

## Democracy in Australia – Fixed national election dates and four year terms

Fixed electoral terms (fixed dates on which elections must be held), and the extension of current national electoral terms from three to four years, are often discussed as if they are inextricably linked. This is not, however, the case. There is no reason in principle why the current arrangement of a three year electoral term for members of the House of Representatives and a six year term for Senators should not continue to apply with fixed electoral terms nor why four year terms for both the Senate and the House of Representatives should not be introduced together with a fixed date for elections.

### **Fixed terms**

The current prerogative of an incumbent Australian Prime Minister and federal government to set election dates (within constitutional limitations) is an anomaly among Australian state and federal governments and international democracies. Currently, New South Wales, Victoria, South Australia, Western Australia, the Northern Territory and the Australian Capital Territory governments operate with fixed terms, as do the United States of America, Canada, and the European Parliament.

There are, however, arguments for and against a change to fixed terms parliaments. Drawing upon some of the points made in Sawyer and Kelley's discussion of these matters (see Sources), the arguments may be summarised in the following way:

### ***The Advantages of fixed term parliaments***

- They provide certainty about the term of government for all parties and the entire community;
- They guarantee tenure for the implementation of policies;
- They protect a government that enjoys the confidence of the Lower House;
- They remove the partisan advantage that incumbents have in choosing an election date for party political purposes;
- They provide certainty for parliamentary committee inquiries and processes;
- They allow more effective planning of the parliamentary timetable;
- They permit more effective campaigning by minor political participants; and
- They facilitate better economic planning for the private and public sectors.

### ***Disadvantages of fixed term parliaments***

- They may lead to longer, more expensive election campaigns (but also the opposite);
- They may limit the scope of a government with a small majority facing competing demands to have recourse to an election to establish a clear mandate;
- They limit the opportunity of an early election to solve a political crisis if a government loses its majority in the Lower House;
- They may under some circumstances limit opportunities for accountability to voters; and
- A fixed date may prove to be inconvenient due to unforeseen circumstances.

The two key benefits of fixed terms are, first, that they remove the opportunity for a sitting government to gain political advantage from the timing of an election and, second, that there is certainty about electoral terms for the government, other political parties, the private sector and the community. Fixed terms also improve access to the electoral role for

# T H E A U S T R A L I A N C O L L A B O R A T I O N

legitimate voters. Since the passing of the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005*, the electoral roll is closed at the end of the day the writs are issued. Fixed election dates would allow new voters a predictable period of time to enrol and others to re-enrol to enable them to vote.

The advantages of fixed terms clearly much outweigh the possible disadvantages. Under 'Four year terms' below some ways of overcoming any disadvantages are further discussed.

## **Four year terms**

### ***Advantages***

- Four year terms facilitate better economic planning for the private and public sectors;
- They give the government greater scope to concentrate on policy and program delivery without the distraction of imminent elections;
- They reduce the number and costs of elections; and
- They allow more effective planning of the parliamentary timetable.

### ***Disadvantages***

- The public may have to endure a longer period of a government that has lost popular support;
- The electorate only has the opportunity to vote every four rather than every three years. (Trust in the inherent wisdom of voters is thus only relevant once in every four years.);
- If the current arrangement whereby Senators are elected for two terms while members of the House of Representatives are only elected for one term were to be retained, four year terms would mean that Senators would only face re-election every eight years;
- A longer term will not change the promotion and manipulation of candidates in the period before the election; and
- Instability may be prolonged where the government is reliant on crossbenches for support.

The key argument for three year terms is that they enhance voter participation and thus democracy by their frequency. Four year terms are, however, standard practice in other jurisdictions and enhance good government by allowing greater opportunity for the implementation of government policies. They also reduce the overall time devoted to campaigning.

The problem related to the terms of office for Senators can easily be dealt with by bringing Senators' terms of office into line with those of Members thereby requiring them to face re-election every four years. The thinking that led the founders of the Australian Constitution to provide a different and longer tenure for Senators no longer has validity. Senate elections could if necessary continue to be staggered, with half the Senate elected at each election.

Some of the possible disadvantages of four year terms could be dealt with by:

- An explicit provision in any new legislation that the Governor General should call an election if a government loses its majority in the House of Representatives;
- The retention of the opportunity for a double dissolution of the Parliament if government bills are defeated twice; and
- Other accompanying accountability reforms (see related recommendations) and new opportunities for citizen engagement.

## **Conclusion**

There are good arguments for a change to both fixed term elections and four year electoral terms for the Parliament of Australia to match the practice of many other political jurisdictions in Australia and around the world. A change to fixed terms alone would be very beneficial and would be the sensible way to begin, since such a change could be made by statute without recourse to a referendum.

# T H E A U S T R A L I A N C O L L A B O R A T I O N

The change from three year terms to four year terms would be more difficult because it would require a constitutional referendum and, given the great difficulties of constitutional change, bipartisan support would almost certainly be necessary.

## Source

Sawer, M and Norm Kelley (2005), "Parliamentary Terms"

[http://democratic.audit.anu.edu.au/papers/20050702\\_sawer\\_kelly\\_parl\\_terms.pdf](http://democratic.audit.anu.edu.au/papers/20050702_sawer_kelly_parl_terms.pdf)

<http://www.aph.gov.au/library/pubs/rn/2005-06/06rn04.htm>