

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 the case. There is no reason in principle why the current federal 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 comply 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, nor why other options should not be considered.

Fixed term parliaments

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.

The two key benefits of fixed terms are firstly, that they remove the opportunity for a sitting government to gain political advantage from the timing of an election and secondly, 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 legitimate voters.

There are, however, a number of arguments both for and against a change to fixed term parliaments. Drawing upon some of the points made in Sawyer and Kelley's (2005) discussion of these matters (see Sources), these arguments are summarised in the following lists of advantages and disadvantages.

Advantages

Fixed term parliaments:

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

Disadvantages

Fixed term parliaments may:

- lead to longer, more expensive election campaigns
- limit the scope of a government with a small majority facing competing demands to have recourse to an election to establish a clear mandate
- limit the opportunity of an early election to solve a political crisis if a government loses its majority in the Lower House
- may set a fixed date that proves to be inconvenient due to unforeseen circumstances.

Four year terms

The advantages of fixed term parliaments outweigh the possible disadvantages. Further, fixing four year terms in place may lead to further advantages and/or disadvantages. The key argument for retaining federal 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. Ways of overcoming any possible disadvantages have been identified, and these are discussed in the following section.

Advantages

Four year terms:

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

Disadvantages

Four year terms:

- may lead to the public enduring a longer period of a government that has lost popular support
- mean voters can determine governments only once every four years rather than every three years
- mean that Senators would only face re-election every eight years (this is if the current arrangement were retained, whereby Senators are elected for two terms while members of the House of Representatives are only elected for one term)
- will not change the promotion and manipulation of candidates in the period before the election
- may prolong instability where the government is reliant on cross benches for support.

Overcoming disadvantages

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 other possible disadvantages of four year terms could be dealt with through:

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

Implementation

There are arguments for a change to both fixed term elections and four year electoral terms for the Federal Parliament of Australia. This change would match the practice of Australian States and many other international political jurisdictions. 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.

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. It is also likely that there would be less support for this change given some recent experience in Australia with unpopular governments and four year terms.

De-synchronisation

When Prime Minister Gillard announced that the nation would go to the polls in September 2013, the frequency of recent elections – there has been a Commonwealth

election on average about every 30 months since Federation - was resulting in a de-synchronisation of the electoral cycle between the House and Senate, which sparked a renewed debate about whether the Australian federal government should move to fixed terms.

The 2013 election which brought the Liberal Party to power has only added fuel to the debate, as Prime Minister Tony Abbott quickly faced his own party challenge in early 2015, and could well face a double dissolution due to his poor track record at passing legislation through the Senate. No matter how chaotic the current system is behaving, a change to a fixed four-year term requires constitutional change, something unlikely in today's political climate.

Sources

Hamilton, T., 'It's time for a debate on federal fixed terms', The Conversation, 13 February 2013

<http://theconversation.com/its-time-for-a-debate-on-federal-fixed-terms-12100>

Sawer, M. and Norm Kelly, 2005, Parliamentary Terms, Democratic Audit of Australia

http://democratic.audit.anu.edu.au/papers/20050702_sawer_kelly_parl_terms.pdf

O'Brien, S., 2009, Fixed Term federal elections: an alternative approach?, Online Opinion

<http://www.onlineopinion.com.au/view.asp?article=9275>

Parliament of Australia, Parliamentary Library, 2009, Australian elections timetable

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/0809/austelections

University of Western Australia, Australian Politics and Elections Database

<http://elections.uwa.edu.au/>

Last revised April 2015