SENATE (REPRESENTATION OF TERRITORIES) AMENDMENT BILL 1980

Date Introduced: 28 February 1980
House: House of Representatives
Presented by: Hon. J.E. McLeay, M.P., Minister for Administrative Services

Short Digest of Bill

Purpose

To introduce the same method for filling Senate casual vacancies for the Territories as that now in the Constitution for filling Senate casual vacancies for the States.

Background

The Senate (Representation of Territories) Act 1973 was passed at the joint sitting in 1974. It provides for two Senators each for the Northern Territory and the Australian Capital Territory (including Jervis Bay). These are chosen by the people of each Territory voting as one electorate, subject to normal enrolment requirements. Elections are held at the same time as House of Representatives elections and the term of a Territory Senator commences immediately on election and continues only until the day before polling day at the next House of Representatives election. Casual vacancies are currently filled at by-elections.

Senate casual vacancies in the States are, since the Constitution was amended in 1977, filled by an appointment by a joint sitting of both Houses of the Parliament of the relevant State (or in Queensland the Legislative Assembly) with provision for interim appointments by the executive in the State if Parliament is not sitting. The appointed person holds office until the expiration of the term of the Senator whose place became vacant and, if that Senator at the time of election was endorsed and campaigned as a representative of a political party, the person chosen must be a member of the same political party if there is a member of that party available.

Provisions

Clause 3 substitutes a new section 9 which provides as follows:
Casual vacancies for the Northern Territory are to be filled by a person chosen by the Legislative Assembly with interim appointments by the Administrator if the Assembly is not sitting.

Casual vacancies for the Australian Capital Territory are to be filled by a person chosen at a joint sitting of the Senate and the House of Representatives with interim appointments by the Governor-General if Parliament is not sitting.

The person chosen holds office until the expiration of the original Senator's term which is the day before the polling day for the House of Representatives election.

If the vacancy is for the place of a Senator who was endorsed and campaigned as a member of a particular party the person chosen is to be a member of the same party if there is one available; if the person chosen ceases to be a member of the party before taking his seat he is deemed not to have been chosen.

The amendments are to operate from a date to be proclaimed (clause 2). Once in operation the new procedures will apply to all vacancies including any vacancies that have already arisen (clause 4).