

DOUBLE DISSOLUTION?

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What is a double dissolution?

A double dissolution is a procedure permitted under the Australian Constitution in order to resolve deadlocks between the House of Representatives and the Senate. In a double dissolution both houses of Parliament are dissolved, usually at the request of the Prime Minister, and an election is called to allow voters to decide on the outcome.



What are the conditions needed for a double dissolution?

Section 57 of the Constitution outlines the conditions (called triggers) required for a double dissolution, outlined below:

- (i) The House of Representatives passes a bill and sends it to the Senate
- (ii) The Senate rejects or fails to pass the bill, or passes it with amendments to which the House will not agree
- (iii) After three months, the House of Representatives passes the same bill and sends it to the Senate
- (iv) The Senate once again rejects or fails to pass the bill, or passes it with amendments to which the House will not agree

Previous double dissolutions

There have been 6 double dissolutions of the Australian Parliament. These occurred in 1914, 1951, 1974, 1975, 1983 and 1987. In 1975, when the Senate blocked bills put forward by the Whitlam Government, Governor-General Sir John Kerr dismissed the Labor Government and an election was called by caretaker Prime Minister Malcolm Fraser.

What is the current situation?

In August 2015, the Senate rejected the reintroduction of the building and construction watchdog, the Australian Building and Construction Commission (ABCC). If reintroduced, the Bill would fail to pass through the Senate due to a lack of support by the crossbenchers, leading to speculation that it could be used as a double dissolution trigger.

Last week, legislation to overhaul the way in which Senators are elected was debated upon and, after a marathon sitting, was passed. The changes are designed so that minor parties are not able to swap preferences in order to secure Senate seats. If the Turnbull government now calls for a double dissolution election, the Coalition may gain a rare and absolute majority in the Senate. Although a double dissolution election may resolve the ABCC deadlock, it is doubtful that it would provide an equitable solution to future disagreements. Instead, the balance of power is predicted to shift, advantaging some parties while disadvantaging others.

Who are the winners and losers?

The Coalition are the clear winners in this scenario, predicted to win 40 Senate seats at the cost to minor parties. The Coalition would have a two-seat majoring in the senate and would not have to negotiate with other parties in order to pass legislation. The Greens are also set to benefit by winning seats currently held by independents and minor parties. With the new rules in place, it will be virtually impossible for minor party senators, such as Rick Muir from the Motoring Enthusiasts, to be elected.

Family First senator Bob Day has launched a High Court challenge to the new laws, deeming them “undemocratic” on the grounds that the 3 million voters who prefer minor parties are in Liberal Democrat David Leyonjhelms words, “basically going to be disenfranchised”.