

# COMMONWEALTH ELECTORAL AMENDMENT ACT 1977

## No. 14 of 1977

An Act to amend Part III of the *Commonwealth Electoral Act* 1918.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. (1) This Act may be cited as the *Commonwealth Electoral Amendment Act* 1977.<sup>1</sup> Short title,  
&c.

(2) The *Commonwealth Electoral Act* 1918<sup>2</sup> is in this Act referred to as the Principal Act.

2. (1) This Act shall come into operation on the day on which the *Representation Amendment Act* 1977 comes into operation. Commence-  
ment.

(2) A provision inserted in the Principal Act by a section of this Act shall come into operation on the date of commencement of this Act.

3. Section 4 of the Principal Act is repealed. Parts.

4. Before section 15 of the Principal Act the following section is inserted in Part III:—

“14A. In this Part, ‘determination’ means a determination made under section 9 of the *Representation Act* 1905.” Definition.

5. Section 16 of the Principal Act is amended by omitting from sub-sections (1) and (2) the word “may” and substituting the word “shall”. Distribution  
Com-  
missioners.

6. Section 18A of the Principal Act is amended by inserting in sub-section (1), after the word “shall,”, the words “ as soon as practicable after they have been appointed,”. Suggestions  
relating to  
distribution.

7. Section 19 of the Principal Act is amended by adding at the end thereof the following sub-sections:— Matters to be  
considered in  
distribution  
of a State.

“(2) A proposed distribution of a State shall be such that no large Division contains a greater number of electors than—

- (a) if there are two or more small Divisions—the number of electors contained in whichever of those small Divisions contains the least number of electors; or
- (b) if there is only one small Division—the number of electors contained in that Division.

“(3) In sub-section (2)—

‘large Division’ means a proposed Division having an area of 5,000 square kilometres or more;

‘small Division’ means a proposed Division having an area of less than 5,000 square kilometres.”.

Report of  
Distribution  
Com-  
missioners.

8. Section 23 of the Principal Act is amended by omitting the word “immediately” and substituting the words “as soon as practicable”.

Proclamation  
of Divisions.

9. Section 24 of the Principal Act is amended—

(a) by omitting from sub-section (1) the word “may” and substituting the words “shall, as soon as practicable thereafter, whether or not a dissolution or prorogation of the Parliament or a dissolution or expiration of the House of Representatives has since occurred,”; and

(b) by inserting in the proviso to sub-section (1), after the words “such election”, the words “, other than an election to which sub-section (2) of section 25A applies,”.

Re-  
distribution.

10. Section 25 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-sections:—

“(2) A Proclamation for the purposes of sub-section (1)—

(a) shall be made forthwith after the making of a determination that results in an alteration in the number of Members of the House of Representatives to be chosen for the State; and

(b) may be made—

(i) whenever in one-fourth of the Divisions of the State the number of electors differs from a quota ascertained in accordance with this Part to a greater extent than one-tenth more or one-tenth less; and

(ii) at such other times as the Governor-General thinks fit.

“(3) A Proclamation directing the re-distribution of a State into Divisions may be made under sub-section (2) notwithstanding that, at the time when it is made, a re-distribution of that State has been directed by an earlier Proclamation and, in such a case, the later Proclamation does not prevent sections 16 to 24 (inclusive) from continuing to apply for the purposes of the re-distribution directed by the earlier Proclamation.

“(4) A Proclamation shall not be made in relation to a State by virtue of sub-paragraph (i) of paragraph (b) of sub-section (2) within a period of 7 years after the last making of a Proclamation in relation to that State under sub-section (1) of section 24.”.

11. After section 25 of the Principal Act the following section is inserted in Part III:—

“25A. (1) Where, for the purposes of a general election of Members of the House of Representatives, a State is not distributed into Divisions equal in number to the number of Members of that House to be chosen for that State in accordance with the relevant determination applicable to that election, that State shall be one electorate for the purposes of that election. Elections at large.

“(2) For the purposes of an election to fill a vacancy in a House of Representatives, being an election in a State that was one electorate for the purposes of the election of that House, that State shall be one electorate.

“(3) In sub-section (1), ‘general election’ means an election that is an ordinary general election for the purposes of the *Representation Act* 1905, and includes any general election to which sub-section (1) of section 9 of the *Representation Amendment Act* 1977 applies.”.

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#### NOTES

1. Act No. 14, 1977; assented to 28 February 1977.
2. Act No. 27, 1918, as amended. For previous amendments *see* Act No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 10, 1924; No. 20, 1925; No. 17, 1928; No. 2, 1929; No. 9, 1934; No. 19, 1940; No. 42, 1946; No. 17, 1948; Nos. 10 and 47, 1949; No. 106, 1952; No. 79, 1953; No. 26, 1961; No. 31, 1962; Nos. 48 and 70, 1965; Nos. 32 and 93, 1966; No. 7, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 38, 1974; and No. 56, 1975.