

ELECTIONS.

7 ELIZ. II.
No. 65.
THE
ELECTORAL
DISTRICTS
ACT OF 1958.

An Act to Make Provision for the Better Distribution of Electoral Districts.

[ASSENTED TO 16TH DECEMBER, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—
PRELIMINARY.

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as "*The Electoral Districts Act of 1958.*"

Parts of Act.

2. This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY ;

PART II.—REPRESENTATION BY ZONING ;

PART III.—FIRST DISTRIBUTION OF ELECTORAL DISTRICTS ;

PART IV.—SUBSEQUENT REDISTRIBUTIONS OF ELECTORAL DISTRICTS ;

PART V.—GENERAL.

Present
Parliament.

3. (1.) Nothing in this Act shall affect the power or authority of the present Legislative Assembly (being the Thirty-fifth Parliament of the State of Queensland) as duly constituted before the passing of this Act, and the present Legislative Assembly shall, unless sooner dissolved by the Governor, continue accordingly for three years from the day (namely the twenty-fourth day of August, one thousand nine hundred and fifty-seven) appointed for the return of the writs for choosing the same.

(2.) Every member of the present Legislative Assembly shall continue to sit for the electoral district represented by him immediately prior to the passing of this Act until he dies, resigns, or his seat is otherwise vacated or the present Legislative Assembly expires by effluxion of time or is sooner dissolved.

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(3.) If a member of the present Legislative Assembly dies, resigns, or his seat is otherwise vacated, prior to the expiration or sooner dissolution as aforesaid of the present Legislative Assembly, any writ for supplying that vacancy shall issue for the electoral district represented by him as constituted immediately prior to the passing of this Act, and the by-election shall be held accordingly.

(4.) The annual roll containing the names of electors for an electoral district as constituted immediately prior to the passing of this Act registered up to the thirty-first day of December, one thousand nine hundred and fifty-eight, together with a supplemental roll of the names of all electors who, if that electoral district had continued to be so constituted, would have been entitled under **"The Elections Acts, 1915 to 1958,"* to be added, since that annual roll was printed, to the roll of electors for that electoral district as so constituted shall, with and subject to all corrections and erasures of or from that annual roll and supplemental roll made pursuant to **"The Elections Acts, 1915 to 1958,"* be the roll of electors for the purposes of any by-election for that electoral district held in accordance with the provisions of this section.

The making in and from any such annual roll or supplemental roll of any and every correction or erasure which could lawfully have been made thereof or therefrom pursuant to **"The Elections Acts, 1915 to 1958,"* if this Act had not been passed, is hereby authorised.

(5.) Subject to the foregoing provisions of this section, †*"The Electoral Districts Act of 1949"* is hereby repealed.

4. From and after the expiration by effluxion of time or the sooner dissolution of the present Legislative Assembly, the Legislative Assembly shall consist of ^{Number of members of Legislative Assembly.} seventy-eight members.

The State of Queensland shall, subject to this Act, be distributed from time to time into seventy-eight electoral districts.

* 6 G. 5 No. 13 and amending Acts.

† 13 G. 6 No. 22.

One member shall be returned to the Legislative Assembly for each such electoral district.

PART II.—
REPRESENTATION BY
ZONING.
Zones.

PART II.—REPRESENTATION BY ZONING.

5. (1.) The State of Queensland shall be and is hereby divided into three zones of representation as follows, that is to say—

Zone 1, which shall be called the “Metropolitan Zone,” and which shall comprise that portion of the State of Queensland more particularly described in Part I. of the Schedule to this Act ;

Zone 2, which shall be called the “Provincial Cities Zone,” and which shall comprise those portions of the State of Queensland more particularly described in Part II. of the Schedule to this Act ;

Zone 3, which shall be called the “Country Zone,” and which shall comprise that portion of the State of Queensland more particularly described in Part III. of the Schedule to this Act.

Number of
electoral
districts
in respective
Zones.

6. (1.) Zone 1 (the Metropolitan Zone) shall be divided into twenty-eight electoral districts.

(2.) Zone 2 (the Provincial Cities Zone) shall be divided into twelve electoral districts.

(3.) Zone 3 (the Country Zone) shall be divided into thirty-eight electoral districts.

Distribution
of Zones into
electoral
districts.

7. Each and every Zone prescribed by this Act shall be respectively completely distributed into the number of electoral districts prescribed therefor by this Act before the expiration by the effluxion of time or the sooner dissolution of the present Legislative Assembly.

Thereafter, subject to this Act, all or any of such Zones may respectively be completely or partially redistributed from time to time but any such complete or partial redistribution shall in respect of a particular Zone be so made that such Zone shall at all times be and remain divided into the number of electoral districts prescribed therefor by this Act.

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*Electoral Districts Act.*PART III.—
FIRST
DISTRIBUTION
OF ELECTORAL
DISTRICTS.PART III.—FIRST DISTRIBUTION OF ELECTORAL
DISTRICTS.

8. (1.) For the purposes of the complete distribution, before the expiration or dissolution as aforesaid of the present Legislative Assembly, of the three Zones prescribed by this Act into the numbers of electoral districts respectively prescribed therefor by this Act, three Electoral Commissioners shall be appointed by the Governor in Council by commission under his hand and seal. One of such Commissioners shall be appointed chairman of the Commissioners.

Appoint-
ment of
Com-
missioners.

(2.) Each Commissioner shall receive such payment by way of salary or allowances, or both, as the Governor in Council thinks fit.

(3.) If, before such complete distribution is finally made as herein provided, any Commissioner dies, or for any cause becomes incapable of acting, another Commissioner shall in like manner be appointed in his room.

9. It shall be the duty of such Commissioners to completely distribute each and every Zone prescribed by this Act into the number of electoral districts prescribed therefor by this Act.

Duty of
Com-
missioners.

10. (1.) Provision for the number of electoral districts prescribed by this Act for the Metropolitan Zone and the Country Zone prescribed by this Act respectively shall be made by the Commissioners on the basis approximately of a quota of electors as provided by this section.

Basis of
distribution
in the
Metropolitan
and Country
Zones.

(2.) The quota of electors in respect of each Zone to which this section relates shall be the resultant quotient (disregarding any fraction) obtained by dividing the total number of electors ascertained under subsection three of this section to have been living in that Zone on the thirty-first day of December, one thousand nine hundred and fifty-eight, by the number of electoral districts prescribed by this Act for that Zone.

(3.) The number of electors living in a Zone to which this section relates on the thirty-first day of December, one thousand nine hundred and fifty-eight, shall be the aggregate number of electors who, on that

date, were, pursuant to **"The Elections Acts, 1915 to 1958,"* enrolled for all of the electoral districts and parts, if any, of electoral districts as constituted immediately prior to the passing of this Act which are within the boundaries of that Zone.

(4.) A certificate under the hand of the Principal Electoral Officer published in the *Gazette* and certifying the numbers of electors respectively living in the Zones to which this section relates on the thirty-first day of December, one thousand nine hundred and fifty-eight (or in either such Zone), shall be conclusive proof of the numbers of electors respectively living in such Zones or, according as stated in the certificate, in the Zone in question on the said date, and the Commissioners shall use any such certificate accordingly.

(5.) The Commissioners may adopt a margin of allowance to be used whenever necessary, but the quota shall not, in respect of any electoral district, be departed from to a greater extent than one-fifth more or one-fifth less.

Basis of
distribution
in the
Provincial
Cities Zone.

11. (1.) Provision for the number of electoral districts prescribed by this Act for the Provincial Cities Zone prescribed by this Act shall be made by the Commissioners by—

- (a) Dividing into two electoral districts each the Areas respectively of the City of Ipswich, City of Rockhampton, City of Toowoomba, and City of Townsville ;
- (b) Constituting as one electoral district each the Areas respectively of the City of Bundaberg, the City of Cairns, the City of Mackay, and the City of Maryborough.

(2.) The quota of electors in respect of the Area of a city comprised in the Provincial Cities Zone prescribed by this section to be divided into two electoral districts shall be the resultant quotient (disregarding any fraction) obtained by dividing the total number of electors ascertained under subsection three of this section to have been living in the Area of that city on the thirty-first day of December, one thousand nine hundred and fifty-eight, by two.

* 6 G. 5 No. 13 and amending Acts.

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(3.) The number of electors living in the Area of a city referred to in subsection two of this section on the thirty-first day of December, one thousand nine hundred and fifty-eight, shall be the aggregate number of electors who, on that date, were pursuant to **“The Elections Acts, 1915 to 1958,”* enrolled for all of the electoral districts and parts of electoral districts as constituted immediately prior to the passing of this Act which are within that Area.

(4.) A certificate under the hand of the Principal Electoral Officer published in the *Gazette* and certifying the numbers of electors respectively living in the Areas of the cities referred to in subsection two of this section on the thirty-first day of December, one thousand nine hundred and fifty-eight (or in any of those Areas), shall be conclusive proof of the numbers of electors respectively living in such Areas or, according as stated in the certificate, in any such Area or Areas on the said date and the Commissioners shall use any such certificate accordingly.

(5.) The Commissioners may adopt a margin of allowance to be used in dividing the Area of any of the aforesaid cities into two electoral districts, but the quota shall not, in respect of the two electoral districts, be departed from to a greater extent than one-fifth more and one-fifth less.

12. Subject to sections nine, ten and eleven of this Act, in distributing a Zone prescribed by this Act into the number of electoral districts prescribed therefor by this Act, consideration shall be given by the Commissioners to—

Matters to be considered in distributing Zones.

- (a) Community or diversity of interest ;
- (b) Means of communication ;
- (c) Physical features ;
- (d) The boundaries of Areas of Local Authorities and Divisions of Local Authorities ;
- (e) Probable future movements of population :

Provided that in so distributing such a Zone into electoral districts the boundaries of the electoral districts shall, in so far as in the opinion of the Commissioners

circumstances permit, conform with boundaries of Areas of Local Authorities and boundaries of Divisions of Areas of Local Authorities.

PART IV.—SUBSEQUENT REDISTRIBUTIONS OF
ELECTORAL DISTRICTS.

When
subsequent
redistribu-
tions may
be made.

13. If at any time—

- (a) The number of electors for any electoral district or the numbers of electors respectively enrolled for any two or more electoral districts as constituted for the time being (and whether, in the case of two or more electoral districts, situated within the same Zone as prescribed by this Act or within different such Zones) is or are so much above or so much below the applicable quota or the respective applicable quotas as ascertained under sections ten and eleven of this Act (after taking into consideration the applicable margin of allowance or the respective applicable margins of allowance provided for in the said sections ten and eleven); or
- (b) The total number of electors within the State or within any locality or localities thereof, has increased or decreased to such extent,

that, in the opinion of the Governor in Council, it has become necessary to make—

- (i.) A complete redistribution—that is to say, a redistribution of all of the electoral districts for the State; or
- (ii.) A partial redistribution—that is to say, a redistribution of those electoral districts which are affected by the matters, or any of the matters, set out in paragraphs (a) and (b) of this subsection,

the Governor in Council may, according as he deems necessary in the circumstances, cause all or any of the Zones prescribed by this Act to be respectively completely or partially redistributed.

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*Electoral Districts Act.*PART IV.—
SUBSEQUENT
REDIS-
TRIBUTIONS OF
ELECTORAL
DISTRICTS.Appoint-
ment of
Com-
missioners.

14. For the purpose of making any complete or partial redistribution under this Part of this Act, the Governor in Council shall appoint three Electoral Commissioners under and pursuant to section eight of this Act, and for that purpose the provisions of the said section eight shall apply and extend.

15. It shall be the duty of the Commissioners appointed pursuant to section fourteen of this Act to make, according as is specified by the commission appointing them, a complete or partial redistribution in manner provided by this Act but they shall so make such complete or partial redistribution in respect of a Zone prescribed by this Act that such Zone shall at all times be and remain divided into the number of electoral districts prescribed therefor by this Act and, in the case of the Provincial Cities Zone prescribed by this Act, that the Area of each of the cities comprised therein shall, according as prescribed by this Act, at all times be divided into two electoral districts or constituted as one electoral district.

Duty of
Com-
missioners.

16. (1.) Where the Metropolitan Zone or the Country Zone as prescribed by this Act is affected by the redistribution to be made by the Commissioners appointed under this Part of this Act, they shall ascertain a quota of electors in respect of the Zone and—

Fresh
quotas.

- (a) For that purpose the number of electors living in the Zone so affected shall be and be deemed to be the aggregate number of electors who, on the thirty-first day of December of the calendar year next preceding the date of the appointment of the Commissioners, were, pursuant to **"The Elections Acts, 1915 to 1958,"* enrolled for all of the existing electoral districts within the boundaries of that Zone ; and
- (b) Subject to all such adaptations thereof as are necessary to give effect to the provisions of paragraph (a) of this subsection, section ten of this Act shall apply and be observed accordingly by the Commissioners, the Principal Electoral Officer, and all other persons concerned.

* 6 G. 5 No. 13 and amending Acts.

(2.) In relation to the Provincial Cities Zone prescribed by this Act, the Commissioners appointed under this Part of this Act shall ascertain a quota of electors in respect of the Area of any city comprised in that Zone prescribed by this Act to be divided into two electoral districts which is affected by the redistribution to be made by them and—

- (a) For that purpose the number of electors living in the Area of a city so affected shall be and be deemed to be the aggregate number of electors, who, on the thirty-first day of December of the calendar year next preceding the date of the appointment of the Commissioners, were, pursuant to “*The Elections Acts, 1915 to 1958*,” enrolled for the two existing electoral districts within that Area; and
- (b) Subject to all such adaptations thereof as are necessary to give effect to the provisions of paragraph (a) of this subsection, section eleven of this Act shall apply and be observed accordingly by the Commissioners, the Principal Electoral Officer, and all other persons concerned.

(3.) Subject to observing all other requirements of this Act, in making a complete or partial redistribution under this Part of this Act, consideration shall be given by the Commissioners to the matters specified in section twelve of this Act.

Existing
Parliament.

17. (1.) Nothing in this Part of this Act shall affect the power or authority of the Legislative Assembly as duly constituted before and subsisting at the date of the appointment of Commissioners to make a complete or partial redistribution under this Part, and that Legislative Assembly shall, unless sooner dissolved by the Governor, continue accordingly for three years from the day appointed for the return of the writs for choosing the same.

(2.) Every member of that Legislative Assembly shall continue to sit for the electoral district represented by him immediately prior to the appointment of the Commissioners until he dies, resigns, or his seat is otherwise vacated or that Legislative Assembly expires by effluxion of time or is sooner dissolved.

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REDIS-
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(3.) If a member of that Legislative Assembly dies, resigns, or his seat is otherwise vacated, prior to the expiration or sooner dissolution as aforesaid of that Legislative Assembly, any writ for supplying that vacancy shall issue for the electoral district represented by him as constituted immediately prior to the appointment of the Commissioners, and the by-election shall be held accordingly.

(4.) The annual roll containing the names of electors for an electoral district as constituted immediately prior to the appointment of the Commissioners registered up to the thirty-first day of December of the calendar year next preceding the date of such appointment, together with a supplemental roll of the names of all electors who, if that electoral district had continued to be so constituted, would have been entitled under **"The Elections Acts, 1915 to 1958,"* to be added, since that annual roll was printed, to the roll of electors for that electoral district as so constituted shall, with and subject to all corrections and erasures of or from that annual roll and supplemental roll made pursuant to **"The Elections Acts, 1915 to 1958,"* be the roll of electors for the purposes of any by-election for that electoral district held in accordance with the provisions of this section.

The making in and from any such annual roll or supplemental roll of any and every correction or erasure which could lawfully have been made thereof or therefrom pursuant to **"The Elections Acts, 1915 to 1958,"* if Commissioners had not been appointed as aforesaid, is hereby authorised.

PART V.—GENERAL.

PART V.—
GENERAL.

18. The Commissioners shall designate by name any and every electoral district proposed by them and for that purpose may adopt or refuse to adopt the name of any existing electoral district : Names of electoral districts.

Provided that—

- (a) The two electoral districts into which this Act prescribes that a city comprised in the Provincial Cities Zone prescribed by this Act shall be divided, shall be designated by

names which include the name of that city and respectively an additional word or words identifying the particular electoral district; and

- (b) Any electoral district prescribed by this Act to be constituted by the Area of a city comprised in the Provincial Cities Zone prescribed by this Act shall be designated by the name of that city.

Notice of proposed distribution or redistribution.

19. (1.) The Commissioners shall cause to be prepared a map or maps showing the names and boundaries of each and every electoral district proposed by them.

One and the same map may be so prepared in respect of all proposed electoral districts, or a group of two or more proposed electoral districts, or a particular proposed electoral district.

The boundaries of any and every Zone prescribed by this Act shall, to the extent, if any, to which they are conterminous with the boundaries of any proposed electoral district, be delineated on the map showing that district.

(2.) The Commissioners shall (not later than a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*) cause to be publicly exhibited, in some conspicuous place at the court house at every place appointed for holding courts of petty sessions and at every police station within a proposed electoral district, a copy of the map showing that proposed electoral district.

(3.) The Commissioners shall also cause to be prepared a statement showing—

- (a) The quota or, as the case may be, the respective quotas ascertained by them in respect of the Zone or Zones prescribed by this Act (or, in the case of the Provincial Cities Zone prescribed by this Act, any city or cities comprised in that Zone) affected by the distribution to be made by them;
- (b) The names of each and every electoral district proposed by them showing every such name in relation to the Zone for which the electoral district is proposed;

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- (c) The approximate number of electors in each such proposed electoral district; and
- (d) The description of the boundaries of each and every proposed electoral district.

(4.) The Commissioners shall (not later than the date fixed by the Governor in Council under subsection two of this section) cause to be deposited at the court house at every place appointed for holding courts of petty sessions and at every police station within a proposed electoral district a copy of such statement.

(5.) Such map and statement shall thereupon, and for a period of one month thereafter, be available for inspection by any elector at all times during which the court house or police station is open for the transaction of public business.

20. Objections or suggestions in writing with respect to any proposed electoral district (whether proposed for the purposes of making a complete distribution under Part III. of this Act or a complete or partial redistribution under Part IV. of this Act) may be lodged with the Commissioners not later than one calendar month after the date fixed by the Governor in Council under subsection two of section nineteen of this Act, and the Commissioners shall consider all objections and suggestions so lodged before finally making such distribution or, as the case may be, redistribution. Objections.

21. The Commissioners shall (not later than a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*) make and forward to the Premier and Chief Secretary a report upon the distribution or, as the case may be, the complete or partial redistribution made by them, setting out— Report by
Commission.

- (a) The quota or, as the case may be, the respective quotas ascertained by them in respect of the Zone or Zones (or, in the case of the Provincial Cities Zone prescribed by this Act, any city or cities comprised in that Zone) affected by such distribution or, as the case may be, complete or partial redistribution;

- (b) The names of each and every electoral district as determined by them showing every such name in relation to the Zone for which it has been so determined ;
- (c) The approximate number of electors in each and every such electoral district ;
- (d) The description of the boundaries of each and every such electoral district.

Proclama-
tion of
electoral
districts.

22. (1.) The names and boundaries of the electoral districts as determined by the Commissioners in their report to the Premier and Chief Secretary shall forthwith be proclaimed by the Governor in Council by Proclamation published in the *Gazette*.

(2.) The electoral districts as determined by the Commissioners pursuant to the complete distribution made under Part III. of this Act and as so proclaimed shall be the electoral districts of the State of Queensland from and after the expiration by the effluxion of time or the sooner dissolution of the present Legislative Assembly, subject, however, to any later complete or partial redistribution made under Part IV. of this Act, and shall each return one member to the Legislative Assembly.

(3.) The electoral districts as determined by the Commissioners pursuant to any complete or partial redistribution made under Part IV. of this Act and as so proclaimed shall be the electoral districts of Queensland from and after the expiration by the effluxion of time or the sooner dissolution of the Legislative Assembly existing when such complete or partial redistribution shall have been made, subject, however, to any later complete or partial redistribution made under the said Part IV., and shall each return one member to the Legislative Assembly :

Provided, however, that in the case of a partial redistribution under the said Part IV., the existing electoral districts not affected thereby and the new electoral districts determined thereby shall together be the electoral districts of Queensland from and after the expiration by the effluxion of time or the sooner dissolution of the Legislative Assembly existing when such partial redistribution shall have been made, subject,

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however, to any later complete or partial redistribution made under the said Part IV., and shall each return one member to the Legislative Assembly.

(4.) Any division by the Commissioners of the State or (as respects a partial redistribution) any part of the State into electoral districts made or purporting to have been made pursuant to Part III. or Part IV. of this Act shall, on the Proclamation by the Governor in Council in the *Gazette* of the names and boundaries of the said electoral districts, be final and conclusive, and shall not be impeachable for any informality or want of form, or be appealed against, reviewed, quashed, or in any way called in question in any court whatsoever.

23. (1.) The Principal Electoral Officer shall compile an electoral roll of the electors in each and every electoral district determined by Commissioners under Part III. or Part IV. of this Act and proclaimed by the Governor in Council and for that purpose there shall be, for each and every such electoral district, annual rolls and supplemental rolls to the annual rolls which shall be prepared under and in accordance with the requirements of **The Elections Acts, 1915 to 1958,** which shall apply and extend accordingly. ^{Electoral rolls.}

(2.) The first such annual roll for an electoral district determined by Commissioners under Part III. of this Act and proclaimed by the Governor in Council shall contain the names of electors registered as living in that electoral district on the thirty-first day of December, one thousand nine hundred and fifty-nine.

(3.) The first such annual roll for an electoral district determined by Commissioners under Part IV. of this Act and proclaimed by the Governor in Council shall contain the names of electors registered as living in that district on the thirty-first day of December next following the date of the appointment of those Commissioners.

(4.) The preparation of any annual roll referred to in this section may be commenced by the Principal Electoral Officer as soon as conveniently may be after the proclamation by the Governor in Council of the electoral district for which that annual roll is to be compiled.

(5.) The Principal Electoral Officer is hereby empowered to issue such orders and give such directions as he may consider necessary or expedient for the purpose of the compilation in pursuance of this section of electoral rolls. Any such orders and directions shall have the force of law and shall be obeyed.

(6.) The annual roll prepared in pursuance of this section for any electoral district, with any supplemental rolls for that district, shall be the existing roll of electors for that district within the meaning and for the purposes of **“The Elections Acts, 1915 to 1958,”* until a new roll of electors for that electoral district has been prepared under and pursuant to **“The Elections Acts, 1915 to 1958.”*

* 6 G. 5 No. 13 and amending Acts.

SCHEDULE.

[Section 5.]

THE SCHEDULE.

PART I.

The Metropolitan Zone.

All that portion of the State of Queensland comprising the Area of the City of Brisbane as constituted and declared by and under *“The City of Brisbane Acts, 1924 to 1958.”*

PART II.

The Provincial Cities Zone.

All those portions of the State of Queensland comprising the Areas of the Cities of Bundaberg, Cairns, Ipswich, Mackay, Maryborough, Rockhampton, Toowoomba and Townsville, as constituted respectively under *“The Local Government Acts, 1936 to 1958,”* at the date of the enactment of this Act.

PART III.

The Country Zone.

All that portion of the State of Queensland which is not comprised in the Metropolitan Zone and the Provincial Cities Zone as respectively prescribed by this Act.

ELECTORAL DISTRICTS.

See ELECTIONS.