

Arnold Sandell

26th April, 2000

The Research Director
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
Brisbane QLD 4000

Submission No 20
Spec 28-1



Dear Sir,

Re: Four Year Parliament Terms

Please accept this submission in respect of the above review and report to Parliament.

GENERAL

To me the arguments for a four year term for Queensland are rather more persuasive than the argument against it.

Similarly I can see more advantages for Queensland than disadvantages in a four year term.

The question of four year terms was considered in detail by the Constitutional Commission in the middle to late 1980's. The Commission found in favour of four year terms and recommended the Constitution be altered "to provide the House of Representatives shall not be dissolved within three years of its first meeting after a general election unless the House has passed a resolution expressing a lack of confidence in the Government and no Government can be formed from the existing House".

As a result, in 1988 a National Referendum was carried out, with the request for four year terms was defeated.

This defeat was, to a large degree, caused by the Government of the day ignoring the recommendation of the Commission in respect of the question of confidence. Section 28 of the Constitution was to be altered by deleting the word "three" and inserting the word "four".

It does not follow that had the clause concerning confidence been built into the resolution the Referendum would have been carried.

QUEENSLAND POSITION

It is not known what effect, if any, any of the foregoing had on Queensland Parliament and its decision to hold a similar Referendum in 1991.

Nor is it known now just what the wording of the Referendum was and whether it included any reference to the confidence question, or anything else which might have some influence on the voting public. Also the absence of a fixed minimum period might well have be considered a defect.

No doubt the Committee would have access to all the details of the investigations into the 1991 Referendum, and so will be anxious to avoid any perceived problems in the wording.

FUTURE PROJECTS

From time to time details are published of all known projects for Queensland. Many may still be in the planning stage with no guarantee they will finally take place.

Some of those are so huge and involve such huge amounts of finance the Government of the day just has to become involved to endeavour to steer the project into Queensland and then do what it can to ensure it remains in Queensland.

With some of the larger projects a period of many years may be necessary between the initial planning and the physical commencement.

It is accepted that much sensitivity and negotiations of a very delicate nature can take place during this period of what may seem to be a period of gross inactivity.

The involvement of the Queensland Government may well be crucial during this stage. While it may not be always possible to bring these negotiations to finality it should be possible to bring them to the stage where they cannot be upset in any way by a new Government.

A four year term in this area could well prove vital to Queensland and Queenslanders.

ACTUAL AMENDMENTS

In line with the information in the Background Paper this submission strongly supports a four year term subject to the following provisions:-

- 1) a dissolution may not be granted during the first three years unless:
 - a) a vote of no confidence is carried
 - b) a vote of confidence is defeated
 - c) an appropriation bill is defeated or fails to pass

Parliamentary Counsel must be made to define just what would be considered an appropriation bill, with sufficient accuracy as to make Parliamentarians think twice before refusing to pass it.

ENTRENCHMENT

All provisions carried should be entrenched.

REFERENDUM

The wording on the Referendum paper must include all the various provisions including entrenchment.

It is recommended that the Referendum be held on its own and not in conjuncture with any other election.

GOVERNOR AND RESERVE POWER

Section 28 of the Australian Constitution has no provisions but includes the simple statement "but may be sooner dissolved by the Governor General". This obviously covers all contingencies.

Whether the Governor of Queensland enjoys the same reserve powers as the Governor General is not known, and they have probably never been codified.

Whatever reserve powers the Governor has must be preserved and they must include power to dissolve the Parliament.

ENTRENCHMENT

Should a referendum be held and some or all of the provisions be carried it is vitally important that they be entrenched.

If considered necessary this should be a provision to be included in the wording of the referendum.

PUBLIC MEETINGS

Should the Committee hold any Public Meetings, advice of such meetings would be appreciated.

FINAL REPORT

It would also be appreciated if a copy of the final report could be forwarded to me at the above address.

It is hoped the deliberations of your Committee are greeted with success.

Yours sincerely



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(Arnold Sandell)