

19. A New Constitution

The Commission's recommendations will require amendment of the Constitution. Efforts should be made to develop knowledge and a sense of community ownership of Victoria's constitution. Putting a new Constitution to the people may be one way to achieve this.

There was surprise and concern during the Commission's consultations that any provision of the Victorian Constitution could be changed by an absolute majority of the Parliament: that is by a majority of the total Members voting in favour of a change in both the Legislative Assembly and the Legislative Council.

It is the Commission's view that a number of core provisions of the Constitution should be entrenched and changeable only by referendum and that procedural changes can occur only by a 3/5ths majority vote in each House to ensure that there is bi-partisan support.

The provisions of the Constitution Act that deal with the following issues will require change to enable the Commission's recommendations to be implemented. Although other provisions of the Constitution which deal with fundamental democratic institutions and rights should also be entrenched, the Commission has singled out those issues relevant to its recommendations for specific inclusion in an amended Constitution:

- A fixed and concurrent four-year term for Members of both Houses of Parliament.
- The voting method to be used in electing members to the Legislative Council.
- The division of the State into multiple Electoral Regions each electing multiple members using the proportional representation voting system.
- A deadlock resolution process.
- Abolition of the power of the Legislative Council to reject or amend Supply Bills.
- Removal of Ministers from the Upper House over time.
- Adoption of a Code of Conduct for Members and Ministers in the Parliament.
- The independence of certain officers such as the Auditor General, the Ombudsman, the Electoral Commissioner and the Privacy Commissioner.
- The functions of the Electoral Boundaries Commission Act and objectives of the Freedom of Information Act.
- Adoption of human rights principles.

A number of consequential amendments will also need to be made to give full effect to the Commission's recommendations. These amendments were considered to be outside the ambit of this Report.