

**CONSTITUTION ALTERATION (ELECTORS' INITIATIVE, FIXED TERM  
PARLIAMENTS AND QUALIFICATION OF MEMBERS) 2000: Second  
Reading**

[Senator MURRAY](#) (Western Australia) (3.45 p.m.) —I move:  
That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted

*The speech read as follows—*

The Republic Referendum of November last year was another example of the constitutional stasis this country has found itself in over the course of this century. The blame for this is often laid at either the mechanism for constitutional change (that it sets the hurdle too high) or the supposed innate conservatism of the Australian electorate. These analyses often overlook, however, the merit of the proposals that have been put to the people, and the behaviour of the major parties prior to referendums. The Republic Referendum was a classic example of a poorly conceived idea for constitutional change being soundly and rightly rejected by the Australian people.

This experience should not dissuade, however, those of us who believe the Australian Constitution is desperately in need of modernisation. This Bill makes a modest contribution to updating the Constitution so that it is aligned with the expectations and values of our contemporary democracy.

The first Schedule of the Bill seeks to amend the Constitution to allow for its future amendment at the initiative of the Australian people. The right of the people of a country to make law independent of politicians should be a basic and independent right. Such systems have worked well and effectively in other countries, and there is a particular need for such a mechanism in Australia.

Time and again this Parliament is faced with national problems that appear to be intractable. In fact they often appear this way because they don't happen to match with the priorities of the major political parties. These parties are happy to throw plenty of rhetoric at such issues, but when it comes to tangible resources and solutions, the issues are seen as too hot to handle or as having an insufficient political dividend. In a sense this is inevitable - for many decades now the Australian people have been at the mercy of clique-like political groupings which fundamentally operate in their own interests and in the interests of those from whom they receive election financing.

One answer to this problem is for the people to shoulder some of the responsibility again themselves. They should have the right to initiate alterations to the Constitution, not all the time, but where important and/or controversial issues need to be debated and decided upon.

The machinery for elector initiated alteration to the Constitution proposed in this bill is very similar to that operating successfully in other parts of the world. The bill proposes in essence that if a proponent of a particular Constitutional change can get the bona fide signatures of 5 percent of electors, then that petition can be put to the Governor General. The Governor

General then sees that at the next House of Representatives election, the alteration put in the petition is put before electors as a referendum.

The whole process is overseen by the Australian Electoral Commission, which will ensure that all processes are adhered to. It is self-evident that a 5% threshold will not be an easy target to attain, and therefore there is no need to fear that this change would lead to masses of referendums.

Australians today are better educated and more politically aware than in the past. The great media and public interest in politics and the rapid growth of citizen movements demonstrate this. The whole point of democracy is that it is the people who are sovereign. This part of the Bill would recognise and entrench this principle in the Constitution.

The Second Schedule of the Bill will give effect to proposed changes to the Constitution dating back to the Australian Constitutional Convention held in Adelaide in 1983. In particular, the Bill provides for the present three-year term for the House of Representatives to be increased to four years and for the new four-year electoral cycle to be fixed.

There is general agreement within the community that the present electoral arrangements have resulted in Australia having far too frequent elections. The Constitution allows the Prime Minister of the day to call an election virtually at whim for the House of Representatives and to demand a double-dissolution once the Senate has twice rejected a bill.

Not surprisingly early elections have occurred so regularly as to have become the rule rather than the exception. There has been increasing public unease about the lack of sufficient continuity and stability in Government, with a resultant atmosphere of uncertainty and controversy and strong pressure on governments to adopt short-term expedient policies to ensure electoral success.

The frequency of elections is not simply a nuisance or an irritation, it also has major ramifications for sound government decision-making, for budgetary policies and therefore, for the economic climate in which business operates. Frequent elections have an adverse effect on government planning and decision-making and this, in turn, adversely affects private sector planning and business confidence.

Under our present unfixed, three-year parliamentary term system, governments of all colours have had enormous difficulty reconciling careful and deliberate economic policies with the electoral imperatives of political survival. Undoubtedly, this helps explain why the four-year parliamentary term proposal has received support from all political parties, from a variety of institutions and political commentators and increasingly, strong support from the business sector and the public at large.

If Australians are given an opportunity to extend the Federal Parliamentary term then this country will, according to a study by the Inter-Parliamentary Union, join 25 other democratic countries with four-year terms. There are, incidentally, 24 democratic countries (including Canada and Great Britain) with five-year terms.

The fixed four-year proposal will not prevent a government from going to the people should a genuine deadlock occur between the House and the Senate but it will certainly remove the present incentive for governments to call an

election when they believe the moons of fortune are in alignment. It will certainly provide for greater continuity and stability in the electoral cycle, since the average span of Parliament may be expected to increase substantially.

The Third Schedule of the Bill seeks to clear up the well known anomalies with respect to qualification and disqualification of members of Parliament. The proposed Section 34 enshrines in unequivocal language the requirements to stand for membership of the Parliament. Perhaps more importantly, the proposed Section 44 removes the difficulties that have given rise to litigation with respect to holding 'an office of profit under the Crown'. It does this by providing that upon election to the Parliament, any holders of the positions set out in s44 are deemed to have vacated those offices. The proposed s45 ensures, however, that subsequent to becoming a member of parliament no person shall be able to be employed in any of the capacities set out in that section.

The new S45A seeks to prevent persons with a clear conflict of pecuniary interests being eligible to stand for Parliament. The section largely leaves the detail of the criteria to be resolved by the Parliament, although it does prohibit outright any person standing for Parliament who has a pecuniary interest in a contract with the public service, except where that person holds the interest only as a member of an incorporated company consisting of more than 25 persons.

This Bill is a small step towards clearing up some of the more blatant problems or omissions of the Australian Constitution. It should be recognised by Members that the substance of this document is every bit as important as the method of choosing our head of state. I therefore hope the Bill gets the serious consideration it deserves.

Debate (on motion by **Senator Calvert**) adjourned.