

## News and notes

### *Fixed-term elections*

In another of *APR*'s continuing series on parliamentary elections Antony Green observes that Bob Carr's NSW Labor Government is the first in the country to win three consecutive elections since introduction of fixed four-year terms.

The New South Wales system of fixed-terms was a product of the coalition minority government, 1991–95, led first by the ill-fated Nick Greiner, then by John Fahey, a deal done with various unaligned independents whose votes were needed to maintain the state coalition government in office. A more general ground for fixed-terms elections is a limitation on the benefits of incumbency. It is far from clear that this argument has been borne out by experience. There are some grounds for believing that removal of discretion about the scheduling of elections allows governments to pace themselves in the months and weeks before polling day.

Green notes that the fixed-term framework provides 'a new opportunity to pre-plan advertising.' Scrutiny of policy and performance is restricted because the 'media avoid treating the contest as a real campaign for as long as possible.' Costings of policies are released so close to polling day that opportunity for informed analysis prior to voting is exceedingly limited.

Indeed, recent elections in Australia suggest that a major tactic of incumbents is to keep campaigns as short as possible. The problem with campaigns is that they give Oppositions the chance to share some of the media spotlight.

This is possibly a major reason why party managers and professionals are so keen on fixed-terms. Apparently removal of uncertainty is valued more highly than the apparent advantages of surprise and even control which are believed to come with the traditional arrangement.

It is certainly arguable that longer campaigns provide voters with a better opportunity to get a feel for the merits of the parties contesting elections. In Canada, the election period is frequently around seven weeks. And, nationally, in Australia, the electoral timetable takes at least four weeks.

A reasonable period between the calling of an election and polling day seems to take the edge off an incumbent's advantage which is most readily exploited in a so-called 'snap' election.

The idea of fixed-terms for parliaments has never really taken off at Commonwealth level. It was first pursued with some vigour by Labor in the early 1980s, the leading advocate being the then shadow attorney-general, Senator Gareth Evans. Indeed, he launched his campaign at an ASPG conference precisely on the topic of fixed-term parliaments.

A primary purpose of this particular Evans initiative was to protect an incumbent government rather than to curtail the advantages believed to come from incumbency. In particular, Evans was anxious to protect future governments from the experience of the Whitlam Government whose tenure in office was twice curtailed by Senate refusal to pass expenditure legislation. The Senate in fact supported private legislation embodying Senator Evans's ideas but Labor did not pursue the change once back in office following elections in March 1983.

Even when the Constitutional Commission headed by former Solicitor-General Sir Maurice Byers, QC, revisited the proposal in 1988, it did so on the basis of the then Victorian and South Australian formulae of extending the life of a parliament (or at least the interval between elections) from three to four years, but preventing an election within three years except in particular prescribed circumstances where a ministry loses a vote in the lower house.

The rationale behind the Commission's thinking was the desirability of ensuring 'a significant period of stable government' and encouraging 'good government in the form of long-term planning and proper implementation and reassessment of programs' (*Final Report of the Constitutional Commission* (Chair: Sir Maurice Byers, QC), Summary, AGPS, 1988).

A relatively recent attempt to revive the idea came from former Senator Evans's namesake, Harry Evans, Clerk of the Senate since 1988. In an address to the National Press Club on 24 April 2002 calling for a reformation of the Australian Parliament, he saw fixed terms for parliaments as one reform 'which would really improve parliament as the institution for representing all of the voters, filtering legislation and making governments accountable'.

Evans continued:

This genuine reform would have many advantages:

- prime ministers would no longer have the power to call early elections at times of their choosing
- every government would serve out its term, thereby achieving the stability so longed for by orthodox reformers

- with no possibility of an early election, members of the House of Representatives might be inclined to be more effective in requiring accountability
- the situation of the Senate refusing supply to force an early election would not recur, because there could be no early elections.

Fixed terms could be accompanied by other real reforms. In case of a real deadlock between the Houses over appropriation bills, the government could be allowed to draw on an amount equal to last year's appropriations until the disagreement is settled. For other deadlocks, a government not willing to risk the double dissolution mechanism could have the option of putting the disputed legislation to a referendum at the next election.

The reaction to the Prime Minister's 2003 discussion paper on resolving deadlocks between the Senate and House of Representatives suggests that there is no groundswell of interest in, let alone support for, altering Australia's parliamentary architecture. But were there to be such interest, there would possibly be some sympathy for the sort of ideas advanced by Harry Evans. It would indeed be interesting to see if there were much public support for so weakening the powers of the Senate that it could no longer send a government performing particularly incompetently back to the electors. While the need for the Senate to play such a role even once in a hundred years may rarely arise, the capacity to hold governments to account through parliamentary means remains a conspicuous strength in Australia's constitutional arrangements, especially given the rigidity of party voting in both Houses.

### ***Professional development for parliamentary staff***

This number includes two articles based on addresses to a recently-developed program on responsible parliamentary government conducted by the ANU Graduate Program in Public Policy. They are Sir David Smith's exposition of the Governor-General's responsibilities concerning the Commonwealth Parliament, and Peter Grundy's account of the role and functions of secretaries to parliamentary committees.

The program, which I organise, is sponsored by the ANU Centre for Democratic Institutions and funded by AusAid. Participants so far have come from Cambodia, Indonesia, Laos, Thailand and Vietnam. The course naturally includes sessions on mainstream parliamentary topics such as legislation, budgeting, scrutiny of administration and committees. Sessions are led by a range of people with experience in parliaments, from presiding officers and other parliamentarians such as committee chairs and leading Opposition figures, to parliamentary staff and executive officials whose work brings them into contact with the Parliament.

The three-week program likewise embraces systematic survey of the various support services for parliaments, from the work of the clerks and committee secretaries, the Library and research services, and the Hansard, to security and management of parliamentary premises.

Participants also visit the ACT Legislative Assembly and spend a day with a local government authority so that they see that the principles of election, public scrutiny of administration and accountability apply to all levels of government and not only nationally.

In addition to sessions of a professional and practical character, there are discussions and assignments based on various classics in the literature on parliament and democracy such as the Federalist papers, and by such authors as Burke, Alexis de Tocqueville, John Stuart Mill and Walter Bagehot.

Hitherto participants have come exclusively from various parliaments in south-east Asia. It is expected, however, that the 2004 program may well include a number from various parts of Australia. Further information is available from the Graduate Program in Public Policy at the ANU.

### ***Appointment of a new editor***

With the belated publication of the 2003 series of *Australasian Parliamentary Review* my term as editor comes to an end. I have resigned with considerable regret. It has, however, become clear that with *APR* virtually double the size it was a few years ago, and functioning very much as a fully fledged academic as well as professional journal, it cannot be run effectively without the resources and facilities which come from a substantial institutional base. The ordinary impediments to effective and regular publication have been compounded in my case by extended travel abroad.

The new editor will be Professor Elaine Thompson of the University of New South Wales. She has a particular fame in parliamentary studies in Australia as the person who coined the term, the Washminster mutation, as a characterisation of the parliamentary scheme to be found in the Australian Constitution.

In my three years in the editorial chair I have accomplished a number of goals which seemed desirable at the time when I succeeded Dr Clem Macintyre. First and foremost, conduct of *APR* on a refereed basis has been entrenched. Refereeing is a time-consuming activity and not always rewarding. Only a few articles are substantially improved as a consequence. Nevertheless, it is now essential in attracting high quality contributions from academics and this has certainly been so in the past few years with *APR*.

A second hurdle is to ensure a reasonable coverage of the state and territory parliaments of Australia, as well as the national parliaments of Australia and New Zealand. This particular number illustrates the extent to which this has been accomplished. Apart from Antony Green's account of the 2003 NSW elections, this number includes a similar essay by Dr Winsome Roberts about the Victorian elections at the end of 2002, a study of consequential constitutional change in Victoria by Professor Brian Costar and Greg Gardiner, Dr Clem Macintyre's opening address to the South Australian Constitutional Convention, and Dr Kate

Crowley's provocative and illuminating analysis of Green-supported minority government in Tasmania.

Coverage of the international scene is represented by Sir David Steel's lecture on the Scottish parliament, Canadian High Commissioner Jean Fournier's address, 'Trudeau Remembered', and book reviews by Malcolm Aldons (the Parliament at Westminster) and Dr Russell Cope (Germany).

Success with the international scene, as this list suggests, has been qualified. With the exception of Jean Fournier's article, it has focussed on Western Europe. It would certainly have been desirable to run a good deal more on the parliaments of Asia as well as the struggling institutions of the South Pacific island nations.

*APR* has been relatively successful in drawing on contributions from several academic disciplines. This number has contributions from political scientists, historians and, in Alex Conte's analysis of New Zealand practices in the making of regulations in the context of the United Nations Charter, a lawyer.

The professionals have also maintained a distinguished place among contributors with, apart from Peter Grundy on the committee secretary already mentioned, Malcolm Aldons on evaluation of committee work, and Robyn McClelland on the photographing of the House of Representatives.

The major expansion of the *APR* in the past three years has only been possible because there is sufficient material worthy of publication. *APR* has a distinctive place in Australasian professional and academic publishing. It is dedicated to parliamentary subjects and it has the added advantage of a fair measure of independence. It is there to promote an informed understanding of parliaments as vital institutions in the democracies of Australasia. It deliberately seeks a full coverage of the field rather than simply particular parts of it.

While the expansion of *APR* is to be welcomed, it is regrettable that it has mainly been possible only through a series of *ad hoc* financial grants totalling well in excess of \$10,000. If the development of the past three years is to be sustained a high priority will need to be given to placing the journal on much more secure financial foundations. Some steps to this end have lately been taken but the task is far from complete.

Editors always have a large number of debts. There are the contributors without whose labours there would be no magazine at all. This magazine hardly ever publishes a boring article so that the rewards of editorship are a little more direct in this case than in others on more dour topics. Readers also add to the pleasures of editing, especially those frank enough to balance their compliments with advice on failings.

In these three years, referees have become increasingly significant in establishing *APR* academically and their contribution will grow in the future. The time demands

of quality refereeing are such that the time when it will be remunerative labour cannot, or at least should not, be far off. It is not very logical to put six figure sums into research but not to spend anything on its evaluation and appraisal. Nor is a recent claim by an academic that current peer review ensures there are no errors in an article or publication at all convincing. There is simply, at present, too much informality about peer review: it needs to become more rigorous.

Each number of *APR* has included acknowledgments of those organisations whose financial support has been essential. The Macquarie Bank allowed *APR* to get off to good start under its new name. The Department of the House of Representatives and the former Department of the Parliamentary Reporting Staff both played active roles in this recent important growth stage of the journal.

Since his appointment as President of ASPG, Kevin Rozzoli has taken a very enthusiastic interest in the journal.

Gillian Gould, Secretary-Treasurer of ASPG for most of my period as editor, has provided the much needed administrative support for the business side, as also has Linda Atkinson subsequently.

InstantColourPress has looked after the printing in the past three years.

Above all, very special thanks to Stephanie Hancock for first-class professional work in type-setting each number.

The last number of *APR* under my editorship (vol. 18(2)), published simultaneously with this issue, contains a special study by Ian Hancock of the notorious VIP affair of 1967, the controversy which, *inter alia*, provided an early indication of the crucial role the Senate would play in Australia's national politics in succeeding decades. I am very grateful to Ian for enabling me to bring my editorship to a close with what can be recommended without hesitation to readers as a ripping yarn! ▲

**Erratum.** *APR* vol. 17(2), p. 132, footnote 4, should read as follows:

Aspects of this question, concentrating on its legal dimension, were considered by Neil Laurie, Deputy Clerk of the Queensland Parliament, in 'The Grand Inquest of the Nation: a notion of the past?', in *Parliament 2000: Towards a Modern Committee System*, ASPG National Conference, July 2000, Queensland Parliamentary Library, Occasional Monograph No. 2, 2001.

**Editor's note:** Neil Laurie's article is also published in *APR*, vol. 16(2), pp. 173–85.