

Act 1995 No. 1

**CONSTITUTION (FIXED TERM PARLIAMENTS)
AMENDMENT BILL 1992***

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Constitution Act 1902:

- (a) to provide for fixed term Parliaments, with general elections held (except in special circumstances) on the fourth Saturday in March every 4 years; and
- (b) to require a referendum for any future legislation that would change the date for the holding of general elections as provided for under this Bill.

This Bill will not apply to the holding of the next general election. However, under the Constitution (Fixed Term Parliaments) Special Provisions Act 1991, the next general election is to be held on 25 March 1995, unless the Assembly is sooner dissolved in similar special circumstances to those applying under this Bill.

Because of section 7B of the Constitution Act 1902, this Bill is required to be submitted to a referendum and will not become law unless it is approved by a majority of the electors. The Constitution (Fixed Term Parliaments) Special Provisions Act 1991 ensures that the referendum will be held at or before the next general election.

Under this Bill (if it is approved at a referendum):

- (a) General elections after the next general election will be held every 4 years on the fourth Saturday in March, unless the Assembly is sooner dissolved in the special circumstances mentioned below.
- (b) If the Assembly is so dissolved, the general election is to be held (as at present) within 40 days after the issue of the writs for the election. The following general election will revert to the fourth Saturday in March. Accordingly, the Assembly chosen after the dissolution will have a term generally between 3 years and 2 months and 4 years and 2 months depending on the date of the dissolution.

* Amended in committee—see table at end of volume.

Constitution (Fixed Term Parliaments) Amendment 1992 [Act 1995 No. 1]

- (c) The existing discretion of the Governor to dissolve the Assembly at any time and issue writs for an election is to be replaced by a power to dissolve only in the following special circumstances:
- If a motion of no confidence in the Government is passed and no Government which has the confidence of the Assembly is formed within 8 clear days of the motion of no confidence. 3 clear days' notice is required to be given of the motion of no confidence.
 - If the Assembly has rejected or failed to pass a supply Bill.
 - If the next scheduled election date of the fourth Saturday in March is an unsuitable date for the general election (e.g. it occurs during a holiday period or a period during which a Commonwealth election is being held). In that case, the duration of the Assembly may be reduced by no more than 2 months.
- (d) Any existing established constitutional convention under which the Governor may, despite the advice of the existing Government, dissolve the Legislative Assembly is preserved.
- (e) When deciding whether to dissolve the Legislative Assembly, the Governor will be required to consider whether a viable alternative Government can be formed without a dissolution.
- (f) A referendum will be required for any future legislation that would authorise any reduction in the term of the Legislative Assembly or would alter the date on which a general election is required to be held.
-