



Dear Madam Chair,

I refer to the Social Policy Scrutiny Committee inquiry considering the *Electoral Amendment Bill 2018*.

The changes proposed in the Electoral Amendment Bill 2018 are supported and enact recommendations four to nine in the 2016 Territory Election report. The proposed changes modernise the electoral redistribution process and enshrine greater independence.

Whilst the Bill is supported, the NTEC has concerns regarding the restrictive mechanism prescribed in the Bill to determine when an additional public objection period to the second proposed redistribution will occur. Section 145B (1) of the Electoral Amendment Bill, as written, could potentially compel the Redistribution Committee to undertake an additional objection period in circumstances when this is unlikely to benefit the redistribution process and add unnecessary delays. This submission proposes that the practical application of Section 145B (1) be reviewed by the Social Policy Scrutiny Committee.

The current redistribution process prescribes three public consultation components – initial public submissions, comments on the public submissions received and objections to the draft boundaries (first redistribution). In the 2016 Territory Election report, a recommendation was made that if the second redistribution contained substantial boundary changes, in comparison to either the draft or existing boundaries, there should be an additional objection period; as is the case with federal redistributions. The decision as to whether a second public objection period is required was to be at the discretion of the Redistribution Committee (similar to the *Commonwealth Electoral Act*) and would be used where the second redistribution is significantly different to either the existing or draft boundaries.

Section 145B (1) of the Bill prescribes a quantitative measure; that is, if the change in the second redistribution is greater than 15 per cent of the total number of electors in any division from the draft boundaries, then the Redistribution Committee must invite a further objection period to the second redistribution.

In past redistributions, the practise has been for redistribution committees to propose significant boundary changes in the draft boundaries and then seek feedback on these changes during the objection period. If valid concerns were received to the draft boundary changes, the practise has been to abandon the proposed changes and revert to making minor changes to the existing boundaries (often guided by the objections received) which become the second and final redistribution. The final boundaries usually differ by more than 15 per cent of electors to the draft boundaries (in a number of divisions) but usually represent a minor change (usually less than 15 per cent) to the existing boundaries.

For example, in the 2015 redistribution, the draft boundaries proposed that electors residing in the suburb of Marrara be moved from the division of Sanderson into the division of Fong Lim. A number of submissions were received that strongly objected to this change and in the second determination, the Redistribution Committee reverted to Marrara remaining within Sanderson. If Section 145B (1) applied to this scenario it would have mandated that a further objection period be undertaken as there has been a change of more than 15 per cent in elector numbers in the divisions of Fong Lim and Sanderson from the draft boundaries (although not a 15 per cent change from the existing boundaries). Applying Section 145B (1) to this example, would have mandated a further objection period, even though it would have added little value to the redistribution process as the Redistribution Committee already responded to concerns raised and retained Marrara within the division of Sanderson.

The redistribution process commences 18-months prior to the next Legislative Assembly general election, and the current two-stage process (drafting the first proposed redistribution, and finalising the second and final redistribution in response to public feedback) takes approximately six months to complete. This means that electoral boundaries are finalised approximately one year out from the next election, which provides political parties time to undertake their pre-selection process. An additional objection period would add a further 14 days to receive objections resulting in an estimated delay of at least six weeks until the final boundaries are finalised.

The addition of a further objection period to significant boundary changes that the public have not had an opportunity to provide comment on is supported. However, a second public objection period should only be conducted when there is value to seeking further public objections to boundary changes that are significantly different to both the draft *and* existing boundaries. The decision as to whether a second objection period is warranted should be at the discretion of the Redistribution Committee and not prescribed by a quantitative trigger in the *Electoral Act*. There is no precedent in any Australian jurisdiction to have the decision, as to whether a further objection period is warranted, determined by a prescribed change in elector numbers; such decisions are left to the discretion of independent redistribution committees.

The NT Electoral Commission therefore recommends that Section 145B (1) of the Bill be amended by removing the 15 per cent change in elector numbers determining whether a second objection period is required, and leave that decision to the discretion of the Redistribution Committee.

However, if a quantitative measure is to be used to determine whether a second objection period is required, it is recommended that Section 145B (1) of the Bill be broadened to a 15 per cent change in total electors in a division to both the existing and draft boundaries. A broadening of this definition would reduce the circumstances where the Redistribution Committee would be required to conduct an unnecessary additional public objection phase.

The proposed amendments to Section 145B (1) (a) and (b) would be as follows:

- (a) The number of electors added to the division by the second proposed redistribution as compared to the first proposed distribution *and the existing boundaries*;
- (b) The number of electors removed from the division by the second proposed redistribution as compared to the first proposed distribution *and the existing boundaries*.

It is also recommended that if an additional objection period is added to the timetable, then the redistribution should start earlier. It is recommended that Section 138 of the *Electoral Act* be amended so that the commencement of the redistribution be brought forward to commence 24-months after the election (from the current 30 months), to ensure boundaries are finalised well in advance of the next election. The timetable change would commence for the redistribution after the 2020 Territory election.

The Commission would welcome any opportunity to provide further information to the Committee on this matter, and would be happy to contribute in person at any future hearings.

Iain Loganathan
NT Electoral Commissioner
18 September 2018