



## Abolition of the Legislative Council

The Queensland Parliament is unique among Australian state parliaments as it is unicameral, that is, it only has one chamber. Queensland's parliament was the only colonial parliament (pre-1901) to commence with two chambers and is now the only state parliament to have just one chamber, following the abolition of the Legislative Council in 1922.

Unicameral legislatures are uncommon in Westminster parliamentary democracies. The standard parliamentary model in Westminster democracies includes two chambers consisting of a lower house and an upper house of review. In Australia, only Queensland and the two territories have just one parliamentary chamber. The Federal Parliament and all other states have two.

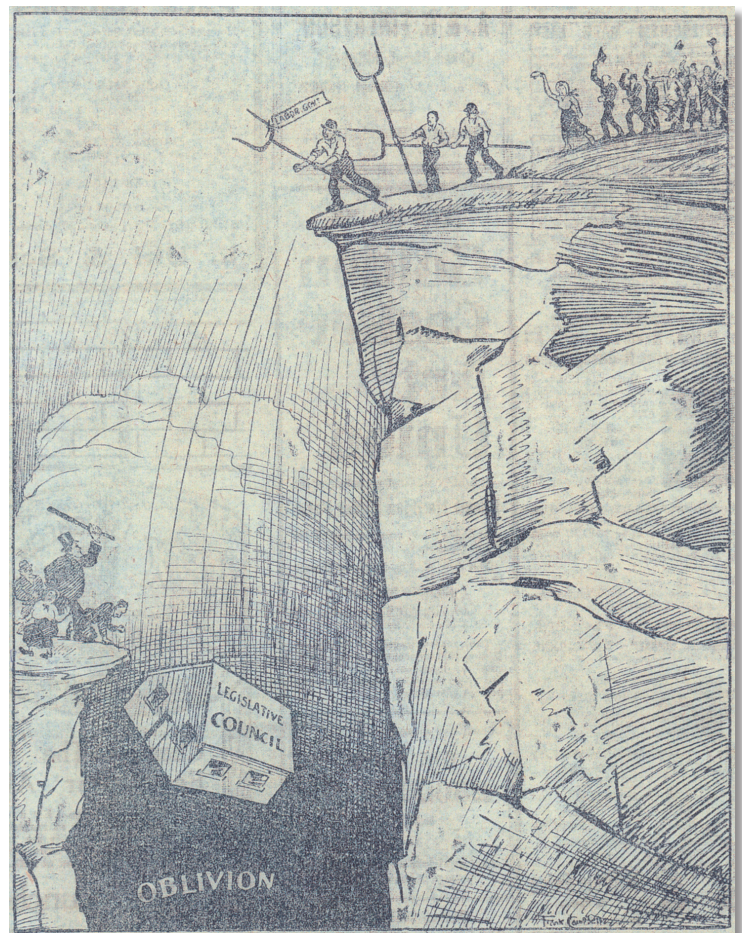
### Early Days Of The Legislative Council

The colony of Queensland was established in 1859, following its separation from New South Wales. The Queensland Parliament first met in 1860 with an elected Lower House, the Legislative Assembly, and an appointed Upper House, the Legislative Council. The first members of the Legislative Council, were appointed for a five-year term by the Governor of New South Wales. Subsequent appointments being made by the Queensland Governor and being for life.

The Legislative Council was widely criticised both before and after its establishment. Throughout the Legislative Council's existence, numerous attempts were made to limit or modify its power. Early criticism included an 1861 letter published in the Courier which stated: *[The Legislative Council] is a contemptible instrument of bad government, and causes much unnecessary expense. Let the Upper House be done away with, and the number of members in the Lower House increased.*

### Labor Vs The Legislative Council, 1915-1917

In 1915, the first long-term Labor government came to power in Queensland. This set the stage for a confrontation between Queensland's two houses of Parliament, as the Labor party had been opposed to the Legislative Council from its inception and the Labor Premier, TJ Ryan, advocated strongly for its abolition.



Extract from *The Worker*, 3 November 1921, p.1

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The early days of the Ryan government were marked by the frustration of dealing with a hostile Legislative Council. During Ryan's first term, approximately 800 Bills were rejected or drastically amended by the Legislative Council. The Legislative Council rejected many of the Ryan government's key pieces of legislation, including bills addressing major reforms that the government had campaigned on during the election and believed it had a mandate to act upon.

Premier Ryan introduced a Bill to abolish the Legislative Council on 12 November 1915. He argued that nominated legislative councils were 'relics of feudalism'. The Bill passed through the Legislative Assembly, but was rejected by the Legislative Council. The Legislative Council argued that the destruction of the bicameral system in Queensland 'would fatally prejudice the standing and rights of this State, reducing it below the level of all the others, and dislocating the provisions by which due representation in the Federal Parliament is secured in Queensland.' A similar Bill was formulated and rejected during the 1916-17 session of Parliament.

### The Referendum Of 1917

In 1917, Ryan and the Labor party attempted to abolish the Legislative Council by popular referendum. The campaign was ill-fated from its inception. As a cost reduction measure, Cabinet decided to hold the referendum on the same day as the Federal election (5 May 1917), together with a separate unrelated referendum.

The Federal election apparently distracted many voters and government members from the Legislative Council abolition question. The legality of the referendum was questioned and the wording of the question caused confusion as the public had to vote against the Legislative Council by voting for the Bill to abolish it.

The referendum was easily defeated, with 179 105 Queenslanders voting against the abolition of the Legislative Council, and 116 196 voting for its removal.

While the campaign had been troubled, the result showed that most Queenslanders were not ready to abolish the Legislative Council.

Following the referendum, two further attempts were made to abolish the Legislative Council through legislation in 1918 and 1919. The hopes of the Labor-controlled Legislative Assembly were buoyed by the appointment of 13 new Labor members to the Legislative Council in 1918 and an additional 3 in 1919. Despite these 16 appointments, the Government still lacked the numbers in the Legislative Council, and the bills were defeated.

The Governor, Sir Hamilton Goold-Adams, refused to make any further Labor appointments to the Legislative Council. When Goold-Adams retired in early 1920, the Speaker of the Assembly, William Lennon, was appointed as Lieutenant-Governor on Goold-Adams's strong recommendation. On 19 February 1920, Lennon appointed 14 more Labor Members to the Council, giving the Labor government (now led by Edward 'Red Ted' Theodore) a majority in the Legislative Council for the first time.

### The Abolition Of The Legislative Council 1920-1922

The abolition of the Legislative Council was an important issue in the election of 1920. Theodore argued an election victory fought on the abolition issue would constitute a mandate for change, without the need for another referendum. In November 1920, the Theodore Labor Government was returned to power with a narrow majority. Both the major opposition parties favoured significant changes in the Legislative Council, and were opposed to it remaining as an unelected chamber. Theodore laid the groundwork for a constitutionally legal abolition.

The Queensland Justice Department investigated the problem of royal assent to a Bill abolishing the upper house and found that there were no obstacles. Theodore also knew that the British Colonial Office regarded the issue as a local one that did not affect imperial matters.

On 24 October 1921, Theodore introduced the *Constitution Act Amendment Bill* into the Legislative Assembly. The Bill passed the first reading stage with the support of 51 members and only 14 opposing the Bill.

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Premier Theodore outlined his arguments against the need for an upper house of any kind in his second reading speech on the Bill:

*With regard to the Labor party's attitude in connection with the Legislative Council - the hon. Member for Bulimba wanted to know whether the Legislative Council was not now merely an echo of this Chamber. That is all it is, and that is why I say it is useless. If it is not an echo, it is an evil because it is obstructive. If it is an echo, it is no longer necessary.'*

The second reading of the Bill was passed 39 to 30. In the committee stage, the second clause which dealt specifically with the abolition of the Legislative Council was passed 51 to 15. The third reading of the Bill had a similarly easy passage.

The Bill was introduced in the Legislative Council by the Secretary for Mines, AJ Jones, who was the only Cabinet Member in the Legislative Council. It was the third time he had introduced a Bill calling for the abolition of the Legislative Council. The second reading passed 28 to 10.

After the Bill had been passed by both Houses and reserved for Royal Assent, opponents of the abolition appealed to the British government for intervention. A memorial and petition were presented to the Governor arguing the Bill should be rejected. These documents were sent to London, along with a memorandum from Premier Theodore containing observations on the memorial and petition, as well as the Government's rationale behind the abolition of the Legislative Council. Theodore listed the many bills that had been amended or rejected by the Legislative Council since Labor had been elected, comparing it with the conservative Denham government period that had seen only one Bill rejected between 1911 and 1915. Theodore stated that '[i]t is not a fact historically that the bicameral system with a nominee chamber has worked satisfactorily in Queensland' and that 'the principles of the Bill do not in any way impinge on Imperial interests'.

British Secretary of State for the Colonies and future Prime Minister, Winston Churchill, felt that he could not advise the King to intervene, saying:

*I cannot but regard the matter with which the Bill deals as essentially one for determination locally ... I have had no alternative but to advise His Majesty to assent to the Bill.*

Royal Assent was given on 3 March 1922 and the Act was proclaimed on 23 March 1922. The abolition of the Legislative Council was the most important single constitutional reform in Queensland history and, in the words of historian DJ Murphy, 'the dominance of wealth and property over the Queensland parliament' was broken.

### From Abolition Onwards

Theodore's Labor government was defeated in the election of 1929. One of the new government's key election policies was to re-introduce the upper house. However, the Depression soon took priority over this concern.

In 1934, the Labor government of William Forgan Smith passed the Constitution Act Amendment Act 1934 so that the Legislative Council could not be reintroduced without the approval of Queensland electors at a referendum.

In 1981, the National Party proposed the reinstatement of an upper house in Queensland. The Borbidge Coalition government (1996-1998) contemplated submitting a referendum proposal for its reintroduction. However, no actions to reinstate the Legislative Council were taken.

Since 1998, there have been no official policy announcements from any major political party about the return of an upper house in Queensland.

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### Timeline - The History Of Queensland's Upper House

- 1859 The colony of Queensland is created after separating from New South Wales.
- 1860 The first Queensland Parliament sits, with 11 members nominated to the Legislative Council.
- 1885 The Legislative Council attempts to amend money bills and the Privy Council in London rules that it does not have the right to do so.
- 1908 *The Constitution Act Amendment Act 1908* (Qld) is passed, removing the requirement for a two thirds majority of each house to amend the Queensland Constitution. *The Parliamentary Bills Referendum Act 1908* (Qld) is then passed, allowing for a referendum on a Bill if it has been rejected twice by the Legislative Council.
- 1915 The government of TJ Ryan is elected in May. In November, Ryan introduces a Bill to abolish the Legislative Council. The Bill is rejected by the Legislative Council.
- 1916 The Bill to abolish the Legislative Council is introduced again and rejected by the Legislative Council again, opening the way for a referendum.
- 1917 A referendum to abolish the Legislative Council held on 5 May is defeated.
- 1918 13 new Labor members are appointed to the Legislative Council. The Bill to abolish the Legislative Council is introduced for a third time, and rejected by the Legislative Council again.
- 1919 Three more Labor members are appointed to the Legislative Council.<sup>74</sup> The Bill to abolish the Legislative Council is introduced again, and is rejected by the Legislative Council again.
- 1920 19 February: Newly appointed Lieutenant-Governor William Lennon, who only a few weeks earlier was the Labor Speaker of the Legislative Assembly, appoints 14 more Labor members to the Legislative Council, giving Labor a majority in the upper house for the first time.
- 1921 24 October: Labor introduces a Bill to abolish the Legislative Council for the fifth time:
  - 26 October: The Legislative Council passes (by 28 votes to 10) the second reading of a Bill to abolish the Legislative Council.
  - 27 October: The Legislative Council meets for the last time, adjourning at 8.37 pm.
- 1922 The Act abolishing the Legislative Council is given Royal Assent on 3 March and proclaimed on 23 March.
- 1934 *The Constitution Act Amendment Act 1934* is passed, providing that the Legislative Council cannot be restored without a referendum.