

WESTERN AUSTRALIAN SENATE ELECTION — STATE ROLE

35. MR N.W. MORTON to the Premier:

The High Court's decision on the Western Australian Senate election was handed down today. Can the Premier please outline to the house the role of the state in the election process?

Mr C.J. BARNETT replied:

I thank the member for the question. As members are no doubt aware, the High Court, sitting as the Court of Disputed Returns, today declared the Western Australian Senate election result void. That clearly sets us down the path of a re-run of the Senate election in this state for all six Senate positions that are available. That is as a result of the loss of 1 370 Senate votes. This is new territory not only constitutionally, but also in a legislative sense. It is the first time in Australian history that a single state has effectively gone to a full Senate election. The only precedent was in 1907 in South Australia when there was a revote for a single Senate position.

Members may not be aware—I confess I was not aware of this before the issue arose—that the process is a little different. It is not altogether clear how it will be followed. This is what will happen, to the best of my advice: first, the Commonwealth Electoral Act 1918 regulates the election of members to the House of Representatives. What is less known is that Western Australia's Election of Senators Act 1903 regulates the election of senators from Western Australia. Each state has equivalent legislation—obviously, since the early years of Federation. The Western Australian legislation provides that for the election of senators, the Western Australian government will proclaim the dates for the closing of the rolls, the nomination of candidates and the election itself. The Governor will fix these dates on the advice of the state government through Executive Council. That would be the normal process.

I will seek further advice prior to that advice going to the Governor. I expect that process will probably start tomorrow and be sorted out over the next couple of days. There will be advice from the commonwealth government formally, but I stress that we are taking great care to make sure that everything is done correctly. The role that the state plays in this and the proclamation ultimately by the Western Australian Governor is a correct procedure. I expect that to play out over the next couple of working days.