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Senators' Elections Amendment Bill 2007

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SENATORS' ELECTIONS AMENDMENT BILL 2007

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Bill introduced on motion by Mr John Aquilina, on behalf of Mr Morris Iemma.

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Leader of the House) [4.51 p.m.], on behalf of Mr Morris Iemma: I move:

That this bill be now agreed to in principle.

The Commonwealth has recently amended the Commonwealth Electoral Act 1918 to reduce the close-of-rolls period for Commonwealth elections from seven days to three days after the writ for an election has been issued. This reduced close-of-rolls period applies to enrolled electors who need to update their details. In addition, in the case of most new enrolments and re-enrolments, the roll will close at 8.00 p.m. on the day on which the writ is issued. The effect of these reforms is that the Commonwealth Act is now inconsistent with the close-of-rolls section in the New South Wales Senators' Elections Act. That section provides that the rolls close for the election of senators from New South Wales seven days after the writ is issued.

New South Wales has serious concerns about the Commonwealth amendments. Many voters do not fix up their enrolment details until they become aware that an election has been called. Given that the Prime Minister has a broad discretion to determine the timing of the election, the effect of these reforms is that it will now be too late for many people to enrol once a Commonwealth election is called. Even if they fix up their enrolment details these people will not be able to vote until the following election. Despite these concerns, I am advised that under the Commonwealth Constitution the New South Wales Government cannot prevent these Commonwealth reforms. Further, the close-of-rolls provision in the New South Wales Act has no legal force and has been displaced by the Commonwealth close-of-rolls provisions.

It would not be desirable for New South Wales to leave the New South Wales Act as it is because this would create a direct inconsistency with the Commonwealth Act and it might create confusion. Accordingly, it is proposed to remove the close-of-rolls provision from the New South Wales Act altogether. The bill does just that by repealing the close-of-rolls provision in section 4 of the Senators' Elections Act. I reiterate the New South Wales Government's reservations about the Commonwealth reforms. The potential unfairness of the Commonwealth changes must be countered by a widespread enrolment education campaign. This campaign should take place well before the next Commonwealth election is called. I urge all voters to check their enrolment details now so they will be able to exercise their right and fulfil their obligation to vote in the next Commonwealth election. I commend the bill to the House.

Debate adjourned on motion by Mr Thomas George and set down as an order of the day for a future day.

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