

## **Parliamentary Terms**

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In the nineteenth century the Chartist movement believed that effective representation of the people and popular control of government required frequent elections. If representatives were to be accountable they needed to constantly renew their mandates. The demand for annual parliaments was one of the six points of the charter, for which 3 million signatures were collected in the United Kingdom in 1842. The influence of Chartism in the Australasian colonies was responsible for the push towards ‘short parliaments’ at a time when the parliamentary term in the United Kingdom was still seven years. The adoption of three-year parliamentary terms was one of the colonial experiments in democracy in the mid-nineteenth century.

### **Chartism**

The Chartist movement, the first mass political movement, was named after the Charter published by the London Working Men’s Association in 1838. The six points of the Charter were:

- Universal (manhood) suffrage;
- Annual elections;
- Secret ballots;
- Equal electoral districts;
- Removal of property qualifications for parliamentary candidates; and
- Payment of Members of Parliament.

Some Chartists were transported to Australia for their political activity, while others were attracted to the goldfields after the collapse of Chartism in Britain. In Victoria, where Chartist influence was strongest, four of six Chartist demands were achieved, or partially achieved, in the 1850s. The Chartist legacy in Australia includes not only the pioneering of the secret ballot and the achievement of manhood suffrage, but also the legacy of ‘short parliaments’ enshrined in the Australian Constitution.

Today, four-year terms are generally seen as more appropriate for effective government, and have been adopted in most of the States. In Queensland however, a proposal for four-year terms was defeated in a referendum in 1991, indicating the possibilities for populist opposition to such a change as a ‘grab for power by politicians’. At the national level ‘short parliaments’ are enshrined in the Constitution

and hence difficult to change. A number of Constitutional review bodies have recommended such a change, and it was included in a Referendum proposal in 1988, but joined to more controversial proposals for simultaneous elections and shortening Senate terms.

Some of the arguments against three-year terms, such as the expense of elections (the cost of democracy), are less persuasive than others such as the desirability of governments to have some time to implement policies free of the immediate imperatives of campaigning.

There is also the related issue of whether there should be fixed terms or whether Prime Ministers/Premiers should retain the power to decide when the election shall be. The latter may give a significant advantage to incumbent governments, as they can call the election at a time most favourable to them. The arguments for and against fixed terms can be summarised as follows<sup>1</sup>:

***Advantages of fixed term parliaments***

- Protects a government that enjoys the confidence of the Lower House
- Guarantees tenure for the implementation of policies
- Provides certainty for parliamentary committee inquiries and processes
- Removes the partisan advantage that incumbents have in choosing an election date for party political purposes
- A reduction in the number and costs of elections
- More effective planning of the parliamentary timetable
- More effective campaigning by minor political participants
- Facilitates better economic planning for the private and public sectors

***Disadvantages of fixed term parliaments***

- May detract from frequent opportunities for accountability to voters
- Longer, more expensive election campaigns may result
- An early election can solve a political crisis if a government loses its majority in the Lower House

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<sup>1</sup> Gareth Griffith, 'Fixed Term Parliaments with a commentary on the Constitution (Fixed Term Parliaments) Amendment Bill 1992', Briefing Paper 3/95, NSW Parliamentary Library, pp 19-21.

- Trust in the inherent wisdom of voters is only relevant once in every four years
- Members of parliament obtain a greater security than normal
- Public may endure a longer period of a government that may have lost popular support
- Does not change the promotion and manipulation of candidates in the period before the election
- Instability may be prolonged where the government is reliant on crossbenches for support
- A government with a small majority facing competing demands does not have recourse to an election to establish a clear mandate
- A fixed date may prove to be inconvenient due to unforeseen circumstances.

In the Federal, Western Australian and Tasmanian parliaments, there are fixed terms for the upper houses only. Except for Tasmania, whose upper house is elected on a rotational system, this creates the situation where the upper house does not reflect the will of the voters for a number of months after an election. For example, Senators elected in the October 2004 Federal election do not take up their seats until July 2005. Similarly, the Western Australian upper house has fixed terms ending on 21 May every fourth year. There is a reasonable chance that in the Western Australian election on 26 February 2005, the upper house may revert to a conservative majority. If this is the case and Labor is returned, Labor will have a window of opportunity to pass legislation (with the support of the Greens) up until 21 May, without the need for seeking Coalition support.

Fixed terms may be seen as providing a more level playing field for electoral competition and they also have significant advantages in terms of getting new voters onto the electoral roll. At present many new voters put off enrolling until an election is called. Currently the Commonwealth Electoral Act provides for a week after an election is called for voters to enrol or to change their enrolment details. Some have argued that the rush in this period makes it difficult to ensure there are no fraudulent enrolments. The federal government has signalled its intention to legislate after 1 July 2005 to close the roll on the (unpredictable) day that an election is called, creating a

strong argument for fixed terms. These are ongoing issues, and unlikely to be resolved in the near future.

Parliament	Term	Date of change to 4 years	Fixed term component
Commonwealth	3 years		Nil <sup>*</sup>
NSW	4 years	1981	4 years
Victoria	4 years	1984	4 years
Queensland	3 years		Nil
WA	4 years	1987	Nil <sup>*</sup>
SA	4 years	1985	4 years
Tasmania	4 years	1972	Nil <sup>*</sup>
ACT	4 years	2003	4 years
NT	4 years	Always 4	Nil

\* Fixed terms for the upper house, with elections traditionally coinciding with lower house elections, except for Tasmania, where the upper house has 6-year terms, with 2-3 members elected each year (on the 1<sup>st</sup> Saturday in May) on a rotational basis.

Source: Adapted from Scott Bennett, 'Four Year terms for the House of Representatives?' Parliament of Australia, Parliamentary Library Research Paper No. 2, 2003–04.