

2016-2017

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Constitution Alteration (Fixed Term Parliaments) 2017

No. , 2017

(Mr Coleman)

**A Bill for an Act to alter the Constitution in
relation to the dissolution of the House of
Representatives and the terms of members of the
House of Representatives and senators**

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1 **A Bill for an Act to alter the Constitution in**
2 **relation to the dissolution of the House of**
3 **Representatives and the terms of members of the**
4 **House of Representatives and senators**

5 The Parliament of Australia enacts:

6 **1 Short title**

7 This Act may be cited as the *Constitution Alteration (Fixed Term*
8 *Parliaments) 2017*.

9 **2 Commencement**

10 This Act commences on the day this Act receives the Royal
11 Assent.

1 **3 Schedules**

2 The Constitution is altered as set out in the Schedules.

1 **Schedule 1—Amendments of the Constitution**
2 **in relation to the dissolution of the**
3 **House of Representatives**
4

5 **1 Section 5 (heading)**

6 Repeal the heading, substitute:

7 **5 Sessions of parliament and prorogation**

8 **2 Section 5**

9 Omit “, and may in like manner dissolve the House of Representatives”.

10 **3 After section 5**

11 Insert:

12 **5A Dissolution of the House of Representatives**

13 (1) The Governor-General may, by Proclamation or otherwise,
14 dissolve the House of Representatives if:

- 15 (a) notice is given by a member of the House of Representatives
16 of the member’s intention to move a motion of no confidence
17 in the Government; and
18 (b) no less than 3 sitting days of the House of Representatives
19 after the day on which the notice is given, the motion of no
20 confidence is passed; and
21 (c) no motion of confidence in the Government is passed within
22 3 sitting days of the House of Representatives after the day
23 on which the motion of no confidence is passed.

24 (2) The Governor-General may, by Proclamation or otherwise,
25 dissolve the House of Representatives in any circumstances other
26 than those stated in subsection (1) of this section, and those stated
27 in section 57, if:

- 28 (a) there are extraordinary circumstances justifying dissolution;
29 and
30 (b) it is in accordance with established constitutional conventions
31 to do so.

1 **Schedule 2—Amendments of the Constitution**
2 **in relation to the terms of members of**
3 **the House of Representatives and**
4 **senators**
5

6 **1 Section 7**

7 Omit “The senators shall be chosen for a term of six years, and the”,
8 substitute “The”.

9 **2 Section 13**

10 Repeal the section, substitute:

11 **13 Term of service and rotation of senators**

- 12 (1) The term of service of a senator begins on the day of his or her
13 election.
- 14 (2) The term of service of a senator expires on the expiry or
15 dissolution of the second House of Representatives to expire or be
16 dissolved after the senator’s term of service began, unless the
17 senator is elected following a dissolution of the Senate.
- 18 (3) As soon as may be after the first meeting of the Senate following a
19 dissolution of the Senate, the Senate shall divide the senators for
20 each State into two classes, as nearly equal in number as
21 practicable.
- 22 (4) The term of service of each senator in the first class expires on the
23 expiry or dissolution of the first House of Representatives to expire
24 or be dissolved after the senator’s term of service began.
- 25 (5) The term of service of each senator in the second class expires on
26 the expiry or dissolution of the second House of Representatives to
27 expire or be dissolved after the senator’s term of service began.
- 28 (6) The election to fill the place of a senator whose term of service is
29 to expire, shall be held at the same time as the general election of
30 members of the House of Representatives the expiry or dissolution
31 of which coincides with the expiry of the senator’s term of service.

- 1 (7) For the purposes of this section, a senator is taken to be elected on
2 the day on which the election is held in which the senator is
3 elected.

4 **3 Section 28**

5 Repeal the section, substitute:

6 **28 Duration of the House of Representatives**

- 7 (1) Subject to subsection (2), every House of Representatives expires 4
8 years after the day on which the general election is held in which
9 members of that House of Representatives are elected.
- 10 (2) The Governor-General may dissolve the House of Representatives
11 sooner, but only in accordance with section 5A or section 57.

12 **4 Section 42**

13 Omit “the schedule”, substitute “Schedule 1”.

14 **5 Schedule (heading)**

15 Repeal the heading, substitute:

16 **Schedule 1—Oaths and affirmations**

17 **6 At the end of the Constitution**

18 Add:

19 **Schedule 2—Transitional provisions relating**
20 **to the establishment of fixed terms**

21 **1 Term of service of last senators elected before the reform**

- 22 (1) This clause has effect despite section 13 of the Constitution.
- 23 (2) The term of service of a senator chosen at the last election of
24 senators held before the commencement of the *Constitution*
25 *Alteration (Fixed Term Parliaments) 2017* (the **last election**)
26 expires on the expiry or dissolution of the second House of
27 Representatives to expire or be dissolved after the senator’s term of
28 service began, unless the last election followed the dissolution of
29 the Senate.

Schedule 2 Amendments of the Constitution in relation to the terms of members of the House of Representatives and senators

- 1 (3) If the last election followed the dissolution of the Senate, as soon
2 as may after the first meeting of the Senate following its
3 dissolution, the Senate shall divide the senators for each State into
4 two classes, as nearly equal in number as practicable.
- 5 (4) The term of service of each senator in the first class expires on the
6 expiry or dissolution of the first House of Representatives to expire
7 or be dissolved after the senator's term of service began.
- 8 (5) The term of service of the second class of senators expires on the
9 expiry or dissolution of the second House of Representatives to
10 expire or be dissolved after the senator's term of service began.
- 11 (6) The term of service of a senator:
- 12 (a) who was chosen at an election of senators held before the last
13 election held before the commencement of the *Constitution*
14 *Alteration (Fixed Term Parliaments) 2017* (the **last election**);
15 and
- 16 (b) whose term of service had not expired when the last election
17 was held; and
- 18 (c) who was not chosen at the last election;
19 expires on the expiry or dissolution of the next House of
20 Representatives to expire or be dissolved after the last election.
- 21 (7) Nothing in this clause affects when the term of service of a senator
22 elected before the commencement of the *Constitution Alteration*
23 *(Fixed Term Parliaments) 2017* begins.