

Electoral (Constitutional) Amendment Bill 2015

Explanatory Notes

Short title

The short title of the Bill is the *Electoral (Constitutional) Amendment Bill 2015*.

Policy objectives and the reasons for them

The objective of the Bill is to:

1. Align the provisions for the calling of elections with amendments proposed by the Constitution (Fixed Term Parliament) Amendment Bill 2015.

Achievement of policy objectives

To achieve this objective, the Bill will amend the *Electoral Act 1992*.

Alternative ways of achieving policy objectives

There are no known alternate ways of achieving the same policy objectives.

Estimated cost for government implementation

The estimated cost for a referendum on the Constitution (Fixed Term Parliament) Amendment Bill 2015 would depend on whether or not it was held in conjunction with a local government election or state election, or as a standalone vote.

Consistency with fundamental legislative principles

The Bill is consistent with fundamental legislative principles.

Consultation

The LNP Opposition has publicly referred to this issue and its support for fixed four year terms on several occasions this year and has also been consulting with Queenslanders through a feedback survey. We have also begun the process of discussing the issue with academics, the Queensland Law Society and Bar Association of Queensland.

Consistency with legislation of other jurisdictions

New South Wales was the first Australian jurisdiction to adopt a four year fixed parliamentary term in 1995 (having initially moved to a 4 year term). Since that time, most Australian parliaments – apart from the Commonwealth and Queensland lower houses – have followed suit, often also raising the parliamentary term from 3 years to 4 years if this had not already been the case.

Notes on provisions

Clause 1 refers to the short title of the Bill.

Clause 2 refers to the Bill amending the *Electoral Act 1992*.

Clause 3 is a consequential amendment of clause 6 of the Constitution (Fixed Term Parliament) Amendment Bill 2015 and deals with the process whereby writs are issued by the Governor.

Clause 4 amends section 83 of the *Electoral Act 1992* regarding writs issued by the Speaker and the election of a vacancy in the membership of the Legislative Assembly.

Clause 5 is a consequential amendment of clause 6 of the Constitution (Fixed Term Parliament) Amendment Bill 2015 dealing with the form and content of writs.

Clause 6 amends section 86 regarding changing the time limits for issuing of a writ for a general election, ensuring that terms of the Legislative Assembly are fixed in duration.

Clause 7 inserts a transitional provision to ensure that these amendments do not take place until the day on which the writ for the next general election is returned, similar to clause 7 of the Constitution (Fixed Term Parliament) Amendment Bill 2015.