

# What an Election Writ Looks like

ABC Election Analyst

Posted Thu 18 Jul 2013 at 12:00am, updated Tue 20 Mar 2018 at 12:58pm

What does an election writ look like?

Below is a copy of a writ for the 2012 Queensland election, helpfully available on the internet via the Electoral Commission Queensland. It's printed on heavy paper and has a traditional wax seal, quaint 19th century wording and font, and sets out the formal dates for all the required steps of the election. (Click the image for a larger version)



The Commonwealth's writs are similar. They are definitely not the sort of document you print quickly in A4 from a laser printer.

The Governor General signs three ten writs. one which becomes the writs for 150 House of

Representatives elections One is issued for each state and territory, triggering election in all divisions in the state. There are also separate writs for the ACT Senate election and the Northern Territory Senate election.

Once the Prime Minister visits the Governor-General and requests a dissolution of the House and an election, and in the current case is almost certainly granted the request at once, the preparation and notification process slips into gear, and all the states have to act to arrange for the Senate writs to be issued.

Before writs are issued, the Governor-General issues a proclamation to prorogue the Parliament and dissolve the House of Representatives. Generally the Official Secretary delivers the proclamation on the Great Verandah of Parliament House, after which it is posted outside of the House of Representatives chamber. This document has affixed to it the Great Seal of Australia. It is this document that a Prime Minister would bring to Government House when advising the Governor-General to call an election.

The writs for the six state Senate election are signed by each State's Governor. The drawing up of the writ and instruction to sign it are through the state's Executive Council, in effect on the advice of the Premier.

The practice is for Senate writs to use the same dates for nominations and polling as the House writ, but there is no law forcing this. Each state has its own legislation governing the conduct of Senate elections, but these effectively mimic the Commonwealth Electoral Act. The issue of the Queensland Senate writ in 1974 at the height of the 'Gair Affair' is one of the rare instances of a state acting independently on Senate writs.

Elections must be held on a Saturday and the minimum campaign period is 33 days. That means that for a minimum campaign, the writs must be issued on the Monday just under five weeks before the election. The day the writ is issued becomes day zero and the writ is deemed to apply from 6pm on the day of issue.

An election on 24 August would require the writs to be issued on Monday 22 July at the very latest. That probably means the Governor-General visit and the calling of the election would be this weekend, with writs issued on Monday. An election announced on Monday would probably see writs issued later in the week which means 31 August becomes the first available polling day.

Writs can be fascinating documents in their own right. Several years ago I worked on a project cataloguing NSW election results. This meant first finding the dates of 19th century by-elections, and the best source for nomination and polling dates was the bound sets of writs in the Parliamentary Archives.

In the 19th century writs were issued for individual electorates. By-elections writs were signed by the Speaker and dispatched to the Returning Officer. The writ required the Returning Officer to conduct public nominations on a specified day, to poll of those present at the nominations, and if requested by six people present at the nominations, to conduct an election on the date stated on the writ.

After this process, the writ would be 'returned' with the name of the returned member noted on the writ by the Returning Officer. When introduced on the floor of the Assembly, the new member would then

sign the back of the writ before being sworn in.

This meant the writs were signed by all the people involved. I have a particular memory of a writ for an East Sydney by-election in 1883. On the front it was signed by the Speaker, Edmund Barton, who went on to be Australia's first Prime Minister. On the back it was signed by the by-election victor, George Reid, who later became Premier and eventually Australia's fourth Prime Minister.

Today's writs may be a little less romantic, but the whole process of their issue and return is still a reminder of their ancient origin as being the issuing of a command by the King.

## Comments

Antony,

A little off topic but are there any restrictions as how early/late Parliament can first sit after the election?

COMMENT: Section 5 of the Constitution states that "After any general election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs." That is the date actually mentioned in the writ, not the usually earlier date on which the writs are returned.

- **Luke** *July 18, 2013 at 04:38 PM*

I'm a little bit confused about the issue of the proclamation proroguing parliament and dissolving the HoR, you said that this proclamation is issued first then the PM takes this to the GG requesting writs are issued. Does this mean that the PM has to visit the GG twice, once to request the proclamation and then a 2nd time to request the writs ? I assume that if that is the case the "Trip to the GG" that is stalked by the media pack in front of the GG's residence is actually the request to issue the proclamation, followed by an official announcement by the secretary then PM announcing the date, and then there is actually a 2nd (usually unpublicised) trip for the actual writs ?

COMMENT: It is one trip requesting a dissolution and the issue of writs for an election. The request for a dissolution is one that the Governor General may or may not accept, but almost always accepts. I am advised the PM brings the appropriate paperwork which is then issued as a proclamation by the Governor-General.

If the dissolution advice is accepted, then advice in accordance with the provisions of the Electoral Act and the Constitution will be used by the Governor-General to issue the writs.

- **Geoffrey Ward** *July 19, 2013 at 11:02 AM*

Hi Antony,

If Rudd fails to submit a writ in the allowable time, leading to the Governor General taking action, what would the possible election dates for this scenario be?

COMMENT: The election has to be held by 30 November. If the parliament expired and the PM did not act within 10 days to advise the Governor-General to issue writs for an election, then the Governor-General would have little other option than to dismiss the Prime Minister and appoint someone else as Prime Minister who would act according to their constitutional obligations.

The Constitution is specific on writs. The Governor-General issues them 'in Council', that is on advice. The Governor-General has no power to issue them of their own choice, but they have the power to withdraw a Prime Minister's commission and appoint someone else who will offer advice. The Constitution states what the Governor-General must do within ten days of the House being dissolved, and they must be advised accordingly.

This scenario will not happen as Mr Rudd will offer advice.

- **Jude** July 19, 2013 at 05:02 PM

Antony, just a follow-up question to the one posted by Luke and your response to it: Is the date mentioned on the writ for the return of writs necessarily 100 days from its issue? (The AEC website says this is allowed timeframe, but I'm just not 100% sure if this is the timeframe used since I can't actually find an example of a federal writ).

Also, assuming parliament does sit after the election in 2013, since it normally seems to sit a month after an election, would it necessarily use the current 2013 sitting calendar to determine when it sits? Or, put another way, would parliament sit in the first already-scheduled parliamentary sitting period after the return of writs (1-3 October, 21-31 October, or 18-28 November)? Or would it determine new dates to sit?

COMMENT: The new Prime Minister will advise the Governor-General of a date when the new Parliament should assemble, and the Governor-General will then summon the sitting. The sitting can be at any time within the parameters set down in the Electoral Act and the Constitution.

The Act specifies a maximum period for the Return of the Writ, but the actual time will be set out in the writ. The writ will almost always be returned early and the parliament sit before the date originally set for the return. The long period of the original writ only comes into play for November and December elections, in which case the writ period is used to defer the new sitting until early February.

- **Sean** July 19, 2013 at 05:11 PM

Antony,

At which time, after the issue of the writs, do nominations close for the House and Senate elections, so that the Electoral Commission can produce the Voting Papers?

COMMENT: The date that nominations close is specified in the writ. The Electoral Act states the date must be between 10 and 27 days after the issue of the writ.

There must also be between 23 and 31 days from the close of nominations to polling day.

If the usual 5 week/33 day campaign is used, then writs are issued on Monday of week 1, nominations close on Thursday of week two and are publicly released the next day. Early voting starts in week three and polling day is on the Saturday at the end of week five.

But as I said, the only dates that matter are the ones printed on the writ.

- **Paul Bowler** *July 19, 2013 at 05:52 PM*

Why are some parts crossed out?

COMMENT: I corrected an error in the first draft and struck out the previous text so the correction could be seen.

- **Shane Marsh** *July 20, 2013 at 12:19 AM*

I am not sure I agree with you that advice of the PM is always required for the GG to issue a writ. To take a wildly improbable, but not totally impossible, scenario: a PM might leave advising the GG to the last moment, and then die before getting to Government House. In that case, could not another Minister advise the GG?

Alternatively, in an extreme case couldn't the GG act without advice? The Constitution says a writ "shall be issued within ten days from the expiry of a House of Representatives ...". Plainly this is mandatory. As a last resort, it seems that issue of a writ by the GG without advice would be valid. If the High Court were to subsequently nullify the writ, total chaos would ensue.

COMMENT: You have got that wrong. Section 28 of the Constitution states that the Governor-General may dissolve the House, but this is a prerogative power, one where the Governor-General may or may not accept the advice. This is advice offered by the Prime Minister. In the scenario you suggest, another Minister would not offer advice, another minister would be appointed Prime Minister before offering the advice. That's essentially what happened in 1975 when Malcolm Fraser was appointed Prime Minister.

The issuing of writs is specified in Section 32 and states they are issued by the 'Governor General in Council'. These are executive orders signed by the Governor-General but determined by a meeting of the Executive Council. It is not a prerogative power that the Governor-General can exercise independently.

- **Alvin Hopper** *July 20, 2013 at 09:52 AM*

Where do the old writs end up?

ANSWER: The archives.

- **Someguyontheinternet** *July 23, 2013 at 07:13 PM*



## This site uses cookies



The ABC uses cookies to improve your experience.

ACCEPT ALL COOKIES

ABC REQUIRED COOKIES ONLY