other questions?

Ms NELSON: No, not right now.

Madam CHAIR: Okay. Member for Araluen?

Mrs LAMBLEY: No.

Madam CHAIR: I have some questions. The bill proposes a second round of, I guess, input should the redistribution change—is it 15%? That currently does not exist. Has there been a big push or request for that to be amended, and where did the 15% change come from?

Ms PLEDGE: It was a suggestion of the Electoral Commission. After every election, the Electoral Commissioner puts out a report. In the *2016 Territory Election Report*, one of the recommendations was that government consider allowing an additional public objection period. It follows and is consistent with the Commonwealth *Electoral Act*. They allow an additional public objection period, where the last proposed redistribution is significantly different to the other one.

The 15%—we did some modelling on previous redistribution data, with the assistance of the Electoral Commissioner. We were trying to aim for ensuring that the process was not unnecessarily delayed. So, we looked for where a large enough proportion of the electors in any division is affected by a redistribution. Just working on the data we had, that came to 15%.

Madam CHAIR: Thank you. Sorry, I am still a bit unclear, even with your explanation for the Member for Katherine. If you could just walk me through if there is an extraordinary general election, the one year and six months? Does that mean if a redistribution process is currently under way and an extraordinary election is called, that process ceases and begins again after a year and six months?

Ms PLEDGE: Yes, Madam Chair, that is the case. If an extraordinary general election is called and there was a redistribution process under way, that would immediately cease and it would be disbanded. The election would be held and then the act currently specifies that if there is an extraordinary general election, the next election after that will be three years from the date of that election.

Madam CHAIR: So at the halfway mark?

Ms PLEDGE: At the almost halfway mark. Yes, you would have a redistribution.

Madam CHAIR: That makes sense. Thank you.

Ms NELSON: That makes more sense. I was a bit confused because I was thinking that the redistribution announcement—there was redistribution and electorates and seats changed. That would have to be announced or declared two years before a general election. I was a bit confused.

Ms PLEDGE: Currently in the normal course of things, the redistribution should be finished within six months. That leaves a year to implement the changes. The Member for Katherine is right that it takes a long time to implement and for political parties to get ready, but also the Electoral Commissioner to implement the changes. You need a certain amount of time to implement them.

Ms NELSON: Okay.

Madam CHAIR: Are there any other questions from the committee? I am just wondering if there could be a huge impact on Territorians in regards to the passing of this legislation.

Ms MOHR: Our view is no. In fact, it provides a greater level of transparency. It also streamlines the redistribution process because there is currently two redistribution committees. There will be one. It allows for that second objection period which the legislation currently does not allow for.

Madam CHAIR: I understand there is a—this might be the other part of the electoral reform—the discussion paper that is out at the moment. I guess I am looking for Territorians being engaged in this process. Can you explain a bit about how that has been going?

Ms PLEDGE: We had a consultation process at the end of last year and it went until January 2018. That was on electoral reform in general. Redistribution was one of the items that was put forward for discussion. It did not receive a lot of feedback, but the feedback was positive in terms of simplifying the process and ensuring the appointment process for the Chair was tight and strengthened. It was not of primary interest to the consultation, but it did receive some feedback.

Madam CHAIR: My final question is, Maria, you mentioned there are currently two committees that look at redistribution. Will they be amalgamated? Will the committee expand in numbers? How will that operate going forward?

Ms PLEDGE: Currently there are two committees. The first committee is made up of statutory officers. The Electoral Commissioner is the Chair and the Surveyor-General and Auditor-General are the other members of that. The second committee, which is called the augmented redistribution committee, acts like a committee of review.

Once the first committee has undertaken or put forward a proposed redistribution, the second committee will consider any objections from that redistribution and make a final proposed redistribution. That second committee includes a different chair, which is an appointed member. That appointed member can be a judge, retired judge, someone eligible to be a judge or another person with the required skills.

The change is to make is one redistribution committee. That would have four members and an appointed independent member. That appointed independent member must either be a retired judge or someone who is eligible to be a judge. There are additional requirements that they must not have had any recent political affiliations or made any recent political donations in the last five years. That is how it is timed. The other members are the Electoral Commissioner, the Surveyor-General and Auditor-General.

Madam CHAIR: Thank you very much. I have no further questions. I will check back with the committee. Are there any final comments you want to leave for the committee today?

Ms PLEDGE: No.

Madam CHAIR: Very good. Well thank you very much for taking the time to appear before us. We really appreciate it. Ladies and gentlemen, we will now take a short break and return for a public briefing on the Nuclear Waste Transport, Storage and Disposal (Prohibition) Amendment Bill 2018 at 11 am.