

# It can't be stopped: the election is coming, ready or not

Conspiracy theorists have speculated that the PM could simply put off a 2022 federal election, but there are processes in place to keep it on track.



(IMAGE: AAP/MICK TSIKAS)

Perhaps inspired by the repeated postponements of council elections in New South Wales, some conspiracy theorists' minds have been turning to a particularly devious proposition: could Scott Morrison, if he's not keen to go to an election while COVID-19 continues to take its toll, simply put it off?

We know the next federal election has to be held by May 2022, but is there a legal way the prime minister could use COVID as an excuse and delay it?

Thank God, or rather the British Parliament, for our constitution, which sometimes provides definitive answers and cannot be ignored. The short answer is no. The government will be meeting its maker, like it or not.

While much theoretical complexity is thrown up by the fact that the two chambers of federal Parliament — the (lower) House of Representatives and (upper) Senate — run on completely different constitutional timetables for their members' elections, the political reality is driven by the fact that the government is formed by the party with a majority in the lower house. So that's where to look.

The constitution dictates that the House of Representatives sits for three years after it first meets, then it ends and it cannot be extended by anyone or anything. The current house first sat on July 2, 2019, so it will expire on July 1, 2022, unless dissolved by the governor-general earlier (which he will do only if asked by Morrison ahead of a general election).

In theory, the last possible date for a lower house election would be September 3, 2022 (the constitution doesn't mandate that new MPs are elected and ready to go as soon as the old Parliament expires; it just requires writs to be issued within 10 days after the expiry date and then "returned" no more than 100 days after that) — but that won't happen because there has to be a half-Senate election by mid-May next year (the constitution again).

Although separate election dates for the two houses are constitutionally allowable, that has only happened twice and isn't in anyone's interests. Assuming the next election is on a Saturday (not a constitutional requirement, but as traditional as the polling booth sausage sizzle), the last date for a "normal" election of both houses will be May 21, 2022.

Whether you're longing for the opportunity to reward Morrison with another three years in office, or lying in wait for him with a baseball bat, it's coming folks.

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