

period 1949 to 2017 the average has been 51.4 days. The average figure for all by-elections has been 47.1 days.

Ideally, by-elections are held as early as possible after a seat becomes vacant, 'so that the electors are not left without representation any longer than is necessary'.⁸ In fact, such a consideration is occasionally pushed aside by short-term political factors. On 22 October 1982 the Member for Flinders, Phillip Lynch, resigned his seat. The Speaker fixed 4 December as the date for a by-election, but also declared that there would be a delay of almost three weeks before the writs for the by-election would be issued. According to Anne Summers, this gave the Fraser Government the option of calling a general election for 4 or 11 December.⁹ The by-election could, therefore, have been pushed aside; although a double dissolution election was eventually held on 5 March 1983.

In the cases of the 15 by-elections held during 2000–2017, the delay between the date of the seat becoming vacant¹⁰ and the date of the issuing of the writ varied considerably. The 45 days for Griffith and the 40 days for Gippsland contrasted with the virtually instantaneous issuing of writs for by-elections in Ryan, Lyne, North Sydney, New England and Bennelong.

By-elections, 2000–2017

Division	Held by	Date of vacancy	Date of writ	Delay in issuing writ	Elapsed time from vacancy to by-election
Isaacs (Vic)	ALP	14.06.00	30.06.00	16 days	59 days
Ryan (Qld)	LP	05.02.01	09.02.01	4 days	40 days
Aston (Vic)	LP	24.04.01	01.06.01	38 days	81 days
Cunningham (NSW)	ALP	16.08.02	16.09.02	31 days	64 days
Werriwa (NSW)	ALP	21.01.05	14.02.05	24 days	57 days
Gippsland (Vic)	LP	09.04.08	19.05.08	40 days	80 days
Lyne (NSW)	LP	30.07.08	04.08.09	5 days	38 days
Mayo (SA)	LP	14.07.08	04.08.09	21 days	54 days
Bradfield (NSW)	LP	19.10.09	30.10.09	11 days	47 days
Higgins (Vic)	LP	19.10.09	30.10.09	11 days	47 days
Griffith (Qld)	ALP	22.11.13	06.01.14	45 days	78 days
Canning (WA)	LP	21.07.15	17.08.15	27 days	60 days
North Sydney (NSW)	LP	23.10.15	26.10.15	3 days	43 days
New England (NSW)	NP	27.10.17	27.10.17	0 days	36 days
Bennelong (NSW)	LP	11.11.17	13.11.17	2 days	35 days

The variation allowed in regard to by-election dates is thus an anomaly in an electoral system that is generally highly regulated.

Appendix 4 provides details of the timing of all by-elections held between September 1901 and December 2017. It also shows the number of days elapsed between the seat becoming vacant and the by-election date, the number of days elapsed since the previous general election, and the number of days between the by-election and the next general election.

Vacancies for which no by-election held

There have been 20 occasions when the Speaker has, in fact, declined to issue such a writ for a by-election due to a pending general election. The longest period a seat has been without a member prior to a general election was 128 days in the case of Hindmarsh in 1909–10. The shortest period was the 39 days between 13 August 1940, when three MPs were killed in a plane crash, and the election of 21 September 1940.

8. 'Elections and the electoral system', in IE Harris, ed, *House of Representatives practice*, 6th edn, Department of the House of Representatives, Canberra, 2012, pp. 92-94, accessed 8 January 2018.

9. A Summers, *Gamble for power: how Bob Hawke beat Malcolm Fraser, the 1983 Federal election*, Nelson, Melbourne, 1983, p. 63.

10. 'Members' in IE Harris, ed, *House of Representatives practice*, op. cit., pp. 154-157.