

Amending the Victorian Constitution

To change the Constitution, the Parliament of Victoria must pass a bill to amend the *Constitution Act 1975*.

Most amendments to the Constitution can be passed by simple majority. This means that it must be passed in the Assembly and Council by a majority of members present for the vote. Eg. If only 60 members are present in the Assembly, the amendment can be passed with only 31 votes.

Other parts of the Constitution can only be changed if certain requirements are met. If these procedures are not followed the bill will be void, and it is unlawful to present it to the Governor for royal assent.

Procedure	The procedure explained	Section of Constitution Act	Examples of provisions affected
Referendum	<p>Parliament passes the bill without needing to follow any special procedures.</p> <p>After the bill has passed Parliament a referendum is held. This is an election asking Victorian voters whether they agree to the bill. The exact requirements of a referendum are set out in the Electoral Act 2002, Part 9A.</p> <p>So far, the Parliament has not considered a bill which needs referendum approval.</p>	s 18 (1B)	<p>Number of members in the Assembly and the Council.</p> <p>The Council cannot block the budget.</p>
Special majority	<p>The third reading must be passed by:</p> <ul style="list-style-type: none"> at least 3/5 of all members of the Assembly, a minimum of 53 members. at least 3/5 of all members of the Council, a minimum of 24 members. 	s 18 (2)	<p>Who can vote in elections.</p> <p>How to appoint Governor and Lieutenant-Governor.</p>

Absolute majority	The third reading must be passed by: <ul style="list-style-type: none"> the majority of all members of the Assembly, a minimum of 45 members. the majority of all members of the Council, a minimum of 21 members. 	s 18 (2AA)	Qualification and appointment of judges.
Simple majority	The third reading must be passed by: <ul style="list-style-type: none"> the majority of members present for the vote in the Assembly. the majority of members present for the vote in the Council. 	s 18(1)	All other proposed amendments.

Bills impacting s 85 of the Victorian Constitution

Under s 85 of the Constitution, the Supreme Court has unlimited jurisdiction within Victoria. A bill might impact on that jurisdiction, for example by not allowing an appeal to the Supreme Court.

Under s 18(2A), such bills must be passed by an **absolute majority**, meaning it is passed by the majority of all members elected to each House:

- In the Assembly, by a minimum of 45 members.
- In the Council, by a minimum of 21 members.

A minister must also make a statement to Parliament giving the reasons for impacting the Supreme Court's powers. This happens during the debate in each House.

If these requirements are not met, the bill may still be valid. However, any sections impacting the Supreme Court are voided.