PARLIAMENT OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Infosheet

8

Elections for the House of Representatives

March 2020

By voting at elections for the House of Representatives the people of each electoral division (also called an electorate or a constituency) select a person to represent them in the House. By selecting their representatives the voters, or electors, indirectly select the nation's government, because the government is formed from the political party or alliance of parties (coalition) which has a majority (or the support of a majority) of the Members of the House of Representatives.

When are elections held?

Under Australia's Constitution each House of Representatives may last no more than three years from the first meeting of the House after an election, but may be dissolved sooner. General elections are then held to elect all Members of the House of Representatives, according to the timetable on page 3.

If a seat in the House becomes vacant between general elections, for example, if a Member resigns or dies, a by-election is held to elect a new Member to represent that electorate until the next general election.

Who can stand for election?

Candidates for election must be Australian citizens and be eligible to vote. Senators, Members of State Parliaments, public servants, including defence personnel, and officers of the Electoral Commission are not eligible to become Members of the House of Representatives and must resign their position if they wish to nominate for election to the House. Some public service bodies have arrangements to allow unsuccessful candidates to rejoin the public service after the election. People who are citizens of, or hold allegiance to, a foreign country; who are undischarged bankrupts; or who have been convicted of certain offences are also not eligible to become Members.

Candidates must be nominated by a political party or by at least 100 electors of the electorate to be contested. However, a sitting Member who was elected as an independent needs nomination by only one elector, if they wish to stand again for the same seat. On nomination candidates pay a deposit of $2,000. This is returned if the candidate is elected or receives at least 4 per cent of the (first preference) votes cast in the electorate.

Who votes?

Australian citizens who are 18 years of age or older are required to enrol as voters unless they are not eligible because, for example, they are of 'an unsound mind' or serving a sentence of imprisonment of three years or more. Voting is compulsory for all people enrolled. People who do not vote may be fined.

Who conducts the election?

The Australian Electoral Commission, a statutory authority headed by the Electoral Commissioner, is responsible for the administration of all Commonwealth electoral matters including, for example, the conduct of elections, the maintenance of up to date lists of electors (electoral rolls) and the drawing of electorate boundaries. An election takes place in response to a formal order (writ) from the Governor-General (or the Speaker in the case of a by-election) requiring the Electoral Commissioner to conduct an election. For a general election a single writ is issued for each state and territory.

AEC staff counting the votes on an election day

Voting

The ballot paper for each electoral division lists candidates' names and shows the parties they represent (if they do not represent a party, candidates may request to be shown as an 'Independent'). Candidates are listed in a random order, determined by drawing lots.

The system of voting used in elections for the House of Representatives is preferential, that is, voters have to rank all candidates in order of preference—they may not just vote for one candidate. Voters are directed to mark their

vote on the ballot paper by placing numbers in the squares opposite the names of the candidates so as to indicate their order of preference, for example, if there are three candidates, by writing the numbers 1, 2 and 3 in the appropriate squares. Ballot papers which are incorrectly filled out (informal) are not valid and are not included in the count.

Preferential voting is designed to produce the election of the candidate who is most representative of the wishes of an electorate. To be successful a candidate must be supported by the majority (that is, more than half) of voters. This system is considered fairer than a non-preferential (first-past-the-post) system under which the candidate with the most votes is elected, even though he or she may have support from less than half the voters.

The result—declaration of the poll and return of the writs

The result of each election is announced (declared) as soon as possible after counting has been completed in the electoral division. Following a general election, when the results for all divisions have been declared the Electoral Commissioner certifies on each writ the name of the successful candidate for each division and returns the writs to the Governor-General, who in turn forwards them to the Clerk of the House of Representatives.

The validity of an election may be challenged by a petition addressed to the Court of Disputed Returns (the High Court acting in a special capacity). This may occur if it is alleged that a candidate was not eligible to become a Member for one of the reasons listed earlier in this infosheet or if it is claimed that there has been some irregularity in the election process.

Disclosure of income and expenditure, public funding

All candidates are required to make returns to the Electoral Commission detailing any donations they have received for electoral purposes and electoral expenditure they have incurred or authorised. Political parties also have to submit annual returns or copies of their audited accounts. Disclosure laws also apply to other people involved in the electoral process. This information is publicly available on the Electoral Commission website.

Candidates who receive at least 4 per cent of the (first preference) vote are reimbursed for electoral expenses by a specified amount for each such vote they receive. Election funding is paid either to a registered political party on behalf of each endorsed candidate or is paid direct to a candidate who is not endorsed by a registered party. This amount (which was around $2.75 per vote for the election held on 18 May 2019) is indexed for inflation.

Counting the votes

In the first stage of the count the first preference votes are counted. If no candidate receives more than half of the votes cast, the candidates with the fewest votes are progressively eliminated and the votes received by them distributed (that is, allotted to other candidates according to the preferences of the voters) until only two candidates remain, for example:

First preference votes counted

candidate	A	B	C
votes	45	30	25

C's second preferences distributed, two possibilities are shown

candidate	A	B		A	B
1st preference votes	45	30		45	30
2nd preference votes	10	15	or	4	21

Electoral divisions

Australia is currently divided into 151 electoral divisions, each represented by one Member. Under the Constitution each existing state is guaranteed at least five Members, but all states except Tasmania now have more, the numbers depending on their population. States may gain or lose Members as a consequence of population movements. Because of Australia's uneven distribution of population, electoral divisions differ greatly in area, ranging from 32 km^2 (Grayndler, NSW) to over 1.6 million km^2 (Durack, WA). At September 2019, there was an average of approximately 109,718 electors per electorate.

Electoral boundaries are reviewed regularly and, if necessary, adjusted (redistributed) to reflect population changes. The aim of redistribution is to ensure that electoral divisions within each state or territory contain approximately an equal number of electors. The last redistribution occurred on 31 August 2017, resulting in an increase in the number of electorates from 150 to 151 at the 2019 general election (with the ACT gaining the new seat). The number of electoral divisions in each of the states and territories at the next general election is set out in the following table:

State/territory	Seats
New South Wales	47
Victoria	38
Queensland	30
Western Australia	16
South Australia	10
Tasmania	5
Australian Capital Territory	3
Northern Territory	2
TOTAL	151

When is the next general election?

The next House of Representatives general election will be held in 2022.

For more information

House of Representatives Practice, 7th edn, Department of the House of Representatives, Canberra, 2018, pp. 85–106.

Australian Electoral Commission website: www.aec.gov.au.

Image courtesy of Arthur Mostead, AEC.

Timetable for general elections

Stage	Limitation	Constitutional or statutory provision
Dissolution of the House	Not later than 3 years from the first meeting of the House	Constitution, ss. 5, 28
Issue of writs (at 6 pm)	Within 10 days of dissolution (or expiry)	Constitution, s. 32; *Commonwealth Electoral Act 1918*, ss. 152, 154
Close of electoral rolls (at 8 pm)	7 days after date of writ/s	Commonwealth Electoral Act, s. 155
Nominations close (at 12 noon)	Not less than 10 days nor more than 27 days after date of writ/s	Commonwealth Electoral Act, s. 156, 175
Date of polling (a Saturday)	Not less than 23 days nor more than 31 days from date of nomination	Commonwealth Electoral Act, ss. 157, 158
Return of writs	Not more than 100 days after issue	Commonwealth Electoral Act, s. 159
Meeting of new Parliament	Not later than 30 days after the day appointed for return of writs	Constitution, s. 5