

OUR IDEAS

FOR OTHER

REFORMS



The Real Republic Australia advocates for an Australian republic with a genuine directly elected Head of State. But we also have several other reforms to the Australian Constitution in mind that would deliver lasting benefits to all Australians including:

- constitutional recognition of Aboriginal and Torres Strait Islander First Nations,
- fixed four-year terms for both the House of Representatives and the Senate,
- synchronised terms for both houses of the Australian Parliament,
- addressing the nexus between the two houses of federal parliament and reducing the number of Senators,
- a casual vacancy system for the House of Representatives,
- constitutional recognition of local government, and
- a fairer process for changing Australia's Constitution.

Some of these reforms have previously failed at referendums but we believe they deserve to be reconsidered because of the improvements they would make if implemented to the governance of our nation.

RECOGNITION OF OUR FIRST NATIONS PEOPLES:

PROPOSED REFORM: A Voice to the Australian Parliament enshrined in the Constitution for Aboriginal and Torres Strait Islander people representing First Nations.

BACKGROUND: The Real Republic Australia supports in principle the aims of the 2017 [Uluru Statement from the Heart](#) and constitutional recognition of First Nations' people .

We acknowledge that public debate on the issue is well advanced – although not concluded – and should be resolved during the 47th Federal Parliament through a referendum as envisaged by the Albanese Government.

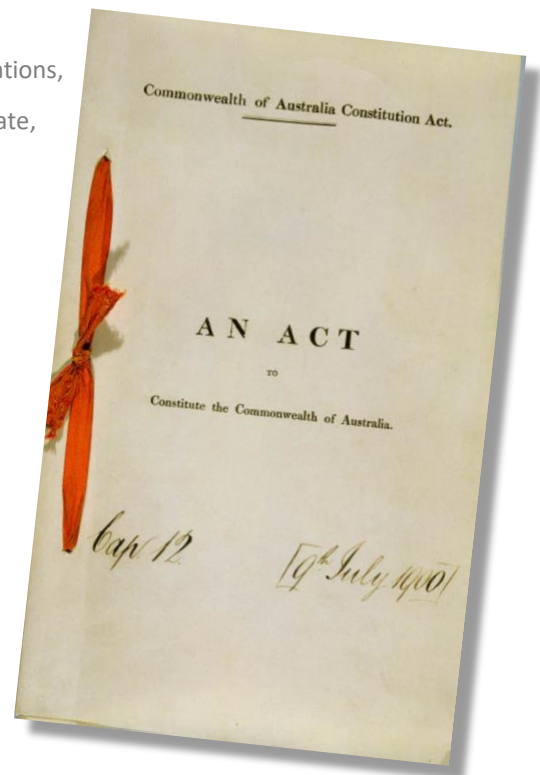
Resolution of this issue is needed sooner not later as it is integral to our national identity and our nation's future.

Therefore we support the Albanese Government's decision to prioritise constitutional change to enshrine the Voice to Parliament in its first term.

The Real Republic Australia has suggested using new bodies we have called Australian Constitutional Assemblies to involve average Australians in leading constitutional reforms. (See our "roadmap" for reform on our website)

We advocate the use of such representative and non-partisan forums for assessing and recommending a range of beneficial changes to our Constitution.

However, we do not suggest using the process of an Australian Constitutional Assembly to consider the Voice to Parliament because the pathway to achieving it has been set and should not be delayed by the adoption of a new process.



OTHER IDEAS FOR BENEFICIAL CONSTITUTIONAL REFORMS

FIXED FOUR-YEAR TERMS FOR BOTH HOUSES OF PARLIAMENT:

PROPOSED REFORM: Fixing election dates and adopting four-year terms for both the House of Representatives and Senate.

BENEFITS: Longer, fixed terms for the House of Representatives – where governments are formed – would deliver greater certainty and better decision-making by giving governments more opportunity to make decisions on merit rather than with an eye to the next election.

Fixed terms would also end the political game-playing by Prime Ministers in the calling of elections to benefit an incumbent government.

Four-year terms for the Senate – together with synchronised elections as we discuss below – would also deliver more certainty and more stable government.

Shortening Senate terms to four years is not a dramatic step.

Since 1975 when both the Northern Territory and the Australian Capital Territory, were allocated two Senators each, those Senators have been elected to serve a term reflecting that of the House of Representatives – a [maximum of three years](#).

Longer terms for governments would deliver cost savings to taxpayers by having fewer elections. In the past 30 years there have been 11 federal elections.

With four-year fixed terms three elections would have been avoided.

The [Australian Electoral Commission costed](#) the 2019 election at close to \$400 million so with fixed four-years terms the savings in present day values over three decades would be \$1.2 billion.

Fixed elections would also mean there would be no excuse for lengthy election campaigns. In fact under a system of fixed election dates a formal campaign period of a specific and appropriate number of weeks could be legislated with designated activities prohibited outside the formal period.

Fewer elections and shorter campaigns would also mean less call on political parties and related entities to undertake fundraising which currently can be a driving force for the corruption of decision-making.

HISTORY: In September 1988 the Hawke Government put four referendums to voters one of which sought approval to amend the Constitution to provide for maximum four-year terms for the House of Representatives and the Senate.

The question did not propose fixed election dates, only a lengthening of the maximum term from three to four years.

No state approved the question which gained just under 40% approval nationwide.

In its [review](#) of the 2019 federal election the [Joint Standing Committee on Electoral Matters](#) of the previous parliament made a total of 27 [recommendations](#) including the need to consider four-year terms for the House of Representatives.

The Committee did not suggest fixing election dates and also said if the lower house adopted four-year terms the Senate should have eight-year terms.

The Real Republic Australia supports fixed terms and would not support eight-year terms for Senators, as outlined in the next section.

SYNCHRONISED TERMS FOR BOTH HOUSES OF PARLIAMENT:

PROPOSED REFORM: In addition to both Houses of Parliament having fixed, four-year terms, all MPs in both houses should be elected on the same day.

BENEFITS: This would end six-year terms for Senators and half-Senate elections. We believe a six-year term is too long without a Member of Parliament facing the voters.

The current difference in the length of terms for upper and lower houses also allows the mandate of a government to be frustrated by Senators elected years before a government formed in the lower house.

Synchronising elections for both houses would also mean cost savings by having fewer expensive federal elections.

HISTORY: Previous referendums – in 1974, 1977, and 1984 – seeking to synchronise elections for both houses of parliament have all failed.

The Federal Parliament's [Joint Standing Committee on Electoral Matters](#) mentioned above [suggested](#) that the government consider asking the committee to inquire into the length of federal parliamentary terms. This should happen.

Also as mentioned above, the Committee's report on the 2019 election suggested introducing a maximum non-fixed four-year term for the House of Representatives and eight-year terms for the Senate which the Real Republic Australia – and, we believe, Australian voters – would not support.



Photo: AEC

BREAKING THE NEXUS BETWEEN THE UPPER AND LOWER HOUSES/FEWER SENATORS:

PROPOSED REFORM: Change by referendum [Section 24 of the Constitution](#) which now requires the number of MPs in the House of Representatives to be “as nearly as practicable” twice the size of the Senate. In addition, seek additional changes to the Constitution to reduce the number of Senators per state while retaining two Senators each for the ACT and NT.

BENEFITS: Both immediate and long-term cost savings would be delivered by these changes as well presenting the possibility for better representation for Australian communities.

The so-called nexus between the relative sizes of the upper and lower houses has seen the parliament increase Senate numbers in each of the six original states from six at Federation to 10 in 1948, then to 12 in 1983.

The ACT and NT have each had two Senate seats since 1975.

That means total numbers in the upper house have risen from 36, to 60, then to 64 when the ACT and NT were allocated seats, and then to the current total of 76 Senators.

Unless the nexus is addressed, at some point in the future as the national population grows and the lower house expands we could see 100 or more Senators.

We do not believe we need 12 Senators for each original state.

Even returning to the original six Senators for each State with territories keeping their two — making 40 in all — would be appropriate and would save taxpayer funds. The number of places cut could be transferred to the House of Representatives to boost representation of local communities.

It should be noted that each of the 50 states in the USA sends just two Senators each to the US Congress.



HISTORY: In May 1967 – the same day Australians were asked to vote at the referendum on federal powers to legislate for Indigenous communities – the Holt Government put to voters a referendum question seeking a change to the Constitution enabling the House of Representatives to be increased when necessary without a consequent increase in Senate numbers.

The proposal gained only 40.2% national support and only NSW saw a majority of voters support it.

In its [review](#) of the 2019 federal election the previously mentioned Joint Standing Committee on Electoral Matters [identified](#) the need to consider a referendum to break the nexus between the number of Senators and the number of Members of the House of Representatives.

A CASUAL VACANCY SYSTEM FOR THE HOUSE OF REPRESENTATIVES:

PROPOSED REFORM: Applying the casual vacancy system of the Senate to the House of Representatives.

BENEFITS: A change to filling vacancies in lower house seats between elections would avoid the cost of by-elections, delivering more cost savings. It would also protect and reinforce the value of the mandate invested by voters in governments at elections.

MPs who resign, die in office, or otherwise vacate a lower house seat and who represented a registered political party would be replaced by a person nominated by their party, which has happened since 1977 in the Senate without fuss or debate.

Administrative arrangements could be made to replace Independent MPs by having them lodge at the time of their election with the Speaker or Clerk of Parliament details of a suitably qualified successor for the balance of their term.

In addition, MPs who vacate their seat during a term in which they had chosen to leave the party for which they stood at the previous election would be replaced by a person nominated by that party.

HISTORY: No previous referendum question has sought to implement a system of casual vacancies for the House of Representatives.

However, a proposal by the Fraser Government put to voters in May 1977 formalised what had been the convention of having Senators of one party replaced by that party when a vacancy occurred.

The move followed disquiet about political ploys in 1975 by the then Premier of NSW, Tom Lewis, and Queensland Premier, Joh Bjelke-Petersen, to replace Labor Senators in their states with independents with the aim of destabilising the Whitlam Government.

In February 1975 Lewis chose independent Mayor of Albury, Cleaver Bunton, to fill a Labor vacancy and in September Bjelke-Petersen also defied convention by filling a Labor vacancy with anti-Labor unionist Albert Field.

Bunton retired and Field was defeated at the December 1975 federal election following the Whitlam Government’s dismissal.



Bunton



Field

Voters at the 1977 referendum were asked to consider a proposal “to ensure, as far as practicable, that a casual vacancy in the Senate is filled by a person of the same political party as the Senator chosen by the people, and that the person shall hold the seat for the balance of the term”. The question received majority support across all states with a national “yes” vote of 73.32%.

The [Joint Standing Committee on Electoral Matters](#) addressed the issue in its review of the 2019 election and [recommended](#) an examination of alternatives to by-elections for replacing lower house MPs.

CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT:

PROPOSED REFORM: To give Constitutional recognition to local government.

BENEFITS: This reform would remove uncertainty over the legality of direct federal funding of local government, meaning more efficient administration.

Previous plans to amend [Section 96 of the Constitution](#) have simply been designed to remove the uncertainty which now exists under the Constitution about the legitimacy of direct funding of major local government programs such as Roads to Recovery.

HISTORY: Voters have [twice rejected questions](#) on the status of local government and its relationship with the federal government – in 1974 and 1988 – and a recent attempt to hold a third referendum did not come to fruition.

The Gillard Government [planned a referendum on the issue](#) in conjunction with a previously announced federal election that was to be held on 14 September 2013. The [Constitution Alteration \(Local Government Bill\) 2013](#) was passed by the Federal Parliament on 24 June 2013 which triggered the mandatory provisions for holding a referendum no sooner than two months and no later than six months after a proposal has been passed.

But former Prime Minister, Kevin Rudd, deposed Julia Gillard just days later and on 4 August called a federal election for 7 September. The earlier election date meant the time frames for holding the referendum on polling day could not be met.

The local government sector has [expressed support](#) for revisiting the issue and following the 2022 federal election the leader of the federal National Party, David Littleproud, also spoke in favour of the reform.

A FAIRER PROCESS FOR CHANGING AUSTRALIA’S CONSTITUTION:

PROPOSED REFORM: Altering the process to initiate changes to the Australian Constitution to widen the methods through which a referendum may be considered and amending the criteria for a referendum question to succeed.

BENEFITS: [Section 128 of our Constitution](#) gives federal parliament responsibility for initiating a referendum. In effect the responsibility rests with the government of the day, more particularly the Prime Minister as leader of the government.

Given that the Constitution was drafted essentially as a contract between the colonies – soon to become states at Federation – and the federal government, the manner for initiating a potential referendum is skewed too heavily in favour of only one party to that contract, namely the federal government. We believe this is not fair and there should be other options such as having a motion for a referendum adopted by a majority of states and territory parliaments, or giving voters themselves a role to play through a national petition for consideration of a specific constitutional change.

Currently for a referendum question to succeed it must secure a “double majority” comprising a majority of votes nationwide (including votes in the ACT and NT) and a majority of voters in a majority of states (excluding the ACT and NT). We believe the results in the territories should be counted in both parts of the “double majority”.

While some nations require a simple national majority to alter their constitutions, our federal system means the interest of states and territories must be addressed. Therefore another workable potential reform, in addition to reforming the way a referendum might be initiated, could be to alter the Constitution to require a nationwide majority of votes plus a majority in at least half the states.

Adopting reasonable and sensible steps that make our Constitution easier – but not easy – to change would mean a more responsive Constitution better reflecting modern Australia and therefore delivering better public administration.

HISTORY: In May 1974 the Whitlam Government put to voters a referendum question seeking to give voters in the NT and ACT the right to vote at referendums and to amend the Constitution if a proposal was approved by a nationwide majority of voters and a majority of voters in at least half the states. The question gained 47.99% national support and passed only in NSW. Just a few years later, in May 1977, a referendum question put by the Fraser Government to enable NT and ACT electors to vote in referendums was passed by all states and with 77.72% of the national vote.

