

# Closer Look

A series of discussion papers for secondary teachers and students

## A Short History of Parliament



*Parliament of Australia, Canberra. See House of Representatives to left of the central flag pole and Senate to the right and the public entrance in the foreground.*

### Introduction

The Australian Parliament began just over a century ago. Other parliaments in Europe are much older and have taken centuries to evolve. This is the story of how the Australian Parliament has grown from older European Parliaments and has developed in its own way during the last century. The paper is intended for secondary students and may be useful in understanding origins and links between political systems.

This paper covers the following areas of content:

- Early parliaments
- A brief history of British Parliament
- Moving towards a modern parliamentary structure
- The development of parliament in Australia
- A brief history of the Parliament of Australia
- The contemporary Parliament of Australia
- Conclusion
- More information

## Early parliaments

Modern-day systems of law-making have a long history. The Greeks and the Romans used assemblies of leading citizens to make decisions. Kings and other rulers used councils and meetings of lords to advise the ruler in law-making. During the last few hundred years, many countries have constructed assemblies of elected representatives who make laws on behalf of all citizens. In France the law-making body is called *Le Parlement* consisting of the National Assembly and the Senate. In Germany the federal parliament (the *Reichstag*) includes the *Bundestag* and the *Bundesrat*. When the United States adopted its constitution in 1788 the *Congress* was established consisting of the House of Representatives and the Senate. In 1979, Europeans voted for the first time for a European Parliament in Strasbourg.

One of the world's first parliaments began in London and still continues its work on the original site today. The English concept of parliament spread to British colonies such as Australia, Canada and New Zealand during the 19th century while others such as India, Kenya and Malaysia achieved independence during the 20th century.

## A brief history of the British Parliament

### Early councils

The idea of a parliament slowly emerged in Anglo-Saxon times. The *Witenagemot* (or *Witan*) was a political institution in Anglo-Saxon England which operated between the 7th and 11th century. The name *witenagemot* derives from the old English for 'meeting of wise men'. It was a convocation of the most powerful and important in society called together by the king to advise him on such matters as wars and taxes.

The *Witenagemot* had its origins in the Germanic assemblies summoned to witness royal grants of land. Before the unification of England in the 9th century, separate *witenagemots* were convened by the Kings of Essex, Kent, Mercia, Northumbria, Sussex and Wessex. Even after Wessex became the dominant power in England, supplanting the other kingdoms, local *witenagemots* continued to meet until as late as 1065.

When William the Conqueror invaded Britain in 1066 he set up a similar council called the *Curia Regis*—the King's Council—that met with the king three times each year—but these councils were not democratic. There were no elections and the bishops, abbots, earls and knights who attended did not formally represent anyone. They spoke to the king only when the king requested advice. The year 1265 is considered a significant turning point in the history of parliament. In the year 1264 civil war broke out. During the conflict between King Henry III (1216-72) and the barons led by Simon de Montfort, de Montfort sought to boost his baronial support by summoning knights of the shires and burgesses to attend his parliament. This was the first time that commoners had been represented.

### Original British parliaments

The original British parliaments were meetings of people from three levels in the society:

- the king
- the lords (including the bishops, earls and barons)
- the *commons* (the knights and representatives of towns).

The House of Lords is the lineal descendant of the King's Council—though it was not called the House of Lords till the 16th century. The commons made their first appearance in parliament during the 13th century when the practice arose of summoning to the parliament the knights and representatives of the shires and towns, in addition to the nobility (bishops, earls and barons) of the upper house. The 14th century saw the emergence of 'the Commons' as the lower house; a separate body sitting and deliberating independently of the lords.



The House of Lords in the English Parliament

At the meetings, members spoke and talked or *parleyed* (from the French word *parler* meaning to speak). The parliament met wherever the king was staying, but after Westminster Hall was completed in 1099 the parliament most often met there.

Elections were associated with parliamentary process in England from the 13th century and were gradually brought into standard practice by Acts prescribing the frequency of elections, by successive reform bills widening the *franchise* (the right to vote) in the 19th century and by the adoption of the secret ballot in 1872.

About 1350, King Edward III built the St Stephen's Chapel in his palace at Westminster. The chapel became the meeting place of the House of Commons in the early 1500s. Being a chapel the room was characterised by a long narrow room with the altar at one end and people sitting along the walls in pews facing each other. This layout became the seating arrangements for the House of Commons. The Speaker sat in a chair on the dais in front of the altar. The members of parliament sat in rows facing each other. Eventually, supporters of the government sat on the Speaker's right and opposition members on the left.

St Stephen's Chapel remained the meeting place of the House of Commons until it burned down in 1834.

The new House of Commons, built between 1839 and 1850 copied the layout of the St Steven's Chapel but was much larger. In 1941, during the Second World War, a German bomb destroyed the House of Commons chamber which was rebuilt once again. Throughout many changes, Westminster Palace has remained the site of the British Parliament.

### The monarch and the British Parliament

Between about 1200 and 1900 AD, there was a long slow struggle between the monarch and the parliament. As the power of the British Parliament slowly increased, the power of the monarch decreased.



The modern House of Commons in the English Parliament

During the Middle Ages, the monarch of England enjoyed lots of power while the parliament had almost no power. In 1215, the barons of England demanded that King John sign an agreement called the *Magna Carta* that protected certain rights of the barons. The barons wanted a written agreement to stop the king imposing certain taxes, controlling forests (and some churches) and to maintain control in other areas. The barons won and the king lost.

King John's signing of the *Magna Carta* illustrates:

- how community leaders began to take power from the monarch
- how written agreements protecting ordinary people began to take shape
- the origins of agreements which slowly evolved into Acts of Parliament.

The king and the British Parliament frequently clashed. In 1642, King Charles I ordered the arrest of five powerful leaders of the majority in the House of Commons on the charge of treason (plotting against the king). The king sent his serjeant-at-arms to

arrest the five members who were commanded by the Speaker to remain in attendance.

On 4 January the king resolved to go in person to the House of Commons, attended by an armed escort, to seize the five members where they sat. News of the king's intentions reached the five members who then left the premises. Arriving at Westminster Hall, Charles entered the chamber alone—the first sovereign ever to cross the Bar—and the last and said 'By your leave, Mr Speaker, I must borrow your chair a little'. When asked by the king if any of the five members were present, the Speaker delivered his historic reply on bended knee:

May it please Your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here.

To which the king replied 'Well I see all the birds are flown...' and further urged that the members be surrendered to him for their treason, when they returned. The King then left the chamber pursued by cries of 'Privilege, privilege!' (protection from legal action for things that are said in parliament).

4 January 1642 was a momentous day in the history of parliament. In forcing his way into the Commons chamber, Charles I was guilty of a breach of privilege and violated the traditional law which entitles every man to be tried by his peers. Since then, it has been a Westminster custom that monarchs (and/or their representatives) do not enter the lower house of parliament.

This long struggle between the Stuart kings and the English people and Parliament during the 17th century was finally resolved by the introduction of the Bill of Rights in 1689. This English Act of Parliament (with the long title An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown) made the monarchy conditional on the will of Parliament and provided freedom from arbitrary government. It also dealt with the succession to the throne.

## **Moving towards a modern parliamentary structure**

In England, political parties called the *Tories* and the *Whigs* began in the late seventeenth century. They were groups of people who had similar ideas, but in other ways not really like modern parties. The Whigs believed that the Parliament of England should have more power than the monarch. During the nineteenth century, Whigs were more in favour of change and reform. The Whigs became the Liberal Party in the nineteenth century and today are known in Britain as the Liberal Democratic Party. The Tories were more conservative and supported the power of the monarch and the Church of England. They did not like changing things. They were especially unwilling to give the British Parliament more power. In England the Tories became the Conservative Party.

## **The development of parliament in Australia**

Although Europeans began living in Australia in 1788, it was not until the 1850s that the colonies established parliaments. Parliaments in each colony first met during the following years:

1856—New South Wales

1856—Victoria

1856—Tasmania

1857—South Australia

1860—Queensland

1890—Western Australia

Each of these parliaments followed the British parliamentary tradition of a lower house (the Legislative Assembly in all states except South Australia and Tasmania where the lower house was known as the House of Assembly) and an upper house—the Legislative Council. The Queensland Parliament abolished its upper house in 1922. The Parliament of Australia passed laws to create a parliament in the Northern Territory in 1978 and the Australian Capital Territory in 1988. These two parliaments have only one

house—the Legislative Assembly.

## A brief history of the Parliament of Australia

The Commonwealth of Australia operates under the Australian Constitution. This Constitution was drafted by representatives of the colonies who met at five conventions in 1890, 1891, 1897 (twice) and in 1898. Each colony then held referendums. The draft constitution was then modified further at a premier's conference in 1899, which was followed by another series of referendums. All colonies having agreed to the union, Australian delegates went to London with a bill that included the Constitution. There were some further amendments before the legislation was enacted in the British Parliament in 1900. The federation created a new national parliament called the *Parliament of the Commonwealth* (now also referred to as the Parliament of Australia). The lower house was named the House of Representatives. The upper house was named the Senate. These names were based on the United States Congress which, like Australia, is also a federal legislature.

The national Parliament met in Melbourne from 1901 to 1927, at first in the Royal Exhibition Building and then in the Victorian Parliament. A site for the federal capital was selected that met the requirements of section 125 of the Constitution stating that the seat of Australian governance '... be in the state of New South Wales, and be distant not less than one hundred miles from Sydney.' In 1911, the Australian Parliament decided that the new federal capital would be located between Sydney and Melbourne on the limestone plains in a new city to be called Canberra. Parliament House in Canberra was opened in 1927. The Parliament used this building until 1988 when it moved into its permanent building on Capital Hill. The openings of the first Commonwealth Parliament in Melbourne 1901, and the opening of the first Parliament House in Canberra 1927, and the second in 1988, have all taken place on 9 May.

### Bicameralism and federalism

When the Australian Constitution was drafted in the 1890s, two principles were accepted as immutable:

- that Australia would be a federal nation, formed by the union of the self-governing states, in which the people of each state would elect their state parliaments to exercise state responsibilities, and the people of the whole nation would elect a national parliament to exercise specified national responsibilities
- that the national legislature, the Parliament of the Commonwealth, would be bicameral consisting of two houses—one representing the people as a whole and one representing the people voting by their states—and that for any law to pass the consent of both houses would be necessary.

The choice of a federal system also involved the national government consisting of three branches: the Legislature (the law-making body); the Executive (the body which administers the laws); and the Judiciary (the body which interprets the law—including the Constitution—and applies it to particular cases). Unlike the framers of the United States constitution, however, the Australian founders did not confer executive and legislative powers on separate bodies. Instead, they adopted the British system of responsible government, in which executive power—nominally held by the Queen represented by the Governor-General—is actually exercised by ministers who are also members of parliament.

Thus, the design of the Senate followed the United States Senate in several aspects: equality of state representation; six year terms; and election of senators by rotation. It was none-the-less an innovative design, since from the beginning the Senate was directly elected by the people, unlike its United States counterpart, which was indirectly elected until 1913.

### A home for the Parliament

Following the signing of the *Commonwealth of Australia Constitution Act 1901* containing section 9 'The Constitution', the national Parliament met in Melbourne from 1901 to 1927, in the Victorian Parliament. A site for the federal capital was selected that met the requirements of section 125 of the Constitution stating that the seat of Australian governance '... be in the state of New South Wales, and be distant

not less than one hundred miles from Sydney.’ In 1911, the Australian Parliament decided that the new federal capital would be located between Sydney and Melbourne on the limestone plains in a new city to be called Canberra. Parliament House in Canberra was opened in 1927. The Parliament used this building until 1988 when it moved into its permanent building on Capital Hill. The openings of the first Commonwealth Parliament in Melbourne 1901, the first Parliament House in Canberra 1927, and the second in 1988, have all taken place on 9 May.

### **Some developments in the Parliament of Australia**

One of the most obvious changes in the Australian Parliament during the last hundred years has been in the size of the Parliament, reflecting growth in the Australian population. The first parliament of 1901 was made up of only 75 members in the lower house and 36 senators in the upper house. By 2001, the federal Parliament was comprised of 150 members and 76 senators.

Other changes have affected the voting system. In 1924 compulsory voting was introduced for federal elections. At the same time preferential voting began in which voters were required to number their preferences for all candidates on the ballot paper. In 1948, the Parliament changed the way senators were to be elected. The new voting method was proportional representation by which seats in the Senate were to be awarded in proportion to the parties’ share of the vote.

Another significant change during the last few decades has been the growth of the committee system established by both houses. Senators and members now spend a greater proportion of their time working on committees of inquiry that investigate proposed legislation and issues of community concern.

The Australian Parliament has consistently tried to make its work accessible to the general public. In 1946 the Australian Broadcasting Corporation (ABC) began broadcasting parliamentary proceedings on radio and in 1990 the houses allowed their proceedings to be televised. Committee hearings are now also regularly televised enabling the public to see their representatives at work.

Parliament has also become much busier as the chambers debate many more bills. Between 1901 and 1906, the Parliament considered between 20 and 35 bills each year. By the end of the century the Parliament was considering as many as 200 bills each year. Members of the House of Representatives decided in 1994 to expand the opportunity to debate the increased number of bills by holding additional meetings in an auxiliary chamber called the Main Committee. The Main Committee is an extension of the House of Representatives, operating in parallel to allow two streams of business to be debated concurrently and to allow non-contentious bills to proceed quickly through the lower chamber.

### **The Dismissal**

The dismissal has been described as the greatest political crisis in Australia’s history. It began in the middle of October 1975 when the Senate refused to pass the government’s Budget bills. This was done in an effort to force Prime Minister Gough Whitlam to call an election. When Whitlam refused, a deadlock ensued.

The month long stand-off between the House of Representatives and the Senate, between the government and opposition parties, was only resolved on Tuesday 11 November 1975 when the Governor-General of Australia, Sir John Kerr, intervened. He dismissed the Prime Minister, Mr Gough Whitlam, and appointed the Leader of the Opposition, Mr Malcolm Fraser, as a caretaker Prime Minister. A Double Dissolution election was held on 13 December 1975 at which the Whitlam Government was soundly defeated.

The unilateral action of the Governor-General in dismissing the Whitlam Government and his appointment of Fraser as Prime Minister when he did not have the confidence of the House of Representatives raised a number of unresolved questions about Australia’s Constitutional arrangements. These questions are still being debated.

## The contemporary Parliament of Australia



*The House of Representatives  
in the Australian Parliament*



*The Senate in the Australian Parliament*

Although the work of parliament has become busier and more complicated, essentially it still performs five main tasks. These include:

- making laws
- representing the community and its voters
- scrutinising the work of the government
- forming government from elected parliamentarians
- providing a forum for discussion of national issues.

The Australian Parliament carries out these tasks applying a mixture of the very old and the very new. The Parliament uses television, computers and other electronic communications making it an efficient decision making forum which is accessible to the community. At the same time, it follows procedures and rules that are hundreds of years old. Most members and senators still belong to political parties that continue to be organised by party whips. When members and senators vote, they still say *Aye* if they agree. Instead of clapping, they say *Hear! Hear!* Bill titles are still read aloud three times by the clerk of each chamber before they can be passed. Traditional symbols such as the *Mace* and the *Black Rod* and the associated offices of *Serjeant-at-Arms* and the *Usher of the Black Rod* still exist as they did hundreds of years ago.

### Conclusion

If an English parliamentarian from 1600 visited the federal Parliament in Canberra today, he (there were no female representatives in those times) would recognise the place and work of the Parliament. He might be astonished that the institution of parliament had survived so long and had been transported around the world. But he would probably be pleased and proud that a parliament is still a good way to represent people, solve problems and make laws.

## More information

Gavin Souter (1988) *Acts of Parliament: a narrative history of the Senate and House of Representatives Commonwealth of Australia* Melbourne University Press, Carlton South Vic.

Maurice Hastings (1950) *Parliament House* The Architectural Press, London.

Parliament of Australia <http://www.aph.gov.au>

Video – What is Parliament?

<http://www.peo.gov.au/multimedia/video/whatIsParliament/transcript.html>

FAQ

- 1 Federation [http://www.peo.gov.au/faq/faq\\_1.html](http://www.peo.gov.au/faq/faq_1.html)
- 2 The Constitution [http://www.peo.gov.au/faq/faq\\_2.html](http://www.peo.gov.au/faq/faq_2.html)
- 3 Historical Firsts [http://www.peo.gov.au/faq/faq\\_3.html](http://www.peo.gov.au/faq/faq_3.html)
- 4 Australia's Parliament House [http://www.peo.gov.au/faq/faq\\_4.html](http://www.peo.gov.au/faq/faq_4.html)

Parliament of New South Wales <http://www.parliament.nsw.gov.au>

Parliament of Victoria <http://www.parliament.vic.gov.au/default.htm>

Queensland Parliament <http://www.parliament.qld.gov.au>

Parliament of South Australia <http://www.parliament.sa.gov.au>

Parliament of Western Australia <http://www.parliament.wa.gov.au/index.htm>

Parliament of Tasmania <http://www.parliament.tas.gov.au>

Legislative Assembly of the Australian Capital Territory <http://www.legassembly.act.gov.au>

Legislative Assembly of the Northern Territory <http://www.nt.gov.au/lant>

United Kingdom Parliament <http://www.parliament.uk/index.cfm>

Magna Carta <http://www.bl.uk/collections/treasures/magna.html>