

Abolition of the Legislative Council

Unicameral legislatures, or parliaments with only one chamber, are uncommon in Westminster parliamentary democracies. It is generally considered that the preferred parliamentary model is two chambers with both a Lower House and an Upper House of review. In Australia, Queensland and the two territories are alone in having just one Parliamentary chamber, with the Federal Parliament and all other states having two.

The Queensland Parliament is unique among Australian states in that it 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. The story behind the abolition of Queensland's Upper House is detailed below.

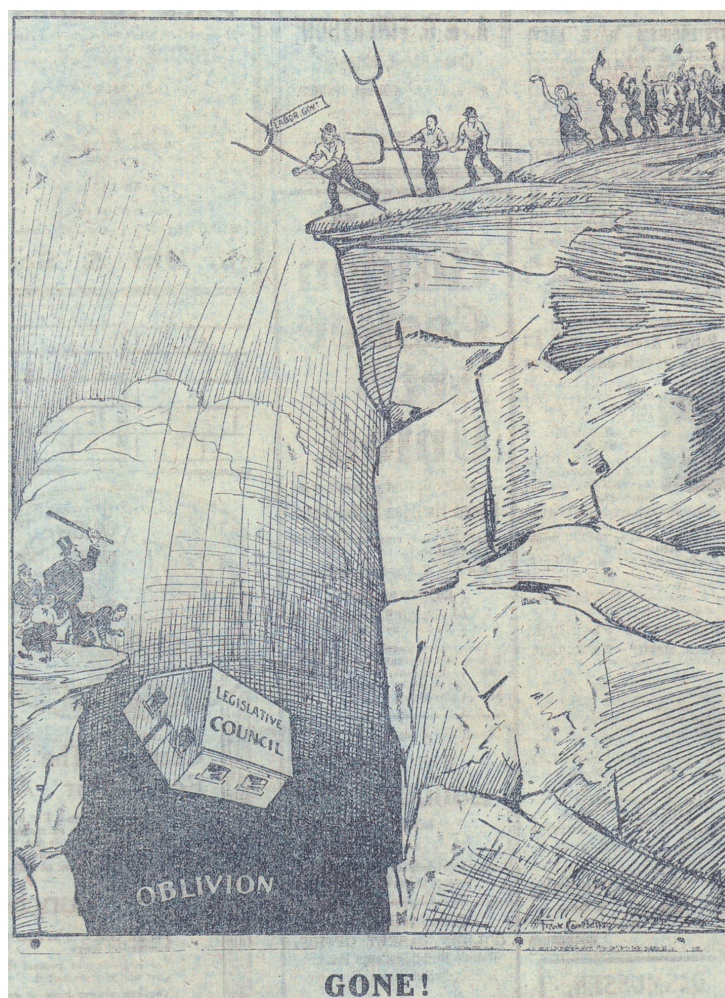
Early Days Of The Legislative Council

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, with subsequent appointments being made by the Queensland Governor and being for life.

There was early criticism of the Legislative Council, with the Moreton Bay Courier of 19 May 1861 saying: *'... it 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 be 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. Among these were Bills addressing major reforms in health, industrial relations, the Criminal Code and local government, that the government had campaigned on during the election and believed it had a mandate to act upon.

Premier Ryan introduced a Bill into the Legislative Assembly on 12 November 1915 to abolish the office of Member of the Legislative Council and all offices constituted in connection with it. He argued that Legislative Councils in Queensland and other states were '*relics of feudalism.*' The Bill easily passed through the Legislative Assembly, but the Council rejected the abolition Bill, arguing 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 in the 1916-17 session of Parliament.

The Referendum Of 1917

In 1917, Ryan and the Labor party attempted to have the Council abolished by popular referendum. The campaign was ill-fated from its inception. Cabinet decided to hold the referendum on the same day as the Federal election, 5 May 1917. This apparently distracted many voters and government members from the Council abolition question as they became focused on the Federal election. There were other complications, with the legality of the referendum questioned and the wording of the question causing confusion as the public had to vote against the Council by voting for the Bill to abolish it.

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

had been troubled, the result showed that most Queenslanders were not ready to take the step of abolishing the Legislative Council.

Despite this referendum result, there were two further attempts in the next two years to abolish the Council through legislation. The hopes of the Labor-controlled Legislative Assembly were buoyed by the appointment of 13 new Labor Members to the Council in 1918 and an additional three in 1919. Despite these 16 appointments, the Government still lacked the numbers in the Council and the Bills calling for the abolition of the Council were again defeated.

The Governor, Sir Hamilton Goold-Adams refused to make any further Labor appointments to the Council, however, 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, providing the Labor government (now led by Edward 'Red Ted' Theodore) with a majority in the Council for the first time.

The Abolition Of The Legislative Council, 1920-1922

The abolition of the Council was an important issue in the election of 1920. The Theodore Labor government was returned to power with a narrow majority, and Theodore claimed a mandate for change. His cause was aided in some respects by the fact that both the major opposition parties favoured significant changes in the Legislative Council, with neither favouring its retention as an unelected chamber. Theodore carefully 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. The Bill then moved into the Legislative Council Chamber, where the Honourable A.J. Jones, Secretary for Mines, the only Cabinet Member in the Council, introduced a Bill calling for the abolition of the Council for the third time in his political career.

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Back in the Legislative Assembly the following day, Premier Theodore outlined his arguments against the need for an upper house of any kind in his second reading speech to the Bill. To him, the arguments were simple and logical. *‘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.’*

When the Bill went into the committee stage, the second clause which dealt specifically with the abolition of the Council, was passed 51-15. The third reading of the Bill had a similarly easy passage.

The British government was later to provide their own opinion on the events leading to the abolition of the Legislative Council. On 1 December 1921, Premier Theodore presented a memorandum to the Governor containing observations on the memorial and petition. Theodore listed the many Bills that had been amended or rejected by the Council since Labor had been elected, comparing it with the conservative Denham government in Queensland that had seen only one Bill rejected between 1911 and 1915. Affirming *‘It is not a fact historically that the bicameral system with a nominee chamber has worked satisfactorily in Queensland’*, he argued 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. With the abolition of the Legislative Council, the most important single constitutional reform in Queensland

history had been accomplished, and, in the words of historian D.J. Murphy, *‘the dominance of wealth and property over the Queensland parliament’ was broken.’*

From Abolition Onwards

Theodore’s Labor government was defeated by conservatives in the election of 1929 and one of the new government’s key election policies was to re-introduce the Upper House. However, problems associated with the Depression soon took priority over this concern.

In 1934, the Labor government of William Forgan Smith amended the *Constitution Act* which provided that the Council could not be reintroduced without the approval of the Queensland electors at a referendum.

In 1981, official National Party policy called for the reinstatement of an Upper House in Queensland and the Borbidge Coalition government (1996-1998) contemplated submitting a referendum proposal for its reintroduction, however, no action on these calls eventuated.

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 Queensland colony is created after separating from New South Wales.
1860	The first Queensland Parliament sits, with eleven 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.
1890	The Governor's speech to a new parliament announces a Bill to provide for an elected Legislative Council, but the Bill is never introduced.
1893	A Bill providing for an elected Council makes it through to the committee stage but is aborted with the prorogation of Parliament.
1900, 1902, 1908	Bills aimed at modifying the power of the Council or its method of election are introduced but not passed.
1915	The government of T J Ryan is elected in November and Ryan introduces a Bill to have the Council abolished. It is rejected by the Council, as is another Bill introduced in the 1916-17 session.
1917 - 5 May	A referendum to abolish the Council is held, but is defeated.
1918	The Labor Government adds 13 new members from its party to the Legislative Council. However, the Bill to abolish the Council is defeated.
1919	Labor adds 3 more new members from its party to the Legislative Council and the Bill to abolish the Council is again defeated.
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 Council, finally giving it the majority in the Upper House for the first time.
1921 - 24 October	For the fifth time, the Labor party introduces a Bill to abolish the Legislative Council.
26 October	The Council passes, by 28-10, the second reading of a Bill to abolish itself.
27 October	The Council meets for the last time, adjourning at 8.37 pm.
1922	The Act abolishing the Legislative Council is proclaimed.
1934	The Constitution Act is further amended, providing that the Legislative Council cannot be restored without a referendum.