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Australian elections timetable as at 7 April 2014

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Politics and Public Administration

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Introduction

This Research Paper provides a brief overview of the rules for determining the next Commonwealth, state, territory and local government 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 federal, state and territory jurisdictions see the research 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 timetable and process. 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 for the election of Members of the House of Representatives and Senators for the Territories within 10 days following the expiry of the House, or proclamation of the dissolution, (Constitution, section 32; CEA, section 151);
- writs to be issued for the election of Senators for the States within 10 days following a proclamation or dissolution (Constitution, section 12);
- the rolls close at 8pm² on the seventh day after the date of the writ (CEA, section 155);
- nominations of candidates close at 12 pm not less than 10 days or more than 27 days after the date of the writs (CEA, section 156; section 175);
- the declaration of candidates occurs at 12 pm one day after nominations close (CEA, section 175);
- Group Voting Tickets for the Senate have to be lodged with the AEC not later than 48 hours after the close of nominations (CEA, section 211);
- 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);
- the writ must be returned no more than 100 days after the issue of the writ (CEA, section 159);
- following the return of the writ, there is a period of 40 days during which the AEC, a candidate at the election in dispute, or any person who was qualified to vote at that election, may lodge a petition with the High Court acting as the Court of Disputed Returns challenging the result of the election (CEA, section 355; section 357);
- Parliament must meet not later than 30 days after the date appointed for the return of the writs (Constitution, section 5). Parliament may meet before the appointed date for the return of the writs if the writs have been returned;³ and

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

2. The 8 pm deadline for close of rolls is established in the requirements for lodging claims for enrolment under the following provisions: s94A(4)(a); s95(4)(a); s96(4)(a); s99B(2)(c)(ii); s102(4)(a)(i); s103A(5)(a); s103B(5)(a); s118(5)(a) [Commonwealth Electoral Act 1918](#).

- 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 agree 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 44th Parliament first met on Tuesday, 12 November 2013, it is therefore due to expire on Friday, 11 November 2016.

The election for the House of Representatives must therefore be held by 14 January 2017, 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. This is most likely to be the case with the next election as there has never been an election in January as this would require a campaign period covering Christmas and the school holiday period.

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 a half-Senate only 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 2010 expire on 30 June 2017. Therefore, in theory, the next half-Senate election must be held between 1 July 2016 and 30 June 2017. However, because a half-Senate election effectively cannot be held in July, the earliest possible date for such an election is Saturday 6 August 2016.⁴

The latest date for a half-Senate election is Saturday 13 May 2017. This date allows for a maximum election period including the maximum 100 day period from the issue of the writs, which would happen on Monday 20 March, to their return by 30 June 2017 so that the senators may take their seats on 1 July. It should be noted that while this is theoretically the latest election date, in practice it is unlikely as it would result in a very long campaign period of 54 days. In recent times Governments have favoured election campaigns of about five weeks.

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, 6 August 2016.

3. B Wright, ed, [House of Representatives practice](#), 6th ed, Canberra, Department of the House of Representatives, 2005, p. 216.

4. S Bennett, [Restrictions on the Timing of Half-Senate Elections](#), Research note, no. 38, Department of the Parliamentary Library, Canberra, 2002.

Although the latest possible date for a half-Senate election is Saturday 22 April 2017, 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, 14 January 2017.

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.⁵ Once these conditions have been met, a double dissolution election can be called though not within six months of the expiry date (11 November 2016) for the House of Representatives. This means that the last possible date for the dissolution of the current parliament is Wednesday, 11 May 2016.

As the Abbott 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.

If there is a double dissolution on 11 May 2016, the usual timetabling requirements apply. The writs must be issued within ten days of the dissolution, that is, by 21 May 2016. The writs may be issued on the same day as the dissolution occurs, but as section 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 May 2016, and polling would be on Saturday, 18 June 2016. Should the maximum times apply, the writs would have to be issued by 21 May 2016 and nominations would have to close by 17 June 2016. The latest possible polling date for a double dissolution election is Saturday, 16 July 2016.

Next Commonwealth election

The most usual types of election have been either a simultaneous half-Senate and House of Representatives election, or a double dissolution election. For either election, the Government has usually opted for a short campaign period. The tables below set out the minimum election timetables for the earliest and latest election dates for these two types of elections. Because there are limits as to when an election can be called for either type, to establish the latest polling date the maximum timetable period must be used.

Table 1: Commonwealth: next election dates

	Last election	Earliest date	Latest date
Simultaneous half-Senate and House of Representatives	7 Sep 2013	6 August 2016	14 January 2017
House of Representatives			14 January 2017
Half-Senate		6 August 2016	13 May 2017
Double dissolution			16 July 2016

Source: Australian Electoral Commission; Parliamentary Library

Table 2: Commonwealth: Simultaneous half-Senate and House of Representatives election possible timetables

	Earliest possible election date with a minimum election period	Latest possible election date with a maximum election period
Expiry/dissolution of Parliament	1 July 2016	11 November 2016
Issue of Writs (within 10 days from expiry/ dissolution of Parliament)	1 July 2016	21 November 2016
Close of Rolls (seven days after issue of writs)	8 July 2016	28 November 2016
Close of Nominations (at 12 pm not less than 10 days or more than 27 days after the issue of writs)	11 July 2016	18 December 2016
Declaration of Nominations (at 12 pm one day after close of	12 July 2016	19 December 2016

5. A critical consideration affecting the timing of any double dissolution is the date from which the three-month interval is calculated. 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'. At the time of writing, there are no double dissolution triggers.

	Earliest possible election date with a minimum election period	Latest possible election date with a maximum election period
nominations)		
Group Voting Tickets for the Senate lodged with AEC (48 hours after close of nominations)	13 July 2016	20 December 2016
Polling Day (not be less than 23 days nor more than 31 days after the close of nominations)	6 August 2016	14 January 2017
Return of Writs (no more than 100 days after the issue of the writs)	9 October 2016	1 March 2017
Meeting of Parliament (not later than 30 days after the date appointed for the return of the writs but may meet before that date if the writs have been returned)	10 October 2016 ⁶	31 March 2017

Source: Australian Electoral Commission; Parliamentary Library

Table 3: Commonwealth: Double Dissolution election *possible* timetables

	Latest possible election date with a minimum election period	Latest possible election date with a maximum election period
Expiry/dissolution of Parliament	11 May 2016	11 May 2016
Issue of Writs (within 10 days from expiry/ dissolution of Parliament)	11 May 2016	21 May 2016
Close of Rolls (seven days after issue of writs)	18 May 2016	28 May 2016
Close of Nominations (at 12 pm not less than 10 days nor more than 27 days after the issue of writs)	21 May 2016	17 June 2016
Declaration of Nominations (at 12 pm one day after close of nominations)	22 May 2016	18 June 2016
Group Voting Tickets for the Senate lodged with AEC (48 hours after close of nominations)	23 May 2016	19 June 2016
Polling Day (not be less than 23 days nor more than 31 days after the close of nominations)	18 June 2016	16 July 2016
Return of Writs (no more than 100 days after the issue of the writs)	19 August 2016	29 August 2016
Meeting of Parliament (not later than 30 days after the date appointed for the return of the writs but may meet before that date if the writs have been returned)	20 August 2016 ⁷	28 September 2016

Source: Australian Electoral Commission; Parliamentary Library

States and territories

Each state and territory has its own provisions as to when elections are held. The following table 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 (CEA, section 394), or if there is a natural disaster.

Table 4: States and territories: next election dates

	Most recent	Actual/Fixed date	Earliest date	Latest date
Vic	27 November 2010	29 November 2014		
NSW	26 March 2011	28 March 2015		
Qld	24 March 2012			20 June 2015
NT	25 August 2012	27 August 2016		

6. Parliament is able to meet as soon as the writs have been returned.

7. See footnote 6 above.

	Most recent	Actual/Fixed date	Earliest date	Latest date
ACT	20 October 2012	15 October 2016		
WA	9 March 2013	11 March 2017		
SA	15 March 2014	17 March 2018		
Tas	15 March 2014			24 March 2018

Source: State and territory electoral commissions; Parliamentary Library

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.⁸

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* (Vic.).

New South Wales

The Legislative Assembly has a fixed term unless, subject to section 24B of the *Constitution Act 1902*, 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. For fixed term elections, the elections are 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.⁹

Elections for half of the Legislative Council are held simultaneously with each Legislative Assembly general election. The election process is governed by the *Parliamentary Electorates and Elections Act 1912* (NSW) and the *Constitution Act 1902* (NSW).

Queensland

The Legislative Assembly has a three-year term from the date appointed for the return of the writs (*Constitution Act Amendment Act 1890*), but the election date is not fixed. This is determined according to a process outlined in the *Electoral Act 1992* (Qld) (Sections 82(2) and 84(1)(d)).

Northern Territory

Section 17 of the *Northern Territory (Self-Government) Act 1978* (NT) 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* (NT) was repealed by section 4 of the *Electoral Act Amendment Act 2009* (NT). The new sub-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,¹⁰ ‘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’.¹¹

Australian Capital Territory

The Legislative Assembly has a fixed term. Section 100 of the *Electoral Act 1992* (ACT) decrees that elections are to be 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.

8. [Constitution Act 1975 \(Vic.\)](#), sections 38 and 38A.

9. [Constitution Act 1902 \(NSW\)](#), sections 24A and 24B.

10. [Electoral Act 2004 \(NT\)](#), sections 24, 25.

11. [Electoral Act 2004 \(NT\)](#), sub-section 23 (2).

Western Australia

On 11 November 2011 the Western Australian Parliament passed the *Electoral and Constitution Amendment Act 2011* (WA) which established a fixed election date. Elections will be held on the second Saturday in March every four years.

South Australia

The South Australian House of Assembly has a fixed term. According to section 28 the *Constitution Act 1934* (SA) a general election of members of the House of Assembly must be held on the third Saturday in March every four years unless this date falls on the day after Good Friday, occurs within the same month as a general election of members of the Commonwealth House of Representatives 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.¹²

The Governor may also dissolve the Assembly and call a general 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.¹³ 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

Section 23 of the *Constitution Act 1934* (Tas.) 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* (Tas.) 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.¹⁴

Local government

There are local councils in every state and territory except the ACT. Each state and territory has its own provisions as to when elections are held. The following table sets out the most recent elections and when the next elections are due.

Table 5: Local councils: next election dates

State/Territory	Most recent	Next election	Comments
Tasmania	11–25 October 2011	14–28 October 2014	
South Australia	12 November 2010	7 November 2014	
Western Australia	19 October 2013	17 October 2015	
Northern Territory	24 March 2012	March 2016	Specific date to be determined
Queensland	28 April 2012	26 March 2016	
New South Wales	8 September 2012	10 September 2016	
Victoria	9–26 October 2012	4–21 October 2016	Councils conducting postal vote elections
	27 October 2012	22 October 2016	Councils where voters must attend a voting centre

Source: State and territory electoral commissions; Parliamentary Library

Tasmania

Major reforms affecting local council elections were introduced with the enactment on 20 June 2013 of the *Local Government Amendment (Elections) Act 2013* and the making of the *Local Government (Number of Councillors) Order 2013*, the *Local Government (Casual Vacancies) Order 2013*, and the *Local Government (Elections) Order 2013*. All aldermen, councillors, mayors and deputy mayors would be elected for four-year terms during a two-week period ending on the last Tuesday in October every four years. The period is determined according to a process outlined in the *Local Government Act 1993* (Tas.) (Part 15 Section 268A). To allow for the smooth transition of the reforms, the October 2013 elections were deferred for a year.

12. [Constitution Act 1934 \(SA\)](#), section 14.

13. [Constitution Act 1934 \(SA\)](#), section 28A.

14. [Constitution Act 1934 \(Tas.\)](#), section 19.

South Australia

Elections for local councils are held every four years on the last business day before the second Saturday in November. This is determined according to a process outlined in the *Local Government (Elections) Act 1999* (SA) (Part 2 Division 1 Section 5).

Western Australia

Elections for local councils are held every two years on the third Saturday in October. This is determined according to a process outlined in the *Local Government Act 1995* (WA) (Part 4 Division 4 Section 4.7).

Northern Territory

Elections for local councils are held every four years in March on a date decided upon by the Minister. This is determined according to a process outlined in the *Local Government Act* (NT) (Chapter 8.1 Section 85).

Queensland

Elections for local councils are held every four years on the last Saturday in March. This is determined according to a process outlined in the *Local Government Electoral Act 2011* (Qld) (Part 4 Division 1 Section 23).

New South Wales

Elections for local councils are held every four years on the second Saturday in September. This is determined according to a process outlined in the *Local Government Act 1993* (NSW) (Chapter 10).

Victoria

Elections for local councils are held every four years on the fourth Saturday in October. This is determined according to a process outlined in the *Local Government Act 1989* (Vic.) (Part 3 Division 4 Section 31).

All elections

Table 6 sets out the elections which are due across all jurisdictions for the next few years. It does not include supplementary elections, by-elections or separate legislative council elections.

Table 6: Timeline of election dates, 2014–2018

Election Date (actual or due)	Jurisdiction and Type of Election
2014	
7 November	South Australia (local)
29 November	Victoria (state)
2015	
28 March	New South Wales (state)
By 20 June	Queensland (state)
17 October	Western Australia (local)
13–27 October	Tasmania (local)
2016	
March	Northern Territory (local)
26 March	Queensland (local)
Between 6 August and 14 January 2017	Federal (House of Representatives and half-Senate)
27 August	Northern Territory (territory)
10 September	New South Wales (local)
15 October	Australian Capital Territory (territory)
22 October	Victoria (local)
2017	
By 14 January	Federal (House of Representatives and half-Senate)
11 March	Western Australia (state)
2018	
17 March	South Australia (state)
By 24 March	Tasmania (state)

Source: State and territory electoral commissions; Parliamentary Library

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