Constitution Alteration (Parliamentary Terms) Bill 1987
(Private Senator's Bill)

Date Introduced: 19 March 1987
House: Senate
Presented by: Senator the Hon. Michael Macklin

Digest of Bill

Purpose
To provide for a referendum to increase the maximum terms of the House of Representatives to four years and the Senate to eight years.

Background
A number of reasons, principally economic, are advanced in favour of increasing the maximum term of the House of Representatives. With the traditional view that a Government will not hand down a tight and unpopular Budget prior to an election, a Government has only two Budgets to implement necessary, though unpopular, economic policies and the strategy is often changed in the final Budget to appeal to electors.

The current three year House of Representatives maximum term may be contrasted not only with overseas countries, such as the United Kingdom which has five year terms, but also with the States. Currently, all States, except Queensland and Western Australia which maintain three year terms, have four year terms for the Legislative Assembly.

While the introduction of maximum four year terms will not necessarily guarantee longer terms, it appears likely to do so. For example, the current maximum term for the House of Representatives is three years and there have been 35 elections (to August 1987) for the House of Representatives in the 86 years since Federation, an average of 2.46 years between elections. It thus appears that, on average, the House of Representatives runs to near its full term. One of the arguments against increasing the term of the House of Representatives is that to enable elections for the House of Representatives and Senate to be held at the same time, the maximum term for Senators will need to be increased to eight years. Many see this period without the need to face the electors as too long.

Under section 128 of the Constitution, before a question may be put to the people at referendum to alter the Constitution it must have been passed as a proposed law by both Houses of Parliament. This Bill seeks to satisfy that requirement.

Main Provisions
Clause 2 will amend section 7 of the Constitution, which deals with the Senate, to change the reference to six year terms to eight years.
Clause 3 will amend section 13 of the Constitution, which deals with the rotation of Senators (i.e. where the Senators are broken into two classes one of which will sit for the maximum term and one which will sit for half that term), to change the reference from three years to four and six years to eight. The clause will also add new paragraphs to the section to extend the terms of Senators who are elected to begin sitting from July 1988 or who are sitting and whose term will expire in June 1991.

Section 28 of the Constitution, which deals with the maximum term of the House of Representatives, will be amended to extend the maximum to four years. This will not apply to the House which commenced sitting before the commencement of this Bill.

For further information, if required, contact the Law and Government group.

21 August 1987

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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