

REPORT

Discussion Paper: Four-Year Terms for the Commonwealth House of Representatives



6 March 2025



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- exceptional political leadership, as positive leadership is crucial in a high-functioning democracy
- exceptional public sector, with the right capabilities and institutions to deliver high quality service delivery, evidenced based policymaking
- strong democratic institutions, as trusted, responsive and apolitical public institutions are vital assets for a thriving democracy; and
- world-leading policy, supporting innovative solutions to Australia's biggest challenges

SMF incubates, delivers and supports practical improvements that deliver tangible progress to the operation of government. SMF supports or has supported initiatives including:

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- the McKinnon Institute for Political Leadership, which is a non-partisan, not-for-profit organisation that provides outstanding professional development for members of Australia's federal, state and territory parliaments
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- the McKinnon Poll, which aims to encourage better policymaking and national debates by providing a richer and more in-depth understanding of public opinion as an input into the policy-making process.

SMF is non-partisan and motivated only by the public interest.

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1 Introduction

- 1.0.0.1 This discussion paper is intended to provide an overview of the key issues related to moving to four-year terms for the Commonwealth House of Representatives, including the history of the proposal, arguments for and against the change, and key design choices if four-year terms were implemented. This paper is intended to start a conversation and support an informed debate on the issue.
- 1.0.0.2 Many commentators have observed that it has become increasingly difficult for governments in Australia to pursue reforms that are in the community's long-term interests. This has prompted calls for Australia to extend the length of the term of the Commonwealth House of Representatives from three to four years to give governments additional time and stability to support governing in the long-term public interest, to adopt and implement policies needed for Australia to continue to prosper, and to provide certainty to citizens and the community.
- 1.0.0.3 Determining the most appropriate length of a parliamentary term goes to the core of discussions about the role and nature of democratic institutions and government, and the relationship between citizens and government. Australia's system of government is underpinned by the principle of responsible government, which provides that "*the [g]overnment is a creature of, and accountable to, [p]arliament, which is supposed to play a key role in scrutinising the actions of the executive and holding it to account*".¹ Parliament is comprised of representatives elected by voters to represent their interests, and the executive government relies on the support of parliament for its existence, which means that a government is ultimately accountable to the electorate via parliament. The executive government requires confidence and supply from Parliament, and without these, a government lacks the required legitimacy. For example, a government that loses a vote of confidence in the lower house of parliament is taken to no longer have the support of parliament, which provides grounds for dismissal of the government. Regular elections provide a key mechanism for voters to exercise their authority and control over their representatives, and to confer legitimacy upon elected representatives and the government.²
- 1.0.0.4 Debates about the length of parliamentary terms must be viewed in this context, and involve weighing a range of public interest considerations. The core tension has been to what extent the length of a parliamentary term balances the desirability for stable and effective government with the electorate's control over democratic representation. As the Inter-Parliamentary Union ('IPU') argues:
- [i]n theory, elections to a Parliament should not be so infrequent that they fail to reflect the opinions of the electorate, nor be so frequent that they are likely to produce excessive discontinuities in the process of government.*³
- 1.0.0.5 The length of a parliamentary term has to strike an appropriate balance between these considerations.⁴ If elections occur too regularly, this may undermine public administration and make it difficult to govern. For example, an excessively short term may mean that elected representatives and candidates spend an unjustifiable proportion of their time campaigning and fundraising, and are unable to devote sufficient time to their duties and responsibilities as elected representatives. On the other hand, excessively lengthy terms can undermine democratic legitimacy, on the basis that the legislature's mandate is not reasonably fresh, which ultimately means that the legislative does not accurately reflect the wishes of electors.⁵

¹ Benjamin B Saunders, *Responsible Government and the Australian Constitution* (2023), Hart Publishing, page 2.

² See e.g. Hugh Emy and Owen Hughes, *Australian Politics: Realities in Conflict* (2nd ed) (1991), Macmillan, pages 338-340; Ken Turner, 'Parliament', in Rodney Smith (ed), *Politics in Australia* (2nd ed), Allen and Unwin, pages 82-85.

³ Inter-Parliamentary Union, 'Parliaments of the World A Comparative Reference Compendium', Gower and Aldershot, 2nd ed., 1986, vol. I, page 18, cited in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 6.

⁴ See e.g. A. C. Grayling, *The Good State: On the Principles of Democracy* (2000), Oneworld Publications, pages 30-31.

⁵ A. C. Grayling, *The Good State: On the Principles of Democracy* (2000), Oneworld Publications, page 31.

- 1.0.0.6 Since Federation, Australia's Constitution has provided that a term of Australia's Commonwealth House of Representatives can be a maximum of three years.⁶ Despite having endured for more than 120 years, Australia's three-year model is an outlier both within Australia and globally, with the vast majority of other national parliaments and executive governments having terms of at least four years. Every Australian state and territory lower house now has four-year parliamentary terms, and only eight of the 184 countries with active legislatures have legislative terms of three years or less, with six countries including Australia (as well as El Salvador, Mexico, Nauru, New Zealand, and the Philippines) having three-year terms and two countries having two-year terms (Micronesia and the USA).⁷
- 1.0.0.7 Extending the term of the Commonwealth House of Representatives to four years has been a recurring democratic reform proposal since Australia's Federation, including at an unsuccessful 1988 referendum, and was more recently discussed by political leaders. For example, Prime Minister Anthony Albanese repeatedly indicated his support in 2024 and 2025 for four-year terms, noting that his preference was for fixed four-year terms.⁸
- 1.0.0.8 The term of the Commonwealth Parliament is a key element of Australia's democratic architecture and whether or not three-year terms remain fit-for-purpose in a contemporary context is a debate that Australia should welcome.

⁶ *Australian Constitution*, section 28.

⁷ Inter-Parliamentary Union, 'Compare data on Parliaments – Parliamentary term (years)' available at https://data.ipu.org/compare/?field=chamber%3A%3Afield_parliamentary_term&structure=any_lower_chamber&chart=bar. NB – this data excludes three parliaments where all chambers are suspended.

⁸ See e.g. Amy Remeikis, 'Albaese reiterates support for four-year terms amid questions of election timing', *The Guardian*, 3 January 2024, available at <https://www.theguardian.com/australia-news/2024/jan/03/anthony-albanese-four-year-election-terms-australia>; Phillip Coorey, 'Albanese kills early election talk, plans two more budget', *Australian Financial Review*, 21 February 2024, available at <https://www.afr.com/politics/federal/albanese-kills-early-election-talk-plans-two-more-budgets-20240220-p5f68g>; Transcript of interview with Prime Minister Anthony Albanese, 'Doorstop – Devonport', 12 November 2024, available at <https://www.pm.gov.au/media/doorstop-devonport>; Transcript of interview with Prime Minister Anthony Albanese, 'Doorstop interview – Perth', 9 January 2025, available at <https://www.pm.gov.au/media/doorstop-interview-perth-9>.

2 The context for four-year parliamentary terms

2.1 Introduction

2.1.0.1 This chapter outlines:

- current arrangements for parliamentary terms, including the Commonwealth House of Representatives and the Senate, and double dissolution elections
- the history of proposals to reform terms for the Commonwealth House of Representatives; and
- comparisons between parliamentary terms for the Commonwealth House of Representatives and other jurisdictions.

2.2 Current operation of parliamentary terms

2.2.0.1 There are various constitutional and legislative provisions that govern terms for the Commonwealth House of Representatives:

- the Governor-General may dissolve the House of Representatives⁹ and can issue writs for House of Representatives elections¹⁰
- “[e]very House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General”¹¹
- the writ for a House of Representatives election must be returned no more than 100 days after the writ was issued; and¹²
- after a general election, the Commonwealth Parliament must be summoned no more than thirty days after the return of the writs.¹³

2.2.0.2 In practice, this means that the Prime Minister may call a general election for the House of Representatives at any time in the three-year period following the first sitting of the House of Representatives.¹⁴ Although there is no requirement for House of Representatives and Senate elections to occur simultaneously, this generally occurs in practice, with Senators elected for six year terms on a rotating basis so that half of the Senate is elected at each election, with their terms starting on 1 July following their election.¹⁵ The Australian Constitution also allows the Governor-General to dissolve both Houses simultaneously in specified circumstances, such as a double dissolution election if there is a disagreement between the House of Representatives and the Senate on a bill, which results in a general election for the House of Representatives and the election of all Senators.¹⁶

2.2.0.3 Since Federation there have been 46 completed terms of Parliament which varied significantly in length.¹⁷ Only the third Parliament (1907-1910) expired because of the three-year limit, and the shortest parliamentary term was the 11th Parliament in 1929, which lasted only 223 days (see Table 1, below).

⁹ *Australian Constitution*, section 5.

¹⁰ *Australian Constitution*, section 32.

¹¹ *Australian Constitution*, section 28.

¹² *Commonwealth Electoral Act 1918* (Cth), section 159.

¹³ *Australian Constitution*, section 5.

¹⁴ NB – the time limits for the return of the writs and the summoning of Parliament means that House of Representatives general elections can be held more than three years apart (Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 9.

¹⁵ *Australian Constitution*, sections 8, 13.

¹⁶ *Australian Constitution*, section 57.

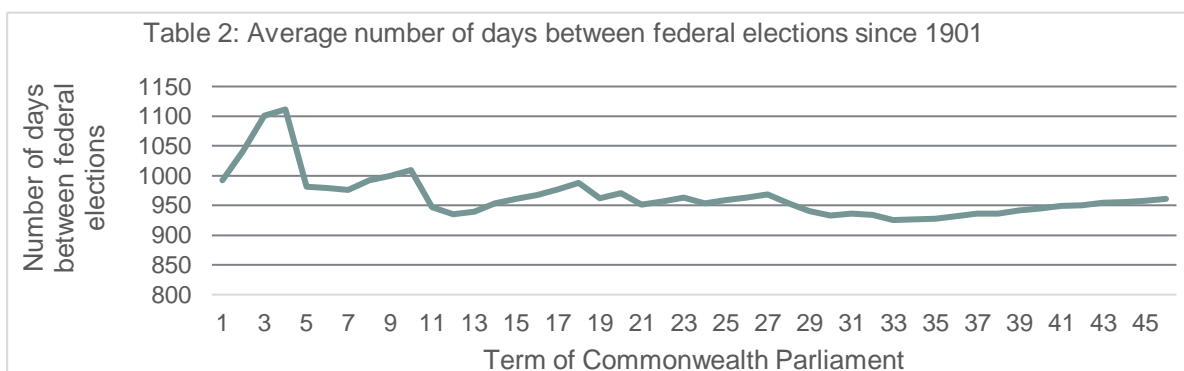
¹⁷ See Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, pages 9-10; D. R. Elder (ed), *House of Representatives Practice* (7th Ed) (2018), available at <https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7>, page 94.

Table 1: Length of Commonwealth parliamentary terms since Federation¹⁸

Elapsed time	Date of election	Number of parliamentary terms
More than three years ¹⁹	1910, 1913, 1922, 1928, 1937, 1946, 1949, 1954, 1961, 1972, 2001, 2007, 2013, 2022	14
Two years, nine months-Three years	1906, 1925, 1940, 1943, 1958, 1966, 1969, 1980, 1993, 1996, 2004, 2016*, 2019	13
Two years, six months-Two years, nine months	1903, 1917, 1919, 1934, 1987*, 1990, 1998, 2010,	8
Two years, three months-Two years, six months	1983*	1
Two years-Two years, three months	1931	1
One year, six months-Two years	1955, 1963, 1974*, 1975*, 1977, 1984	6
One year-One year, six months	1914*, 1951*	2
Under One year	1929	1
Total		46

*Double dissolution election

2.2.0.4 Since Federation, the average length of term for between federal elections has been approximately 961 days, which is just under two years and eight months.²⁰ On average, terms are generally slightly shorter than they were at the end of the Second World War, but they have become slightly longer over the last 50 years (see Table 2, below).



¹⁸ Australian Electoral Commission (1999) *Electoral Pocket Book*, pages 66–71, cited in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 9, and based on data from Australian Electoral Commission, ‘Election dates 1901 – present’, available at <https://www.aec.gov.au/elections/federal_elections/election-dates.htm>.

¹⁹ Although the Australian Constitution provides that the House of Representatives can sit for a maximum of three years, the three-year clock begins at the first post-election meeting of the House, which need not be held for up to 30 days from the day appointed for the return of the electoral writs. At the expiry of the previous term, the electoral writs need not be issued for up to 10 days, and their return is required within a 100-day period. This means that it can be up to 140 days between when the Governor-General issues the writs for a general House of Representatives election and when Parliament next meets, which means that it is therefore possible to extend the term of a Government beyond three years. NB – time for governing and parliamentary business is less than this, because of the caretaker period.

²⁰ Based on information from Australian Electoral Commission, ‘Election dates 1901 – present’, available at https://www.aec.gov.au/elections/federal_elections/election-dates.htm.

2.3 History of reform proposals

2.3.1 Federation

2.3.1.1 The UK originally provided the Australian colonies with five-year parliamentary terms, but by the end of the 19th century, the colonies had generally moved to three-year terms.²¹ The predominance of three-year terms in the colonies influenced debates about federation.²² For example, three-year parliamentary terms in the lower house were reflected in Andrew Inglis Clark's draft constitution circulated at the 1891 Australasian Federal Convention, the draft bill that emerged from the Convention, and the final draft bill that emerged from the 1897-8 Convention.

2.3.1.2 Despite this, the option for four-year terms was raised at various times. For example, at the 1897 federal convention, the Constitutional sub-committee amended the draft Constitution to allow for four-year terms for the House of Representatives.²³ This committee included Australia's first and second Prime Ministers – Barton and Deakin. In addition, the Western Australian Premier John Forrest and the Western Australian Legislative Assembly also argued strongly in favour of four-year terms throughout the 1897-98 Federal Convention, citing a belief that the three-year system was too short.²⁴

2.3.2 1927-29 Royal Commission on the Constitution

2.3.2.1 The 1927-29 *Royal Commission on the Constitution* was established in 1927 to consider the operation of the Australian Constitution since Federation. It handed down its report in 1928 and a majority recommended that the parliamentary term be extended “to at least four years”,²⁵ arguing that a three-year parliamentary term was inadequate:

*in view of the great size of Australia, the large area of some of the constituencies, the distance of some of them from the Seat of Government, the number and importance of the problems with which each Parliament has to deal, the fact that a portion only of the term for which members are elected can be devoted to the transaction of the business of Parliament, the extent to which that term is in effect curtailed by the time taken up in settling down after an election and in the preparation for a new election.*²⁶

2.3.2.2 This recommendation, as well as other recommendations from the Royal Commission, did not progress. According to George Williams and David Hume:

*the Commission did not capture the public's attention, and failed to engender sustained political commitment. After the Scullin Labor Government was elected in October 1929, the report was dropped from the national agenda.”*²⁷

²¹ Joint Standing Committee on Electoral Matters (2005) *Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, page 158 [paragraph 7.8].

²² Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 6.

²³ Joint Standing Committee on Electoral Matters (2005) *Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, pages 158-9 [paragraph 7.10].

²⁴ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 7. Western Australia had four-year terms for its Legislative Assembly during the time of the constitutional conventions in the 1890s, but passed legislation in 1899 reducing its parliamentary term from four years to three years – see *Constitution Acts Amendment Act 1899* (WA) (63 Vict. No. 19), section 21; Brian De Garis, 'The History of Western Australia's Constitution and Attempts at its Reform' (2003) *Western Australian Law Review*, volume 31, page 147.

²⁵ *Royal Commission on the Constitution* (Final Report, 1929), page 268. Cheryl Saunders argues that the broader context for the Royal Commission included “Australia's emerging constitutional independence, changes to Federal financial relationships, and landmark judicial decisions” – see Cheryl Saunders, 'Owen Dixon: Evidence to the Royal Commission on the Constitution, 1927-29' (1986), *Melbourne University Law Review*, volume 15, pages 553-556.

²⁶ *Royal Commission on the Constitution* (Final Report, 1929), page 268. The Commission also noted that the need for the Prime Minister to attend an Imperial Conference also supported the extension of parliamentary terms to four years.

²⁷ George Williams and David Hume, *People Power: How Australian referendums are lost and won* (2nd edition) (2024), page 24.

2.3.3 Re-emergence during the 1980s and unsuccessful 1988 referendum

- 2.3.3.1 The issue of four-year terms for the Commonwealth House of Representatives re-emerged in the 1980s as part of broader discussions about the Australian Constitution, and most states and territories moved to unfixed four-year lower house terms during this time (see Appendix A). Tasmania was the first jurisdiction to move to four-year terms in 1972,²⁸ followed by the Northern Territory (1978).²⁹ New South Wales moved to four-year terms in 1981 after a referendum that was supported by approximately 69 per cent of voters,³⁰ as did Victoria in 1984 (noting that Victoria also provided for a minimum three-year term).³¹ South Australia also introduced four-year terms with a three-year minimum in 1985,³² and then Western Australia moved to four-year terms in 1987.
- 2.3.3.2 In 1982, the Reid *Committee of Review into Commonwealth Administration* suggested that the Commonwealth Parliament “*might see fit to adopt improved arrangements for conducting its business—even to the point of proposing constitutional reform to allow for four-year parliaments*”.³³
- 2.3.3.3 An Australian Constitutional Convention comprised of delegations of MPs from the Commonwealth and the states and territories recommended a four-year term in 1983 at its Adelaide session. The Commonwealth Parliament subsequently passed legislation for a referendum to extend the maximum House of Representatives term from three years to four years as part of a suite of proposed constitutional amendments, but the referendum to extend the maximum term for the House of Representatives was never put to voters.³⁴
- 2.3.3.4 The Hawke Government subsequently established a Constitutional Commission comprised of five eminent persons to comprehensively review the Australian Constitution. Before it completed its final report, the Australian Democrats introduced a private member’s bill in 1987 that proposed extending the term of the House of Representatives to four years, and fixing the term.³⁵ In 1988, the Constitutional Commission provided its final report, and recommended constitutional amendments to extend the term to four years, with a minimum three-year term.³⁶
- 2.3.3.5 The Hawke Government submitted a proposed constitutional amendment to voters in September 1988 to extend the maximum term of the House of Representatives from three years to four years, as well as other proposed amendments to reduce the terms of senators from six years to four years and simultaneous elections for the House of Representatives and the Senate. These proposed amendments were included as a broader package of

²⁸ *Constitution Act 1972* (Tas), section 2, which amended section 23 of the *Constitution Act 1934* (Tas). The amendment provided that the then-current term of the Tasmanian House of Assembly was for up to five years, and that all subsequent House of Assembly terms were up to four years.

²⁹ *Northern Territory (Self-Government) Act 1978* (Cth), section 17(2).

³⁰ *Constitution (Legislative Assembly) Amendment Act 1981* (NSW); NSW Electoral Commission, Results of 19 September 1991 referendum, available at https://web.archive.org/web/20110311224938/http://www.elections.nsw.gov.au/results/referendums_and_polls/state/19_september_1981.

³¹ *Constitution (Duration of Parliament) Act 1984* (Vic), section 6, which substituted a new section 38 of the *Constitution Act 1975* (Vic).

³² *Constitution Act Amendment Act 1985* (SA), section 4, which substituted new sections 28 and 28A of the *Constitution Act 1934* (SA).

³³ Review of Commonwealth Administration. Report January 1983, Canberra, AGPS, 1983, pp. 24–5, cited in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 7.

³⁴ *Constitution Alteration (Parliamentary Terms) Act 1983* (Cth); *Final Report of the Constitutional Commission (volume 1)* (1988), Australian Government Publishing Service, Canberra, page 199 [paragraph 4.376]; The Convention met six times between 1973 and 1985 – see Heather McRae and Anne Mullins, *Australian Constitutional Convention 1973-1985: A Guide to the Archives* (1998), Centre for Comparative Constitutional Studies, The University of Melbourne, available at <<https://rest.neptune-prod.its.unimelb.edu.au/server/api/core/bitstreams/c459c5b5-b46b-57cb-afc3-459052f8dcaf/content>>.

³⁵ The Constitution Alteration (Fixed Term Parliaments) Bill 1987.

³⁶ *Final Report of the Constitutional Commission (volume 1)* (1988), Australian Government Publishing Service, Canberra, pages 195-207 [paragraphs 4.345-4.419]; George Williams and David Hume, *People Power: How Australian referendums are lost and won* (2nd edition) (2024), page 199.

proposed constitutional amendments that proposed to safeguard the right to vote, recognise local government, and protect various rights (such as the right to trial by jury and the right to freedom of religion).³⁷

2.3.3.6 The 1988 referendum on extending the term of the House of Representatives secured only 32.92% of the vote nationally, and no state voted in favour of the proposal.³⁸ Reflecting on the referendum more than 15 years afterwards, the Federal Joint Standing Committee on Electoral Matters (JSCEM) argued that, although there was widespread community support for extending the term for the House of Representatives, combining it with other proposals undermined the prospects of success,³⁹ and subsequent analysis argued that several factors contributed to the failure of all the proposed amendments, such as the absence of bipartisan support and a strong campaign against the proposals.⁴⁰

2.3.4 Developments since the unsuccessful 1988 referendum

2.3.4.1 The two main themes since the unsuccessful 1988 referendum have been:

- at the federal level, current continued interest in and repeated attempts to advocate for four-year terms;⁴¹ and
- at the state and territory level, the ACT and Queensland adopting four-year terms (which means that the Federal Parliament is the only Australian jurisdiction without four-year terms), and every jurisdiction except for Tasmania converting non-fixed four-year terms into fixed four-year terms.

2.3.5 Continued interest in four-year terms at the federal level

2.3.5.1 The issue of four-year terms for the House of Representatives has arisen periodically since the unsuccessful 1988 referendum (see Table 3 below).

Table 3: Summary of key events regarding four-year terms since 1988

Date	Comment
June 1997	In its report on the 1996 Federal Election (JSCEM 1996 Federal Election Report), JSCEM stated that it had “ <i>no difficulty giving its unanimous support to four-year terms for the House of Representatives</i> ” and noted that this “ <i>would appear to be a logical topic for examination in any future discussions on constitutional reform</i> ”. ⁴²

³⁷ George Williams and David Hume, *People Power: How Australian referendums are lost and won (2nd edition)* (2024), pages 199-201; Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 8.

³⁸ Australian Electoral Commission, ‘Referendum dates and results’ (7 November 2023), available at https://www.aec.gov.au/elections/referendums/referendum_dates_and_results.htm; George Williams and David Hume, *People Power: How Australian referendums are lost and won (2nd edition)* (2024), pages 199-211; Scott Bennett, *Four-Year Terms for the House of Representatives?*, page 8.

³⁹ Joint Standing Committee on Electoral Matters (2005) *Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, page 161, paragraphs 7.23-7.24.

⁴⁰ George Williams and David Hume, *People Power: How Australian referendums are lost and won (2nd edition)* (2024), pages 210-211. Former Prime Minister John Howard recently argued that the proposal to reduce Senate terms to four years contributed to a perception that the Senate would be weakened –see Tom Rabe, ‘The one thing John Howard says could get four-year terms over the line’, *Australian Financial Review*, 14 March 2024, available at <https://www.afr.com/politics/federal/the-one-thing-john-howard-says-could-get-four-year-terms-over-the-line-20240314-p5fcj6>.

⁴¹ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, pages 7-8.

⁴² Joint Standing Committee on Electoral Matters (1997) *Report of the inquiry into all aspects of the conduct of the 1996 Federal Election and matters related thereto*, page 114 [paragraphs 9.41-9.42].

Table 3: Summary of key events regarding four-year terms since 1988

September 1998	In the lead-up to the 1998 Federal Election, Liberal Party Prime Minister John Howard stated that he thought it “a good idea to have a longer period of time to deal with medium and longer term issues” and that he considered that “there is a lot of support in the Australian community” for longer parliamentary terms. ⁴³
March 1999	ALP Federal Opposition Leader Kim Beazley argued that four-year terms should be considered. ⁴⁴
September 1999	Liberal Party Senator Nick Minchin expresses his support for four-year terms. ⁴⁵
April 2000	Australian Democrats Senator Andrew Murray introduces a private member’s bill to provide for fixed four-year terms, and argues in his second reading speech that extending parliamentary terms “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”. ⁴⁶
June 2000	JSCEM’s report on the 1998 Federal Election affirms its support for four-year terms. ⁴⁷
June 2003	JSCEM’s report on the 2001 Federal Election affirms its support for four-year terms. ⁴⁸
October 2005	JSCEM’s report on the 2004 Federal Election: ⁴⁹ <ul style="list-style-type: none"> • considers the history of four-year terms, as well as supporting arguments and options • makes four recommendations regarding consideration of the implementation of four-year terms.
October 2007	ALP Federal Opposition Leader Kevin Rudd pledges his support for fixed four-year terms, and commits to holding a referendum at the subsequent federal election on it. ⁵⁰
June 2015	ALP Federal Opposition Leader Bill Shorten indicates his support for fixed four-year terms. ⁵¹

⁴³ Quoted in *Sydney Morning Herald*, 1 October 1998, cited in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 7.

⁴⁴ ‘Pathways to the Future: A Labor Vision’, address to Committee for the Economic Development of Australia, Melbourne, 16 March 1999, page 12, cited in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 7.

⁴⁵ Quoted in *The Age*, 4 September 1999, cited in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 8. Senator Minchin subsequently criticised four-year terms – see Phillip Hudson, ‘Four-year terms bad: Minchin’, *The Age*, 29 September 2008, available at <<https://www.smh.com.au/national/four-year-terms-bad-minchin-20080929-gdswsd.html>>.

⁴⁶ Constitution Alteration (Elector’s Initiative, Fixed Term Parliaments and Qualification of Members) Bill 2000; Andrew Murray, *Senate Hansard*, 4 April 2000, page 13282.

⁴⁷ Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 1998 Federal Election and matters related thereto* (2000), pages 150-152 [paragraphs 5.125-5.129].

⁴⁸ Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2001 Federal Election and matters related thereto* (2003), pages 261-262 [paragraphs 7.47-7.51].

⁴⁹ Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), pages 157-181 [paragraphs 7.1-7.118].

⁵⁰ ‘Rudd calls for fixed terms for elections’, *Sydney Morning Herald*, 5 October 2007, available at <<https://www.smh.com.au/national/rudd-calls-for-fixed-terms-for-elections-20071005-12ks.html>>; Phillip Coorey, ‘Vote on fixed term pledged’, *Sydney Morning Herald*, 11 October 2007, available at <<https://www.smh.com.au/politics/federal/vote-on-fixed-term-pledged-20071011-gdrbbo.html>>. The referendum did not occur.

⁵¹ Adam Gartrell, ‘Bill Shorten wants to remake the electoral system with fixed four-year terms’, *The Sydney Morning Herald*, 20 June 2015, available at <<https://www.smh.com.au/politics/federal/bill-shorten-wants-to-remake-the-electoral-system-with-fixed-four-year-terms-20150620-ghsyj6.html>>.

Table 3: Summary of key events regarding four-year terms since 1988

February 2017	Liberal Party MP David Coleman prepares a private member's bill for the introduction of fixed four-year terms. Both Liberal Party Prime Minister Malcolm Turnbull and ALP Federal Opposition Leader Bill Shorten indicate their in-principle support for four-year terms. ⁵²
July 2019	Media reports indicate that the Coalition party room canvassed the issue of four-year terms. ⁵³
November 2019	The House of Representatives Standing Committee on Social Policy and Legal Affairs holds a constitutional roundtable on fixed four-year terms with a panel of constitutional law experts. ⁵⁴
December 2019	The Thodey <i>Our Public Service, Our Future – Independent Review of the Australian Public Service</i> report notes some of the potential benefits of longer parliamentary terms and encouraged continued public discussion on the topic. ⁵⁵
December 2020	JSCEM's report on the 2019 Federal Election recommends that the Federal Government consider asking JSCEM " <i>to inquire into the length of Parliamentary terms with a view to introducing non-fixed four year terms for the House of Representatives (and consequently eight year terms for the Senate) to bring the Commonwealth Parliament into line with State Parliaments</i> ". ⁵⁶
November 2023	JSCEM's report on the 2022 Federal Election notes that some submissions to its inquiry addressed the length of parliamentary terms and concluded that a more detailed inquiry could be undertaken. ⁵⁷
January 2024	ALP Prime Minister Anthony Albanese expresses his support for four-year terms, ⁵⁸ and Liberal Party Federal Opposition Leader Peter Dutton subsequently indicates his support for four-year terms, ⁵⁹ as do former office-

⁵² Australian Associated Press, 'Malcolm Turnbull signals support after Bill Shorten proposes fixed four-year terms', *The Guardian*, 24 July 2017, available at <<https://www.theguardian.com/australia-news/2017/jul/23/malcolm-turnbull-signals-support-after-bill-shorten-proposes-fixed-four-year-terms>>.

⁵³ Sarah Martin, 'Coalition party room meeting raises prospect of four-year federal terms', *The Guardian*, 4 July 2019, available at <<https://www.theguardian.com/australia-news/2019/jul/04/coalition-party-room-meeting-raises-prospect-of-four-year-federal-terms>>.

⁵⁴ House of Representatives Standing Committee on Social Policy and Legal Affairs, 'Constitutional Roundtable on Fixed Four-Year Parliamentary Terms', 7 November 2019, available at https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Fixedparlterms.

⁵⁵ Department of Prime Minister and Cabinet, *Our Public Service, Our Future – Independent Review of the Australian Public Service* (2019), available at <<https://www.pmc.gov.au/sites/default/files/resource/download/independent-review-aps.pdf>>, pages 247-8.

⁵⁶ Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2019 Federal Election and matters related thereto* (2020), page 163 [paragraph 8.66].

⁵⁷ Joint Standing Committee on Electoral Matters, *Conduct of the 2022 federal election and other matters (Final report)* (2023), pages 124-126, paragraphs 5.86-5.97. The Government responded to the interim report but has not yet responded to this report – see https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2022federalection/Government_Response.

⁵⁸ Amy Remeikis, 'Albanese reiterates support for four-year terms amid questions of election timing', *The Guardian*, 3 January 2024, available at <<https://www.theguardian.com/australia-news/2024/jan/03/anthony-albanese-four-year-election-terms-australia>>; Phillip Coorey, 'Albanese kills early election talk, plans two more budgets', *Australian Financial Review*, 21 February 2024, available at <<https://www.afr.com/politics/federal/albanese-kills-early-election-talk-plans-two-more-budgets-20240220-p5f68g>>.

⁵⁹ Phillip Coorey, 'Dutton supports Albanese on four-year terms', *Australian Financial Review*, 12 March 2024, available at <<https://www.afr.com/business-summit/dutton-supports-albanese-on-four-year-terms-20240312-p5fbpi>>.

Table 3: Summary of key events regarding four-year terms since 1988

	holders including former Prime Minister John Howard ⁶⁰ and former Federal Opposition Leader and Western Australian Governor Kim Beazley. ⁶¹
November 2024, January 2025	ALP Prime Minister Anthony Albanese reaffirms his support for four-year terms and indicates that his preference is for fixed four-year terms. ⁶²

2.3.6 Consolidation of four-year terms at the state and territory level

2.3.6.1 At the state and territory level, four-year terms have become increasingly widespread and fixed (see table 4, below, and Appendix A).

Table 4: Lower house parliamentary terms in Australian jurisdictions

	Jurisdiction								
	<i>Cth</i>	<i>NSW</i>	<i>Victoria</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>
Length of term	Three years	Four years	Four years	Four years	Four years	Four years	Four years	Four years	Four years
Fixed term?	x	✓	✓	✓	✓	✓	x	✓	✓
Year parliamentary term extended to four years	x	1981	1984	2016	1987	1985	1972	2003	1978
Year parliamentary term fixed at four years	x	1995	2003	2016	2011	2006	N/A	2003	2009

The Commonwealth House of Representatives is the only Australian lower house of parliament that does not have four-year terms.

2.4 Comparison with international jurisdictions

2.4.0.1 According to the IPU, out of 181 national parliaments:⁶³

- eight countries have parliamentary terms of three years or less, including the United States of America (two years), Australia (three years), and New Zealand (three years)
- 71 countries have parliamentary terms of four years, including Canada, Denmark, Germany and Japan

⁶⁰ Simon Benson, 'John Howard supports PM's call for four year terms', *The Australian*, 14 March 2024, available at <<https://www.theaustralian.com.au/nation/politics/john-howard-supports-pms-call-for-four-year-terms/news-story/398af3fc7a980d76e17f39745e3a4c6c>>.

⁶¹ Tom Rabe, 'The one thing John Howard says could get four-year terms over the line', *Australia Financial Review*, 14 March 2024, available at <<https://www.afr.com/politics/federal/the-one-thing-john-howard-says-could-get-four-year-terms-over-the-line-20240314-p5fcj6>>.

⁶² Transcript of interview with Prime Minister Anthony Albanese, 'Doorstop – Devonport', 12 November 2024, available at <https://www.pm.gov.au/media/doorstop-devonport>; Transcript of interview with Prime Minister Anthony Albanese, 'Doorstop interview – Perth', 9 January 2025, available at <<https://www.pm.gov.au/media/doorstop-interview-perth-9>>; Transcript of interview with Prime Minister Anthony Albanese, 'Radio interview - 4RO', 7 January 2025, available at <<https://www.pm.gov.au/media/radio-interview-4ro>>.

⁶³ Inter-Parliamentary Union, 'Compare data on Parliaments – Parliamentary term (years)' available at <https://data.ipu.org/compare/?field=chamber%3A%3Afield_parliamentary_term&structure=any_lower_chamber&chart=ba>, accessed 6 March 2025. NB – this data excludes six parliaments where all chambers are suspended.



- 99 countries have parliamentary terms of five years, including France, India and Ireland; and
- three countries have parliamentary terms of six years.

Out of 84 countries that have a bicameral parliamentary system, only four have legislative terms that are three years or less – Australia, Mexico, the Philippines, and the United States of America.

2.4.1 New Zealand

2.4.1.1 Like Australia, New Zealand's Parliament can run for a maximum of three years,⁶⁴ noting that there are key differences between Australia and New Zealand, such as that New Zealand has a unicameral parliament and a mixed member proportional voting system. Among Westminster parliaments, New Zealand and Australia are the only countries with three-year terms.

2.4.1.2 New Zealand has held two unsuccessful referenda on extending their parliamentary terms to four years. The first was held in 1967, and 69% of registered electors voted, and of these, approximately 68% supported retaining a three-year parliamentary term. The second referendum was held in 1990, and 69% of those who voted supported retaining the three-year term.⁶⁵

2.4.1.3 More recently, a 2023 review of New Zealand's electoral system noted the arguments in favour of both three-year terms and four-year terms, and argued that there should be a referendum on the length of the parliamentary term, supported by a well-resourced information campaign.⁶⁶ The current New Zealand Government has agreed to introduce a draft bill that will extend the maximum parliamentary term to four years (subject to a referendum), with the bill to proceed to a select committee for consideration.⁶⁷

2.4.2 Canada

2.4.2.1 Although the Canadian Constitution provides that the federal Canadian Parliament has a maximum term of five years,⁶⁸ in 2007 the Canadian Parliament legislated to adopt fixed election dates every four years, but preserved the Governor-General's discretion to dissolve the Canadian Parliament earlier than that.⁶⁹ In effect, this means that the length of the parliamentary term has been reduced to four years, but that the Canadian Prime Minister can advise the Governor-General to dissolve the Canadian Parliament at any time before that.⁷⁰

2.4.3 United Kingdom

2.4.3.1 Following various crises in the 17th century, the UK adopted three-year parliamentary terms in 1694, but then extended the maximum parliamentary term to seven years in 1716.⁷¹ In 1911, the UK Parliament enacted legislation to limit the maximum parliamentary term to five years.⁷²

⁶⁴ *Constitution Act 1986* (NZ), section 17(1).

⁶⁵ 'Constitutional referendums' *The Encyclopedia of New Zealand*, available at <https://teara.govt.nz/en/referendums/page-5>.

⁶⁶ Independent Electoral Review (2023) *Final Report: Our Recommendations for a Fairer, Clearer and more Accessible Electoral System*, pages 135-142 [paragraphs 5.1-5.39].

⁶⁷ Media release, 'Four-year term legislation to be introduced' (27 February 2025), available at <https://www.beehive.govt.nz/release/four-year-term-legislation-be-introduced>.

⁶⁸ *Constitution Act 1867* (Can), section 50; *Constitution Act 1982* (Can), section 4.

⁶⁹ *Canada Elections Act 2000* (Can), section 56.1.

⁷⁰ *Conacher v Canada (Prime Minister)* [2010] 3 FCR 411; *Democracy Watch v Canada (Prime Minister)*, 2022 FC 239; *Democracy Watch v Canada (Prime Minister)*, 2023 FCA 41.

⁷¹ *Meeting of Parliament Act 1694* (UK) and *Septennial Act 1716* (UK). See Thea Ridley-Castle, 'Short, long, or in-between: How long do parliaments last?', 25 August 2023, available at <https://www.electoral-reform.org.uk/short-long-or-in-between-how-long-do-parliaments-last/>.

⁷² *Parliament Act 1911* (UK), section 7.



- 2.4.3.2 In 2011, the UK Parliament passed legislation providing for fixed-term elections every five years, but included limited mechanisms to allow for an election to be called earlier (e.g. if the House of Commons passed a motion of no-confidence in the government).⁷³
- 2.4.3.3 Following various constitutional crises, the UK Parliament enacted legislation in 2022 to repeal the 2011 legislation and remove fixed-term elections.⁷⁴ In effect, this means that the UK Parliament has a maximum term of five years, and that the Prime Minister can recommend that the monarch dissolve and summon parliament, and call a general election, at any time during the five-year term.

⁷³ *Fixed term Parliaments Act 2011* (UK).

⁷⁴ *Dissolution and Calling of Parliament 2022* (UK). See Thea Ridley-Castle, 'Short, long, or in-between: How long do parliaments last?', 25 August 2023, available at <https://www.electoral-reform.org.uk/short-long-or-in-between-how-long-do-parliaments-last/>.

3 Views on four-year parliamentary terms

3.0.0.1 This chapter outlines a summary of the arguments that have been put forward both for and against four-year terms for the Commonwealth House of Representatives.

3.1 Arguments made in favour of four-year terms

3.1.0.1 Supporters of four-year terms offer various arguments in favour of four-year terms. However, it should be noted that some of these arguments depend on some of the additional design choices outlined below in Chapter 4 (such as whether terms are fixed or unfixed).

3.1.1 Support for governing in the public interest, enabling longer-term policy-making, and good governance

3.1.1.1 Supporters of four-year terms argue that shorter terms mean that governments can tend to prioritise political expediency over good government, and that governments spend too much time on campaigning and electioneering. For example, one author argues that there is an “*underlying orientation of short-termism*” in Australia that has hindered effective action on climate change.⁷⁵ It is argued that four-year terms would promote longer-term policy development and implementation, and would support governments to govern more responsibly and in the public interest.⁷⁶ For example, a 2015 parliamentary committee inquiry that considered the introduction of four-year terms in Queensland noted that, with three-year terms:

it is often said that ‘governments spend the first year of office settling in, the second year making decisions, and the third year planning for the next election’. It is also said that four year terms better enable governments to take a more responsible, long term view and allows for greater time for government to implement policies and projects and achieve results.⁷⁷

3.1.1.2 Another commentator has noted that:

it is often the case that governments do not know what to do, often don't know what the problem is or whether there is one there at all. They need time to assemble and evaluate the requisite information for proper planning of policies and determination of priorities. The problem is likely to be especially serious when there has been a change of government.⁷⁸

3.1.1.3 In addition, there may be other benefits for good governance and public administration, such as:

- allowing the public service to better and more effectively support elected governments so that they can improve the lives of citizens and advance the public interest.⁷⁹ This includes providing certainty to allow for planning for policy development, preparation for a potential change of government, and reducing the impact of election speculation

⁷⁵ Institute for Democracy and Electoral Assistance (2023) *Climate Change and Democracy: Insights from the Asia and the Pacific*, available at <https://www.idea.int/sites/default/files/publications/climate-change-and-democracy-insights-from-asia-pacific.pdf>, pages 52-56.

⁷⁶ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, pages 11-12; Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), pages 166-7, [paragraphs 7.46-7.52].

⁷⁷ Queensland Finance and Administration Committee (2015) *Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015*, Report No.16, 55th Parliament, page 20.

⁷⁸ C A Hughes, ‘Extended and/or fixed parliamentary terms’, paper presented at the South Australian constitutional conference, 27-28 November 1981, South Australian Parliament, Adelaide at 7, quoted in Queensland Finance and Administration Committee (2015) *Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015*, Report No.16, 55th Parliament, page 21.

⁷⁹ Department of the Prime Minister and Cabinet (2019) *Our Public Service, Our Future. Independent Review of the Australian Public Service*, pages 247-8.

- allowing parliamentary committees more time to undertake inquiries, and for governments to consider and implement recommendations from these inquiries during a term of government.

3.1.2 Greater economic certainty and business confidence

3.1.2.1 The private sector argues that the current electoral cycle disrupts long term economic planning and investment decisions to the detriment of the national economy.⁸⁰ For example:

- Business Council of Australia President Geoff Culbert recently argued that three-year terms are too short,⁸¹ and Westpac chief executive Peter King echoed this, claiming that:

*[t]hree years is too short...[b]usinesses operate best when they know the rules, they know the requirements, and they don't change. Long-term policy that doesn't move around is critical.*⁸²

- an Australian economist estimated that “a typical election year investment impact could slow [Gross Domestic Product] growth by 0.5 per cent or more”⁸³
- the Reserve Bank of Australia has found a link between elections and economic uncertainty, with the economic uncertainty index being 14-16 points higher than average in the two months leading up to a federal election and the month of the election, and then declining following elections; and⁸⁴
- a 2019 Westpac report found that small business decision-making was affected by the impending 2019 Federal Election, with 50 per cent of small businesses being “worried or uncertain about the impact election policies will have on their operation”, and “two in five small businesses say federal elections impact the timing of critical business decisions”.⁸⁵

3.1.2.2 Advocates argue that four-year terms would support greater economic certainty, long-term business planning, and economic investment.⁸⁶

3.1.3 Reduced cost of elections

3.1.3.1 Extending parliamentary terms would result in fewer elections over a specified time period, and therefore reduce the total cost of elections over time.

3.1.3.2 For example, the Australian Election Commission (AEC) previously:⁸⁷

- noted that there were six federal elections between 1984 and 1998, with a federal election occurring approximately every 2.3 years

⁸⁰ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 12; Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), pages 167-8 [paragraphs 7.53-7.55].

⁸¹ Geoff Culbert, ‘BCA President Geoff Culbert AFR Business Summit Speech’, 12 March 2024, available at https://www.bca.com.au/bca_president_geoff_culbert_afr_business_summit_speech.

⁸² Millie Muroi, ‘Bank chiefs back calls for longer election cycles’, *Sydney Morning Herald*, 26 March 2024, available at <<https://www.smh.com.au/business/banking-and-finance/bank-chiefs-back-calls-for-longer-election-cycles-20240326-p5ffaj.html>>.

⁸³ Paul Krien, ‘The Election Effect’, 1 December 2015, available at <<https://www.aicd.com.au/regulatory-compliance/regulations/reporting/the-election-effect.html>>.

⁸⁴ Angus Moore, *Measuring Economic Uncertainty and Its Effects* (2016), Research Discussion Paper 2016-01, available at <<https://www.rba.gov.au/publications/rdp/2016/pdf/rdp2016-01.pdf>>, page 15.

⁸⁵ *Westpac Small Business Report* (2019), available at <<https://www.westpac.com.au/content/dam/public/wbc/documents/pdf/bb/Westpac-Small-Business-Report-Election-Edition-March-2019.pdf>>, page 6.

⁸⁶ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 12; Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), pages 167-8 [paragraphs 7.53-7.55].

⁸⁷ Cited in Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 1998 Federal Election and matters related thereto* (2000), page 151 [paragraph 5.127].

- argued that if fixed four-year terms had been in effect during this period, there would have been only four federal elections, which would have resulted in a saving of approximately \$155,169,000.⁸⁸

3.1.3.3 An equivalent calculation for the period of 1998 to 2022 finds that \$523 million could have been saved in avoided election costs if four-year terms were in place.⁸⁹ Given the substantial increase in the cost of federal elections since then (from \$105,830,037 for the 2001 House of Representatives and half-Senate Elections to \$522,390,716 for the 2022 House of Representatives and half-Senate Elections), the reduced cost of elections if four-year terms were introduced will be even more pronounced in future years.

3.1.4 Other reasons

3.1.4.1 Other arguments that have been advanced in favour of four-year parliamentary terms are that:

- given the three tiers of government in Australia, voters are required to regularly participate in various elections, and moving to four-year terms would reduce the total number of elections
- it would align the Commonwealth House of Representatives with lower houses in Australian states and territories⁹⁰
- four-year terms could improve bipartisanship and improve the standard of public debate, as it would create more opportunities and space for cross-party discussions on policy issues without the prospect of an election hanging over discussions;⁹¹ and
- four-year terms provide greater opportunities for MPs to become more familiar with their roles and build better and more effective relationships with their constituents.⁹²

3.2 Arguments made against four-year terms

3.2.1 Limits democratic accountability

3.2.1.1 Opponents argue that extending parliamentary terms could undermine a fundamental principle of democratic accountability.

3.2.1.2 For example, three members of the 1929 Royal Commission on the Constitution did not support the Commission's recommendation that parliamentary terms should be extended to four years, noting that the existing term was appropriate that did not give "*the electors more than a reasonable control over their representatives in Parliament*". These members also argued that "*it is within the control of members to alter the present method of spending the last session in reviewing the election and the last session in preparing for the next*", and that "*[t]he greater the control of Parliament by the electors the better for the people, and the lengthening of the term of Parliament tends to weaken this control*".⁹³

⁸⁸ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 12.

⁸⁹ Based on data from Australian Electoral Commission, 'Cost of elections and referendums', updated 31 October 2024, available at <https://www.aec.gov.au/elections/federal_elections/cost-of-elections.htm>.

⁹⁰ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 13; Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), page 170 [paragraph 7.67].

⁹¹ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 13; Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), page 168, paragraph 7.59.

⁹² Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 13; Queensland Finance and Administration Committee (2015) *Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015*, Report No.16, 55th Parliament, page 22.

⁹³ *Royal Commission on the Constitution* (Final Report, 1929), page 304.

3.2.1.3 Similarly:

- former Prime Minister Paul Keating argued that Australia's democratic system is "very robust" because electors can change Parliament and the Government "every three years or less",⁹⁴ and
- former Prime Minister Tony Abbott stated that Australia "needs more democracy, not less democracy, and "if there's a bad government an election can't come soon enough, and if it's a good government, it shouldn't be scared of an election".⁹⁵

3.2.2 Self-interest for elected representatives

3.2.2.1 Others argue that elected representatives support four-year terms because of self-interest. As Laurie Oakes stated:

The argument politicians put is that a three-year term is too short to allow governments to operate in the national interest. A government, they say, implements the hard decisions in the first year, beds them down in the second, and spends the third year trying to win re-election. But what is wrong with that? It sounds pretty efficient, in fact. How would four years be any better? Presumably it would enable a government to...have 12 months resting on its laurels and enjoying the comforts of incumbency before having to worry about the next election. It is easy to see how that would benefit parliamentarians, especially those in the governing party, but less easy to see how it would benefit voters.⁹⁶

3.2.3 No guarantee of good government, and can contribute to poor government

3.2.3.1 Opponents also argue that four-year term does not guarantee better government. Journalist and academic Peter van Onselen argued that:

If we search for governments already operating under four-year electoral cycles we land in the realm of state politics. Most Australian states fall into that category. Does anyone seriously think that our recent state governments have achieved all that much? Or that the media coverage of state politics excels? Even if you do, good luck finding a causal link to four-year terms.⁹⁷

3.2.3.2 It has also been argued that four-year terms do not guarantee leadership stability, as was seen in NSW between 2007 and 2011.⁹⁸

3.2.3.3 In addition, some also argue that four-year terms can contribute to poor government, as longer terms can lead to complacency, and shorter terms can motivate governments to progress reforms. For example, former minister and President of the Senate Scott Ryan stated that:

I have seen lots of good governments that have instituted very strong reforms work under a three-year term system, but four-year terms at the state level have led to government that occasionally gets a bit lazy...three-year terms keep the pressure on

⁹⁴ 'A Powerful Choice', ABC TV Facilities Marketing and Corporate Production video, 1994, quoted in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <https://apo.org.au/node/7578>, page 15.

⁹⁵ Dennis Shanahan, "'Shouldn't be scared of an election': Tony Abbott opposes four-year federal terms", *The Australian*, 15 March 2024, available at <https://www.theaustralian.com.au/nation/politics/shouldnt-be-scared-of-an-election-tony-abbott-opposes-four-year-federal-terms/news-story/5a8fba86ad0aa1859a65204663b63f5e>.

⁹⁶ Quoted in William Bowe, 'No More Years', *The Poll Bludger*, 25 October 2005, available at <https://www.pollbludger.net/2005/10/25/no-more-years/>.

⁹⁷ Peter van Onselen, 'Four-year term won't fix political malaise', *The Australian*, 16 March 2024, available at <https://www.theaustralian.com.au/inquirer/four-year-term-wont-fix-political-malaise/news-story/4daf49e940b59ae42ce211cd90daebd2>.

⁹⁸ See e.g. Mike Sketetee, 'Four-year terms could be the key to political stability', *ABC News*, 9 October 2015, available at <https://www.abc.net.au/news/2015-10-09/steketee-four-year-terms-could-be-key-to-political-stability/6839864>, which argued that four-year terms in NSW did not prevent leadership instability.



*politicians to explain the argument for the policies we are implementing and we have got to do that every day.*⁹⁹

3.2.4 The cost of a referendum

3.2.4.1 Amending the Constitution to provide for four-year terms would require a referendum, and this is likely to come at a substantial cost. For example, the 1999 republic referendum cost \$66,820,894, and the cost of holding a referendum increased significantly to \$411,269,848 in 2023 for 'The Voice' referendum.¹⁰⁰

3.2.5 Electoral divisions less representative

3.2.5.1 A 2015 Queensland parliamentary committee inquiry noted that extending parliamentary terms to four years could create a less representative parliament, as electoral boundaries would remain in effect for longer, which would increase the time required for electoral boundaries to be changed to reflect population changes in electorates.¹⁰¹

⁹⁹ Australian Associated Press, 'Minister rejects four-year term idea', *SBS News*, 22 February 2017, available at <https://www.sbs.com.au/news/article/minister-rejects-four-year-term-idea/i99kzk001>.

¹⁰⁰ Australian Electoral Commission, 'Cost of elections and referendums', updated 31 October 2024, available at https://www.aec.gov.au/elections/federal_elections/cost-of-elections.htm.

¹⁰¹ Queensland Finance and Administration Committee (2015) *Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015*, Report No.16, 55th Parliament, page 27.

4 Additional design choices

4.0.0.1 If four-year parliamentary terms were supported in-principle, there are a number of implementation issues that also require consideration:

- whether the term would be fixed or unfixed, or a mixed system that includes a minimum term length and a maximum fixed term
- options to resolve disputes before the expiry of a parliamentary term
- implications for the Senate
- simultaneous elections; and
- implementation (including timing and dates for an election).

4.0.0.2 These matters, together with other issues such as support for four-year terms, are discussed further below.

4.1 Fixed vs unfixed terms

4.1.0.1 One of the key issues for consideration in relation to four-year terms is whether the parliamentary term would be fixed at four years, which would then provide for specified timing for elections and key election dates (and therefore removing the Prime Minister's discretion to determine the election date), or whether the term would be unfixed, which would extend the maximum length of a parliamentary term but retain the Prime Minister's discretion to determine the election date.

4.1.0.2 It has been argued that unfixed four-year terms would be:

[t]he worst of all possible worlds. It gives an extra year to a government without accountability to the people and yet the opportunity for a prime minister to call an early election at will still remains.¹⁰²

4.1.0.3 Supporters of fixed terms argue that fixed terms:¹⁰³

- provide greater certainty, consistency and stability for government, citizens, business, and the public service, as election dates would generally be known in advance
- limit the capacity for a prime minister to seek to maximise the benefit of incumbency by calling an election at a time that would be most advantageous for the government, and eliminate speculation about the timing of an election (which can divert attention from focussing on substantive policies)
- promote equality of participation in elections for smaller parties and independent candidates
- provide security of tenure for a government to ensure that it has an opportunity to govern effectively
- contribute to lower costs for elections
- can support the regulation of political finance, such as caps on political donations and campaign expenditure, as this would be more predictable with fixed terms

¹⁰² Elaine Thompson, Donald Horne and Sol Encel, *Legislative Studies Newsletter*, no. 1, April 1980, page 9, quoted in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 17.

¹⁰³ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, pages 17-20; Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), pages 170-172 [paragraphs 7.70-7.81]. Queensland Finance and Administration Committee (2015) *Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015*, Report No.16, 55th Parliament, pages 30-33; Christian Leuprecht and James T McHugh, 'Fixed Election Cycles: A Genuine Alternative to Responsible and Responsive Government?' (2008) *Commonwealth & Comparative Politics*, volume 46, no 4, pages 415-441; Anne Twomey, 'Will we have a referendum on four year terms for the Australian Parliament?', 17 March 2024, available at <<https://www.youtube.com/watch?v=2UAaPxeSzQ>>.

- support better governance, such as improved policymaking, better planning of legislative and parliamentary timetables, and public administration
- reduce incentives for parliamentary procedural manoeuvres
- reduce the time that political parties and candidates spend on campaigning; and
- support better arrangements and practices regarding the continuity of government in relation to elections (e.g. allowing better planning by the public service).

4.1.0.4 Opponents of fixed terms argue that:¹⁰⁴

- fixed terms are inconsistent with a key principle of the Westminster system of government, which is that a government should have the power to appeal to the electorate at any time (e.g. to seek or renew a mandate)
- fixed terms unduly limit the flexibility and adaptability that exists in the Westminster system of government, and could allow a lame duck government or a poor government to remain in power
- a prime minister could still manufacture an early election (e.g. by supporting a no-confidence motion)
- flexible terms may produce shorter and cheaper election campaigns (e.g. there is little benefit to the opposition in campaigning before an election has been called); and
- the benefits of fixed terms may be overstated.

4.1.0.5 Amongst supporters of four-year terms at the federal level, there are different views about whether terms should be fixed or unfixed. A 2005 JSCEM report argued that “*whilst there is some support for fixed-term parliaments, it is not bi-partisan*”.¹⁰⁵ More recently, the Australian Labor Party’s National Platform supports fixed four-year terms.¹⁰⁶

4.1.0.6 At the state and territory level, every jurisdiction except for Tasmania has adopted fixed four-year terms since 1995, including in jurisdictions that initially adopted four-year terms (see [Appendix A](#)), and there have been unsuccessful attempts in Tasmania to implement fixed four-year terms.¹⁰⁷

4.1.0.7 It has also been suggested that fixed three-year terms could be adopted without a referendum, although constitutional law experts have different views about whether this could be done by a voluntary agreement or a legislative amendment.¹⁰⁸

4.2 A mixed system

4.2.0.1 There have been attempts to craft mixed arrangements that combine the extension of a parliamentary term (including some certainty) with the retention of some of the flexibility of

¹⁰⁴ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, pages 18-20; Queensland Finance and Administration Committee (2015) *Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015*, Report No.16, 55th Parliament, pages 34-39.

¹⁰⁵ Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), page 172 [paragraphs 7.76].

¹⁰⁶ *Australian Labor Party National Platform* (2023), available at <https://www.alp.org.au/media/3569/2023-alp-national-platform.pdf>, page 82, chapter 6.8.d.

¹⁰⁷ See e.g. Constitution (Fixed Term Parliament) Amendment Bill 2008 (Tas); ABC Election Analyst, ‘Reprise: Fixed Term Parliaments for Tasmania’, *ABC News*, 18 November 2002, available at <https://www.abc.net.au/news/2008-11-18/reprise-fixed-term-parliaments-for-tasmania/9389096>; Kevin Bonham, ‘Why I Don’t Support Fixed Four Year Terms for Tasmania’, 14 March 2024, available at <https://kevinbonham.blogspot.com/2024/03/why-i-dont-support-fixed-four-year.html>.

¹⁰⁸ Michelle Grattan, ‘Four-year federal terms are too hard, but what about making the three-year term fixed?’, 5 April 2016, available at <<https://theconversation.com/four-year-federal-terms-are-too-hard-but-what-about-making-the-three-year-term-fixed-57278>>.

unfixed terms.¹⁰⁹ This model generally involves extending the maximum parliamentary term (e.g. four years), fixing a minimum parliamentary term (e.g. three years), and then retaining the head of government's discretion to request a dissolution of parliament in the fourth year of the term of parliament.

4.2.0.2 Supporters of the mixed system argue that it appropriately balances various public interest considerations in fixed and unfixed terms. Guaranteeing the first three years of the term would provide a degree of certainty and stability, and allowing the prime minister to call an election in the fourth year of the term would retain some of the flexibility of unfixed terms.

4.2.0.3 This mixed model has received some support at the state level, although this is generally historical. For example, this model was in effect in Victoria from 1984 until 2006. It was also in effect in South Australia from 1985 until 2006. In 2000, a Queensland parliamentary committee recommended that Queensland adopt a mixed model, but it was not implemented,¹¹⁰ and Queensland subsequently adopted a fully-fixed four-year term.

4.2.0.4 The mixed system has received some support at the federal level. For example, a 2005 JSCEM report recommended it for consideration as an option in relation to four-year parliamentary terms.¹¹¹

4.3 Resolving disputes before the expiry of a fixed parliamentary term

4.3.0.1 The Australian Constitution contains a mechanism for a double dissolution election in specified circumstances in which the House of Representatives and Senate cannot agree on the passage of a bill.¹¹²

4.3.0.2 If a four-year fixed term were adopted, consideration would have to be given to the operation of the double dissolution mechanism, as well as mechanisms to allow for the Commonwealth House of Representatives to be dissolved before the completion of a full four-year parliamentary term, as exists in Australian jurisdictions with fixed parliamentary terms, and the implications of this for the Senate.

4.3.0.3 The mechanisms that exist in Australian jurisdictions with fixed parliamentary terms aim to recognise that there are still circumstances in which parliament can or should be dissolved and an election should be called, such as to preserve the integrity of the Westminster system of government (including principles relating to responsible government), or avoiding a political crisis or parliamentary deadlock when the government has lost control of the lower house. Australian states and territories recognise the following exemptions that allow a lower house to be dissolved before the expiry of a full four-year term:

- *passage of a no confidence motion* – a lower house passes a no confidence motion against the government¹¹³
- *deadlocked legislation* – a lower house and an upper house cannot agree to pass legislation¹¹⁴

¹⁰⁹ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, pages 20-21; Queensland Finance and Administration Committee (2015) *Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015*, Report No.16, 55th Parliament, page 34;

¹¹⁰ Queensland Finance and Administration Committee (2015) *Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015*, Report No.16, 55th Parliament, pages 13-14.

¹¹¹ Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2005), pages 172-3 [paragraphs 7.78, 7-80-1].

¹¹² *Commonwealth Constitution*, section 57.

¹¹³ See e.g. *Constitution Act 1902* (NSW), section 24, 24B; *Constitution Act 1975* (Vic), sections 8-8A; *Constitution of Queensland Act 2001* (Qld), section 19E(1); *Constitution Act 1934* (SA), section 28A; *Australian Capital Territory (Self-Government) Act 1988*, section 48.

¹¹⁴ See e.g. *Constitution Act 1975* (Vic), sections 65A-65G; *Constitution Act 1934* (SA), section 28A.

- *refusal to grant supply* – the lower house does not provide supply to the government¹¹⁵
- *preservation of constitutional conventions* – the Governor acting in accordance with established constitutional conventions or reserve powers.¹¹⁶

4.4 Implications for the Senate

- 4.4.0.1 A key question in relation to four-year terms for the Commonwealth House of Representatives is what it would mean for the Senate.
- 4.4.0.2 The Australian Constitution currently provides that senators generally hold office for six years (except for territory senators, who hold office for three years), with terms that commence on 1 July following an election. Half the Senate is elected approximately every three years, except in the case of double dissolution election, when the entire Senate is elected at the same time as the House of Representatives. Although there is no requirement for House of Representatives and Senate elections to be held simultaneously, this generally occurs in practice.
- 4.4.0.3 There are three broad options for the Senate if the House of Representatives adopts four-year terms:
- Option 1 – extending the Senate term to eight years
 - Option 2 – retaining the current six-year Senate term; and
 - Option 3 – reducing the Senate term to four years.
- 4.4.0.4 Across each model, there are additional variables relating to whether Senate terms are fixed and whether there would be a requirement for simultaneous elections for the House of Representatives and Senate.
- 4.4.0.5 Noting that proposals to formalise simultaneous elections have failed previously, and that the Senate and other upper houses in Australian jurisdictions have generally had fixed terms, the three broad options for Senate terms are discussed further below.
- ### 4.4.1 Option 1 – extending the Senate term to eight years
- 4.4.1.1 This option would maintain the current relationship between the length of terms for the House of Representatives and the Senate, as it would involve aligning half-Senate elections with a four-year term for the House of Representatives. As such, it would retain the current role of the Senate and be consistent with the role of the Senate in continuing to be a house of review.
- 4.4.1.2 Such a model is currently used in the upper houses in New South Wales and South Australia.
- 4.4.1.3 Minister Penny Wong has raised concerns that this might undermine democratic legitimacy given the length of the term,¹¹⁷ and these concerns may be exacerbated in relation to senators who change allegiances once they enter the Senate (given that they may have an unreasonably length of time in office before submitting themselves for re-election).

¹¹⁵ See e.g. *Constitution Act 1902* (NSW), section 24B(3); *Constitution of Queensland Act 2001* (Qld), section 19E(1); *Constitution Act 1934* (SA), sections 28A and 41.

¹¹⁶ See e.g. *Constitution Act 1902* (NSW), section 24B(5); *Constitution of Queensland Act 2001* (Qld), section 19G. Professor Anne Twomey has raised concerns about the implications of fixed four-year terms for these powers – see Anne Twomey, 'When it comes to four-year terms, it's all about choice', *The Australian*, 9 January 2025, available at <<https://www.theaustralian.com.au/commentary/when-it-comes-to-four-year-terms-its-all-about-choice/news-story/df039700cf41d7506150a50d8d0a8405>>.

¹¹⁷ Paul Karp, 'Fixed four-year parliamentary terms would end 'phoney war' over election timing, Liberal MP says', *The Guardian*, 21 February 2017, available at <<https://www.theguardian.com/australia-news/2017/feb/21/fixed-four-year-parliamentary-terms-would-end-phoney-war-over-election-timing-liberal-mp-says>>.

4.4.2 Option 2 – retaining the current six-year Senate term

- 4.4.2.1 This option would require the least degree of change, and it would mean that extending the term of the House of Representatives would not affect Senate terms.
- 4.4.2.2 Supporters of this view suggest that there would be various benefits. For example, former minister Peter Reith suggested that it would enhance the Senate's power and allow it “a *higher profile*”.¹¹⁸ Similarly, David Madden argued that it would allow the Senate to become “a *serious house of long-term national policy formation*”, and increase the Senate's independence, prestige, and effectiveness.¹¹⁹
- 4.4.2.3 However, this option would mean that there would be some half-Senate elections that would not be held with House of Representatives elections, which would therefore not reduce the frequency (and likely the cost) of federal elections. It has also been argued that it could potentially distort the results of House of Representatives elections as a result of House of Representatives and Senate elections being held at separate times,¹²⁰ and it may not reduce the number of election campaigns.

4.4.3 Option 3 – reducing the Senate term to four years

- 4.4.3.1 This option would address concerns relating to the extension of Senate terms, and it has been argued that it would ensure that the Senate would more accurately reflect the will of electors.¹²¹
- 4.4.3.2 This option would arguably involve the greatest degree of change, as it would potentially change the relationship between the Senate and the House of Representatives. Opponents have argued that if the entire Senate was elected at the same time as the House of Representatives, this would diminish the role and power of the Senate as being a house of review and a states' house, as the Senate's role is supported by having different term lengths and staggered elections.¹²²
- 4.4.3.3 In addition, reducing the Senate term to four years could impact the composition of the Senate because the Senate uses proportional representation. To be elected to the Senate, candidates are required to achieve a quota of votes, which is calculated by dividing the total number of formal votes by one more than the number of candidates to be elected, and then adding one vote (so that a candidate exceeds the required threshold). In a half-Senate election, the quota for a Senate seat is 1/7 of the total formal vote (which is 14.3% of votes), whereas the quota for a Senate seat at a double dissolution election, which involves a full-Senate election, is 1/13 of the total formal vote (which is 7.7% of votes) also halve the quota for election to the Senate.¹²³
- 4.4.3.4 Having upper house members serve four years was unsuccessfully put to a referendum in 1988 and is currently used in upper houses in Victoria and Western Australia.

¹¹⁸ Peter Reith, *Proposal for Four Year Terms of the House of Representatives*, [1989?], pages 3-4, quoted in Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 24.

¹¹⁹ David Madden, 'Fixed four-year electoral terms will improve our system of government', *Online Opinion*, 20 August 2004, available at <<https://www.onlineopinion.com.au/view.asp?article=2475>>.

¹²⁰ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 25.

¹²¹ Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 26.

¹²² Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 26.

¹²³ Antony Green, 'The Senate Results', in Anika Gauja, Peter Chen, Jennifer Curtin and Juliet Pietsch (eds), *Double Disillusion: The 2016 Australian Federation Election* (2018), ANU Press.

4.5 Simultaneous elections

- 4.5.0.1 The Australian Constitution does not require House of Representatives and Senate elections to be held simultaneously, but in practice they generally are.
- 4.5.0.2 There have been several attempts to codify this, but referenda in 1974, 1977 and 1984 failed.¹²⁴
- 4.5.0.3 If four-year terms are adopted, consideration could also be given to whether the Australian Constitution should be amended to require simultaneous House of Representatives and Senate elections.

4.6 Other implementation considerations

4.6.1 Referendum

- 4.6.1.1 Given that the Australian Constitution currently sets out requirements for House of Representatives and Senate terms, any changes would require constitutional amendments and therefore a referendum.¹²⁵
- 4.6.1.2 Successful referenda in Australia are rare, which reflects the difficulty of amending the Australian Constitution. Of the 45 referendum proposals put to a vote, only eight have passed. Of those which were not approved, 32 received neither a favourable majority of electors in a majority of States nor a favourable majority of all electors, while the remaining five achieved a favourable majority of all electors but not a favourable majority of electors in a majority of States.¹²⁶
- 4.6.1.3 Any proposal to amend the Australian Constitution to alter parliamentary terms is likely to face numerous challenges, particularly given that the previous attempt in 1988 failed.
- 4.6.1.4 On a related issue, some commentators have also argued that Australia's referendum machinery legislation should be reviewed and updated to ensure that it meets contemporary expectations.¹²⁷

4.6.2 Timing and deferred implementation

- 4.6.2.1 It has been argued that any amendments to the length of parliamentary terms should commence at a subsequent election, to minimise perceptions of self-interest and partisanship. For example, former Prime Minister John Howard argued that “[i]f carried, the amendment should take effect at the election after the vote is taken, so there will be no apparent gaming at the time of the referendum”.¹²⁸ Queensland adopted this approach when it held a successful referendum in March 2016 on adopting four-year terms, which then commenced in October 2020.¹²⁹

¹²⁴ George Williams and David Hume, *People Power: How Australian referendums are lost and won (2nd edition)* (2024), pages 140, 187-198.

¹²⁵ The requirements for a referendum are set out in the *Commonwealth Constitution*, section 128 and the *Referendum (Machinery Provisions) Act 1984* (Cth).

¹²⁶ George Williams and David Hume, *People Power: How Australian referendums are lost and won (2nd edition)* (2024), Appendix 2, pages 314-321.

¹²⁷ See e.g. House of Representatives Standing Committee on Social Policy and Legal Affairs, ‘Constitutional Roundtable on Fixed Four-Year Parliamentary Terms’, available at https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Fixedparlterms., comments from Dr Gabrielle Appleby, Professor George Williams and Professor Cheryl Saunders, pages 4-5, 23.

¹²⁸ Phillip Coorey, ‘Australia’s long history of short governments’, *Australian Financial Review*, 20 March 2024, available at <https://www.afr.com/politics/federal/australia-s-long-history-of-short-governments-20240319-p5fdgg>.

¹²⁹ Phillip Coorey, ‘Australia’s long history of short governments’, *Australian Financial Review*, 20 March 2024, available at <https://www.afr.com/politics/federal/australia-s-long-history-of-short-governments-20240319-p5fdgg>.

4.6.3 Public opinion

4.6.3.1 Two 2024 polls found varying levels of support for four-year terms:

- one poll found that 51% of people supported fixed four-year terms, with 37% opposed, and 12% did not know¹³⁰
- another poll found that 38% of people supported four-year terms, 44% were opposed and 18% were unsure, with support highest at 50% for Labor Party voters, and lower support amongst voters of other parties.¹³¹

4.6.3.2 Earlier polls also found varying levels of support:

- a 2005 poll found that 38% of people supported extending the term of the House of Representatives to four years, with 54% of people supportive of the existing three-year term, and seven per cent of people saying that they did not know which length of term they preferred¹³²
- a 2017 poll found that 58% of people supported fixed four-year terms, 24% were opposed, and 18% did not know, with support broadly consistent across major party voters and slightly lower for non-major party voters.¹³³

4.6.3.3 At the 1988 referendum only 32.92% of voters supported the proposal for unfixed four-year terms, and no state voted in favour of the proposal.¹³⁴

4.6.4 Implications for democratic accountability

4.6.4.1 Given arguments that extending terms to four years may limit democratic accountability (see 3.2.1, above), some commentators have argued that debates about the length of parliamentary terms should be part of a broader discussion about improving democratic accountability. This could include reforms on issues such as political finance,¹³⁵ mechanisms to improve the operation and effectiveness of parliament (such as Question Time and the use of citizen petitions), and citizen engagement.¹³⁶

¹³⁰ Simon Benson, 'Newspoll: bare majority of voters favour fixed four-year federal parliamentary terms', *The Australian*, 25 March 2024, available at <<https://www.theaustralian.com.au/nation/politics/newspoll-bare-majority-of-voters-favour-fixed-four-year-federal-parliamentary-terms/news-story/a8cc9bd94ef8af46debbce0510cc89a2>>.

¹³¹ Phillip Coorey, 'No majority support for four-year federal terms: poll', *Australian Financial Review*, 15 April 2024, available at <<https://www.afr.com/politics/federal/no-majority-support-for-four-year-federal-terms-poll-20240415-p5fju5>>.

¹³² 'No popular support for four-year terms', *Sydney Morning Herald*, 24 October 2005, available at <<https://www.smh.com.au/national/no-popular-support-for-four-year-terms-20051024-gdmazp.html>>.

¹³³ Essential Research, '4-year terms', 1 August 2017, available at <<https://essentialvision.com.au/4-year-terms>>.

¹³⁴ Australian Electoral Commission, 'Referendum dates and results', updated 7 November 2023, available at https://www.aec.gov.au/elections/referendums/referendum_dates_and_results.htm; George Williams and David Hume, *People Power: How Australian referendums are lost and won (2nd edition)* (2024), pages 199-211; Scott Bennett, *Four-Year Terms for the House of Representatives?* (2003), Department of the Parliamentary Library, available at <<https://apo.org.au/node/7578>>, page 8.

¹³⁵ Bernard Keane, 'Four-year terms and less democracy? Give us more accountability', 15 March 2024, *Crikey*, available at <<https://www.crikey.com.au/2024/03/15/four-year-terms-australia-politics-democracy-accountability/>>.

¹³⁶ House of Representatives Standing Committee on Social Policy and Legal Affairs, 'Constitutional Roundtable on Fixed Four-Year Parliamentary Terms', available at <https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Fixedparlterms>, comments from Professor George Williams, Professor Cheryl Saunders and Dr Gabrielle Appleby, pages 4, 7, 10, 25.

5 Matters for further consideration

5.1 Four-year terms and the contemporary context

- 5.1.0.1 In Australia, discussions about the length of parliamentary terms have existed at least since debates about Federation in the 1890s.
- 5.1.0.2 However, it is necessary to ensure that consideration of four-year terms for the Commonwealth House of Representatives reflects the contemporary context.
- 5.1.0.3 For example, although advocates of four-year terms for the Commonwealth House of Representatives argue that longer terms would provide help to provide greater certainty and stability for governments, it is also arguable that the length of parliamentary terms does not by itself guarantee certainty and stability. Although it is important to ensure that institutional settings (such as the length of parliamentary terms) support good governance and sound public administration, other factors also contribute to the effectiveness of governments, such as leadership stability, a government's ability and inclination to undertake long-term planning in prosecuting their agenda, and norms and culture.
- 5.1.0.4 In addition, significant changes have occurred in Australia and globally since the 1890s and the 1988 referendum, and discussions about the length of parliamentary terms must take account of these. For example, although governments have always had to grapple with crises, uncertainty, and instability, it has recently been argued that:

[t]he basic level of societal turbulence has increased due to a combination of intensified globalisation, structural transformation of the international order, spread of new technologies and communication systems, emergence of new lines of social and political conflict, and so on. Moreover, the basic level of turbulence is constantly heightened by a growing frequency of economic, political, social, and environmental crises that overlap and coexist and are only partially resolved, if at all [T]urbulence is less exceptional and more the new normal".¹³⁷

- 5.1.0.5 Australia has not been immune to these trends, and they have manifested themselves in various ways, including:
- decreasing support for major political parties and the increasing possibility of minority governments¹³⁸
 - declining trust in government and public institutions¹³⁹
 - permanent election campaigns.¹⁴⁰
- 5.1.0.6 Australia continues to grapple with the implications of these for Australia's system of government and political culture. Given this, it is important that the arguments for and against four-year terms for the Commonwealth House Representatives are carefully assessed in this context.

¹³⁷ Christopher Ansell, Eva Sørensen, Jacob Torfing, and Jarle Trondal, *Robust Governance in Turbulent Times* (2024), Cambridge University Press, pages 9-10.

¹³⁸ See e.g. George Megalogenis, *Minority Report: The New Shape of Australian Politics* (2024), Quarterly Essay 96.

¹³⁹ See e.g. 'Satisfaction with democracy on the decline', 31 October 2023, available at <<https://www.anu.edu.au/news/all-news/satisfaction-with-democracy-on-the-decline>>

¹⁴⁰ Peter Van Onselen and Wayne Errington, 'The Democratic State as a Marketing Tool: The Permanent Campaign in Australia', *Commonwealth and Comparative Politics* (2007), volume 45(1), pages 78-94.

5.2 Constitutional reform in Australia

- 5.2.0.1 As recent history has shown, constitutional change is very difficult in Australia and, as a general rule, bipartisan support is necessary to the success of a referendum. To progress four year terms in Australia it is essential bipartisan support is secured and maintained. There are also a range of important and consequential design choices that need to be carefully considered and worked through to mitigate against any unintended consequences. Given this, any next steps to progress this issue must be focused on building a consensus in the parliament and community and developing a workable model in the Australian context.
- 5.2.0.2 Some commentators have noted that constitutional reform in Australia generally involves determining the details of any proposed reforms before a proposal is put to a referendum, which allows proposals to be tested and considered.¹⁴¹
- 5.2.0.3 However, others have argued that Australia needs to reconsider how it approaches constitutional reform, included establishing new institutions and processes for generating proposals and refining proposals, as well as educating and engaging with citizens before a detailed proposal is put to the people.¹⁴²
- 5.2.0.4 Given that the issue of four-year terms for the Commonwealth House of Representatives continues to arise, there are various options to explore the issue in more detail, including to undertake a more detailed inquiry to fully assess the views in the community, engage with citizens, seek expert advice, and consider any decision choices.
- 5.2.0.5 Key options for such an inquiry include:
- initiating a constitutional convention or commission, which:
 - would echo previous efforts in relation to modifying the Australian Constitution; and
 - could allow for a degree of independence, which may be appropriate given that the proposal relates to the extension of parliamentary terms, noting that consideration would need to be given to issues such as the role, scope, and terms of reference, and the appointment of members, to the convention or commission; and
 - undertaking a parliamentary committee inquiry, as has previously been suggested by JSCEM,¹⁴³ with consideration being given to issues such as the most appropriate committee that could undertake the inquiry (including whether an existing committee could undertake it, or whether a select committee could be established).
- 5.2.0.6 Other options include:
- commissioning a citizens' assembly to more effectively understand community perceptions about the issue and the key design choices required,
 - convening a meeting of civil society organisations, experts and authorities, interested parties, and citizens to further consider the issue.

¹⁴¹ See e.g. House of Representatives Standing Committee on Social Policy and Legal Affairs, 'Constitutional Roundtable on Fixed Four-Year Parliamentary Terms', available at https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Fixedparlterms, comments from Professor Anne Twomey, pages 24-5.

¹⁴² George Williams and David Hume, *People Power: How Australian referendums are lost and won*, at footnote 18, pages 289-311.

¹⁴³ Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the conduct of the 2019 Federal Election and matters related thereto* (2020), page 163 [paragraph 8.66].



6 Conclusion

- 6.0.0.1 The issue of four-year terms for the Commonwealth House of Representatives was debated during Federation and has been the focus of discussions since then, and recent public comments from the Prime Minister, Federal Opposition Leader and others have indicated that there is continuing interest in this democratic reform.
- 6.0.0.2 Any extension of the term of the Commonwealth House of Representatives requires careful consideration of constitutional issues and implications, citizen engagement, and of various design choices, such as whether the term should be fixed and implications for the Senate, and there are various options to explore these.
- 6.0.0.3 The practices and institutions that are fundamental to the operation and effectiveness of our governments have generally served Australians well, but it is appropriate to consider whether they could be improved to ensure that they meet the expectations of Australians, and allow governments to serve their interests. The term of the Commonwealth Parliament is a key element of Australia's democratic architecture and whether or not three-year terms remain fit-for-purpose in a contemporary context is a debate that Australia should welcome.



7 APPENDIX A – PARLIAMENTARY TERMS IN AUSTRALIAN JURISDICTIONS

Table 5: Parliamentary terms in Australian jurisdictions

		Jurisdiction								
		<i>Cth</i>	<i>NSW</i>	<i>Victoria</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>
Lower House	Length of term	Three years	Four years	Four years	Four years	Four years	Four years	Four years	Four years	Four years
	Fixed term?	*	✓	✓	✓	✓	✓	*	✓	✓
	Year parliamentary term extended to four years	*	1981	1984	2016	1987	1985	1972	2003	1978
	Year parliamentary term fixed at four years	*	1995	2003	2016	2011	2006	N/A	2003	2009
	Mechanism for change	Referendum	Referendum	Legislation	Referendum	Legislation	Legislation	Legislation	Legislation	Legislation
	Exceptions to fixed terms	N/A	✓	✓	✓	✓	✓	✓	N/A	✓
Upper House	Length of term	Six years	Eight years	Four years	N/A	Four years	Eight years	Six years	N/A	N/A
	Election of members (all/half/some?)	Half	Half	All	N/A	All	Half	Some	N/A	N/A
	Requirement for simultaneous elections?	*	✓	✓	N/A	✓	✓	*	N/A	N/A



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