

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

(Presented pursuant to leave granted and read 1^o, 21 September 1983)

(THE ATTORNEY-GENERAL, SENATOR GARETH EVANS)

A BILL

FOR

An Act to alter the Constitution so as to ensure that Senate elections and House of Representatives elections are held at the same time

BE IT ENACTED by the Parliament of the Commonwealth of Australia, with the approval of the electors, as required by the Constitution, as follows:

Short title

1. This Act may be cited as the *Constitution Alteration (Simultaneous Elections) 1983*.

The Senate

2. Section 7 of the Constitution is altered by omitting from the fourth paragraph "senators shall be chosen for a term of six years, and the".

Times and places

3. Section 9 of the Constitution is altered by omitting the second paragraph.

4. The Constitution is altered by omitting sections 12 and 13 and substituting the following sections:

Issue of writs

“12. (1) Where the terms of senators for a State expire, the Governor of the State shall, within 10 days thereafter, issue a writ for the election of senators to fill the vacant places. 5

“(2) Where there is a dissolution of the Senate, the Governor of each State shall, within 10 days from the proclamation of the dissolution, issue a writ for the election of senators to fill the vacant places of senators for the State.”.

Term of service of senators 10

“13. (1) Subject to this Constitution, the term of service of a senator for a State expires on the expiry or dissolution of the second House of Representatives to expire or be dissolved after he was chosen or, if there is an earlier dissolution of the Senate, on that dissolution.

“(2) As soon as may be after the first meeting of the Senate following a dissolution of the Senate, the Senate shall divide the senators chosen for each State into 2 classes. 15

“(3) In the case of each State, where the number of senators to be divided is an even number the number of senators in each of the 2 classes shall be equal and where the number of senators to be divided is an odd number the number of senators in the first class shall be one more than the number in the second class. 20

“(4) For the purposes of the division into 2 classes of the senators for a State chosen at the election next following a dissolution of the Senate—

(a) the Senate shall cause the names of those senators to be placed on a list in order of their relative success at the election, beginning with the name of the most successful senator; and 25

(b) the senators to be included in the first class shall be ascertained by taking names in order from the list, beginning with the first name on the list, until the required number of senators to be included in that class is obtained, and the remainder of the senators shall be the senators to be included in the second class. 30

“(5) The reference in sub-section (4) of this section to the order of the relative success at an election of the senators for a State shall be construed as a reference to the order of their relative success as determined in accordance with a law made by the Parliament for the purposes of that sub-section or, if there is no such law, as determined for those purposes by the Senate. 35

“(6) The Parliament has, subject to this Constitution, power to make laws with respect to the matter mentioned in sub-section (5) of this section.

“(7) Sub-section (1) of this section applies to senators included in the first class, but the term of service of senators included in the second class expires on the expiry or dissolution of the first House of Representatives to expire or be dissolved after they were chosen. 40

5 “(8) Where a House of Representatives expires or is dissolved in pursuance of section 5 of this Constitution, an election of senators to fill the places of senators whose terms expired on the expiry or dissolution of that House shall be held on the same day as the general election of members of the next House of Representatives.

10 “(9) Where, since the election of senators for a State following a dissolution of the Senate but before the division of the senators for the State into classes in pursuance of this section, the place of a senator chosen at the election has become vacant, the division of senators shall be made as if the place of the senator had not so become vacant and, for the purposes of section 15 of this Constitution, the term of service of the senator shall be deemed to be, and to have been, the period for which he would have held his place, in accordance with this section, if his place had not so become vacant.

15 “(10) In the case of a senator holding office at the commencement of this section (otherwise than by virtue of an appointment by the Governor of a State under section 15 of this Constitution)—

- 20 (a) if his term of service would, under the provisions of this Constitution in force immediately before that commencement, have expired on the thirtieth day of June 1985, his term of service shall expire on the expiry or dissolution of the first House of Representatives to expire or be dissolved after that commencement; or
- 25 (b) if his term of service would, under the provisions of this Constitution in force immediately before that commencement, have expired on the thirtieth day of June 1988, his term of service shall expire on the expiry or dissolution of the second House of Representatives to expire or be dissolved after that commencement or, if there is an earlier dissolution of the Senate, on that dissolution.

30 “(11) If the place of a senator chosen by the people of a State became vacant before the commencement of this section and, at that commencement—

- (a) no person held office by virtue of section 15 of this Constitution; or
- (b) a person held office by virtue of an appointment under that section by the Governor of the State,

35 in consequence of the vacancy, then, for the purposes of the application of that section in relation to the vacancy, the term of service of the senator chosen by the people of the State shall be deemed to be, and to have been, the period for which he would have held his place, in accordance with sub-section (10) of this section, if his place had not so become vacant.”.

Disagreement between the Houses

40 5. Section 57 of the Constitution is altered by inserting after the first paragraph the following paragraph:

“Where the Senate and the House of Representatives are dissolved simultaneously in pursuance of this section, an election of senators shall be held on the same day as the general election of members of the House of Representatives next following the dissolution.”.

