

# The case against four-year terms for the Commonwealth Parliament

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## INTRODUCTION

This article reviews the arguments for and against the introduction of four-year, fixed terms for the Commonwealth Parliament. It was prompted by Prime Minister Albanese's comments this year that the Parliament's 'terms are too short with just three years'.<sup>1</sup> The Commonwealth is the only Australian legislature without four year, fixed terms.

This triggered renewed interest in this issue with opposition leader Peter Dutton and the Business Council of Australia expressing support.<sup>2</sup> Dutton has been joined by former prime minister John Howard, who led the opposition's campaign against the Hawke Government's 1988 four-year term referendum. That proposal received the second lowest national vote in the referenda held since federation.<sup>3</sup>

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<sup>1</sup> A. Albanese, Transcript, Press Conference, 3 January 2024.

<sup>2</sup> P. Coorey, 'Peter Dutton supported Anthon Albanese on the idea of four-year terms of federal parliament but says the public may not like it', *Australian Financial Review*, 13 March 2024.

<sup>3</sup> The vote was 32.9 per cent – the 'Rights and Freedom' referendum held at the same time received just 30.7 per cent.

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With these developments, the issue now is whether there might be bipartisan support for another referendum sometime in the future. A referendum is necessary because section 28 of the *Australian Constitution* states:

*Every 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.*

The House of Representatives has a maximum of three years with the flexibility for an early election. The Senate has a fixed term with senators elected for six years with half retiring for re-election every three years with exceptions for territory senators. Only if the conditions of section 57 of the *Australian Constitution* are met can a double dissolution of both houses of parliament be called.<sup>4</sup>

Although the drafters of the *Australian Constitution* followed many overseas practices, they rejected the then United Kingdom's House of Commons seven-year terms<sup>5</sup> and the four-year fixed terms of US presidents. Three-year terms operated across the six colonies and that was followed.

## THE ARGUMENTS FOR FOUR YEAR TERMS

Since federation several reviews have recommended a range of different options including in some cases four-year terms for both houses.<sup>6</sup> Four-year fixed terms for both houses has long been Labor Party policy.

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<sup>4</sup> The conditions are that if legislation proposed by the House of Representatives fails to pass the Senate or does so with unacceptable amendments, and this legislation is resubmitted after a period of three months and fails to pass again with acceptable amendments, then the *Australian Constitution* states the 'Governor-General may dissolve the Senate and the House of Representatives simultaneously'.

<sup>5</sup> Five-year terms began in 1911 following the constitutional crisis between the House of Commons and the House of Lords.

<sup>6</sup> The Royal Commission into the Constitution (1927) proposed four-year terms for the House of Representatives but not the Senate; Australian Constitutional Convention – Adelaide (1983) proposed four years for both houses; Constitutional Commission (1988) recommended four years for Representatives with minimum of three, and Senate for two terms of the lower house.

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The arguments currently being put in favour of four-year, fixed terms are the same now as they were made to the 1988 Constitutional Commission.

Foremost of these is that it ‘would improve the quality of government’<sup>7</sup> by allowing governments more time to develop policies that are ‘bold and unpopular’<sup>8</sup> but essential and less compromised by an impending election or as one then parliamentarian said it, ‘would enable parliamentarians to concentrate on decision making unaffected by possible electoral backlash’.<sup>9</sup>

Second, fixed terms would be fairer for oppositions as incumbent governments would be unable to gain any advantage by calling an unexpected early election to coincide with some popular event or to exploit some crisis.

Third, business argued then<sup>10</sup>, as now, that the three-year electoral cycle and unpredictable elections is disruptive, delays government decision making, slows down the economy and investment, and undermines consumer confidence. Business wants political stability for as long as possible, so four-year fixed terms meet that demand.

Fourth, four-year fixed terms would mean less elections, save money and reduce alleged ‘voter fatigue’.<sup>11</sup>

Last, the Prime Minister reminded us of another reason – everyone else has four-year terms – all the states and territories and most other countries, so why not Australia?<sup>12</sup>

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<sup>7</sup> Constitutional Commission, *Final Report*, Canberra: Australian Government Publishing Service, 1988, p. 200.

<sup>8</sup> Dr N.R. Norman, quoted in Constitutional Commission, *Final Report*, p. 200.

<sup>9</sup> C. Miles, quoted in Constitutional Commission, *Final Report*, p. 200.

<sup>10</sup> E. Mayer, quoted in Constitutional Commission, *Final Report*, p. 200.

<sup>11</sup> C. Rhodes, ‘How often should we have an election – every three years or every four?’ Museum of Australian Democracy, 27 July 2017. Accessed at: <<https://www.moadoph.gov.au/explore/stories/democracy/how-often-should-we-have-an-election-every-three-years-or-every-four>>.

<sup>12</sup> A. Albanese, Transcript, Press Conference, 3 January 2024.

## ASSESSMENTS

The trouble with these arguments is they are more statements of faith than those supported by strong empirical evidence.

For instance, there is little evidence that those countries with longer terms have performed better than Australia in running their economies or implementing needed reforms. Neither the United Kingdom and France with five-year terms nor the United States with four, are exemplars of good policy practice or reform initiatives.

Neither have Australian states or territories with their fixed four-year terms been more accountable, reined in overspending, reduced waste, or adopted a long-term policy on anything. They limp and react from crisis to crisis.

Anyway, if hard decisions are needed is it not better in a democracy for governments before initiating major policy change to first speak truth to the people and gain the electorate's support. Is this not better than only making announcements once in office and hoping the electorate will have forgotten four years later a government's disingenuousness.

Let us not forget that the OECD once signalled Australia with its three-year terms as an international leader in achieving economic and social reforms:

*Australia's current economic outcomes place it among the top performers of the OECD. This owes much to good combination of prudent, medium and long term fiscal and monetary policies and far-reaching reforms to labour, product and financial markets ...The Government's commitment to reform, its willingness to commission expert advice and heed it, and its patience to build constituencies that support further reforms is something other countries could learn from.<sup>13</sup>*

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<sup>13</sup> OECD, *Australia: At Glance*, Paris: OECD, 2003, p.15.

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It is not three-year terms holding back overdue reform in Australia today. Rather, it's the lack of policies to achieve it, the commitment to do it, the political skills to implement it and the business sector's willingness to campaign for it.<sup>14</sup>

Also, it too simplistic to say incumbent governments call early elections only for political advantage. A double dissolution might be provoked for the legitimate reason of seeking to overcome an obstinate Senate. An early election might be to renew a government's mandate on an important issue. Howard went twelve months early in 1998 and almost lost office to gain endorsement for the Goods and Services Tax (GST). Surely being upfront was good for democracy and ensured overdue reform happened more quickly.<sup>15</sup> And going early can backfire as it nearly did for Hawke in 1984.

Moving to four-year terms for the House of Representatives would result in senators having eight years terms – surely far too long although happening across the states for their upper houses. It would also render section 57 of the *Australian Constitution* a 'virtual dead letter'<sup>16</sup> allowing simultaneous elections for both houses. Referenda to have simultaneous elections for both houses have been rejected three times by the Australian people (1974, 1977, and 1984).

There is little evidence that frequent elections are as disruptive to business investment or consumer confidence as claimed. Australia enjoys a stable investment environment. It is excessive regulation, high costs and our poor industrial relations system, not three-year terms, that adversely impacts business and the economy.

Further, it seems extraordinary that anyone in a democracy could complain about too many elections that we fought so hard to get. That it leads to 'voter fatigue' must be questioned as the evidence is slim, usually commissioned polling. Moreover, in a federal system, frequent elections are to be expected and surely welcomed.

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<sup>14</sup> Gary Banks, 'Australia's Productivity Malaise: Reflections on the 'Debate'', *Edward Shann Memorial Lecture*, University of Western Australia, 16 August 2023.

<sup>15</sup> Moves for a GST began with the 1975 report by the Asprey Taxation Review Committee.

<sup>16</sup> John Nethercote, 'The Parliamentary Terms Referendum: Some Bicameral and Representational Issues', in Brian Galligan and J.R. Nethercote, (eds), *The Constitutional Commission and the 1988 Referendums*, Canberra: Centre for Research on Federal Financial Relations, ANU and RIPAA, 1989, p. 61.

As to the cost of elections, put that into perspective. The last federal election cost \$522million – a lot of money but just \$34 per voter – not much for the right to choose a government in one of the world’s best run electoral systems. If public expenditure is a concern, then read any Auditor-General report and count the waste – start with defence projects.

And the prime minister’s ‘everyone is doing it’ gibe is surely just another example of the Australian cultural cringe. Whatever happened to Australian exceptionalism? Not everyone does compulsory voting like us so perhaps that should be dropped?

## **CONCLUSION**

Lastly, do we really want to give 227 federal politicians (with more rumoured) one extra day in office, and senators eight-year terms? Longer terms just give politicians more time to get away with broken election promises, hoping we forget after four years. Surely, elected representatives should face the people often, not less so we can hold them to account. One reform needed is for our parliaments to sit longer. Federal Parliament sits about a third of the days compared to many overseas counterparts. That’s one overseas practice no current politician mentions

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