

Senate Elections

No. 63 of 1966

An Act to make provision for the Election of Senators
at a General Election of Members of the
House of Representatives.

[Assented to 29 October 1966]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- Short title.** 1. This Act may be cited as the *Senate Elections Act 1966*.
- Commence-
ment.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Incorporation.** 3. This Act is incorporated and shall be read as one with the *Commonwealth Electoral Act 1918–1966* but to the extent to which this Act is inconsistent with that Act this Act has effect notwithstanding that Act.

4. In this Act, unless the contrary intention appears, “casual vacancy” means a vacancy in the place of a Senator occurring before the expiration of his term of service. Definition.

5.—(1.) This Act applies when one or more Senators for a State are, at a general election of Members of the House of Representatives, to be elected to fill casual vacancies. Application of Act.

(2.) Where there are two or more casual vacancies in the places of Senators for a State, the elections to fill those vacancies shall be conducted as one election.

6.—(1.) Where—

(a) there is one casual vacancy in the places of Senators for a State; or

(b) there are two or more such vacancies, being vacancies for periods terminating on the same date,

and the number of candidates is equal to or less than the number of vacancies, the candidate, or each candidate, shall be declared to have been duly elected, but if the number of candidates is greater than the number of vacancies, a poll shall be held.

(2.) Where—

(a) there are two or more casual vacancies in the places of Senators for a State, being vacancies for periods terminating on different dates; and

(b) the number of candidates is equal to or less than the number of vacancies for the period terminating on the later date,

the candidate, or each candidate, shall be declared to have been duly elected and to have been elected to fill a casual vacancy terminating on the later date, but if the number of candidates is greater than the number of vacancies for the period terminating on the later date, a poll shall be held.

(3.) At a poll referred to in the last preceding sub-section, each vacancy for a period terminating on the later date shall be filled before any vacancy for a period terminating on the earlier date.

7.—(1.) A candidate, who is, at the date of the election, a Senator elected at a previous election is not capable of being nominated unless, on or before the day of nomination, he has delivered to the Commonwealth Electoral Officer for the State in respect of which he is a candidate his resignation in accordance with Form A in the Schedule to this Act of his place as a Senator. Provisions with respect to Senator-candidates.

(2.) A resignation delivered in pursuance of the last preceding sub-section is irrevocable but is conditional upon the Senator to whom it applies being elected.

(3.) If a Senator to whom a resignation delivered under sub-section (1.) of this section applies is elected, the Commonwealth Electoral Officer shall forward the resignation to the President of the Senate or, if there is no President or the President is absent from the Commonwealth, to the Governor-General.

(4.) If the Senator is not elected, the Commonwealth Electoral Officer shall forthwith return the resignation to the Senator.

Writs.

8. Where, in a State—

- (a) there is one casual vacancy only, or there are casual vacancies for periods terminating on the same date, the writ for the election may be in accordance with Form B in the Schedule to this Act; or
- (b) there are casual vacancies for periods terminating on different dates, the writ for the election may be in accordance with Form C in the Schedule to this Act.

Nominations.

9. In an election to which this Act applies, nominations may be in accordance with Form D in the Schedule to this Act.

Declaration of election.

10. The Commonwealth Electoral Officer shall—

- (a) in declaring the result of an election to which this Act applies and the name of the candidate or the names of the candidates elected at such an election, declare the period for which each candidate is elected; and
- (b) in certifying by endorsement on the writ the name of the candidate or the names of the candidates elected at such an election, certify the period for which each candidate is elected.

Powers of Court of Disputed Returns.

11. Where in a State there are casual vacancies to which this Act applies for periods terminating on different dates, the powers of the Court of Disputed Returns in respect of a petition disputing the election or return include power—

- (a) to declare that a candidate who was not returned as elected was elected to fill a casual vacancy for a period terminating on a specified date; or
- (b) to declare that a candidate who was returned as elected to fill a casual vacancy for a period terminating on one date was elected to fill a casual vacancy for a period terminating on a different date.

THE SCHEDULE

FORM A

Section 7.

To the President of the Senate.

or

To His Excellency the Governor-General.

I, _____, being a Senator for the State of (*here insert name of State*) whose term of service expires on the thirtieth day of June (*here insert the year in which the term of service expires*) and being a candidate for election as a Senator for the State of (*here insert name of State*) at the election to be held in pursuance of the writ issued on the _____ day of _____, 19____, hereby resign my place as Senator, conditionally upon my being elected, as from the date of my election.

Dated this _____ day of _____, 19____.

(*Signature*)

FORM B

Section 8.

Writ for the Election of (*here insert "a Senator" or "Senators"*)

COMMONWEALTH (Coat of Arms) OF AUSTRALIA

HER MAJESTY THE QUEEN

To _____, the Commonwealth Electoral Officer for the State of (*here insert name of State*),

GREETING:

We command you to cause election to be made according to law of (*here insert the number of casual vacancies to be filled*) Senator(s) for our State of (*here insert name of State*) to serve in the Senate of the Parliament of the Commonwealth of Australia from and after the date of (*here insert "his" or "their"*) election until the thirtieth day of June (*here insert the year in which the vacancy or vacancies will terminate*). And we appoint the _____ day of _____, 19____, at twelve o'clock noon, to be the day and time before which nominations of Senators at and for the said election are to be made. And we appoint the _____ day of _____, 19____, to be the day on which the poll is to be taken in the event of the said election being contested. And we appoint (*here insert name of building*) at (*here insert name of town*) to be the place of nomination at the said election. And we command you to endorse on this our writ the name(s) of the Senator(s) elected and to return it so endorsed to our Governor in and over our said State on or before the _____ day of _____, 19____.

Witness (*here insert the title of the Governor of the State issuing the writ*) at (*here insert place*) in our said State the _____ day of _____ in the year of our Lord One thousand nine hundred and _____.

By His Excellency's Command.

FORM C

Section 8.

Writ for the Election of Senators

COMMONWEALTH (Coat of Arms) OF AUSTRALIA

HER MAJESTY THE QUEEN

To _____, the Commonwealth Electoral Officer for the State of (*here insert name of State*),

GREETING:

We command you to cause election to be made according to law of (*here insert the number of casual vacancies to be filled*) Senators for our State of (*here insert name of State*) of whom (*here insert the number of casual vacancies to be filled for the period terminating on the earlier date*) shall serve in the Senate of the Parliament of the Commonwealth of Australia from and after the date of (*here insert "his" or "their"*) election until the thirtieth day of June (*here insert the year in which the vacancy or vacancies will terminate*) and (*here insert the number of casual vacancies to be filled for the period terminating on the later date*) shall serve in the Senate of the Parliament of the Commonwealth of Australia

THE SCHEDULE—continued

from and after the date of (*here insert "his" or "their"*) election until the thirtieth day of June (*here insert the year in which the vacancy or vacancies will terminate*). And we appoint the _____ day of _____, 19____, at twelve o'clock noon, to be the day and time before which nominations of Senators at and for the said election are to be made. And we appoint the _____ day of _____, 19____, to be the day on which the poll is to be taken in the event of the said election being contested. And we appoint (*here insert name of building*) at (*here insert name of town*) to be the place of nomination at the said election. And we command you to endorse on this our writ the names of the Senators elected and to return it so endorsed to our Governor in and over our said State on or before the _____ day of _____, 19____.

Witness (*here insert the title of the Governor of the State issuing the writ*) at (*here insert place*) in our said State the _____ day of _____ in the year of our Lord One thousand nine hundred and _____.

By His Excellency's Command.

FORM D

Section 9.

COMMONWEALTH OF AUSTRALIA

Senate Elections Act 1966

State of (*here insert name of State*)

Nomination of Senator

To the Commonwealth Electoral Officer for the State of (*here insert name of State*).

We, the undersigned electors on the Electoral Roll for the State of (*here insert name of State*), and entitled to vote at the election of Senators for the said State do hereby nominate (*here insert the christian name or names in full, surname, place of residence and occupation of the person nominated*) as a Senator for the State of (*here insert name of State*) to serve in the Senate of the Parliament of the Commonwealth.

Dated this _____ day of _____, 19____.

Signature of Nominator	Place of Living	Subdivision for which enrolled	Number on Roll

I, _____ of _____, consent to the above nomination and to act if elected and declare that I am qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator.

(Signature of Candidate)

Witness—

Address—

Note.—The candidate's consent to the nomination and his declaration of qualification may be on a separate paper and in any form, but if given on the nomination paper in the above form their sufficiency is not to be questioned.

A nomination must be signed by not less than six persons entitled to vote at the election for which the candidate is nominated.