

Authorised Version No. 024
Senate Elections Act 1958

No. 6365 of 1958

Authorised Version incorporating amendments as at
18 October 2012

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An Act to consolidate the Law relating to the Election of
Senators for Victoria to the Senate of the Commonwealth.¹

**BE IT ENACTED by the Queen's Most Excellent Majesty by
and with the advice and consent of the Legislative Council
and the Legislative Assembly of Victoria in this present
Parliament assembled and by the authority of the same as
follows (that is to say):**

1 Short title and commencement

This Act may be cited as the **Senate Elections
Act 1958**, and shall come into operation on a day
to be fixed by proclamation of the Governor in
Council published in the Government Gazette.

2 Repeal and savings

- (1) The Act mentioned in the Schedule to the extent
thereby expressed to be repealed is hereby
repealed accordingly.
- (2) Except as in this Act expressly or by necessary
implication provided—
 - (a) all persons things and circumstances
appointed or created by or under the repealed
Act or existing or continuing under that Act
immediately before the commencement of
this Act shall under and subject to this Act
continue to have the same status operation
and effect as they respectively would have
had if that Act had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any order notice nomination matter or thing done made effected issued granted given fixed or existing or continuing by or under the repealed Act before the commencement of this Act.

No. 3769 s. 3.
S. 3
amended by
No. 10108
s. 4(b).

3 Power to fix dates for election and place of nomination

For the purpose of the elections of Senators for Victoria of the Parliament of the Commonwealth the Governor in Council may from time to time by order published in the Government Gazette fix the dates for—

- (a) the issue of the writ;
- (ab) the close of the Rolls;

S. 3(ab)
inserted by
No. 10108
s. 4(a).

- (b) the nomination of the candidates;
- (c) the polling; and
- (d) the return of the writ.

No. 3769 s. 4.

4 Limits within which dates may be fixed

- (1) The date fixed for the close of the Rolls shall be seven days after the date of the writ.

S. 4(1)
substituted by
No. 10108
s. 5(a).

- (1A) Subject to subsection (1B), the date fixed for the nomination of the candidates shall not be less than 10 days nor more than 27 days after the date of the writ.

S. 4(1A)
inserted by
No. 10108
s. 5(a),
amended by
No. 24/1999
s. 45(a).

- (1B) Where a candidate for an election dies, after being nominated and before twelve o'clock noon on the day fixed by the writ as the date of nomination for the election, the day fixed as the date of nomination for the election shall, except for the purposes of subsection (2), be taken to be the day next succeeding the day so fixed. **S. 4(1B) inserted by No. 10108 s. 5(a).**
- (2) The date fixed for the polling shall not be less than 23 days or more than 31 days after the date for the nomination of candidates. **S. 4(2) amended by Nos 10108 s. 5(b), 24/1999 s. 45(b).**
- (3) The date fixed for the return of the writ shall not be more than 100 days after the date of the writ. **S. 4(3) amended by No. 31/1988 s. 28(a).**
- 5 Dates and place of nominations to be specified in the writ** **No. 3769 s. 5.**
S. 5
amended by
No. 10108
s. 6(a)(b).
- The writ shall bear date as of the day of issue, and the dates fixed for the close of the Rolls, the nomination of candidates the polling and the return of the writ shall be specified therein.
- 6 Time for nomination** **No. 3769 s. 6.**
- Nomination must be made at some time after the issue of the writ and before twelve o'clock noon on the day of nomination.
- 7 Polling places** **No. 3769 s. 7.**
- The polling shall be taken at all polling places within the State appointed under the law of the Commonwealth for the time being in force for the regulation of Parliamentary elections.
- 8 Day of polling** **No. 3769 s. 8.**
- The day fixed for the polling shall be a Saturday.

No. 3769 s. 9.
S. 9
amended by
No. 10108 s. 7.

9 Hours of polling

The poll shall be open at eight o'clock in the morning and shall not close until all electors in the polling booth at six o'clock in the afternoon and desiring to vote have voted.

No. 3769 s. 10.
S. 10
amended by
No. 31/1988
s. 28(b).

10 Power to extend time and make provision to meet difficulties

The Governor may by notice published in the Government Gazette provide for extending the time for holding the election or for returning the writ or meeting any difficulty which might otherwise interfere with the due course of the election and any provision so made shall be valid and sufficient.

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Sch.

SCHEDULE

Section 2.

<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Repeal</i>
3769	Senate Elections (Times and Places) Act 1928	The whole

ENDNOTES

1. General Information

The **Senate Elections Act 1958** was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 893.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Senate Elections Act 1958** by Acts and subordinate instruments.

Senate Elections (Amendment) Act 1984, No. 10108/1984

Assent Date: 25.9.84
Commencement Date: 25.9.84
Current State: All of Act in operation

The Constitution Act Amendment (Electoral Procedures) Act 1988, No. 31/1988

Assent Date: 17.5.88
Commencement Date: S. 28 on 2.9.88: Special Gazette (No. 79) 2.9.88 p. 1
Current State: This information relates only to the provision/s amending the **Senate Elections Act 1958**

The Constitution Act Amendment (Amendment) Act 1999, No. 24/1999

Assent Date: 25.5.99
Commencement Date: S. 45 on 8.6.99: s. 2
Current State: All of Act in operation

3. Explanatory Details

¹ See section 9 of the Commonwealth of Australia Constitution Act.