



TASMANIA

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**LEGISLATIVE COUNCIL ELECTORAL BOUNDARIES  
ACT 1995**

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**No. 2 of 1995**

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**LEGISLATIVE COUNCIL ELECTORAL BOUNDARIES  
ACT 1995**

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**No. 2 of 1995**

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**AN ACT to provide for the redistribution of electoral divisions  
for the Legislative Council and to amend the *Constitution  
Act 1934***

**[Royal Assent 23 May 1995]**

**B**E it enacted by His Excellency the Governor of Tasmania,  
by and with the advice and consent of the Legislative  
Council and House of Assembly, in Parliament assembled, as  
follows:—

**PART 1**

**PRELIMINARY**

**Short title**

**1**—This Act may be cited as the *Legislative Council Electoral  
Boundaries Act 1995*.

### Commencement

2—(1) This Act, except Part 4, commences on the day on which it receives the Royal Assent.

(2) The provisions of Part 4 commence on a day or days to be proclaimed.

### Interpretation

3—In this Act, unless the contrary intention appears—

“**average divisional enrolment**” means the number of electors ascertained in accordance with section 9 (3);

“**Committee**” or “**Redistribution Committee**” means the Legislative Council Electoral Redistribution Committee appointed under section 4;

“**electoral division**” means an electoral division for the Legislative Council specified in Schedule 3 to the *Constitution Act 1934* or determined under this Act, as the case may require;

“**further objection**” means an objection against a redistribution proposal lodged with the Redistribution Tribunal under section 22 (1);

“**further redistribution proposal**” means a further proposal for redistribution of electoral divisions made by the Redistribution Tribunal under section 21 (1);

“**initial objection**” means an objection against a redistribution proposal lodged with the Redistribution Tribunal under section 17;

“**initial redistribution proposal**” means a proposal for redistribution of electoral divisions made by the Redistribution Committee under section 13;

“**public office**” means the office of the Chief Electoral Officer, any office of the Redistribution Committee or the Redistribution Tribunal or any other office determined by the Committee or the Tribunal to be a public office for the purposes of this Act;

“**quota**” means the quota of electors for the Legislative Council determined under section 12;

“**Tribunal**” or “**Redistribution Tribunal**” means the Redistribution Tribunal appointed under section 4.

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## PART 2

### REDISTRIBUTION OF ELECTORAL DIVISIONS

#### *Division 1—Redistribution Committee and Redistribution Tribunal*

#### **Appointment of Redistribution Committee and Redistribution Tribunal**

4—(1) In this section, “**prescribed period**” means—

- (a) in the case of the first appointment of the Legislative Council Electoral Redistribution Committee and of the Redistribution Tribunal after the commencement of this Part, a period of 30 days; or
- (b) in the case of any later appointment of the Committee and of the Tribunal—
  - (i) if there were not 5 sitting days of the Legislative Council within a period of 2 months after a recommendation by the Chief Electoral Officer is given to the Minister under section 10 (2), a period of 4 months after the recommendation was so given; or
  - (ii) in any other case, a period of 60 days after any such recommendation is laid before the Legislative Council under that section.

(2) The Governor may, by notice published in the *Gazette* during the prescribed period, appoint the Redistribution Committee and the Redistribution Tribunal for the purposes of this Act.

- (3) The notice is to specify—
- (a) the members and alternate members of the Redistribution Committee in accordance with sections 5 and 7; and
  - (b) the members and alternate members of the Redistribution Tribunal in accordance with sections 6 and 7; and
  - (c) the purposes for which the Committee and the Tribunal are appointed; and
  - (d) such period as, in the opinion of the Governor, may be required for the proper performance of the functions of the Committee and the Tribunal under this Act, at the expiration of which period the Committee and the Tribunal are taken to be dissolved.

### **Redistribution Committee**

5—(1) The Redistribution Committee consists of 3 members of whom—

- (a) one is a person who has been a judge of the Supreme Court of any State or Territory or of the Federal Court and who is to be chairperson of the Committee; and
- (b) one is the Chief Electoral Officer; and
- (c) one is a person, to be selected and approved in accordance with subsection (2), who—
  - (i) has special knowledge of, and experience in, the electoral processes of government relating to the functions of the Tasmanian parliamentary system and in particular of the Legislative Council; and
  - (ii) is not, and has not been, a member of the parliament of the Commonwealth or of a State or Territory or a candidate for election as a member of any such parliament; and
  - (iii) during an extensive period of time has demonstrated that, and has achieved wide public recognition that, he or she—
    - (A) has no political affiliations; and
    - (B) is capable of discharging his or her duties under this Act with impartiality.



(2) For the purposes of paragraph (c) of subsection (1)—

- (a) the President of the Legislative Council and the Minister are to select jointly a person who is suitable to be the member of the Redistribution Committee referred to in that paragraph; and
- (b) a person so selected is to be approved as a member of the Committee by a resolution of the Legislative Council.

(3) Schedule 1 has effect in relation to the meetings of the Redistribution Committee.

### **Redistribution Tribunal**

6—(1) The Redistribution Tribunal consists of the members of the Redistribution Committee and 2 additional members, to be selected in accordance with subsection (2), of whom—

- (a) one is the Surveyor-General, or if he or she is not available to act as a member, the person who is acting as, or performing the duties of, the Surveyor-General; and
- (b) the other is—
  - (i) the Deputy Commonwealth Statistician, Tasmania or, if he or she is not available to act as a member of the Tribunal, the person who is acting in, or performing any of the duties of, the office of the Deputy Commonwealth Statistician, Tasmania and who is nominated by him or her for the purpose; or
  - (ii) the Auditor-General or the Deputy Auditor-General.

(2) For the purposes of subsection (1), the President of the Legislative Council and the Minister are to select jointly 2 suitable persons to be members of the Redistribution Tribunal.

(3) The chairperson of the Redistribution Committee is the chairperson of the Redistribution Tribunal.

(4) The exercise of the powers of the Redistribution Tribunal is not affected by reason only of a change or changes in its membership.

(5) Schedule 2 has effect in relation to meetings of the Redistribution Tribunal.

**Alternate members of Redistribution Committee and Redistribution Tribunal**

7—(1) For the purposes of this Act—

- (a) an alternate member is to be appointed for each member of the Redistribution Committee and of the Redistribution Tribunal, except the Chief Electoral Officer; and
- (b) appointments of alternate members are to be made—
  - (i) when the Committee and the Tribunal are first appointed under section 4; and
  - (ii) if subsequently there is a vacancy in the office of a member or alternate member, on a request made to the Governor by the Committee or the Tribunal; and
- (c) an alternate member must have the same qualifications as the member for whom he or she is an alternate or must be acting in, or performing the duties of, that member's office; and
- (d) the alternate member for the member of the Committee referred to in paragraph (c) of section 5 (1) is to be selected and approved as mentioned in section 5 (2).

(2) For the purposes of subsection (1), the office of an alternate member is vacant when he or she dies or if he or she—

- (a) is acting as a member of the Redistribution Committee or the Redistribution Tribunal under this section; or
- (b) is incapable of acting as such a member.

(3) An alternate member is to act as a member of the Redistribution Committee or the Redistribution Tribunal only if the member for whom he or she is an alternate dies or only while that member—

- (a) is absent from a meeting of the Committee or the Tribunal; or
- (b) is incapable of acting as a member.

(4) Where an alternate member acts as a member of the Redistribution Committee or the Redistribution Tribunal—

- (a) he or she may exercise all the powers of the member for whom he or she is an alternate member; and

- (b) all things done or omitted to be done by the alternate member are as valid, and have the same consequences, as if they had been done or omitted to be done by the member for whom he or she is an alternate member.

### Sitting fees, allowances, &c.

8—(1) The members of the Redistribution Committee and the Redistribution Tribunal are, subject to subsection (2), entitled to be paid such sitting fees and travelling and other allowances as the Governor may approve.

(2) A member of the Redistribution Committee or the Redistribution Tribunal who is a Head of Agency or an employee within the meaning of the *Tasmanian State Service Act 1984* is not entitled to be paid sitting fees unless the Governor so approves.

### *Division 2—Commencement of redistribution process*

### Quarterly ascertainment of enrolment, &c.

9—(1) In this section, “quarter day” means the last day of January, April, July or October in each year.

(2) The Chief Electoral Officer must, as soon as practicable after the commencement of this section and after each quarter day—

- (a) ascertain, as on that commencement or quarter day, the number of electors enrolled in each electoral division; and
- (b) determine, as on that commencement or quarter day—
- (i) the average divisional enrolment; and
  - (ii) the extent to which the number of electors enrolled in each electoral division differs from the average divisional enrolment.

(3) The average divisional enrolment is the number ascertained by dividing the number of electors enrolled in the State by the number of electoral divisions for the Legislative Council but, if that number is not a multiple of 500, it is to be increased or decreased to the nearest multiple of 500.

(4) A determination under subsection (2) is to be made by an instrument in writing and, as soon as practicable after making it, the Chief Electoral Officer must cause a statement specifying the matters ascertained and determined under that subsection to be published in accordance with section 30.

### **Commencement of redistributions**

**10—(1)** A redistribution of the State into electoral divisions is to commence as soon as practicable after the appointment of the Redistribution Committee and the Redistribution Tribunal under section 4.

(2) If—

(a) it appears to the Chief Electoral Officer, from a determination published under section 9 at any time after 4½ years after a redistribution of the State under this Act, that the number of persons enrolled in respect of 4 or more electoral divisions varies by more than 25% from the average divisional enrolment; or

(b) a period of 9 years has elapsed since the appointment of the Redistribution Committee and the Redistribution Tribunal under section 4—

the Chief Electoral Officer must recommend to the Minister having the administration of the *Electoral Act 1985* that the Committee and the Tribunal be re-appointed under section 4 of this Act.

(3) The Minister must cause a copy of any such recommendation to be laid before the Legislative Council within 5 sitting days of that House after he or she receives it.

### **Suggestions and comments relating to redistribution**

**11—(1)** On the commencement of a redistribution of the State, the Redistribution Committee must, by notice published in accordance with section 30, invite—

(a) written suggestions relating to the redistribution to be lodged with the Committee within the period of 30 days after the publication of the notice in the *Gazette*; and

(b) written comments relating to suggestions lodged with the Committee under paragraph (a) to be lodged not later than 14 days after the period referred to in that paragraph.

- (2) A notice under subsection (1) is to specify—
- (a) the reason for the redistribution being required; and
  - (b) a summary of the provisions of this Act, including in particular section 13; and
  - (c) a summary of the redistribution process, including in particular—
    - (i) the right of members of the public to make suggestions and comments; and
    - (ii) the procedure to be followed by the Redistribution Committee and the Redistribution Tribunal; and
    - (iii) the effect of decisions made by the Committee and the Tribunal; and
  - (d) the right of members of the public to obtain from any public office statistics, electoral maps and any other information to assist them in the preparation of suggestions and comments; and
  - (e) the right of members of the public to peruse during the periods of 30 days and 14 days referred to in subsection (1) the suggestions and comments made under that subsection and to obtain copies of them as soon as it is practicable for the Committee to provide them.

(3) The Redistribution Committee must, when practicable to do so during the periods referred to in paragraphs (a) and (b) of subsection (1), cause copies of the suggestions and comments lodged under those paragraphs to be made available for perusal and supply at any public office.

### Quota of electors

12—(1) For the purposes of each redistribution of the State, the Chief Electoral Officer must determine, in accordance with subsection (2), the quota of electors for the State and publish notice of the determination in accordance with section 30 and at the same time as notice is published under section 11 (1).

(2) The quota of electors for the State is to be determined by dividing the number, as nearly as can be ascertained by the Chief Electoral Officer, of electors enrolled in the State by the number of members of the Legislative Council but, if that number is not a multiple of 500, it is to be increased or decreased to the nearest multiple of 500.

***Division 3—Initial redistribution proposals*****Redistribution Committee to make initial redistribution proposal**

13—(1) It is the duty of the Redistribution Committee to make proposals for redistribution of the State into electoral divisions in accordance with this Act equal in number to the number of members of the Legislative Council.

(2) In making an initial redistribution proposal, the Redistribution Committee must consider all of the suggestions and comments lodged with it under section 11 (1) and take into account the following objectives:—

- (a) the first priority is to ensure, as far as practicable, that, if the State were redistributed in accordance with the initial redistribution proposal, the number of electors enrolled in each electoral division would not, 4 years and 6 months after the redistribution, be less than 90% or more than 110% of the average divisional enrolment;
- (b) the second priority is to give due consideration, in the case of each proposed electoral division, to community of interest within the electoral division.

(3) After taking into account the objectives specified in subsection (2), the Redistribution Committee must consider, in the case of each electoral division, the following matters, each of which is to be given such weight as the Committee may determine:—

- (a) the means of communication and travel within the electoral division;
- (b) the physical features and area of the electoral division;
- (c) the boundaries of existing electoral divisions in the State;
- (d) where practicable, the establishment or retention of distinct natural boundaries.

(4) For the purposes of this section—

- (a) the quota is to be the basis for the initial redistribution proposal; and
- (b) the Redistribution Committee may adopt a margin of allowance to be used when necessary—

but in no case is any variation from the quota to exceed 10%.

### Reasons for initial redistribution proposal

14—(1) The Redistribution Committee must state, in writing, the reasons for an initial redistribution proposal made by it under section 13 (1).

(2) A member of the Redistribution Committee who disagrees with an initial redistribution proposal may state in writing the reasons for his or her disagreement.

### Notice of initial redistribution proposal

15—(1) The Redistribution Committee must, as soon as practicable after it has made an initial redistribution proposal—

- (a) cause a map or maps showing the names and boundaries of each proposed electoral division to be exhibited at each public office; and
- (b) cause copies of—
  - (i) the suggestions and comments lodged under section 11 (1); and
  - (ii) descriptions (whether by reference to a map or plan or otherwise) of the boundaries of each proposed electoral division; and
  - (iii) its reasons for the initial redistribution proposal; and
  - (iv) if a member of the Committee has stated in writing reasons for his or her disagreement with the initial redistribution proposal, those reasons—

to be made available for perusal and supply at each public office; and

- (c) by notice published in accordance with section 30, invite public attention to the exhibition of the map or maps referred to in paragraph (a) and to the availability for perusal and supply of copies of the suggestions, comments, descriptions and reasons referred to in paragraph (b).

(2) A notice published in a newspaper circulating generally or regionally in the State is to contain a map or maps showing the names and boundaries of each proposed electoral division.

(3) A notice published under subsection (1) (c) is to include a statement to the effect that a person or organization may, within the period of 28 days after publication, lodge with the Redistribution Tribunal a written objection against the initial redistribution proposal.

### **Summary of initial redistribution proposal**

16—On the publication of the notice referred to in section 15 (1) (c), the Redistribution Committee may, whether by issuing a statement to the media or otherwise, give public notification of a summary of the essential features of the initial redistribution proposal to which the notice relates.

### ***Division 4—Objections and inquiries by Redistribution Tribunal***

### **Objections against initial redistribution proposal**

17—A person or organization may, within the period of 28 days after the publication in the *Gazette* of a notice referred to in section 15 (1) (c), lodge with the Redistribution Tribunal a written objection against the initial redistribution proposal to which the notice relates.

### **Consideration of initial objections**

18—(1) The Redistribution Tribunal must consider each initial objection.

(2) The Redistribution Tribunal must complete its consideration of the initial objections as soon as is practicable and, in any event, on or before the expiry of the period of 60 days after the expiry of the period referred to in section 17.



(3) The Redistribution Tribunal must hold an inquiry into an initial objection unless it is of the opinion that—

(a) the matters raised in the objection were raised, or are substantially the same as matters that were raised, in—

(i) suggestions relating to the redistribution lodged with the Redistribution Committee under section 11 (1) (a); or

(ii) comments lodged with the Committee under section 11 (1) (b); or

(b) the objection is frivolous or vexatious—

and may hold one inquiry into a number of initial objections.

### Notice of inquiries

**19**—(1) Before the Redistribution Tribunal commences to hold an inquiry, it must give reasonable notice published in accordance with section 30 of its intention to hold the inquiry, the subject of the inquiry and the time and place at which the inquiry is to commence.

(2) A notice under subsection (1) is to specify—

(a) the reasons for the initial redistribution proposal to which the inquiry relates; and

(b) a summary of the provisions of this Act, including in particular section 13; and

(c) a summary of the redistribution process, including in particular—

(i) the right of a person or organization that lodged suggestions or comments relating to an initial redistribution proposal to make an initial objection to the Redistribution Tribunal; and

(ii) the procedure to be followed by the Redistribution Tribunal; and

(iii) the effect of decisions made by the Redistribution Tribunal; and

(d) the right of members of the public to obtain from any public office statistics, electoral maps and any other information on the initial redistribution proposal.

**Procedure at inquiries**

**20**—(1) Subject to this Act, an inquiry by the Redistribution Tribunal into an initial objection is to be held in public.

(2) At an inquiry by the Redistribution Tribunal into an initial objection—

- (a) the person or organization that lodged the objection; and
- (b) any person or organization that lodged suggestions or comments relating to the initial redistribution proposal with the Redistribution Committee under section 11 (1)—

has a right to be heard.

(3) At an inquiry into an initial objection, the Redistribution Tribunal must consider all the suggestions and comments relating to the initial redistribution proposal and all evidence given under subsection (2).

(4) The Redistribution Tribunal is not bound by the legal rules of evidence and may regulate the conduct of proceedings at an inquiry into an initial objection as it thinks fit.

(5) Without limiting the generality of subsection (4)—

- (a) the manner in which evidence may be given to the Redistribution Tribunal; and
- (b) the time within which evidence may be given to the Tribunal; and
- (c) the extent to which the Tribunal may be addressed; and
- (d) the persons by whom it may be addressed—

in respect of the initial redistribution proposal are within the absolute discretion of the Tribunal.

(6) Where the Redistribution Tribunal is satisfied that it is desirable to do so in the public interest by reason of the confidential nature of any evidence or matter or for any other reason, the Tribunal may—

- (a) direct that an inquiry or a part of an inquiry is to take place in private and give directions as to the persons who may be present; or
- (b) give directions prohibiting or restricting the publication of evidence given before it or of matters contained in documents lodged with it.

(7) The Redistribution Tribunal may, if it thinks fit, permit a person appearing as a witness before it to give evidence by tendering, and verifying by oath, a written statement.

(8) On written application by a person who considers that attendance as a witness before the Redistribution Tribunal would cause him or her serious hardship, the Tribunal may permit the person to give evidence by sending to the Tribunal a written statement, verified in such manner as the Tribunal allows.

(9) Where evidence is given to the Redistribution Tribunal by a written statement in accordance with subsection (7) or (8), the Tribunal must make available to the public in such manner as it thinks fit the contents of the statement other than any matter as to which the Tribunal is satisfied that its publication would be contrary to the public interest by reason of its confidential nature or for any other reason.

### **Further redistribution proposals**

**21**—(1) As soon as practicable after the Redistribution Tribunal has concluded its inquiries into initial objections, it must make—

- (a) a further redistribution proposal for the State; and
- (b) a public announcement in accordance with subsection (3) and published in accordance with section 30.

(2) Section 13 applies to a further redistribution proposal as if a reference in that section to the Redistribution Committee were a reference to the Redistribution Tribunal.

(3) The public announcement referred to in subsection (1) is to include—

- (a) the substance of the Redistribution Tribunal's findings or conclusions concerning the initial objections and the Redistribution Committee's initial redistribution proposal; and
- (b) the further redistribution proposal made by the Tribunal; and
- (c) a statement whether, in the opinion of the Tribunal, its further redistribution proposal is significantly different from the Committee's initial redistribution proposal; and

- (d) if, in the opinion of the Tribunal, its further redistribution proposal is significantly different from the initial redistribution proposal, a statement to the effect that—
- (i) a person or organization that was entitled to make an initial objection under section 17 may within 7 days lodge with the Tribunal a written further objection; and
  - (ii) subject to section 18 (3), the Tribunal will hold an inquiry into a further objection.

### **Further objections**

22—(1) If the public announcement made pursuant to section 21 includes a statement under subsection (3) (d) of that section, a person or organization that was entitled to make an initial objection under section 17 may, within 7 days after the announcement, lodge with the Redistribution Tribunal a written further objection.

(2) The Redistribution Tribunal must consider each further objection.

(3) Subject to section 18 (3), the Redistribution Tribunal must hold an inquiry into each further objection.

(4) Sections 18 (3) and 21 apply to an inquiry into a further objection as if it were an initial objection.

### **Administration of oath**

23—A member of the Redistribution Tribunal may administer an oath to a person appearing as a witness before the Tribunal.

### **Allowances to witnesses**

24—A witness requested by the Redistribution Committee or the Redistribution Tribunal to appear at an inquiry is entitled to such allowances for his or her travelling and other expenses as the Governor may approve.

***Division 5—Determination by Redistribution Tribunal***

**Redistribution of State**

25—(1) The Redistribution Tribunal must, in accordance with subsection (3), determine, by notice published in the *Gazette*, the names and boundaries of the electoral divisions into which the State is to be distributed and those electoral divisions are, until altered by a determination under this subsection, to be the electoral divisions of the State for the Legislative Council.

(2) The Redistribution Tribunal must make a determination under subsection (1) as soon as practicable after it has considered, in accordance with Division 4, all the initial objections and any further objections.

(3) The determination is to distribute the State into electoral divisions equal in number to the number of members of the Legislative Council and is to be made in accordance with section 13 as if references in that section to the Redistribution Committee were references to the Redistribution Tribunal.

(4) The Redistribution Tribunal must, when it makes a determination under subsection (1), publish a notice in accordance with section 30 specifying—

- (a) the substance of its findings or conclusions concerning the initial objections and any further objections; and
- (b) its determination.

**Reasons for determination made by Redistribution Tribunal**

26—(1) The Redistribution Tribunal must state, in writing, the reasons for the determination made by it under section 25 (1).

(2) A member of the Redistribution Tribunal who disagrees with the determination may state in writing the reasons for his or her disagreement.

**Copies of certain documents to be forwarded to Parliament**

27—(1) The Redistribution Tribunal must, as soon as practicable after it makes a determination under section 25 (1), forward to the President of the Legislative Council and the Speaker of the House of Assembly a copy of—

- (a) the suggestions relating to the redistribution of the State lodged with the Redistribution Committee under section 11 (1) (a); and
- (b) the comments lodged with the Committee under section 11 (1) (b); and
- (c) the initial redistribution proposal made by the Committee and its reasons for it; and
- (d) if a member of the Committee has stated in writing the reasons for his or her disagreement with the initial redistribution proposal, those reasons; and
- (e) the objections against the initial redistribution proposal lodged with the Tribunal under section 17; and
- (f) the written record (if any) of the proceedings at any inquiry held by the Tribunal under section 20; and
- (g) the determination of the Tribunal under section 25 (1) and its reasons for the determination; and
- (h) if a member of the Tribunal has stated in writing the reasons for his or her disagreement with its determination, those reasons.

(2) The President of the Legislative Council and the Speaker of the House of Assembly must cause the copies of the suggestions, comments, initial redistribution proposal, reasons, objections, written record and determination referred to in subsection (1) to be laid before the appropriate House of Parliament on the next sitting-day of that House after receiving them.

**Decisions under this Part final, &c.**

28—(1) Notwithstanding anything contained in any other law, a decision by the Redistribution Committee or the Redistribution Tribunal made, or purporting to be made, under this Part (whether in the exercise of a discretion or not)—

- (a) is final and conclusive; and

- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called in question in any court or tribunal on any ground; and
- (c) is not subject to mandamus, prohibition, certiorari or injunction, or the making of a declaratory or other order, in any court on any ground.

(2) Without limiting the generality of subsection (1), this Part (other than sections 12, 25 (1), (3) and (4) and this section) is directory only and any failure to comply with it, whether in whole or in part, does not invalidate a decision of a kind referred to in subsection (1) of this section.

(3) A reference in subsection (1) to a decision made under this Part includes a reference to a refusal or failure to make a decision under this Part.

### **Effective date of redistribution**

**29—(1)** In this section, “**prescribed date**” means the date on which the term of office of a member of the Legislative Council is due to expire next following the publication of the redistribution under section 25.

(2) A redistribution of the State under section 25 takes effect on 1 July which next follows the prescribed date.

### *Division 6—Publication of notices*

#### **Publication of notices**

**30—**Where, under this Part, a notice is required to be published by the Chief Electoral Officer, the Redistribution Committee or the Redistribution Tribunal, the notice is to be published—

- (a) in the *Gazette*; and
- (b) in 3 newspapers circulating generally in the State; and

- (c) in such regional newspapers circulating in a part of the State as the Chief Electoral Officer, the Committee or the Tribunal considers appropriate; and
  - (d) by such other means as the Chief Electoral Officer, the Committee or the Tribunal thinks appropriate.
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### **PART 3**

#### **MISCELLANEOUS AND SUPPLEMENTAL**

#### **Protection of members of Redistribution Committee or Redistribution Tribunal and witnesses**

**31—(1)** A member of the Redistribution Committee or the Redistribution Tribunal has, in the performance of his or her duties as such, the same protection and immunity as a judge of the Supreme Court.

(2) Subject to this Act, a person appearing before the Redistribution Committee or the Redistribution Tribunal as a witness at an inquiry has the same protection in any civil or criminal proceedings as a witness in proceedings in the Supreme Court.

#### **Improper influence**

**32—**A person must not improperly seek to influence a member of the Redistribution Committee or the Redistribution Tribunal in the performance of his or her duties under this Act.

Penalty: Fine not exceeding 20 penalty units or imprisonment for a period not exceeding 12 months, or both.



### **Redistribution Committee or Redistribution Tribunal may obtain information**

**33—(1)** In this section, “**public authority**” means a body or authority, whether incorporated or not, established or constituted by or under an Act or under the Royal Prerogative, where the body or authority or its governing authority wholly or partly comprises persons appointed by the Governor, a Minister of the Crown or another public authority, but does not include a Government Department.

(2) The Redistribution Committee or the Redistribution Tribunal may, by notice in writing served on—

- (a) a person whose name and address appears on an electoral roll maintained for the purposes of the *Electoral Act 1985* or who is qualified to be on any such roll; or
- (b) a person who is a Head of Agency or a person appointed or employed under the *Tasmanian State Service Act 1984*, or an employee of a public authority or local authority—

require that person to provide the Committee or the Tribunal within 14 days with such information as it may require for the purposes of this Act.

(3) A person who fails to provide the Redistribution Committee or the Redistribution Tribunal with information as required under subsection (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units.

### **Information and staff to be provided to Redistribution Committee or Redistribution Tribunal**

**34—**For the purpose of the exercise of the powers of the Redistribution Committee or the Redistribution Tribunal under this Act—

- (a) the Governor may make arrangements with the Governor-General of the Commonwealth for the provision of information from the Australian Electoral Commission and the services of employees of that Commission to be made available to the Committee or the Tribunal; and

- (b) the Minister may, with the approval of the Minister responsible for the administration of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, make arrangements for the services of employees employed in that Agency to be made available to the Committee or the Tribunal.

**Information from Deputy Commonwealth Statistician, Tasmania, &c.**

**35**—The Redistribution Committee or the Redistribution Tribunal may seek and obtain from the Deputy Commonwealth Statistician, Tasmania or any other person any information that it requires for the purposes of this Act.

**Redistribution Committee or Redistribution Tribunal may obtain advice**

**36**—The Redistribution Committee or the Redistribution Tribunal may obtain advice concerning any matter arising under this Act from any person.

**Regulations**

**37**—The Governor may make regulations for the purposes of this Act.

**Administration of Act**

**38**—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Justice; and
- (b) the Department responsible to the Minister for Justice in relation to the administration of this Act is the Department of Justice.
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**PART 4****CONSEQUENTIAL AMENDMENTS****Section 18 of *Constitution Act 1934* amended (Constitution of the Council)**

**39**—Section 18 of the *Constitution Act 1934*\* is amended by omitting “set forth in Schedule 2 in accordance with the provisions of that Schedule”.

**Section 26 of *Constitution Act 1934* substituted**

**40**—Section 26 of the *Constitution Act 1934* is repealed and the following section is substituted:—

**Council divisions**

26—(1) For the purpose of returning Members to serve in the Council, the State is to be divided into 19 electoral divisions to be designated as provided by the *Legislative Council Electoral Boundaries Act 1995* each of which divisions is to return one member.

(2) The several Council divisions are to comprise the areas provided by the *Legislative Council Electoral Boundaries Act 1995*.

**Schedules 2 and 3 to *Constitution Act 1934* repealed**

**41**—Schedules 2 and 3 to the *Constitution Act 1934* are repealed.

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\* 25 Geo. V. No. 94. For this Act, as amended up to and including 1 October 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 78 of 1980, No. 2 of 1981, Nos. 9 and 16 of 1982, No. 36 of 1983, Nos. 7, 12 and 51 of 1985, Nos. 54 and 88 of 1986, No. 42 of 1988, No. 4 of 1990, No. 33 of 1991, No. 17 of 1992 and No. 68 of 1994.

**SCHEDULE 1**

**Section 5 (3)**

**MEETINGS OF REDISTRIBUTION COMMITTEE**

1—The Chief Electoral Officer may, in consultation with the chairperson and at any time, convene a meeting of the Redistribution Committee.

2—The chairperson of the Redistribution Committee must preside at all meetings of the Committee.

3—A question arising at a meeting of the Redistribution Committee is to be determined by a majority of the votes of the members.

4—The Redistribution Committee may—

- (a) regulate the conduct of proceedings at its meetings as it thinks fit; and
  - (b) establish sub-committees to assist it; and
  - (c) inform itself on any matter in such manner as it thinks fit; and
  - (d) consult with such persons as it thinks fit.
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**SCHEDULE 2**

## Section 6 (5)

**MEETINGS OF REDISTRIBUTION TRIBUNAL**

1—The chairperson of the Redistribution Tribunal may, at any time and either on his or her own motion or in consultation with the Chief Electoral Officer, convene a meeting of the Tribunal.

2—The chairperson of the Redistribution Tribunal must preside at all meetings of the Tribunal at which he or she is present.

3—If the chairperson of the Redistribution Tribunal is not present at a meeting of the Tribunal, the Chief Electoral Officer must preside.

4—At a meeting of the Redistribution Tribunal, 4 members constitute a quorum.

5—Subject to clause 7, questions arising at a meeting of the Redistribution Tribunal are to be determined by a majority of the votes of the members present and voting.

6—Subject to clause 7, the member presiding at a meeting of the Redistribution Tribunal has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

7—In making a determination under section 25 (1)—

- (a) it is necessary for at least 4 members of the Redistribution Tribunal, of whom at least 2 are members of the Redistribution Committee, to vote in favour of the determination; and
- (b) the casting vote of the member presiding at the meeting of the Tribunal is not to be used to vote in favour of the determination.

8—The Redistribution Tribunal may regulate the conduct of proceedings at its meetings as it thinks fit.

9—Subject to section 20, the Redistribution Tribunal may inform itself on any matter in such manner as it thinks fit.

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*[Second reading presentation speech made in:—  
House of Assembly on 4 April 1995  
Legislative Council on 7 December 1993]*