

ELECTION OF SENATORS AMENDMENT BILL 2007

EXPLANATORY MEMORANDUM

Purpose

The purpose of the Bill is to amend the *Election of Senators Act 1903* to bring it into conformity with the *Commonwealth Electoral Act 1918* with respect to the establishment of a date for the close of rolls for a Federal election. An inconsistency between the Western Australian and the Commonwealth legislation has arisen as a result of amendments to the Commonwealth Act.

Currently section 3(1) of the *Election of Senators Act 1903* establishes the close of rolls as seven days after the date of the writ.

Section 155 of the *Commonwealth Electoral Act 1918* was amended last year, establishing the date of the close of rolls for a Federal election as the third working day after the date of the writ. In general, however, the rolls will close on the day on which the writs are issued as section 102(4) of the Commonwealth Act, for example, directs that enrolment claims after the date of the writ are not to be processed until after the election. There are three exceptions to this. The rolls will close on the third working day after the writ for those people:

- who are already enrolled but who need to update their details;
- who are not enrolled but will attain the age of 18 years of age between the day on which the writ is issued and polling day; and
- eligible to become Australian citizens between the date of the writ and the polling day.

Clause notes

Clause 1: Provides the short title of the Act.

Clause 2: Set out the commencement provisions.

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

Clause 4: Repeals section 3(1) of the *Election of Senators Act 1903*.

A new section 3(1) establishes the date for the close of rolls to be the third working day after the date of the writ. The note sets out that, under the Commonwealth Act, in general the rolls close on the day of the writ.

Subsection 3(1a) defines 'working day' as defined in the Commonwealth Act, that is, excludes a Saturday, Sunday and any day that is a public holiday in any State or Territory.