

A HOUSE FOR OUR FUTURE: A Report

Constitutional Commission Victoria 2002.

Reviewed by Joan Rydon*

Soon after taking office the Bracks Labor Government introduced legislation to reform the Victorian Legislative Council by reducing the number and terms of its members and providing that they be elected by Proportional Representation. The current Council, dominated by the Liberal Party, quickly defeated the measure.

Subsequently the Premier appointed the Constitutional Commission consisting of a Professor of Law as chairman and two members of the Liberal Party. They were asked to report on possible amendments to the Victorian Constitution which would enable the Legislative Council to operate as an 'effective House of Review' and related matters. The Commission has now reported and its recommendations include far-reaching changes to the State Constitution.

Under the existing electoral system, it has been practically impossible for Labor to control the Upper House so that the Commission has conceded that a more representative and diverse Council would result from election by Proportional Representation. It has carefully weighed the experience of other upper houses in Australia and recommends that the Senate system of voting be used, but that this be modified by permitting optional preferences which it defines as a requirement to indicate preferences for the number of places to be filled. It is good to see some break in the compulsory elements in Australian voting, but interesting that it is still felt necessary to provide the alternative of ticket or 'above the line' voting. This is justified on the grounds that voters are familiar with the Senate voting, but it is suggested that it might be phased out in time. It is suggested that members of both Houses should be elected on the same day for a fixed four-year term. Appointment of ministers from the Council should be phased out and the Council should be clearly prohibited from refusing supply. A system of solving deadlocks between the two Houses should be established, The main provisions of the Constitution should be entrenched so that they can only be changed after a referendum.

Suggestions are made for the extension of the use of committees in the legislature, for a code of parliamentary conduct, and human rights of citizens, based on the Universal Declaration of Human Rights and other international instruments should be recognised as governing principles of the Constitution.

The recommendations of the Commission would involve a substantial re-writing of Victoria's Constitution. Many of them are phrased in general terms so there could be much debate over their implementation. The ALP Government has said it will adopt the recommendations and we can expect to see the introduction of PR for the Council. But the next few months will show whether any party in Victoria will embrace all the recommendations which would entail the greatest changes to Victoria's Constitution since its inception in 1856. ▲

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