

## ***Election of Senators Amendment Bill 2015***

### **EXPLANATORY MEMORANDUM**

#### **Purpose**

The purpose of the Election of Senators Amendment Bill 2015 is to amend the *Election of Senators Act 1903* to enable conformity with the *Commonwealth Electoral Act 1918*, with respect to the date for the close of electoral rolls for federal elections.

At present, section 3(1) of the *Election of Senators Act 1903* fixes the date for the close of the Senate electoral roll at three working days after the date of the writ. However, section 155 of the *Commonwealth Electoral Act 1918* provides for electoral rolls to close seven days after the writ is issued.

The *Election of Senators Act 1903* was amended in 2007 to maintain consistency with the Commonwealth's decision to shorten the period for the close of electoral rolls from seven days to three. However, no further WA amendments were made following the High Court of Australia's ruling in *Rowe v Electoral Commissioner* [2010] HCA 46 that the Commonwealth's shortened provisions were invalid.

As each Australian State has only one electoral roll and not separate Senate and House of Representatives electoral rolls, the current situation results in the Commonwealth Electoral Officer for Western Australia receiving writs from the Governor and the Governor General that have conflicting electoral roll closing dates.

The proposed amendment will ensure that writs issued by the Governor of Western Australia fix a date for the close of the electoral roll that is consistent with the date fixed by the Governor General in the Commonwealth writ.

In addition to increasing the time Western Australians have to enrol and update their details, the proposed amendment will also remove any concerns that section 3(1) of the *Election of Senators Act 1903* may be invalid.

#### **Clause Notes**

Clause 1 – Short title: Provides the short title of the amending Act.

Clause 2 – Commencement: Sets out the commencement provisions.

Clause 3 – Act amended: Provides the title of the Act that is being amended.

Clause 4 – Section 3 amended: Deletes section 3(1) and 3(1a) of the *Election of Senators Act 1903* and inserts:

- (1) The date fixed for the close of the rolls shall be the date specified in the *Commonwealth Electoral Act 1918* (Commonwealth) section 155.