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Australian elections timetable

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Introduction

This Background Note provides a brief overview of the rules for determining the next Commonwealth, state and territory elections. The paper lists the date of the next election where this is fixed, or where applicable, the earliest and latest possible dates on which it may occur. For an explanation of the electoral systems for each jurisdiction see the paper by Scott Bennett and Rob Lundie, [Australian electoral systems](#).¹

The Commonwealth

The rules

While the calling of a Commonwealth election is partly a matter of political judgement and timing, a constitutional and legislative framework governs the electoral timetables and processes. The Constitution requires periodic elections for both Houses of Parliament, with separate provisions reflecting the different constitutional role of each House. The maximum term of the House of Representatives is set by section 28 of the Constitution, which states that:

Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General.

The *Constitution* and the *Commonwealth Electoral Act 1918* (CEA) provide the following timetabling provisions for elections:

- writs to be issued within 10 days from the expiry of, or proclamation of the dissolution of, the House of Representatives (Constitution sections 12, 32; CEA section 151)
- electoral rolls close three working days after the issue of the writs for electors updating their enrolment details; for new enrolments of 17 year olds turning 18 before polling day; and for people becoming citizens before polling day (CEA sections 155, 102). For all other new enrolments and re-enrolments the rolls are frozen at 8 pm on the day of the issue of the writs (CEA section 102)
- nominations of candidates close not less than 10 days or more than 27 days after the date of the writs (CEA section 156)
- the polling day shall not be less than 23 days nor more than 31 days after the date of nomination (CEA section 157)
- the election must be held on a Saturday (CEA section 158), and

1. S Bennett and R Lundie, *Australian electoral systems*, [Research Paper](#), no. 5, 2007–08, Parliamentary Library, Canberra, 2007.

- the writ must be returned no more than 100 days after the issue of the writ (CEA s.159).

The time allowed from the expiry or dissolution of the House to polling day is therefore not less than 33 days and not more than 68 days.

House of Representatives election

A House of Representatives election can be requested at any time, but if the Government has control of the House and is able to proceed with its legislative program, the Governor-General is highly unlikely to accede to such a request within the first year of a new parliament.

To calculate the latest possible date of the next election, the maximum number of days specified must be applied. The last possible date for the next election is within 68 days from the expiry of the House. As the 42nd Parliament first met on Tuesday, 12 February 2008, it is therefore due to expire on Friday, 11 February 2011.

The election for the House of Representatives must therefore be held by 16 April 2011, the last Saturday within this period.

However, an election may be held at any time before that date. Generally, elections are called well before there is a constitutional or legal necessity. There has been only one instance of an election being held after a parliament expired through effluxion of time. This occurred in 1910. In recent times, Prime Minister William McMahon has gone closest to a full-term parliament, dissolving the House in 1972 after two years, 11 months and eight days. The 41st Parliament under Prime Minister John Howard, also went close, with a term from 16 November 2004 to 17 October 2007, of two years, 11 months and one day.

Half-Senate election

Unlike the House of Representatives, the Senate is a continuing body. Half the state senators retire on 30 June every three years, except in the case of a simultaneous dissolution of both Houses. Section 13 of the Constitution requires that an election be held within one year before the places of retiring senators become vacant. The terms of senators for the territories coincide with those of the House of Representatives.

There is no constitutional requirement that elections for the House of Representatives and state senators be held simultaneously. They are generally held together, primarily to avoid the duplication of costs in holding separate elections and because it is felt that voters would not look kindly upon a government that called separate elections. The last time only a half-Senate election was held was in 1970.

If the elections for the House of Representatives and half the Senate are to be held simultaneously, the date must conform with the constitutional provisions relating to the terms of senators and the period during which the election must be held.

The terms of senators elected in 2004 expire on 30 June 2011. Therefore, in theory, the next half-Senate election must be held between 1 July 2010 and 30 June 2011. However, because a half-Senate election effectively cannot be held in July, the earliest possible date for such an election is Saturday 7 August 2010.²

The latest realistic date for a half-Senate election is Saturday 21 May 2011. This is to allow sufficient time for the Senate writs to be returned by 30 June 2011, so that the senators may take their seats on 1 July.³

Simultaneous half-Senate and House of Representatives election

As House of Representatives and half-Senate elections are usually held together, the earliest date for a simultaneous election would be Saturday, 7 August 2010.

Although the latest possible date for a half-Senate election is 21 May 2011, the latest possible date for a simultaneous (half-Senate and House of Representatives) election is the same date that is required for the House of Representatives, 16 April 2011.

Double dissolution election

Section 57 of the Constitution provides that both houses may be simultaneously dissolved should there be a legislative deadlock between them. A deadlock occurs only when a three month period has elapsed between the Senate rejecting a bill and the House passing it a second time only for it to be rejected again.⁴ Once these conditions have been met, a double dissolution election can be called though not within six months of the expiry date for the House of Representatives (11 February 2011). This means that the last possible date for the dissolution of the current houses is Wednesday, 11 August 2010.

As the Rudd Government does not have control of the Senate, there is a possibility that circumstances may arise which meet the requirements for the calling of a double dissolution election.

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2. S Bennett, *Restrictions on the Timing of Half Senate Elections*, [Research Note](#), no. 38, Department of the Parliamentary Library, Canberra, 2002.
 3. The Australian Electoral Commission advises that since the last three elections have been held with data punching of the 'below-the-line' Senate ballot papers, polling day could be as late as 21 May 2011 and still allow sufficient time for the Senate writs to be returned by 30 June 2011.
 4. A critical consideration affecting the timing of any double dissolution is the date from whence is calculated the three-month interval. Although some aspects of section 57 remain unclear, a majority of the High Court held in *Victoria v Commonwealth and Connor* (1975) 134 CLR 81 that the three-month interval commences on the date on which the Senate rejects or fails to pass the Bill. (The High Court has not expressed a definitive view as to the commencement of the three-month period in which the Senate passes a Bill with amendments 'to which the House will not agree'.)

If there is a double dissolution, the usual timetabling requirements apply. The writs must be issued within ten days of the dissolution, that is, by 21 August 2010. The writs may be issued on the same day as the dissolution occurs, but as s.12 of the Constitution requires the writs for Senate elections to be issued by the State Governors, these writs may not necessarily be issued on the same day as the dissolution. Should the writs be issued on the same day, and the shortest times apply, nominations would close on 21 August 2010; and polling would be on Saturday 18 September 2010. Should the maximum times apply, the writs would have to be issued by 21 August 2010, and nominations would have to close by 17 September 2010. The latest possible polling date for a double dissolution election is Saturday, 16 October 2010.

Commonwealth: next election dates

	Last election	Earliest date	Latest date
Simultaneous half-Senate and House of Representatives	24 November 2007	7 August 2010	16 April 2011
House of Representatives			16 April 2011
Half-Senate		7 August 2010	21 May 2011
Double dissolution			16 October 2010

States and territories

Each state and territory has its own provisions as to when elections are held. The table below sets out (where applicable) the earliest and latest dates on which the next elections can be held for the lower house. All states, except Queensland, have bicameral parliaments. The territories are unicameral.

There are usually exceptional circumstances in which early elections can be called and they vary slightly from parliament to parliament. They include such things as the government losing the confidence of parliament, parliament failing to pass a money bill for the ordinary services of government, parliament failing to pass a 'Bill of special importance' on two occasions, the date of the election clashing with the date for the Commonwealth election, or if there is a natural disaster.

South Australia

The South Australian House of Assembly has a fixed term. According to the *Constitution Act 1934* (section 28) elections are held on the third Saturday in March every four years unless this date falls the day after Good Friday, occurs within the same month as a Commonwealth election or unless the conduct of the election could be adversely affected by a state disaster. In conjunction with the Assembly election, an election is also held for 11 retiring members of the Legislative Council (section 14).

The Governor may also dissolve the Assembly and call an election for an earlier date if the Government has lost the confidence of the Assembly or a bill of special importance has been

rejected by the Legislative Council (section 28A). Both the Council and the Assembly may also be dissolved simultaneously if a deadlock occurs between them as outlined in section 41 of the Act.

Tasmania

The *Constitution Act 1934* (section 23) stipulates that the Tasmanian House of Assembly has a maximum four-year term from the day of the return of the writs. The election date is not fixed and can be called at any time with the Governor's agreement. The *Electoral Act 2004* governs the process of elections.

Elections for the Legislative Council are held in May every year on a six-year cycle with elections for three members being held in one year, for two members the next year and so on (*Constitution Act* section 19).

Victoria

The Legislative Assembly has a fixed four-year term. Barring exceptional circumstances (for example, the date clashes with a Commonwealth election), elections are held on the last Saturday in November every four years (see *Constitution Act 1975* section 38 and section 38A).

Elections for Legislative Council members are held on the same day as those for the Legislative Assembly. The election process is governed by the *Electoral Act 2002*.

New South Wales

The Legislative Assembly has a fixed term unless the Government has lost the confidence of the Assembly or an appropriation bill has been rejected or failed to have been passed by the Assembly. The *Constitution Act 1902* (section 24A) provides for elections to be held on the fourth Saturday in March every four years unless this would mean they would be held during the same period as a Commonwealth election, during a holiday period or at any other inconvenient time.

Elections for half of the Legislative Council are held simultaneously with each Legislative Assembly election. The election process is governed by the *Parliamentary Electorates and Elections Act 1912*.

Northern Territory

The *Northern Territory (Self-Government) Act 1978* (section 17) determines that the Legislative Assembly has a maximum four-year term. In March 2009 the Legislative Assembly adopted a fixed date for elections. Section 23 of the *Electoral Act 2004* was repealed by section 4 of the *Electoral Act Amendment Act* (No.3 of 2009). The new section 23 (1) says: 'For determining the date for a general election if the previous general election was not an extraordinary general election, the general election is to be held on the 4th

Saturday in August in the 4th year after the year in which the previous general election was held.’ However, if an extraordinary election has been held because the Government either lost the confidence of the Assembly or an appropriation bill was rejected by, or failed to pass, the Assembly (*Electoral Act 2004* sections 24, 25), ‘the general election is to be held on the 4th Saturday in August in the 3rd year after the year in which that extraordinary general election was held’ (*Electoral Act 2004* section 23 (2)).

Queensland

The Legislative Assembly has a three-year term, but the election date is not fixed. This is determined according to a process outlined in the *Electoral Act 1992* (Part 6 Division 1).

Western Australia

The *Constitution Acts Amendment Act 1899* (section 21) determines that the Legislative Assembly has a four-year term but the election date is not fixed. The *Electoral Act 1907* (section 71) outlines the process for determining the election date.

All members of the Legislative Council are elected for a fixed four-year term. Legislative Council elections are usually held, but are not required to be held, on the same date as those for the Legislative Assembly. The *Constitution Acts Amendment Act 1899* (section 8) outlines the process for determining the election date for the Legislative Council.

Australian Capital Territory

The Legislative Assembly has a fixed term. The *Electoral Act 1992* (section 100) decrees that elections are held on the third Saturday in October every four years. If the date clashes with a Commonwealth election, then it must be deferred until the first Saturday in December. Furthermore, the election would also not occur if there has been an extraordinary election held within six months before the October date. An extraordinary election may be held for example, because the Governor-General has dissolved the Assembly, or because the Chief Minister has lost the confidence of the Assembly.

States and territories: next election dates

	Most recent	Actual/Fixed date	Earliest date	Latest date
SA	18 March 2006	20 March 2010		
TAS	18 March 2006			22 May 2010 ⁵
Vic	25 November 2006	27 November 2010		
NSW	24 March 2007	26 March 2011		
NT	9 August 2008	25 August 2012		
QLD	21 March 2009			16 June 2012
WA	6 September 2008		23 June 2012	4 May 2013
ACT	18 October 2008	20 October 2012		

Source: State and territory electoral offices/commissions

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5. Although the latest election date is 22 May 2010, as noted above, the election date is not fixed and can be called at any time. Tasmanian Premier David Bartlett, while not formally calling an election, said in early 2009: 'This State will go to the polls on March 20 2010 – full stop, period.' D Bartlett (Premier of Tasmania), *Speech to Tasmanian SES*, Friday 27 February 2009, viewed 13 May 2009, http://www.premier.tas.gov.au/media_room/speeches/speech_to_tasmanian_ses