

# Determining Senate terms following a double dissolution

Section 13 of the Australian Constitution states that as soon as possible after the Senate first meets it must determine for each state, the Senators who receive six year terms and the Senators who receive three.

The term of Senators in the two territories are linked to the House of Representatives term.

To assist the Senate, section 282 of the *Commonwealth Electoral Act 1918* provides that following a double dissolution of Parliament, the Australian Electoral Officer in each state conducts a recount of the ballot papers.

The purpose of the recount for each state is to determine the order of election, as if the number of vacancies was half the number that was vacant for the double dissolution and the only candidates were those elected at the election.

The recount:

- only includes elected Senators and the ballot papers that have one or more preferences for those Senators.
- only includes formal Senate ballot papers.

- does not include ballot papers that do not have any preferences for an elected Senator.

## Order of s282 recount

1. Using the AEC's automated system ascertain the number of first preference votes given for each candidate in the recount – for each of the 12 elected Senators.
2. Alter the preference numbers for elected Senators so that the candidate for the recount with the lowest preference is treated (unless it is already a first preference) as a first preference and the second lowest preference, for an elected Senator, is altered to be the second preference.

3. Continue until there are no more preferences for elected Senators.
4. Calculate the quota by dividing the total number of first preference votes by one more than half the number of candidates required to be elected and adding one to the result (ignoring any remainder).
5. Conduct the scrutiny to get the results.
6. The Electoral Commissioner advises the outcome to the Clerk of the Senate.

The Senate is not bound by the outcome of the section 282 recount in determining Senate terms.

The section 282 recount does not affect the result of the election.

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