

EARLY GENERAL ELECTIONS FOR AUSTRALIA'S HOUSE OF REPRESENTATIVES

In her lunchtime address to the National Press Club on Wednesday 30 January 2013 Prime Minister Julia Gillard told the Australian people that the 2013 election would be held on Saturday 14 September of that year. It would be a simultaneous election for the House of Representatives and half the Senate. I note that the first day of sitting of the then 43rd Parliament was 28 September 2010. Therefore, that parliamentary term expired on 27 September 2013. Consequently, the date given by Gillard fitted perfectly with common sense. My table 1 assumed that the Governor-General would comply, as she did. The possibility, however, still existed that the election date would be 3 August or 26 October. Until the House was actually dissolved no one could be sure.

Due to the unusual nature of the calling of that election the newspapers for Thursday 31 January were full of comment on Gillard. By far the best coverage was provided by *The Sydney Morning Herald*. On page 2 there was a graphic showing the number of days for the campaign for recent elections. See below. However, I added 2016 and 2019 later. Since 2013 did not turn out to be as Gillard proposed the entry for that year should be changed to just 36 days. This is because Kevin Rudd replaced Gillard as prime minister on 27 June 2013. He immediately cancelled Gillard's date and later announced the election for 7 September.

1949	45
1951	40
1954	94
1955	45
1958	93
1961	88
1963	45
1966	106
1969	65
1972	52
1974	37
1975	32
1977	44
1980	37
1983	30
1984	54
1987	45
1990	35
1993	34
1996	35
1998	34
2001	36
2004	41
2007	41
2010	35
2013	227
2016	103
2019	37

The first version of this article was published while Kevin Rudd was still Prime Minister. In that version I sought to do two things. The first was to make a prediction of the 2010 election date. The second was to defend the current constitutional arrangements. These I still defend strongly. In that article I wrote: “Finally it will be noted that the present (42nd Parliament) is included in my table of early dissolutions. This is a prediction only, though it is made confidently.” The original row for the 42nd Parliament noted that it was elected on 24 November 2007 and first met on 12 February 2008. To that I have added that it was dissolved on 19 July 2010 and that it lasted for two years, five months and seven days. Under “Reason to Dissolve Early” I have written the words you can see in the second last row in Table 3. As can be seen the 43rd Parliament and the 45th Parliament both ran for a full term.

In the first version of this article I did not name a precise date. That followed later. On 30 September 2009 the second story in the on-line newsletter “Crikey” was headed “Rudd will go to the polls on August 21, 2010. Here’s why.” Part of my reasoning was: “If one looks at the calendars for 1943 and 2010 one notices that they are identical.” I then kept to that date in subsequent writings. Consequently in “The Weekend Australian” (“Inquirer”, page 2) for February 6 and 7 of 2010 there was published my new federal pendulum. The editorial description of my article was: “New boundaries may favour Labor, but this year’s federal poll is still wide open.” My opening sentence was: “The 43rd general election for the House of Representatives will be held later this year and my most likely predicted date is August 21, the same as in 1943.”

The purpose of my Old Parliament House article was to defend the existing constitutional arrangements. Every time an election seems to be in the offing there is criticism of our present federal Constitution on the ground that it enables early elections to take place. In particular there is criticism of the right of the Prime Minister to pick the election date. The suggestion is also made that Prime Ministers have often abused that right. Consequently, a constitutional “reform” is called for – typically that federal parliamentary terms should be fixed at three years or, more frequently, at four years. I am not one of the reformers. To me the present constitutional arrangements are sensible and flexible. Furthermore, I do not think Prime Ministers have abused their right of early dissolution.

To the best of my knowledge I am the only analyst who has ever actually defined the term “early election”. I did that in an article in the learned academic journal *Politics* for May 1984, Volume 19, Number 1, pages 73 to 84. In that article I defined an early election as one which results from an early dissolution of the House of Representatives.

Since the office of Prime Minister is nowhere mentioned in the Constitution the question is often asked as to how the Prime Minister can constitutionally dissolve the Parliament. The answer is that he/she does so as the chief adviser to the Governor-General.

Section 28 of the Constitution provides:

Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General.

The first paragraph of Section 57 reads as follows:

If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

Those last words gave me the clue as to how I might define an “early election”. Since, by definition, an election following a double dissolution must be early it follows that an early election should be one following a dissolution other than within six months before the date of the expiry of the House of Representatives by effluxion of time.

The present Parliament, elected in May 2019, is the 46th. So there have been 46 general elections for the House of Representatives. In addition, there have been four separate elections for half the Senate, in May 1953, December 1964, November 1967 and November 1970. The 46 general elections for the House of Representatives have consisted of eight for the whole Parliament (in 1901, 1914, 1951, 1974, 1975, 1983, 1987 and 2016), six for the House of Representatives only (in 1929, 1954, 1963, 1966, 1969 and 1972) and 32 (the rest) for the House of Representatives accompanied by a periodical election for half the Senate.

The months of our elections are set out in Table 1. From it can be seen that no general elections have occurred in January, February or June. However, Table 2 is more interesting. It shows the exact dates of all 46 general elections for the House of Representatives together with information on the type of election and whether or not the election was “early”. It can be seen that 20 elections were early, in 1903, 1914, 1917, 1919, 1929, 1931, 1934, 1951, 1955, 1963, 1974, 1975, 1977, 1983, 1984, 1987, 1990, 1998, 2010 and 2016. That leaves 26 which were not early.

Those numbers depend, of course, on acceptance of my definition of “early” in this context. Consequently, I had best define my terms. First, an election is early if any second election is held in a year other than one three years plus from the first one. For example, the actual second election in 1903 was early because the first election was in 1901. Likewise, the 39th election in 1998 was early because the 38th was in 1996.

Second, an election is early if the dissolution of the House of Representatives occurs other than in the last six months of its life. Table 3 elaborates with more detail. Apart from the right-hand column this table consists simply of facts and figures. The reason for the right-hand column, however, is my denial of the proposition that Prime Ministers have abused their power to name the election date.

In the case of Section 57 dissolutions (commonly known as “double dissolutions”) I find it difficult to understand how anyone can seriously object to the idea of having a general election for all members of both houses. Furthermore, I argue that Section 57 is a vital part of our constitutional structure – which is why I have added Table 4. Even when it is not actually used the power which

lies in Section 57 enables a Prime Minister to discipline a recalcitrant Senate. If the Australian people judge that the Prime Minister has abused his power they can throw him out – as happened in 1914 and again in 1983. There have been seven double dissolutions, in 1914, 1951, 1974, 1975, 1983, 1987 and 2016.

Apart from the seven Section 57 dissolutions there have been six cases (in 1903, 1917, 1955, 1977, 1984 and 1990) when early election dates were justified by the then Prime Minister on the ground of the need to preserve or restore simultaneous elections of House of Representatives and half-Senate. Among modern Prime Ministers all of Sir Robert Menzies, Malcolm Fraser and Bob Hawke have used this eminently-sensible justification.

There have been three cases (in 1919, 1934 and 1998) of slightly-early election dates justified on the ground of the Prime Minister wishing to gain a mandate for important policies. The most recent example of this was in respect of the general election held on 3 October 1998 when John Howard sought a mandate for his policies of taxation reform.

Then there have been three cases (in 1929, 1931 and 1963) when there was instability in the House of Representatives justifying an early election for the House. In two of these cases the dissolution created an election for the House of Representatives only. Consequently 1929 and 1963 were for the House only. However, the 1931 election was for the House of Representatives and half the Senate. In that case the early election could have been justified on the ground of restoring simultaneous elections. That was not the justification used at the time. It was merely the effect.

Now, a note on the two elections on 21 August. Both were for the House of Representatives and half the Senate. However, there were three important differences. Whereas 1943 was a massive win for Labor under John Curtin, 2010 was the weakest possible House of Representatives win for Labor under Julia Gillard. Second, in 1943 there were no “triggers” for a double dissolution. In 2010 there were. So, Julia Gillard could have double dissolved if she had wanted to do so. John Curtin did not have that option available to him. Third, 1943 was not an early election but 2010 was. See Table 2.

The 17th Parliament was elected on 21 August 1943. It first met on 23 September 1943 and it was dissolved on 16 August 1946. The 43rd Parliament was elected on 21 August 2010. It first met on 28 September 2010 and it was dissolved on 5 August 2013. The next election dates were 28 September 1946 and 7 September 2013. It can be seen from the above that the calendar years 1943 and 2010 were identical. It can also be seen that the calendar years 1946 and 2013 were identical.

There are interesting details about the election in 2010 which Julia Gillard won. The first is that, at the time, it was widely disputed that she did “win” that election. Today, however, there is no dispute when I say she did win that election. The other detail is this feature which has been noted by no one. So, let me note it now: for the first time since 1946 the left of politics won majorities in both houses. The difference is that in 1946 there was just one party of the left, Labor. In 2010, by contrast, the left of politics was a combination of Labor, Greens and independents who were willing to vote for Gillard’s clean energy future legislation.

Now, some more trivia. The calendar years 1974 and 2019 were identical. It just so happens that the double dissolution of 1974 was on the same day of the week and the same date as the

dissolution of 2019, Thursday 11 April. That the elections were also on the same date explains why the number of campaign days was the same. True to my principles I had an article published on the Switzer website titled “Election Day: 18 May 2019”. The editor’s description was: “The intention always was to make May the normal month for our elections. Scott Morrison, therefore, is to be strongly commended for his choice of date.” The article pointed to the fact that the last time there was an equivalent election for the House of Representatives and half the Senate was in May 1917.

Finally, let me speculate about the date of the next election. I could be in May 2022 or in March 2022. I think March is an unlikely month. I say that because Tasmanian and South Australian state elections are very likely in that month. For that reason, I predict the federal election will be in November 2021. Those who want fixed four-year terms will call for such fixing by accusing Scott Morrison of abusing his power, a power they think should be removed from the office of Prime Minister. I intend to take a contrary view. Just as I commended Morrison for his May 2019 date I shall commend his choice of November 2021 for his second election date call. I shall continue to argue that the “change for change’s sake brigade” has failed to demonstrate that the change they want will produce better government. I shall also argue that the arrangements operating since 1901 have served Australia well. Therefore, they should not be changed.

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Table 1: Months of General Elections for the Australian House of Representatives 1901–2019

Month	Number	Years
March	5	1901, 1983, 1990, 1993, 1996
April	2	1910, 1951
May	5	1913, 1917, 1954, 1974, 2019
July	2	1987, 2016
August	2	1943, 2010
September	5	1914, 1934, 1940, 1946, 2013
October	6	1929, 1937, 1969, 1980, 1998, 2004
November	7	1925, 1928, 1958, 1963, 1966, 2001, 2007
December	12	1903, 1906, 1919, 1922, 1931, 1949, 1955, 1961, 1972, 1975, 1977, 1984
Total	46	

Table 2: Classification of General Elections for the Australian House of Representatives

No.	Date	Early Election?	HR Plus Half-Senate?	Other type of Election
1 st	29-30 March 1901	No	No	Whole Parliament
2 nd	16 December 1903	Yes	Yes	
3 rd	12 December 1906	No	Yes	
4 th	13 April 1910	No	Yes	
5 th	31 May 1913	No	Yes	
6 th	5 September 1914	Yes	No	Whole Parliament
7 th	5 May 1917	Yes	Yes	
8 th	13 December 1919	Yes	Yes	
9 th	16 December 1922	No	Yes	
10 th	14 November 1925	No	Yes	
11 th	17 November 1928	No	Yes	
12 th	12 October 1929	Yes	No	House only
13 th	19 December 1931	Yes	Yes	
14 th	15 September 1934	Yes	Yes	
15 th	23 October 1937	No	Yes	
16 th	21 September 1940	No	Yes	
17 th	21 August 1943	No	Yes	
18 th	28 September 1946	No	Yes	
19 th	10 December 1949	No	Yes	
20 th	28 April 1951	Yes	No	Whole Parliament
21 st	29 May 1954	No	No	House only
22 nd	10 December 1955	Yes	Yes	
23 rd	22 November 1958	No	Yes	
24 th	9 December 1961	No	Yes	
25 th	30 November 1963	Yes	No	House only
26 th	26 November 1966	No	No	House only
27 th	25 October 1969	No	No	House only
28 th	2 December 1972	No	No	House only
29 th	18 May 1974	Yes	No	Whole Parliament
30 th	13 December 1975	Yes	No	Whole Parliament
31 st	10 December 1977	Yes	Yes	
32 nd	18 October 1980	No	Yes	
33 rd	5 March 1983	Yes	No	Whole Parliament
34 th	1 December 1984	Yes	Yes	
35 th	11 July 1987	Yes	No	Whole Parliament
36 th	24 March 1990	Yes	Yes	
37 th	13 March 1993	No	Yes	
38 th	2 March 1996	No	Yes	
39 th	3 October 1998	Yes	Yes	
40 th	10 November 2001	No	Yes	
41 st	9 October 2004	No	Yes	
42 nd	24 November 2007	No	Yes	
43 rd	21 August 2010	Yes	Yes	
44 th	7 September 2013	No	Yes	
45 th	2 July 2016	Yes	No	Whole Parliament
46 th	18 May 2019	No	Yes	

TABLE 3
EARLY DISSOLUTIONS OF THE HOUSE OF REPRESENTATIVES

Parliament	Date of Election	Date of First Meeting	Date of Dissolution	Length	Reason to Dissolve Early
1 st	29-30 March 1901	9 May 1901	23 November 1903	2 years 6 months 14 days	To preserve simultaneous elections
5th	31 May 1913	9 July 1913	30 July 1914 (double)	1 year 21 days	Section 57
6th	5 September 1914	8 October 1914	26 March 1917	2 years 5 months 19 days	To preserve simultaneous elections
7th	5 May 1917	14 June 1917	3 November 1919	2 years 4 months 21 days	To gain mandate for post-war reconstruction
11th	17 November 1928	6 February 1929	16 September 1929	7 months 11 days	Instability in House of Representatives
12th	12 October 1929	20 November 1929	27 November 1931	2 years 8 days	Instability in House of Representatives
13th	19 December 1931	17 February 1932	7 August 1934	2 years 5 months 22 days	To gain mandate for post-depression policies
19th	10 December 1949	22 February 1950	19 March 1951 (double)	1 year 25 days	Section 57
21st	29 May 1954	4 August 1954	4 November 1955	1 year 3 months 1 day	To restore simultaneous elections
24th	9 December 1961	20 February 1962	1 November 1963	1 year 8 months 13 days	Instability in House of Representatives

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28th	2 December 1972	27 February 1973	11 April 1974 (double)	1 year 1 month 15 days	Section 57
29th	18 May 1974	9 July 1974	11 November 1975 (double)	1 year 4 months 2 days	Section 57
30th	13 December 1975	17 February 1976	10 November 1977	1 year 8 months 25 days	To restore simultaneous elections
32nd	18 October 1980	25 November 1980	4 February 1983 (double)	2 years 2 months 10 days	Section 57
33rd	5 March 1983	21 April 1983	26 October 1984	1 year 6 months 5 days	To restore simultaneous elections
34th	1 December 1984	21 February 1985	5 June 1987 (double)	2 years 3 months 16 days	Section 57
35th	11 July 1987	14 September 1987	19 February 1990	2 years 5 months 5 days	To preserve simultaneous elections
38th	2 March 1996	30 April 1996	31 August 1998	2 years 4 months	To gain mandate for GST
42 nd	24 November 2007	12 February 2008	19 July 2010	2 years 5 months 7 days	To enable Julia Gillard to become an "elected" Prime Minister

44th 7 September 2013 12 November 2013 9 May 2016 2 years 5 months 28 days Section 57

Table 4: Parliaments Which Have Met Conditions of Sections 57

Number of Parliament	Date of Election	Prime Minister	Term of Office	Date s. 57 First Met	S. 57 Bills	Date of Dissolution	Next Election	Length of Parliament
5th	31 May 1913	Cook (Liberal)	First	28 May 1914	1	30 July 1914 (double)	5 September 1914	1 year 21 days
19th	10 December 1949	Menzies (Liberal)	First	14 March 1951	1	19 March 1951 (double)	28 April 1951	1 year 25 days
22nd	10 December 1955	Menzies (Liberal)	Fourth	27 March 1958	14	14 October 1958 (single)	22 November 1958	2 years 8 months
28th	2 December 1972	Whitlam (Labor)	First	29 August 1973	6	11 April 1974 (double)	18 May 1974	1 year 1 month 15 days
29th	18 May 1974	Whitlam (Labor)	Second	11 December 1974	21	11 November 1975 (double)	13 December 1975	1 year 4 months 2 days
32nd	18 October 1980	Fraser (Liberal)	Third	10 March 1982	13	4 February 1983 (double)	5 March 1983	2 years 2 months 10 days
33rd	5 March 1983	Hawke (Labor)	First	14 June 1984	2	26 October 1984 (single)	1 December 1984	1 year 6 months 5 days
34th	1 December 1984	Hawke (Labor)	Second	2 April 1987	1	5 June 1987 (double)	11 July 1987	2 years 3 months 16 days
38th	2 March 1996	Howard (Liberal)	First	25 March 1998	4	31 August 1998 (single)	3 October 1998	2 years 4 months
39th	3 October 1998	Howard (Liberal)	Second	26 March 2001	1	8 October 2001 (single)	10 November 2001	2 years 10 months 29 days
40th	10 November 2001	Howard (Liberal)	Third	3 March 2003	7	31 August 2004 (single)	9 October 2004	2 years 6 months 19 days
42nd	24 November 2007	Rudd (Labor)	First	2 December 2009	14	19 July 2010 (single)	21 August 2010	2 years 5 months 7 days
44th	7 September 2013	Abbott (Liberal)	First	18 April 2016	3	9 May 2016 (double)	2 July 2016	2 years 5 months 28 days