

Bills - continued

Committee, debated and agreed to with amendments, report adopted, third reading moved and agreed to (by absolute majority), 381-382. Message from House of Representatives agreeing to Bill without amendment, 493-494. (Not submitted to Referendum.)

**Constitution Alteration (Simultaneous Elections) Bill 1983:** Notice of Motion, 287; leave granted, Bill presented, suspension of Standing Orders to deal with Bills together, first reading, suspension of Standing Orders to prevent delay, 293; second reading moved, 294; debated, 366-367, 369, 375, 376, 377; second reading, in Committee, agreed to without amendment, suspension of Standing Order 242, third reading moved and agreed to (by absolute majority) (division), 377-378. Message from House of Representatives agreeing to Bill without amendment, 493. (Not submitted to Referendum.)

**Constitution Alteration (Simultaneous Elections) Bill 1984:** Notice of Motion, 968; leave granted, Bill presented, first reading, suspension of Standing Orders to prevent delay, second reading moved, 977; debated, 1022, 1023, 1034, 1039; second reading amendment moved, debated and negatived (division), 1039-40; second reading (division), 1040; in Committee, debated, 1041, 1045, 1049-50; agreed to with amendments, and an amendment in the Title, 1050; [accordingly, now referred to as Constitution Alteration (Terms of Senators) Bill 1984 - see entry below], report adopted, suspension of Standing Orders to enable a Call of the Senate (division) 1050; Call of the Senate, 1051; third reading moved and agreed to (by absolute majority), 1051.

**Constitution Alteration (Terms of Senators) Bill 1984:** [new Title because of the amendment in the Short Title of the Constitution Alteration (Simultaneous Elections) Bill 1984 - see entry above]. Message from House of Representatives agreeing to Bill without amendment, 1068. (Not approved at Referendum.)

**Copyright Amendment Bill 1983:** Notice of Motion, 166; leave granted, 181; Bill presented, first reading, suspension of Standing Orders to prevent delay, second reading moved, 183; second reading, in Committee, agreed to without amendment, report adopted and third reading, 355. Message from House of Representatives agreeing to Bill without amendment, 410. Assent, 446. Act No. 80 of 1983.

**Copyright Amendment Bill 1984:** Notice of Motion, 849; leave granted, Bill presented, first reading, suspension of Standing Orders to prevent delay, second reading moved, 901; debated, second reading, in Committee, debated and agreed to without amendment, report adopted and third reading, 958-959. Message from House of Representatives agreeing to Bill without amendment, 972. Assent, 1032. Act No. 43 of 1984.

**Corporations (Employee-owned Co-operatives) Bill 1984 (Private Senator's Bill):** Notice of Motion, 908; leave granted, Bill presented, first reading, second reading moved, by leave, 927.

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THE SENATE

SESSION 1983-84

BILLS

TITLE	STAGES
Aboriginal and Torres Strait Islander Heritage (Interim Protection) Bill 1984	Received from House of Representatives Explanatory Memorandum
Acts Interpretation Amendment Bill 1984	Read 1 <sup>o</sup> Explanatory Memorandum Proposed Amendments by the Attorney-General (Senator Gareth Evans) Read 3 <sup>o</sup>
Advance Australia Logo Protection Bill 1984	Received from House of Representatives Explanatory Memorandum
Air Navigation Amendment Bill 1984	Received from House of Representatives Explanatory Memorandum

TITLE	STAGES
Constitution Alteration (Removal of Out-moded and Expended Provisions) Bill 1983	Read 1 <sup>o</sup> Explanatory Memorandum Proposed Amendments by the Attorney-General (Senator Gareth Evans) Read 3 <sup>o</sup>
Constitution Alteration (Simultaneous Elections) Bill 1983	Read 1 <sup>o</sup> Explanatory Memorandum
Constitution Alteration (Simultaneous Elections) Bill 1984 (see Constitution Alteration (Terms of Senators) Bill 1984)	Read 1 <sup>o</sup> Explanatory Memorandum Proposed Amendments by Senator Durack Proposed Amendments by Senator Macklin Read 3 <sup>o</sup> (See Constitution Alteration (Terms of Senators) Bill 1984)
Constitution Alteration (Terms of Senators) Bill 1984 (see Constitution Alteration (Simultaneous Elections) Bill 1984)	Read 3 <sup>o</sup>
Copyright Amendment Bill 1983	Read 1 <sup>o</sup> Explanatory Memorandum
Copyright Amendment Bill 1984	Read 1 <sup>o</sup> Explanatory Memorandum Proposed Amendments by Senator Jack Evans



1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
THE SENATE

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(Presented pursuant to leave granted and read 1<sup>o</sup>, 13 June 1984)

(ATTORNEY-GENERAL, SENATOR GARETH EVANS)

**A BILL**

FOR

**An Act to ensure that Senate elections and House of  
Representatives elections are always held on the same day, and  
to adjust the terms of senators accordingly**

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**

- 5     1. This Act may be cited as the *Constitution Alteration (Simultaneous  
Elections) 1984*.

**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**

- 10     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**

"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. 10

"(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) The provisions of this Constitution that were in force immediately before the commencement of this section continue to apply in relation to a senator whose term of service would, under those provisions, expire on the thirtieth day of June 1985.

20 “(11) In the case of a senator (other than a senator holding office by virtue of an appointment by the Governor of a State under section 15 of this Constitution) whose term of service would, if the provisions of this Constitution that were in force immediately before the commencement of this section applied in relation to him, expire on the thirtieth day of June 1988, his term of service shall expire on the expiration or dissolution of the first House of Representatives to expire or be dissolved after that commencement.

25 “(12) In the case of a senator (other than a senator holding office by virtue of an appointment by the Governor of a State under section 15 of this Constitution) whose term of service would, if the provisions of this Constitution that were in force immediately before the commencement of this section applied in relation to him, expire on the thirtieth day of June 1991, his term of service shall expire on the expiration 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.

35 “(13) 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,

40 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), (11) or (12), as the case may be, of this section, if his place had not so become vacant.”.



**Disagreement between the Houses**

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.”. 5

1984

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

Constitution Alteration (Simultaneous Elections) Bill 1984

EXPLANATORY MEMORANDUM

(Circulated by authority of the Attorney-General Senator  
the Hon. Gareth Evans Q.C.)



OUTLINE

This Bill proposes to amend the Constitution to provide for simultaneous elections for the Senate and the House of Representatives. It provides for half-Senate elections to be brought into line with elections of the House of Representatives, whenever those elections may occur.

Under the Bill the general rule would be that senators hold office for 2 terms of the House of Representatives (compared with 6 years at present). This would be subject to any earlier dissolution of both Houses that may take place under the existing s.57 of the Constitution.

The terms of the present short-term senators (those whose terms expire on 30 June 1985) will not be affected by the Bill. The transitional provisions of the Bill alter the terms of the next short-term senators (those whose terms will expire on 30 June 1988) to the expiry or earlier dissolution of the next House of Representatives and the terms of the next long-term senators (those whose terms will expire on 30 June 1991) to the expiry or earlier dissolution of the second House of Representatives after the Bill commences.

NOTES ON CLAUSES

Clause 1 - This is a formal provision specifying the short title of the Act.

Clause 2 - Section 7 : The Senate

The description of senators' terms as being for 6 years is deleted and replaced (in clause 4) by a term consisting of two House of Representatives terms. Under the Bill, where there is no early election this term would total 6 years.

Clause 3 - Section 9 : Times and Places of Elections of Senators

The power vested in State Parliaments by s.9 of the Constitution to make laws for determining the times and places of Senate elections is repealed. The times and places of Senate elections are to be closely regulated by the Constitution itself and by laws of the Commonwealth Parliament (see existing s.10 of the Constitution, proposed new s.13(8) and clause 5 below).

Clause 4 - Sections 12 and 13 : Senate Writs and Senators' Terms

This clause contains the substance of the new provisions. It substitutes new sections 12 and 13 for existing sections 12 and 13 of the Constitution.

New s.12 makes the issue of writs by State Governors for Senate elections mandatory rather than discretionary, to ensure that synchronization of House and Senate elections is maintained. The issue of writs for the election of senators, whether

there is a half-Senate election or a double dissolution of Parliament, is to occur within 10 days after the expiry of senators' terms or the dissolution of the Senate. (At present the 10 day period applies only following a double dissolution).

New s.13 makes the substantive provision as to both the term of senators for the future and rotation of senators. It also includes transitional provisions in relation to senators whose terms are due to expire on 30 June 1988 and those senators to be elected at the next election.

Sub-section (1) states the general rule that the term of a senator is two terms of the House of Representatives (instead of 6 years) unless there is a double dissolution, in which case all senators' terms are cut short, as at present.

After a double dissolution election the Senate would be required by sub-sections (2) and (3) to divide its members into 'short-term' and 'long-term' senators in a particular manner so that the cycle of Senate rotation can recommence.

Sub-section (4) writes in the practice, which has invariably been followed in the past, of allocating senators to short-term and long-term lists according to their relative success at the election.

Sub-section (5) provides that, for the purpose of the division of senators into two classes, following a double dissolution, the 'order of



relative success at an election of the Senators for a State' shall be such as is determined in accordance with a law made by the Parliament or, if there is no such law, as determined by the Senate. This will ensure that it is open to the Parliament or the Senate to adopt the recommendation of the Joint Select Committee on Electoral Reform on this matter.

Sub-section (6) confers a corresponding power on the Parliament to make laws for that purpose.

Sub-section (7) provides, in effect that the senators who are more successful at the election following the double dissolution, have terms equal to 2 terms of the House of Representatives whilst the other senators have terms equal to one term of the House of Representatives.

Sub-section (8) makes it clear that all elections for the House of Representatives and the half of the State senators whose terms expired on the expiry or dissolution of the House, are to be held on the same day.

Provision is made by sub-section (9) for a situation where, following the election of senators for a State after a double dissolution but before the division of senators for that State into classes of long-term and short-term senators, the place of a newly elected senator becomes vacant. In that event the division of senators is made as

if the place of the senator had not become vacant and the term of service of the senator who is subsequently chosen by his State Parliament to fill the vacancy is the same as his predecessor's term would have been if he had remained in office.

The transitional provisions are sub-sections (10) to (13).

Sub-section (10) provides that the present constitutional provisions will continue to apply to senators whose terms are due to expire on 30 June 1985.

Sub-section (11) alters the terms of the senators whose terms are due to expire on 30 June 1988 to the expiry or earlier dissolution of the next House of Representatives.

Sub-section (12) alters the terms of the senators to be elected at the next election (whose terms will be due to expire on 30 June 1991) to the day of expiry or dissolution of the second House of Representatives to expire or be dissolved after the commencement of the constitutional amendment, or the day of any earlier dissolution of the Senate.

Sub-section (13) provides for 2 alternative situations which could arise when the constitutional amendments provided for by the Bill commence operation.

The first is where a casual vacancy has not been filled at the time the constitutional amendment

takes effect. The second situation is one in which a State senator is holding office by virtue of an appointment under s.15 of the Constitution by a State Governor, with the advice of the Executive Council of the State, following the occurrence of a casual vacancy in a position occupied by a senator of that State.

In both cases the term of service of the senator who was originally elected is deemed, for the purpose of determining the term of service of his successor, to be the term he would have had if his place had not become vacant.

Clause 5 - Section 57 : Disagreement Between the Houses

The clause amends s.57 of the Constitution by adding a new provision to ensure that an election of senators is held simultaneously with a general election for the House of Representative on occasions when the simultaneous dissolution of the House of Representatives and the Senate occurs.



IN SUBSTITUTION FOR AMENDMENT PREVIOUSLY CIRCULATED

1984

THE SENATE

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CONSTITUTION ALTERATION (SIMULTANEOUS ELECTIONS) 1984

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(Amendment to be moved in Committee of the Whole  
by the Opposition)

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Amendment to Title: Leave out "to ensure that Senate elections and House of Representatives elections are always held on the same day, and to adjust the terms of senators accordingly", insert "to change the terms of senators so that they are no longer of fixed duration and to provide that Senate elections and House of Representatives elections are always held on the same day".

1984

THE SENATE

CONSTITUTION ALTERATION (SIMULTANEOUS ELECTIONS) BILL 1984

(AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE BY SENATOR  
MACKLIN)

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Page 2, proposed new sub-section 13 (5),  
lines 34 to 36, leave out "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".

1984

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Constitution Alteration (Terms of Senators) Bill 1984

EXPLANATORY MEMORANDUM

(Circulated by authority of the Deputy Prime Minister and  
Minister Representing the Attorney-General, the Honourable  
Lionel Bowen, M.P.)

This memorandum takes account of amendments made by the  
Senate to the Bill as introduced.



OUTLINE

This Bill proposes to amend the Constitution to provide for simultaneous elections for the Senate and the House of Representatives. It provides for half-Senate elections to be brought into line with elections of the House of Representatives, whenever those elections may occur.

Under the Bill the general rule would be that senators hold office for 2 terms of the House of Representatives (compared with 6 years at present). This would be subject to any earlier dissolution of both Houses that may take place under the existing s.57 of the Constitution.

The terms of the present short-term senators (those whose terms expire on 30 June 1985) will not be affected by the Bill. The transitional provisions of the Bill alter the terms of the next short-term senators (those whose terms will expire on 30 June 1988) to the expiry or earlier dissolution of the next House of Representatives and the terms of the next long-term senators (those whose terms will expire on 30 June 1991) to the expiry or earlier dissolution of the second House of Representatives after the Bill commences.

NOTES ON CLAUSES

Clause 1 - This is a formal provision specifying the short title of the Act.

Clause 2 - Section 7 : The Senate

The description of senators' terms as being for 6 years is deleted and replaced (in clause 4) by a term consisting of two House of Representatives terms. Under this Bill, where there is no early election this term would total 6 years.

Clause 3 - Section 9 : Times and Places of Elections of Senators

The power vested in State Parliaments by s.9 of the Constitution to make laws for determining the times and places of Senate elections is repealed. The times and places of Senate elections are to be closely regulated by the Constitution itself and by laws of the Commonwealth Parliament (see existing s.10 of the Constitution, proposed new s.13(8) and clause 5 below).

Clause 4 - Sections 12 and 13 : Senate Writs and Senators' Terms

This clause contains the substance of the new provisions. It substitutes new sections 12 and 13 for existing sections 12 and 13 of the Constitution.

New s.12 makes the issue of writs by State Governors for Senate elections mandatory rather than discretionary, to ensure that synchronization of House and Senate elections is maintained. The issue of writs for the election of senators, whether

there is a half-Senate election or a double dissolution of Parliament, is to occur within 10 days after the expiry of senators' terms or the dissolution of the Senate. (At present the 10 day period applies only following a double dissolution).

New s.13 makes the substantive provision as to both the term of senators for the future and rotation of senators. It also includes transitional provisions in relation to senators whose terms are due to expire on 30 June 1988 and those senators to be elected at the next election.

Sub-section (1) states the general rule that the term of a senator is two terms of the House of Representatives (instead of 6 years) unless there is a double dissolution, in which case all senators' terms are cut short, as at present.

After a double dissolution election the Senate would be required by sub-sections (2) and (3) to divide its members into 'short-term' and 'long-term' senators in a particular manner so that the cycle of Senate rotation can recommence.

Sub-section (4) writes in the practice, which has invariably been followed in the past, of allocating senators to short-term and long-term lists according to their relative success at the election.

Sub-section (5) provides that, for the purpose of the division of senators into two classes, following a double dissolution, the 'order of



relative success at an election of the Senators for a State' shall be such as is determined by the Senate. This will ensure that it is open to the Senate to adopt the recommendation of the Joint Select Committee on Electoral Reform on this matter.

Sub-section (6) provides, in effect that the senators who are more successful at the election following the double dissolution, have terms equal to 2 terms of the House of Representatives whilst the other senators have terms equal to one term of the House of Representatives.

Sub-section (7) makes it clear that all elections for the House of Representatives and the half of the State senators whose terms expired on the expiry or dissolution of the House, are to be held on the same day.

Provision is made by sub-section (8) for a situation where, following the election of senators for a State after a double dissolution but before the division of senators for that State into classes of long-term and short-term senators, the place of a newly elected senator becomes vacant. In that event the division of senators is made as

if the place of the senator had not become vacant and the term of service of the senator who is subsequently chosen by his State Parliament to fill the vacancy is the same as his predecessor's term would have been if he had remained in office.

The transitional provisions are sub-sections (9) to (12).

Sub-section (9) provides that the present constitutional provisions will continue to apply to senators whose terms are due to expire on 30 June 1985.

Sub-section (10) alters the terms of the senators whose terms are due to expire on 30 June 1988 to the expiry or earlier dissolution of the next House of Representatives.

Sub-section (11) alters the terms of the senators to be elected at the next election (whose terms will be due to expire on 30 June 1991) to the day of expiry or dissolution of the second House of Representatives to expire or be dissolved after the commencement of the constitutional amendment, or the day of any earlier dissolution of the Senate.

Sub-section (12) provides for 2 alternative situations which could arise when the constitutional amendments provided for by the Bill commence operation.

The first is where a casual vacancy has not been filled at the time the constitutional amendment

takes effect. The second situation is one in which a State senator is holding office by virtue of an appointment under s.15 of the Constitution by a State Governor, with the advice of the Executive Council of the State, following the occurrence of a casual vacancy in a position occupied by a senator of that State.

In both cases the term of service of the senator who was originally elected is deemed, for the purpose of determining the term of service of his successor, to be the term he would have had if his place had not become vacant.

Clause 5 - Section 57 : Disagreement Between the Houses

The clause amends s.57 of the Constitution by adding a new provision to ensure that an election of senators is held simultaneously with a general election for the House of Representative on occasions when the simultaneous dissolution of the House of Representatives and the Senate occurs.

THIS Public Bill originated in the Senate; and, having this day passed, by an absolute majority, is now ready for presentation to the House of Representatives for its concurrence.

A. R. CUMMING THOM  
*Clerk of the Senate*

The Senate,  
Canberra, 24 August 1984

## A BILL

FOR

**An Act to change the terms of senators so that they are no longer of fixed duration and to provide that Senate elections and House of Representatives elections are always held on the same day**

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

- 5     1. This Act may be cited as the *Constitution Alteration (Terms of Senators) 1984*.

### 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

- 10     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**

"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. 10

"(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 for those purposes by the Senate. 35

"(6) 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.

5     “(7) 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     “(8) 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     “(9) The provisions of this Constitution that were in force immediately before the commencement of this section continue to apply in relation to a senator whose term of service would, under those provisions, expire on the thirtieth day of June 1985.

20     “(10) In the case of a senator (other than a senator holding office by virtue of an appointment by the Governor of a State under section 15 of this Constitution) whose term of service would, if the provisions of this Constitution that were in force immediately before the commencement of this section applied in relation to him, expire on the thirtieth day of June 1988, his term of service shall expire on the expiration or dissolution of the first House of Representatives to expire or be dissolved after that commencement.

25     “(11) In the case of a senator (other than a senator holding office by virtue of an appointment by the Governor of a State under section 15 of this Constitution) whose term of service would, if the provisions of this Constitution that were in force immediately before the commencement of this section applied in relation to him, expire on the thirtieth day of June 1991, his term of service shall expire on the expiration 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.

35     “(12) 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,

40     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 (9), (10) or (11), as the case may be, of this section, if his place had not so become vacant.”.

**Disagreement between the Houses**

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.”.

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AUSTRALIA

HOUSE OF REPRESENTATIVES

Vol 3

# BILLS

AMENDMENTS  
EXPLANATORY MEMORANDA, ETC.

1st SESSION OF THE 33rd PARLIAMENT

**1983-84**

Sittings from 21 April 1983 to 11 October 1984  
Parliament dissolved 26 October 1984

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*Volume 3*

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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Received from the Senate and read a first time, 24 August 1984

*(Minister representing the Attorney-General)*

## A BILL

FOR

**An Act to change the terms of senators so that they are no longer of fixed duration and to provide that Senate elections and House of Representatives elections are always held on the same day**

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 (Terms of Senators) 1984*.

### 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.

"(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**

"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.

"(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.

"(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
- (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.

"(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 for those purposes by the Senate.

"(6) 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.



“(7) 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.

“(8) 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.

“(9) The provisions of this Constitution that were in force immediately before the commencement of this section continue to apply in relation to a senator whose term of service would, under those provisions, expire on the thirtieth day of June 1985.

“(10) In the case of a senator (other than a senator holding office by virtue of an appointment by the Governor of a State under section 15 of this Constitution) whose term of service would, if the provisions of this Constitution that were in force immediately before the commencement of this section applied in relation to him, expire on the thirtieth day of June 1988, his term of service shall expire on the expiration or dissolution of the first House of Representatives to expire or be dissolved after that commencement.

“(11) In the case of a senator (other than a senator holding office by virtue of an appointment by the Governor of a State under section 15 of this Constitution) whose term of service would, if the provisions of this Constitution that were in force immediately before the commencement of this section applied in relation to him, expire on the thirtieth day of June 1991, his term of service shall expire on the expiration 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.

“(12) 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,

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 (9), (10) or (11), as the case may be, of this section, if his place had not so become vacant.”.

**Disagreement between the Houses**

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."