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K Woodward
Chief Parliamentary Counsel
Dated 10 July 2024



TASMANIA

LEGISLATIVE COUNCIL ELECTORAL BOUNDARIES ACT 1995

No. 2 of 1995

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**SCHEDULE 2 – MEETINGS OF TASMANIAN AUGMENTED
ELECTORAL COMMISSION**



LEGISLATIVE COUNCIL ELECTORAL BOUNDARIES ACT 1995

No. 2 of 1995

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]

Be 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

1. Short title

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

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Part 1 – Preliminary

2. Commencement

- (1) This Act commences on the day on which it receives the Royal Assent.
- (2)

3. Interpretation

- (1) In this Act, unless the contrary intention appears

—

average Council division enrolment means the number of electors ascertained in accordance with section 9(3);

Committee means the Redistribution Committee;

Council division has the same meaning as in the *Electoral Act 2004*;

Council division quota means the Council division quota determined under section 12;

Electoral Commission means the Tasmanian Electoral Commission established under section 6 of the *Electoral Act 2004*;

Electoral Commissioner means the Electoral Commissioner appointed under section 14 of the *Electoral Act 2004*;

electoral division means a Council division;

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further objection means a comment, suggestion or objection in relation to a redistribution proposal lodged with the Tasmanian Augmented Electoral Commission under section 22(1);

further redistribution proposal means a further proposal for redistribution of electoral divisions made by the Tasmanian Augmented Electoral Commission under section 21(1);

initial objection means a comment, suggestion or objection in relation to a redistribution proposal lodged with the Tasmanian Augmented Electoral Commission 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 Electoral Commissioner, any office of the Redistribution Committee or the Tasmanian Augmented Electoral Commission or any other office determined by the Committee or the Tasmanian Augmented Electoral Commission to be a public office for the purposes of this Act;

Redistribution Committee means the Redistribution Committee appointed under section 4;

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Tasmanian Augmented Electoral Commission means the Tasmanian Augmented Electoral Commission appointed under section 4.

- (2) The definition of “the Governor” in section 43(1) of the *Acts Interpretation Act 1931* does not apply to references to the Governor in this Act.

**PART 2 – REDISTRIBUTION OF ELECTORAL
DIVISIONS**

***Division 1 – Redistribution Committee and Tasmanian
Augmented Electoral Commission***

**4. Appointment of Redistribution Committee and
Tasmanian Augmented Electoral Commission**

(1) In this section –

prescribed period, in relation to an appointment of the Redistribution Committee or the Tasmanian Augmented Electoral Commission, means a period of 60 days after a recommendation by the Electoral Commissioner is given to the Minister under section 10(2).

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

(3) The notice appointing the Redistribution Committee is to specify –

(a) the members and alternate members of the Committee in accordance with sections 5 and 7; and

(b) the purposes for which the Committee is appointed; and

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- (c) such period as, in the opinion of the Governor, may be required for the proper performance of the functions of the Committee.
- (3A) The notice appointing the Tasmanian Augmented Electoral Commission is to specify –
 - (a) the members and alternate members of the Tasmanian Augmented Electoral Commission in accordance with sections 6 and 7; and
 - (b) the purposes for which the Tasmanian Augmented Electoral Commission is appointed; and
 - (c) such period as, in the opinion of the Governor, may be required for the proper performance of the functions of the Tasmanian Augmented Electoral Commission.
- (4) If the Governor is of opinion that the period specified in a notice under subsection (3)(c) or (3A)(c) is insufficient to enable the Committee or the Tasmanian Augmented Electoral Commission to perform its functions under this Act, the Governor may, by notice published in the *Gazette*, extend that period for a further specified period.
- (4A) Subsection (4) allows an extension of the period specified in a notice under subsection (3)(c) or (3A)(c) on more than one occasion.

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- (5) On the expiration of the period specified under subsection (3)(c) or (3A)(c) or any further period for which it is extended under subsection (4), the Committee and the Tasmanian Augmented Electoral Commission are taken to be dissolved.

5. Redistribution Committee

- (1) The Redistribution Committee consists of 3 members of whom –
- (a) one is the Electoral Commissioner who is to be chairperson of the Committee; and
 - (b) one is the Surveyor-General; and
 - (c) one is a person nominated by the Australian Statistician.
- (2) Schedule 1 has effect in relation to the meetings of the Committee.

6. Tasmanian Augmented Electoral Commission

- (1) The Tasmanian Augmented Electoral Commission consists of the members of the Redistribution Committee and 2 additional members of whom–
- (a) one is the chairperson of the Electoral Commission who is to be chairperson of the Tasmanian Augmented Electoral Commission; and

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(b) the other is the member of the Electoral Commission who is not the chairperson of that Commission or the Electoral Commissioner.

(2)

(3) The exercise of the powers of the Tasmanian Augmented Electoral Commission is not affected by reason only of a change or changes in its membership.

(4) Schedule 2 has effect in relation to the meetings of the Tasmanian Augmented Electoral Commission.

7. Alternate members of Redistribution Committee and Tasmanian Augmented Electoral Commission

(1) For the purposes of this Act –

(a) an alternate member is to be appointed for each member of the –

(i) Redistribution Committee except the Electoral Commissioner; and

(ii) Tasmanian Augmented Electoral Commission except those members who are members of the Electoral Commission; and

(b) appointments of alternate members are to be made –

(i) when the Committee and the Tasmanian Augmented Electoral

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Commission 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 Tasmanian Augmented Electoral Commission; 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)
- (2)
- (3) An alternate member is to act as a member of the Redistribution Committee or the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission; or
 - (b) is incapable of acting as a member.
- (4) Where an alternate member acts as a member of the Redistribution Committee or the Tasmanian Augmented Electoral Commission—

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- (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.

7A. Filling of casual vacancies

- (1) On the occurrence of a vacancy in the office of a member of the Redistribution Committee or the Tasmanian Augmented Electoral Commission, other than a member of the Electoral Commission, the Governor may, by notice published in the *Gazette*, appoint a person to that office if the Governor considers that the person is appropriately qualified.
- (2) For the purposes of this section, a vacancy in the office of member occurs if the member –
 - (a) dies; or
 - (b) ceases to hold the office by virtue of which he or she was appointed; or
 - (c) becomes incapable of performing the duties of his or her office.
- (3)

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8. Sitting fees, allowances, &c.

- (1) The members of the Redistribution Committee and the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission who is a State Service officer or State Service employee is not entitled to be paid sitting fees unless the Governor so approves.

Division 2 – Commencement of redistribution process

9. Quarterly ascertainment of enrolment, &c.

- (1) In this section, *quarter day* means the last day of January, April, July or October in each year.
- (2) The Electoral Commissioner must, as soon as practicable after the first redistribution after the commencement of the *Parliamentary Reform Act 1998* has effect and after each subsequent quarter day –
 - (a) ascertain, as at that first redistribution or quarter day, the number of electors enrolled in each electoral division; and
 - (b) determine, as at that first redistribution or quarter day –
 - (i) the average Council division enrolment; and

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- (ii) the extent to which the number of electors enrolled in each Council division differs from the average Council division enrolment.
- (3) The average Council division enrolment is the nearest whole number ascertained by dividing the number of electors enrolled in the State by the number of Council divisions.
- (4) A determination under subsection (2) is to be made by an instrument in writing and, as soon as practicable after making it, the Electoral Commissioner must cause a statement specifying the matters ascertained and determined under that subsection to be published on the website of the Electoral Commission.
- (5) The Electoral Commissioner must cause the statement referred to in subsection (4) to be available, on request, at the office of the Electoral Commission.

10. Commencement of redistributions

- (1) A redistribution of the State into electoral divisions is to commence as soon as practicable after the appointment of the Redistribution Committee under section 4.
- (2) If—
 - (a) it appears to the Electoral Commissioner, from a determination published under section 9 at any time after 5 years after a redistribution of the State under this Act,

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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 10 years has elapsed since the appointment of the Redistribution Committee under section 4–

the Electoral Commissioner must recommend to the Minister having the administration of the *Electoral Act 2004* that the Committee and the Tasmanian Augmented Electoral Commission 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.

11.

12. Quota of electors

- (1) For the purpose of each redistribution of the State, the Electoral Commissioner must determine, as at a date nominated by the Electoral Commissioner, the Council division quota in accordance with subsection (2) and publish notice of the determination in accordance with section 30.
- (2) The Council division quota is the average Council division enrolment as at the date

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nominated by the Electoral Commissioner under subsection (1).

Division 3 – Initial redistribution proposals

13. Redistribution Committee to make initial redistribution proposal

- (1) The Redistribution Committee must, in accordance with this Part, make an initial proposal for redistribution of the State into the number of Council divisions specified in section 18 of the *Constitution Act 1934*.
- (2) In making an initial redistribution proposal, the Redistribution Committee must take into account the following priorities:
 - (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 Council division would not, 5 years after the redistribution, be less than 90% or more than 110% of the average Council division enrolment;
 - (b) the second priority is the community of interest within each Council division.
- (3) After taking into account the priorities specified in subsection (2), the Redistribution Committee must consider, in the case of each Council division, the following matters:

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- (a) the means of communication and travel within the division;
 - (b) the physical features and area of the division;
 - (c) existing electoral boundaries;
 - (d) distinct natural boundaries.
- (3A) Subject to subsection (2), the Committee is to give such weight as it determines to the matters specified in subsection (3).
- (4) For the purposes of this section–
- (a) the Council division 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 Council division quota to exceed 10%.

14. Reasons for initial redistribution proposal

- (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.

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15. Notice of initial redistribution proposal

(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)

(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 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 Tasmanian Augmented Electoral Commission a written objection against the initial redistribution proposal.

16. Summary of initial redistribution proposal

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 Tasmanian Augmented Electoral Commission

17. Objections in relation to initial redistribution proposal

A person or organization may, within the period of 28 days after the publication in the *Gazette* of

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a notice referred to in section 15(1)(c), lodge with the Tasmanian Augmented Electoral Commission a written comment, suggestion or objection in relation to the initial redistribution proposal to which the notice relates.

18. Consideration of initial objections

- (1) The Tasmanian Augmented Electoral Commission must consider each initial objection.
- (2) The Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission must hold an inquiry into an initial objection unless it is of the opinion that the objection is frivolous or vexatious.
- (4) The Tasmanian Augmented Electoral Commission may hold one inquiry into a number of initial objections.

19. Notice of inquiries

- (1) Before the Tasmanian Augmented Electoral Commission 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, the

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time and place at which the inquiry is to commence and the address of the website on which the information required to be published under subsection (2) is published.

- (2) The Tasmanian Augmented Electoral Commission is to publish on a website–
- (aa) a copy of the notice referred to in subsection (1); and
 - (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 organisation to make an initial objection to the Tasmanian Augmented Electoral Commission; and
 - (ii) the procedure to be followed by the Tasmanian Augmented Electoral Commission; and
 - (iii) the effect of decisions made by the Tasmanian Augmented Electoral Commission; and
 - (d) the right of members of the public to obtain from any public office statistics,

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electoral maps and any other information
on the initial redistribution proposal.

20. Procedure at inquiries

- (1) Subject to this Act, an inquiry by the Tasmanian Augmented Electoral Commission into an initial objection is to be held in public.
- (2) At an inquiry by the Tasmanian Augmented Electoral Commission into an initial objection any person or organisation that lodged an objection has a right to be heard.
- (3) At an inquiry into an initial objection, the Tasmanian Augmented Electoral Commission must consider all evidence given under subsection (2).
- (4) The Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission; and
 - (b) the time within which evidence may be given to the Tasmanian Augmented Electoral Commission; and

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(c) the extent to which the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission.

(6) Where the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission

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would cause him or her serious hardship, the Tasmanian Augmented Electoral Commission may permit the person to give evidence by sending to the Tasmanian Augmented Electoral Commission a written statement, verified in such manner as the Tasmanian Augmented Electoral Commission allows.

- (9) Where evidence is given to the Tasmanian Augmented Electoral Commission by a written statement in accordance with subsection (7) or (8), the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission is satisfied that its publication would be contrary to the public interest by reason of its confidential nature or for any other reason.

21. Further redistribution proposals

- (1) As soon as practicable after the Tasmanian Augmented Electoral Commission 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

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Redistribution Committee were a reference to the Tasmanian Augmented Electoral Commission.

- (3) The public announcement referred to in subsection (1) is to include –
- (a) a summary of the further redistribution proposal made by the Tasmanian Augmented Electoral Commission; and
 - (b) a statement whether, in the opinion of the Tasmanian Augmented Electoral Commission, its further redistribution proposal is significantly different from the Redistribution Committee’s initial redistribution proposal; and
 - (c) if, in the opinion of the Tasmanian Augmented Electoral Commission, its further redistribution proposal is significantly different from the initial redistribution proposal, a statement to the effect that –
 - (i) a person or organisation that was entitled to make an initial objection under section 17 may within 7 days lodge with the Tasmanian Augmented Electoral Commission a written further objection; and
 - (ii) subject to section 18(3), the Tasmanian Augmented Electoral Commission will hold an inquiry into a further objection; and

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- (d) the address of the website on which the information required to be published under subsection (4) is published.
- (4) The Tasmanian Augmented Electoral Commission is to publish on a website –
 - (a) a copy of the public announcement referred to in subsection (1); and
 - (b) the substance of the Tasmanian Augmented Electoral Commission's findings or conclusions concerning any initial objections and the Redistribution Committee's initial redistribution proposal; and
 - (c) the further redistribution proposal made by the Tasmanian Augmented Electoral Commission.

22. Further objections

- (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 Tasmanian Augmented Electoral Commission a written further objection.
- (2) The Tasmanian Augmented Electoral Commission must consider each further objection.

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- (3) Subject to section 18(3), the Tasmanian Augmented Electoral Commission must hold an inquiry into each further objection.
- (4) Sections 18(3) and 20 apply to an inquiry into a further objection as if it were an initial objection.

23. Administration of oath

A member of the Tasmanian Augmented Electoral Commission may administer an oath to a person appearing as a witness before the Tasmanian Augmented Electoral Commission.

24. Allowances to witnesses

A witness requested by the Redistribution Committee or the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission

25. Redistribution of State

- (1) The Tasmanian Augmented Electoral Commission must, in accordance with subsection (3), determine, by notice published in accordance with section 30, the names and boundaries of the Council divisions into which the State is to be distributed and those divisions

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are, until altered by determination under this subsection, to be the divisions.

- (2) The Tasmanian Augmented Electoral Commission 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 be made in accordance with section 13 as if references in that section to the Redistribution Committee were references to the Tasmanian Augmented Electoral Commission.
- (4) The Tasmanian Augmented Electoral Commission is to publish on a website a copy of the notice referred to in subsection (1) and the substance of the Tasmanian Augmented Electoral Commission's findings or conclusions concerning the initial objections and any further objections.
- (5) The notice referred to in subsection (1) is to include the address of the website on which the information required to be published under subsection (4) and section 26(3) is published.

26. Reasons for determination made by Tasmanian Augmented Electoral Commission

- (1) The Tasmanian Augmented Electoral Commission must state, in writing, the reasons for the determination made by it under section 25(1).

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- (2) A member of the Tasmanian Augmented Electoral Commission who disagrees with the determination may state in writing the reasons for his or her disagreement.
 - (3) The Tasmanian Augmented Electoral Commission is to publish the reasons stated under subsections (1) and (2) on a website.

27. Copies of certain documents to be forwarded to both Houses of Parliament

- (1) The Tasmanian Augmented Electoral Commission 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 - b)
 - (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 Tasmanian Augmented Electoral Commission under section 17; and

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- (f) the written record (if any) of the proceedings at any inquiry held by the Tasmanian Augmented Electoral Commission under section 20; and
 - (g) the determination of the Tasmanian Augmented Electoral Commission under section 25(1) and its reasons for the determination; and
 - (h) if a member of the Tasmanian Augmented Electoral Commission 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 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.

28. Decisions and determinations under this Part final, &c.

- (1) Notwithstanding anything contained in any other law, a decision or determination made by the Redistribution Committee or the Tasmanian Augmented Electoral Commission made, or purporting to be made, under this Part (whether in the exercise of a discretion or not)—
 - (a) is final and conclusive; and

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- (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 an order of review under the *Judicial Review Act 2000*, 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 or determination made under this Part includes a reference to a refusal or failure to make a decision or determination under this Part.

29. Effective date of redistribution

- (1) A redistribution of the State under section 25 takes effect, subject to subsection (2), on and from the date of the determination of the Tasmanian Augmented Electoral Commission under section 29A.
- (2) Except as provided in the determination of the Tasmanian Augmented Electoral Commission under section 29A, a redistribution does not affect the election of a member to fill a vacancy in the Legislative Council until 1 January following that determination.

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***Division 5A – Determination of transition arrangements to
implement redistribution of State in respect of Legislative
Council***

**29A. Transition arrangements to implement
redistribution of State in respect of Legislative
Council**

- (1) The Tasmanian Augmented Electoral Commission must determine the transition arrangements to implement the redistribution of the State in respect of the Legislative Council.
- (2) In the case of the first determination following the commencement of the *Parliamentary Reform Act 1998*, the determination made under subsection (1) is to contain provisions to implement the reduction of the number of members of the Legislative Council from 19 to 15.
- (3) The reduction referred to in subsection (2) is to be completed by no later than the completion of the third annual periodical election conducted after the first determination following the commencement of the *Parliamentary Reform Act 1998*.
- (4) In making its determination under subsection (1), the Tasmanian Augmented Electoral Commission must ensure that the annual periodical cycle of elections for Council divisions specified in section 19 of the *Constitution Act 1934* takes effect as soon as practicable after its determination.

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- (5) In making its determination under subsection (1), the Tasmanian Augmented Electoral Commission has power to –
- (a) allocate a member to a Council division; and
 - (b) reduce or extend the term of a member of the Legislative Council; and
 - (c) determine the year of the periodical election at which a member is to retire; and
 - (d) establish the periodical cycle of elections for Council divisions; and
 - (e) for the purpose of establishing a periodical cycle of elections for Council divisions, specify a term of less than 6 years in respect of a member for a Council division; and
 - (f) fix the amount of compensation payable, if any, to a member of the Legislative Council in respect of the reduction of his or her term as a member; and
 - (g) determine the effect, if any, on compensation payable to a member under paragraph (f) who is elected to represent a Council division or an Assembly division after the member's term has ceased by operation of a determination under section 29A(1); and

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- (h) in the case of the first determination next following the commencement of the *Parliamentary Reform Act 1998*, specify, for each year until the number of members of the Council is reduced to 15, the number of members including the President, or the person chosen to preside in his or her absence, who must be present for the Council to be competent to despatch any business.
- (6) Nothing in subsection (5) empowers the Tasmanian Augmented Electoral Commission to make a determination which requires a simultaneous election for all Council divisions.
- (7) The number of members specified by the Tasmanian Augmented Electoral Commission under subsection (5)(h) is not to be less than 7 and not to exceed 9.
- (8) Without limiting subsection (5), the Tasmanian Augmented Electoral Commission has power to do anything necessary or convenient to enable it to perform its functions under subsection (1).
- (9) In performing its functions under subsection (1), the Tasmanian Augmented Electoral Commission is to take into consideration and give such weight as it considers necessary to the following matters:
 - (a) the continuity of members' 6-year terms;
 - (b) the continuity of representation in respect of both members and electors;

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- (c) the periodical cycle of concurrent elections in Council divisions not generally sharing a common boundary;
 - (d) the principle that a member will generally be allocated to a new Council division where the electors from the member's current division comprise the greater number of electors in the new division;
 - (e) fairness and equity;
 - (f) any other matters that it considers relevant.
- (10) In exercising its power under subsection (5)(f), the Tasmanian Augmented Electoral Commission is, in addition to the matters specified in subsection (9)(e) and (f), to take into consideration and give such weight as it considers necessary to the following matters:
- (a) the extent of the reduction of a member's term;
 - (b) the effect of the reduction on the superannuation entitlements of a member.
- (11) If each new division determined under section 25 contains at least 75 per cent of the electors from a member's current division, the Tasmanian Augmented Electoral Commission may make a determination under this section that allocates each member to the new division that

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contains at least 75 per cent of the electors from the member's current division.

- (12) If the Tasmanian Augmented Electoral Commission makes a determination referred to in subsection (11), section 29B to section 29I inclusive do not apply.

29B. Notice of hearing

- (1) As soon as practicable after it makes its determination under section 25, the Tasmanian Augmented Electoral Commission must give reasonable notice, published in accordance with section 30, of its intention to hold a hearing into matters relating to transition arrangements to implement the redistribution of the State in respect of the Legislative Council and the time and place at which the hearing is to commence.
- (2) The notice referred to in subsection (1) is to include an invitation to any person to appear at the hearing or make a written submission relating to the transition arrangements referred to in subsection (1) before the date of the hearing.

29C. Procedure at hearing

- (1) Subject to subsection (3), a hearing referred to in section 29B is to be held in public.
- (2) The Tasmanian Augmented Electoral Commission is not bound by the rules of evidence and may regulate the conduct of proceedings at a hearing as it thinks fit.

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- (3) Subsections (6), (7), (8) and (9) of section 20 apply to a hearing conducted under section 29B as if it were an inquiry held under section 20.

29D. Tasmanian Augmented Electoral Commission to make initial transition proposal

As soon as practicable after the hearing is held, the Tasmanian Augmented Electoral Commission is to make an initial transition proposal in respect of the new Council divisions determined under section 25.

29E. Reasons for initial transition proposal

- (1) The Tasmanian Augmented Electoral Commission must state, in writing, the reasons for an initial transition proposal made by it under section 29D.
- (2) A member of the Tasmanian Augmented Electoral Commission who disagrees with an initial transition proposal may state in writing the reasons for his or her disagreement.

29F. Notice of initial transition proposal

- (1) The Tasmanian Augmented Electoral Commission must, as soon as practicable after it has made an initial transition proposal –
- (a) cause a copy of –
- (i) the initial transition proposal; and

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- (ii) its reasons for the initial transition proposal; and
 - (iii) if a member of the Tasmanian Augmented Electoral Commission has stated in writing reasons for his or her disagreement with the initial transition proposal, those reasons –
 - to be made available for perusal and supply at each public office; and
 - (b) by notice, published in accordance with section 30, invite public attention to the availability for perusal and supply of copies of the initial transition proposal.
- (2) A notice published under subsection (1)(b) is to include a statement to the effect that a person or organisation may, within the period of 14 days after publication, lodge with the Tasmanian Augmented Electoral Commission a written comment, suggestion or objection in relation to the initial transition proposal.

29G. Consideration of comments, suggestions and objections

- (1) The Tasmanian Augmented Electoral Commission must consider the comments, suggestions and objections received in accordance with section 29F.

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- (2) The Tasmanian Augmented Electoral Commission may hold an inquiry into the matters raised in the comments, suggestions and objections.

29H. Notice of inquiries

- (1) Before the Tasmanian Augmented Electoral Commission commences an inquiry under section 29G, 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 that –
- (a) the initial transition proposal; and
 - (b) the Tasmanian Augmented Electoral Commission’s reasons for the initial transition proposal; and
 - (c) if a member of the Tasmanian Augmented Electoral Commission has stated in writing reasons for his or her disagreement with the initial transition proposal, those reasons –

are available for perusal and supply at each public office.

29I. Procedure at transition inquiry

- (1) Subject to subsection (3), an inquiry referred to in section 29G is to be held in public.

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- (2) The Tasmanian Augmented Electoral Commission is not bound by the rules of evidence and may regulate the conduct of proceedings at an inquiry as it thinks fit.
- (3) Subsections (6), (7), (8) and (9) of section 20 apply to an inquiry held under this section as if it were an inquiry held under section 20.

29J. Transition determination

- (1) The Tasmanian Augmented Electoral Commission must make a determination under section 29A as soon as practicable after the completion of its deliberations.
- (2) The Tasmanian Augmented Electoral Commission must publish its determination made under section 29A in a notice.
- (3) The determination referred to in subsection (1) takes effect on the date of its publication in the *Gazette*.
- (4) The notice published under subsection (2) is to include the address of the website on which the reasons, if any, published under section 29K(3) are published.

29K. Reasons for transition determination made by Tasmanian Augmented Electoral Commission

- (1) The Tasmanian Augmented Electoral Commission may state, in writing, the reasons for the determination made by it under section 29A.

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- (2) A member of the Tasmanian Augmented Electoral Commission who disagrees with the determination may state in writing the reasons for his or her disagreement.
- (3) The Tasmanian Augmented Electoral Commission is to publish any reasons stated under subsections (1) and (2) on a website.

29L. Copies of documents relating to transition determination to be forwarded to both Houses of Parliament

- (1) The Tasmanian Augmented Electoral Commission must, as soon as practicable after it makes a determination under section 29A, forward to the President of the Legislative Council and the Speaker of the House of Assembly a copy of –
 - (a) the written submissions relating to the transition arrangements to implement the redistribution of the State in respect of the Legislative Council made in accordance with section 29B; and
 - (b) the comments, suggestions and objections lodged with the Tasmanian Augmented Electoral Commission under section 29F; and
 - (c) the initial transition proposal made by the Tasmanian Augmented Electoral Commission and its reasons for it; and

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- (d) if a member of the Tasmanian Augmented Electoral Commission has stated in writing reasons for his or her disagreement with the initial transition proposal, those reasons; and
 - (e) the written record (if any) of the proceedings at any hearing held by the Tasmanian Augmented Electoral Commission under section 29B and any inquiry held by the Tasmanian Augmented Electoral Commission under section 29G; and
 - (f) the determination of the Tasmanian Augmented Electoral Commission under section 29A and its reasons for the determination; and
 - (g) if a member of the Tasmanian Augmented Electoral Commission 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 written submissions, suggestions, comments, initial transition 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.

Division 6 – Publication of notices

30. Publication of notices

Where, under this Part, a notice is required to be published by the Electoral Commissioner, the Redistribution Committee or the Tasmanian Augmented Electoral Commission, 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 Electoral Commissioner, the Committee or the Tasmanian Augmented Electoral Commission considers appropriate; and
- (d) by such other means as the Electoral Commissioner, the Committee or the Tasmanian Augmented Electoral Commission thinks appropriate.

30A. Copy of information to be provided

Where, pursuant to this Act, information is published on a website, a person is to be provided, on request, with a printed copy of that information.

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Part 3 – Miscellaneous and Supplemental

PART 3 – MISCELLANEOUS AND SUPPLEMENTAL

31. Protection of members of Redistribution Committee or Tasmanian Augmented Electoral Commission and witnesses

- (1) A member of the Redistribution Committee or the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission 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.

32. Improper influence

A person must not improperly seek to influence a member of the Redistribution Committee or the Tasmanian Augmented Electoral Commission 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.

33. Redistribution Committee or Tasmanian Augmented Electoral Commission may obtain information

- (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 Tasmanian Augmented Electoral Commission 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 2004* or who is qualified to be on any such roll; or
 - (b) a person who is a State Service officer or State Service employee or an employee of a public authority or local authority—

require that person to provide the Committee or the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission with information as

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required under subsection (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units.

34. Information and staff to be provided to Redistribution Committee or Tasmanian Augmented Electoral Commission

For the purpose of the exercise of the powers of the Redistribution Committee or the Tasmanian Augmented Electoral Commission 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 Tasmanian Augmented Electoral Commission; and
- (b) the Minister may, with the approval of the Minister responsible for the administration of an Agency, within the meaning of the *State Service Act 2000*, make arrangements for the services of State Service officers and State Service employees employed in that Agency to be made available to the Committee or the Tasmanian Augmented Electoral Commission.

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

The Redistribution Committee or the Tasmanian Augmented Electoral Commission 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.

36. Redistribution Committee or Tasmanian Augmented Electoral Commission may obtain advice

The Redistribution Committee or the Tasmanian Augmented Electoral Commission may obtain advice concerning any matter arising under this Act from any person.

37. Regulations

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

37A. Transitional provisions in relation to the *Legislative Council Electoral Boundaries Amendment Act 2017*

(1) In this section –

amending Act means the *Legislative Council Electoral Boundaries Amendment Act 2017*.

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- (2) The amendments to section 10 and section 13 made by the amending Act do not apply to, or in relation to –
- (a) an initial redistribution proposal made in 2017 under section 13(1); and
 - (b) a further redistribution proposal made in 2017 under section 21(1); and
 - (c) a determination made in 2017 under section 25.
- (3) The amendment to section 29(2) made by the amending Act applies to, and in relation to, a determination made in 2017 under section 25.

38. Administration of Act

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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**SCHEDULE 1 – MEETINGS OF REDISTRIBUTION
COMMITTEE**

Section 5(3)

1. The chairperson of the Redistribution Committee may convene a meeting of the Redistribution Committee at any time.
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.

**SCHEDULE 2 – MEETINGS OF TASMANIAN
AUGMENTED ELECTORAL COMMISSION**

Section 6(5)

1. The chairperson of the Tasmanian Augmented Electoral Commission may, at any time and either on his or her own motion or in consultation with the Electoral Commissioner, convene a meeting of the Tasmanian Augmented Electoral Commission.
2. The chairperson of the Tasmanian Augmented Electoral Commission must preside at all meetings of the Tasmanian Augmented Electoral Commission at which he or she is present.
3. If the chairperson of the Tasmanian Augmented Electoral Commission is not present at a meeting of the Tasmanian Augmented Electoral Commission, the Electoral Commissioner must preside.
4. At a meeting of the Tasmanian Augmented Electoral Commission, 4 members constitute a quorum.
5. Subject to clause 7, questions arising at a meeting of the Tasmanian Augmented Electoral Commission are to be determined by a majority of the votes of the members present and voting.

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6. Subject to clause 7, the member presiding at a meeting of the Tasmanian Augmented Electoral Commission 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) or 29A—
 - (a) it is necessary for at least 4 members of the Tasmanian Augmented Electoral Commission, 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 Tasmanian Augmented Electoral Commission is not to be used to vote in favour of the determination.

8. The Tasmanian Augmented Electoral Commission may regulate the conduct of proceedings at its meetings as it thinks fit.

9. Subject to section 20, the Tasmanian Augmented Electoral Commission may inform itself on any matter in such manner as it thinks fit.

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NOTES

The foregoing text of the *Legislative Council Electoral Boundaries Act 1995* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2024 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Legislative Council Electoral Boundaries Act 1995</i>	No. 2 of 1995	23.5.1995
<i>Legislative Council Electoral Boundaries Amendment Act 1995</i>	No. 60 of 1995	13.10.1995
<i>Constitution (Legislative Council) Special Provisions Act 1997</i>	No. 8 of 1997	1.5.1997
<i>Parliamentary Reform Act 1998</i>	No. 31 of 1998	28.7.1998
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Judicial Review Act 2000</i>	No. 54 of 2000	1.12.2001
<i>Electoral (Consequential Amendments) Act 2004</i>	No. 53 of 2004	16.2.2005
<i>Legislative Council Electoral Boundaries Amendment Act 2007</i>	No. 28 of 2007	13.9.2007
<i>Legislative Council Electoral Boundaries Amendment Act 2009</i>	No. 74 of 2009	7.12.2009
<i>Legislative Council Electoral Boundaries Amendment Act 2017</i>	No. 8 of 2017	28.4.2017
<i>Electoral Matters (Miscellaneous Amendments) Act 2023</i>	No. 38 of 2023	1.7.2024

TABLE OF AMENDMENTS

Provision affected	How affected
Section 2	Amended by No. 8 of 1997, s. 23
Section 3	Amended by No. 8 of 1997, s. 24 Substituted by No. 31 of 1998, s. 25 Amended by No. 53 of 2004, Sched. 1 and No. 38 of 2023, s. 31

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Provision affected	How affected
Division 1 of Part 2	Amended by No. 38 of 2023, s. 32
Section 4	Amended by No. 60 of 1995, s. 4, No. 31 of 1998, s. 26, No. 53 of 2004, Sched. 1 and No. 38 of 2023, s. 33
Section 5	Substituted by No. 31 of 1998, s. 27 Amended by No. 53 of 2004, Sched. 1
Section 6	Substituted by No. 31 of 1998, s. 28 Amended by No. 28 of 2007, s. 4 and No. 38 of 2023, s. 34
Section 7	Amended by No. 31 of 1998, s. 29, No. 53 of 2004, Sched. 1, No. 28 of 2007, s. 5 and No. 38 of 2023, s. 35
Section 7A	Inserted by No. 60 of 1995, s. 5 Amended by No. 31 of 1998, s. 30, No. 28 of 2007, s. 6 and No. 38 of 2023, s. 36
Section 8	Amended by No. 86 of 2000, Sched. 1 and No. 38 of 2023, s. 37
Section 9	Amended by No. 31 of 1998, s. 31, No. 53 of 2004, Sched. 1 and No. 28 of 2007, s. 7
Section 10	Amended by No. 31 of 1998, s. 32, No. 53 of 2004, Sched. 1, No. 8 of 2017, s. 4 and No. 38 of 2023, s. 38
Section 11	Repealed by No. 31 of 1998, s. 33
Section 12	Substituted by No. 31 of 1998, s. 34 Amended by No. 53 of 2004, Sched. 1
Section 13	Amended by No. 31 of 1998, s. 35 and No. 8 of 2017, s. 5
Section 15	Amended by No. 31 of 1998, s. 36 and No. 38 of 2023, s. 39
Division 4 of Part 2	Amended by No. 38 of 2023, s. 40
Section 17	Amended by No. 31 of 1998, s. 37 and No. 38 of 2023, s. 41
Section 18	Amended by No. 31 of 1998, s. 38 and No. 38 of 2023, s. 42
Section 19	Amended by No. 31 of 1998, s. 39, No. 74 of 2009, s. 4 and No. 38 of 2023, s. 43
Section 20	Amended by No. 31 of 1998, s. 40 and No. 38 of 2023, s. 44
Section 21	Amended by No. 74 of 2009, s. 5 and No. 38 of 2023, s. 45
Section 22	Amended by No. 74 of 2009, s. 6 and No. 38 of 2023, s. 46
Section 23	Amended by No. 38 of 2023, s. 47
Section 24	Amended by No. 38 of 2023, s. 48
Division 5 of Part 2	Amended by No. 38 of 2023, s. 49
Section 25	Amended by No. 8 of 1997, s. 25, No. 31 of 1998, s. 41, No. 74 of 2009, s. 7 and No. 38 of 2023, s. 50
Section 26	Amended by No. 74 of 2009, s. 8 and No. 38 of 2023, s. 51
Section 27	Amended by No. 31 of 1998, s. 42 and No. 38 of 2023, s. 52
Section 28	Amended by No. 31 of 1998, s. 43, No. 54 of 2000, Sched. 4 and No. 38 of 2023, s. 53

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Provision affected	How affected
Section 29	Subsection (2) substituted by No. 8 of 1997, s. 26 Substituted by No. 31 of 1998, s. 44 Amended by No. 74 of 2009, s. 9, No. 8 of 2017, s. 6 and No. 38 of 2023, s. 54
Section 29A of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29A	Amended by No. 74 of 2009, s. 10 and No. 38 of 2023, s. 55
Section 29B of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29B	Amended by No. 38 of 2023, s. 56
Section 29C of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29C	Amended by No. 38 of 2023, s. 57
Section 29D	Amended by No. 38 of 2023, s. 58
Section 29D of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29E of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29E	Amended by No. 38 of 2023, s. 59
Section 29F of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29F	Amended by No. 38 of 2023, s. 60
Section 29G of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29G	Amended by No. 38 of 2023, s. 61
Section 29H of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29H	Amended by No. 38 of 2023, s. 62
Section 29I of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29I	Amended by No. 38 of 2023, s. 63
Section 29J of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29J	Amended by No. 74 of 2009, s. 11 and No. 38 of 2023, s. 64
Section 29K of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29K	Amended by No. 74 of 2009, s. 12 and No. 38 of 2023, s. 65
Section 29L of Part 2	Inserted by No. 31 of 1998, s. 45
Section 29L	Amended by No. 38 of 2023, s. 66
Section 30	Amended by No. 53 of 2004, Sched. 1 and No. 38 of 2023, s. 67
Section 30A	Inserted by No. 74 of 2009, s. 13
Section 31	Amended by No. 38 of 2023, s. 68
Section 32	Amended by No. 38 of 2023, s. 69

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Provision affected	How affected
Section 33	Amended by No. 86 of 2000, Sched. 1, No. 53 of 2004, Sched. 1 and No. 38 of 2023, s. 70
Section 34	Amended by No. 86 of 2000, Sched. 1 and No. 38 of 2023, s. 71
Section 35	Amended by No. 38 of 2023, s. 72
Section 36	Amended by No. 38 of 2023, s. 73
Section 37A	Inserted by No. 8 of 2017, s. 7
Part 4	Repealed by No. 8 of 1997, s. 27
Section 39	Repealed by No. 8 of 1997, s. 27
Section 40	Repealed by No. 8 of 1997, s. 27
Section 41	Repealed by No. 8 of 1997, s. 27
Schedule 1	Amended by No. 31 of 1998, s. 46
Schedule 2	Amended by No. 31 of 1998, s. 47, No. 53 of 2004, Sched. 1 and No. 38 of 2023, s. 74
