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## ‘So when is the next election?’: Australian elections timetable as at 1 September 2016

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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*.<sup>1</sup>

## The Commonwealth

### *The rules*

While the calling of a Commonwealth election is partly a matter of political judgment and timing, a constitutional and legislative framework governs the electoral timetable and process. The *Australian 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:

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 of the House, ([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 of the Senate ([Constitution, section 12](#))
- the rolls close at 8pm<sup>2</sup> on the seventh day after the date of the writ ([CEA, section 155](#))
- nominations of candidates close at 12pm not less than 10 days or more than 27 days after the date of the writs ([CEA, section 156](#); [section 175](#)). A request that candidates be grouped together in one column on the Senate ballot paper under [CEA, section 168](#) must be made/submitted together with the nomination itself. A request that the party name appear adjacent to the name of the candidate under [CEA, section 169](#) can be made at any time before the close of nominations
- the declaration of candidates occurs at 12pm one day after nominations close ([CEA, section 175](#))
- pre-poll voting cannot begin earlier than the fourth day after the declaration of nominations ([CEA, section 200D\(4\)](#))
- the polling day shall not be less than 23 days nor more than 31 days after the date of nominations ([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 Australian Electoral Commission (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 sitting as the Court of Disputed Returns challenging the result of the election ([CEA, section 355](#); [section 357](#)) and
- 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.<sup>3</sup>

1. S Bennett and R Lundie, [Australian electoral systems](#), Research paper, 5, 2007–08, Parliamentary Library, Canberra, 12 August 2007, accessed 30 August 2016.

2. The 8pm deadline for close of rolls is established in the requirements for lodging claims for enrolment under the following provisions of the [Commonwealth Electoral Act 1918](#) (CEA): subsections 94A(4)(a); 95(4)(a); 96(4)(a); 99B(2)(c)(ii); 102(4)(a)(i); 103A(5)(a); 103B(5)(a); 118(5)(a).

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 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 45th Parliament first met on Tuesday 30 August 2016 it is, therefore, due to expire on Thursday 29 August 2019.<sup>4</sup>

The next election for the House of Representatives must, therefore, be held by 2 November 2019, the last Saturday within the 68 day 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—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' terms expire on 30 June every three years, except in the case of a simultaneous dissolution of both Houses as occurred prior to the election on 2 July 2016. [Section 13 of the Constitution](#) requires that an election be held within one year before the places of retiring senators become vacant. Under [section 151 of the CEA](#) 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 concurrently, 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 half-Senate only election was held 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 2016 expire on 30 June 2019 for senators allocated the three year term and on 30 June 2022 for senators allocated six year terms.<sup>5</sup> Territory senators also serve three years but their terms are tied to the House of Representatives and, consequently, the timing of House/General elections. Therefore, in theory, the next half-Senate election must be held between 1 July 2018 and 30 June 2019. However, because a half-Senate election effectively cannot be held in July, the earliest possible date for such an election is Saturday 4 August 2018.<sup>6</sup>

The latest date for a half-Senate election is Saturday 18 May 2019. This date allows for a maximum election period, including the maximum 100 day period after the issue of the writs, which would happen on Friday 22 March 2019, to their return by 30 June 2019 so that the senators may take their seats on 1 July 2019.

### **Simultaneous half-Senate and House of Representatives election**

As House of Representatives and half-Senate elections are usually held simultaneously, the earliest date for such an election would be Saturday 4 August 2018.

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3. B Wright, ed, [House of Representatives practice](#), 6th edn, Canberra, Department of the House of Representatives, 2012, p. 216, accessed 30 August 2016.

4. This date has been calculated based on the three year period in section 28 of the *Constitution* including the first day on which the House sat on 30 August 2016.

5. [Constitution, section 13](#).

6. S Bennett, [Restrictions on the timing of half-Senate elections](#), Research note, 38, Department of the Parliamentary Library, Canberra, 14 May 2002, 30 August 2016.

As the latest possible date for a half-Senate election is Saturday 18 May 2019, the latest possible date for a simultaneous (half-Senate and House of Representatives) election is also 18 May 2019.

### **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.<sup>7</sup> Once these conditions have been met, a double dissolution election can be called, though not within six months of the expiry date (Thursday 29 August 2019) for the House of Representatives. This means that the last possible date for the dissolution of both houses of the 45th Parliament is Wednesday 27 February 2019.

If there is a double dissolution of the Parliament on Wednesday 27 February 2019, the usual timetabling requirements apply. The writs must be issued within ten days of the dissolution, that is, by 9 March 2019. 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 (27 February), and the shortest times apply, nominations would close on 9 March, and polling would be on Saturday 6 April 2019.

Should the maximum times apply, the writs would have to be issued by 9 March 2019 and nominations would have to close by 5 April 2019. The latest possible polling date for a double dissolution election is Saturday 4 May 2019.

### **Next Commonwealth election**

The 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,<sup>8</sup> notwithstanding the 2016 double dissolution campaign which went for 54 days. The Government also tries to avoid having an election campaign over the Easter period. As Easter Sunday is on 21 April in 2019, this may be a factor if an election is considered in that year.

Tables 1–3 (below) set out the earliest and latest dates, and *possible* election timetables, for a simultaneous half-Senate and House of Representatives election and for a double dissolution election. 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. It should be noted that in Table 2 and Table 3 these are theoretical limits. For practical, political and financial reasons a Government is unlikely to have a maximum campaign period of 68 days nor a pre-poll period of 25 days.

**Table 1: Commonwealth: next election earliest and latest dates**

Election type	Last election	Earliest date	Latest date
Simultaneous half-Senate and House of Representatives		4 August 2018	18 May 2019
House of Representatives			2 November 2019
Half-Senate		4 August 2018	18 May 2019
Double dissolution	2 July 2016		4 May 2019

Sources: Australian Electoral Commission; Parliamentary Library.

7. 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, [1975] HCA 39 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’.

8. For the purposes of this paper ‘campaign period’ refers to the period from the date Parliament is dissolved to polling day.

**Table 2: Commonwealth: simultaneous half-Senate and House of Representatives election—*possible* timetables**

Event	Earliest possible election date with a minimum election period	Latest possible election date with a maximum election period
<b>Expiry/dissolution of Parliament</b>	1 July 2018	12 March 2019
<b>Issue of Writs</b> (within 10 days from expiry/ dissolution of Parliament)	1 July 2018	22 March 2019
<b>Close of Rolls</b> (seven days after issue of writs)	8 July 2018	29 March 2019
<b>Close of Nominations</b> (at 12 pm not less than 10 days nor more than 27 days after the issue of writs)	11 July 2018	18 April 2019
<b>Declaration of Nominations</b> (at 12 pm one day after close of nominations)	12 July 2018	19 April 2019
<b>Pre-poll voting can begin</b> (not less than the fourth day after the declaration of nominations)	16 July 2018	23 April 2019
<b>Polling Day</b> (on a Saturday not less than 23 days nor more than 31 days after the close of nominations)	<b>4 August 2018</b>	<b>18 May 2019</b>
<b>Return of Writs</b> (no more than 100 days after the issue of the writs)	9 October 2018	30 June 2019
<b>Meeting of Parliament</b> (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 2018 <sup>9</sup>	30 July 2019

Sources: Australian Electoral Commission; Parliamentary Library.

**Table 3: Commonwealth: double dissolution election—*possible* timetables**

Event	Latest possible election date with a minimum election period	Latest possible election date with a maximum election period
<b>Expiry/dissolution of Parliament</b>	27 February 2019	27 February 2019
<b>Issue of Writs</b> (within 10 days from expiry/ dissolution of Parliament)	27 February 2019	9 March 2019
<b>Close of Rolls</b> (seven days after issue of writs)	6 March 2019	16 March 2019
<b>Close of Nominations</b> (at 12 pm not less than 10 days nor more than 27 days after the issue of writs)	9 March 2019	5 April 2019
<b>Declaration of Nominations</b> (at 12 pm one day after close of nominations)	10 March 2019	6 April 2019
<b>Pre-poll voting can begin</b> (not less than the fourth day after the declaration of nominations)	14 March 2019	10 April 2019
<b>Polling Day</b> (not less than 23 days nor more than 31 days after the close of nominations)	<b>6 April 2019</b>	<b>4 May 2019</b>
<b>Return of Writs</b> (no more than 100 days after the issue of the writs)	8 June 2019	18 June 2019
<b>Meeting of Parliament</b> (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 June 2019 <sup>10</sup>	19 July 2019

Sources: Australian Electoral Commission; Parliamentary Library.

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

10. Although technically Sunday 9 June 2019, it would more likely be on Monday 10 June 2019; See footnote 6 above.

## States and territories

Each state and territory has its own provisions as to when elections are held. Table 4 (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 and Queensland 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 circumstances 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 a natural disaster.

**Table 4: States and territories: next election dates**

State/territory	Most recent	Actual/Fixed date	Earliest date	Latest date
Northern Territory	27 August 2016	22 August 2020		
Australian Capital Territory	20 October 2012	15 October 2016		
Western Australia	9 March 2013	11 March 2017		
South Australia	15 March 2014	17 March 2018		
Queensland	31 January 2015			14 April 2018
Victoria	29 November 2014	24 November 2018		
New South Wales	28 March 2015	23 March 2019		
Tasmania	15 March 2014			19 May 2018

Sources: state and territory electoral commissions; Parliamentary Library.

### 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](#) (NT) was repealed and substituted by section 4 of the [Electoral Amendment Act 2009](#) (NT). The new subsection 23(1) provides:

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,<sup>11</sup> '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'.<sup>12</sup>

### Australian Capital Territory

The Legislative Assembly has a fixed term. Section 100 of the [Electoral Act 1992](#) (ACT) provides that elections are to be held on the third Saturday in October every four years. If the date clashes with a Commonwealth election, then the ACT election must be deferred until the first Saturday in December. Furthermore, the election will 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.

### 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 are held on the second Saturday in March every four years.

11. [Electoral Act](#) (NT), sections 24, 25.

12. [Electoral Act](#) (NT), subsection 23(2).

## South Australia

The South Australian House of Assembly has a fixed term. According to section 28 of 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.<sup>13</sup>

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.<sup>14</sup> 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.

## Queensland

At a referendum on 19 March 2016 Queenslanders voted to approve a Bill to move to a fixed four-year parliamentary term from the date appointed for the return of the writs. In future, under the [Constitution of Queensland 2001](#) (to be amended by the [Constitution \(Fixed Term Parliament\) Amendment Act 2015](#) (Qld)), ordinary general elections are to be held on the fourth Saturday in October every four years. However, this will not come into effect until after the next Queensland election (the [Constitution \(Fixed Term Parliament\) Amendment Act 2015](#) (Qld) commences when the Governor of Queensland summons the Queensland Parliament to meet after the next general election).<sup>15</sup>

## Victoria

The Legislative Assembly has a fixed four-year term. Barring exceptional circumstances (for example, the date clashing with a Commonwealth election), elections are held on the last Saturday in November every four years.<sup>16</sup>

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](#) (NSW), 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.<sup>17</sup>

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).

## 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 on the first Saturday in May every year. Elections are on a six-year periodic cycle with elections for three members being held in one year, for two members the next year and so on.<sup>18</sup>

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

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

15. The [Constitution \(Fixed Term Parliament\) Amendment Act 2015](#) (Qld) was assented to on 5 May 2016; the next Queensland election is to be held by 14 April 2018.

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

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

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

## 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. Table 5 below 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
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
Northern Territory	24 March 2012	26 August 2017	
Western Australia	17 October 2015	21 October 2017	
Tasmania	14–28 October 2014	16–30 October 2018	
South Australia	7 November 2014	9 November 2018	
Queensland	19 March 2016	28 March 2020	

Sources: State and territory electoral commissions; Parliamentary Library.

### 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). Due to council merger processes, elections for councils subject to merger proposals are deferred. Elections for new councils will take place on 9 September 2017.<sup>19</sup>

### 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).

### Northern Territory

Elections for local councils are held every four years on the fourth Saturday in August. This is determined according to a process outlined in the [Local Government Act](#) (NT) (Chapter 8.1, section 85). Elections were due in March 2016 but, to avoid coinciding with federal and Northern Territory elections, the Act was amended to move these elections to August 2017 and to adopt a four-year cycle thereafter.

### 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).

### 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 are elected by full postal voting 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).

### 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).

19. See NSW Government, '[Stronger councils: stronger communities](#)', NSW Government Stronger Councils website, accessed 30 August 2016.

## 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). However, the most recent elections were brought forward by regulation to avoid the Easter period.

## All elections

Table 6 (below) 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, 2016–20**

Election date (actual or due)	Jurisdiction and type of election
<b>2016</b>	
10 September	New South Wales (local)
15 October	Australian Capital Territory (territory)
Between 4 and 21 October	Victoria (local – for councils conducting a postal vote election)
22 October	Victoria (local – for councils where voters must attend a voting centre)
<b>2017</b>	
11 March	Western Australia (state)
26 August 2017	Northern Territory (local)
9 September	New South Wales (local – for new councils)
21 October 2017	Western Australia (local)
<b>2018</b>	
17 March	South Australia (state)
By 14 April	Queensland (state)
By 19 May	Tasmania (state)
Between 4 August and 18 May 2019	Federal (simultaneous House of Representatives and half-Senate or half-Senate only)
Between 16 and 30 October	Tasmania (local)
9 November	South Australia (local)
24 November	Victoria (state)
<b>2019</b>	
23 March	NSW (state)
By 4 May	Federal (double dissolution)
By 18 May	Federal (simultaneous House of Representative and half-Senate or half-Senate only)
By 2 November	Federal (House of Representatives only)
<b>2020</b>	
28 March	Queensland (local)
22 August	Northern Territory (territory)

Sources: state and territory electoral commissions; Parliamentary Library.

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