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COMMONWEALTH ELECTORAL AMENDMENT BILL 1977

Date introduced: 23 February 1977
House: House of Representatives
Presented by: Hon A.A. Street, Minister representing the Minister for
Administrative Services

Short Digest of Bill

Purpose

The Bill has two purposes. The first is to ensure that redistributions required as a result of a changed number of seats for a State because of a determination under the Representation Act 1905, will be commenced as speedily as possible and, that if such redistributions are not proclaimed before the next ordinary general election, the State will vote as one electorate. The other purpose is to ensure that electorates with a very large area do not contain more electors than smaller electorates.

Background

(1) The current amendments to the Representation Bill 1905 require an ordinary general election to be held, in any State, for the correct number of seats as most recently determined. An ordinary general election is defined as one at or towards the end of the three years of a normal House of Representatives. This conforms to the decision in McKinlay's case (50 ALJR 279).

(2) In 1974 when section 19 of the Commonwealth Electoral Act 1918 was amended to alter the permissible departure from the quota from 20% to 10%, amendments were also passed removing from the criteria required to be considered by the Distribution Commissioners, ones relating to area and sparsity of population, which had effectively required the creation of country seats with far fewer electors than city seats, because of the greater size of the country seats. When the amendment was made, no provision was included to ensure that, in addition to a greater area, country seats did not also contain larger numbers of electors than smaller city seats.

Summary

The Bill amends the Commonwealth Electoral Act 1918.

(1) Amendments relating to McKinlay's case.

The main amendments are to sections 24 and 25 and the insertion of a new section 25A.

Clause 10 amends section 25 so that when a determination of the number of seats in a State shows a change, a redistribution must be initiated immediately (new section 25 (2) (a)). The existing occasions when a redistribution may be initiated are repeated in new section 25 (2) (b) but new sub-section (4) provides a new limitation, in that a redistribution on the grounds of an imbalance between numbers of electors in

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divisions may only be initiated if no other redistribution has occurred in that State for seven years.

Section 24 is amended by clause 9 so that the Governor-General must proclaim new divisions as soon as practicable after they receive Parliamentary approval and whether or not the House of Representatives has since expired or been dissolved.

The amendment to the proviso by clause 9 (b) is consequential on the new section 25A which provides that by-elections after an election at large are also held at large. Section 24 (1) currently provides in the proviso that by-elections are always held on the boundaries in force at the general election date.

Clause 11 inserts new section 25A to provide that “ordinary general elections” (as defined in the Representation Act 1905 as proposed to be amended), where the State is not distributed into the correct number of divisions to correspond with the latest determination of the number of seats, must be held at large (new sub-section 25(1)).

New sub-section 25 (2) provides that a by-election following an election at large will also be at large.

Clause 5 amends section 16 so that the Governor-General must appoint Distribution Commissioners when they are needed.

Clause 6 amends section 18A so that the Distribution Commissioners commence their task “as soon as practicable after they have been appointed”.

Clause 8 amends section 23 to permit some period for the Distribution Commissioners to consider suggestions and objections to their proposals. The section now requires them to report immediately the period for making such suggestions or objections is over. They will now be required to do so as soon as practicable.

(2) Amendments relating to size of electorates.

Clause 7 inserts two new sub-sections in section 19 with the effect that on a proposed redistribution no division of less than 5,000 square kilometres may contain fewer electors than any division of 5,000 square kilometres or more.

Law and Government Group

23 February 1977

Legislative Research Service

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