

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented pursuant to leave granted and read 1^o, 17 April 1985)

(SENATOR MACKLIN)

A BILL

FOR

**An Act to alter the Constitution so as to ensure that the
Members of the Parliament of the Commonwealth and of the
Parliaments of the States and of self-governing Territories are
chosen directly and democratically by the People**

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, with the approval of the
electors, as required by the Constitution, as follows:

Short title

- 5 **1.** This Act may be cited as the *Constitution Alteration (Democratic
Elections) 1985*.

Provision as to races disqualified from voting

- 2.** The Constitution is altered by repealing section 25.

Electoral divisions

- 10 **3.** Section 29 of the Constitution is altered by adding at the end the
following paragraph:

“The numbers ascertained in respect of the several divisions of a State by
dividing the number of electors in each division by the number of members to
be chosen for the division shall be, as nearly as practicable, the same.”.

Qualification of electors

4. Section 30 of the Constitution is altered by adding at the end the following paragraph:

“Laws made by the Parliament for the purposes of this section shall be such that every Australian citizen who complies with any reasonable conditions imposed by those laws with respect to residence in Australia or in a part of Australia and with respect to enrolment and has attained the age of 18 years or such lower age as the Parliament may determine is, subject to any disqualification provided by those laws with respect to persons who are of unsound mind or are undergoing imprisonment for an offence, entitled to vote, but nothing in this paragraph prevents the Parliament from making laws permitting voting by other persons who were, immediately before the commencement of the *Constitution Alteration (Democratic Elections) 1985*, entitled to vote.”.

Right of electors of States

5. The Constitution is altered by repealing section 41.

Original jurisdiction of High Court

6. Section 75 of the Constitution is altered by adding at the end the following paragraph:

“The High Court shall have original jurisdiction in matters arising under, or involving the interpretation of, section 7, 8, 9, 24, 29, 30, 106A or 122A of this Constitution and that jurisdiction may be invoked—

- (a) where the matter arises under section 106A of this Constitution, by any elector of the State or Territory concerned, or a person to whose right to be such an elector the matter relates; or
- (b) where the matter arises under any other of those sections, by any elector of the Commonwealth or a person to whose right to be such an elector the matter relates.”.

7 The Constitution is altered by inserting after section 106 the following section:

Election of members of Parliaments of States and self-governing Territories

“106A. Each House of the Parliament of a State or of a self-governing Territory or, where there is only one House of the Parliament of a State or of a self-governing Territory, that House, shall be composed of members directly chosen by the people of the State or Territory.

“Laws made with respect to the qualification of electors of members of a House of the Parliament of a State or of a self-governing Territory shall be such that every Australian citizen who complies with any reasonable conditions imposed by those laws with respect to residence in the State or Territory or a part of the State or Territory and with respect to enrolment and has attained the age of 18 years or such lower age prescribed by those laws is, subject to any disqualification provided by those laws with respect to persons who are of unsound mind or are undergoing imprisonment for an offence, entitled to vote,

but nothing in this paragraph prevents the making of laws permitting voting by other persons who were, immediately before the commencement of the *Constitution Alteration (Democratic Elections) 1985*, entitled to vote.

“In the choosing of members of a House of the Parliament of a State or of a self-governing Territory, each elector shall vote only once.

“Where there are electoral divisions of a State or of a self-governing Territory for the purposes of choosing members of a House of the Parliament of the State or Territory, the numbers ascertained in respect of the several divisions by dividing the number of electors in each division by the number of members to be chosen for the division shall be, as nearly as practicable, the same.

“Where there are electoral divisions of a State or of a self-governing Territory for the purposes of choosing members of a House of the Parliament of the State or Territory and those divisions are not constituted in accordance with this section, the State or Territory shall, for the purposes of a general election of those members, be one electorate, and the method of choosing those members shall be, as nearly as practicable, the same as the method of choosing senators for the State or Territory.

“In this section—

‘Parliament’, in relation to a self-governing Territory, means the body, other than the Parliament of the Commonwealth, for the time being having power to make laws for the peace, order and good government of the Territory;

‘self-governing Territory’ means a territory, or 2 or more territories, referred to in section 122 of this Constitution where, apart from the powers of the Parliament of the Commonwealth, the power to make laws for the peace, order and good government of the territory or territories is exclusively vested in a body the members of which are chosen by the people of the territory or territories.”.

8. The Constitution is altered by inserting after section 122 the following section:

Election of members of the Parliament to represent territories

“122A. The representation of a territory referred to in section 122 of this Constitution in either House of the Parliament shall be by a member or members directly chosen by the people of the territory or of the territory and another territory or territories.

“Laws made by the Parliament for the purposes of the election of a member or members of either House of the Parliament to represent any such territory shall be such that every Australian citizen who complies with any reasonable conditions imposed by those laws with respect to residence in the territory or a part of the territory and with respect to enrolment and has attained the age of 18 years or such lower age as the Parliament may determine is, subject to any disqualification provided by those laws with respect to persons who are of unsound mind or are undergoing imprisonment for an offence, entitled to vote, but nothing in this paragraph prevents the Parliament from making laws

permitting voting by other persons who were, immediately before the commencement of the *Constitution Alteration (Democratic Elections) 1985*, entitled to vote.

“In the choosing of a member or members of a House of the Parliament to represent any such territory, each elector shall vote only once. 5

“Where there are electoral divisions for the purposes of choosing members of a House of the Parliament to represent any such territory, the numbers ascertained in respect of the several divisions by dividing the number of electors in each division by the number of members to be chosen for the division shall be, as nearly as practicable, the same. 10

“Where there are electoral divisions for the purposes of choosing members of a House of the Parliament to represent any such territory and those divisions are not constituted in accordance with this section, the territory or, if the members are to represent 2 or more territories, those territories, shall, for the purposes of a general election of those members, be one electorate.”. 15