



A Short *History* of Parliament

Australia established its first federal Parliament in 1901. Compared to some parliaments around the world, Australia's is quite young, but it is based on practices and ideals from parliaments in centuries past. A parliament is an assembly of elected representatives of a people or a nation, which forms the supreme legislative (law-making) authority for that people or nation. However, the fundamental parliamentary concepts of assembly, representation and legislation go back thousands of years.



The word parliament comes from the French word parler, meaning 'to talk'



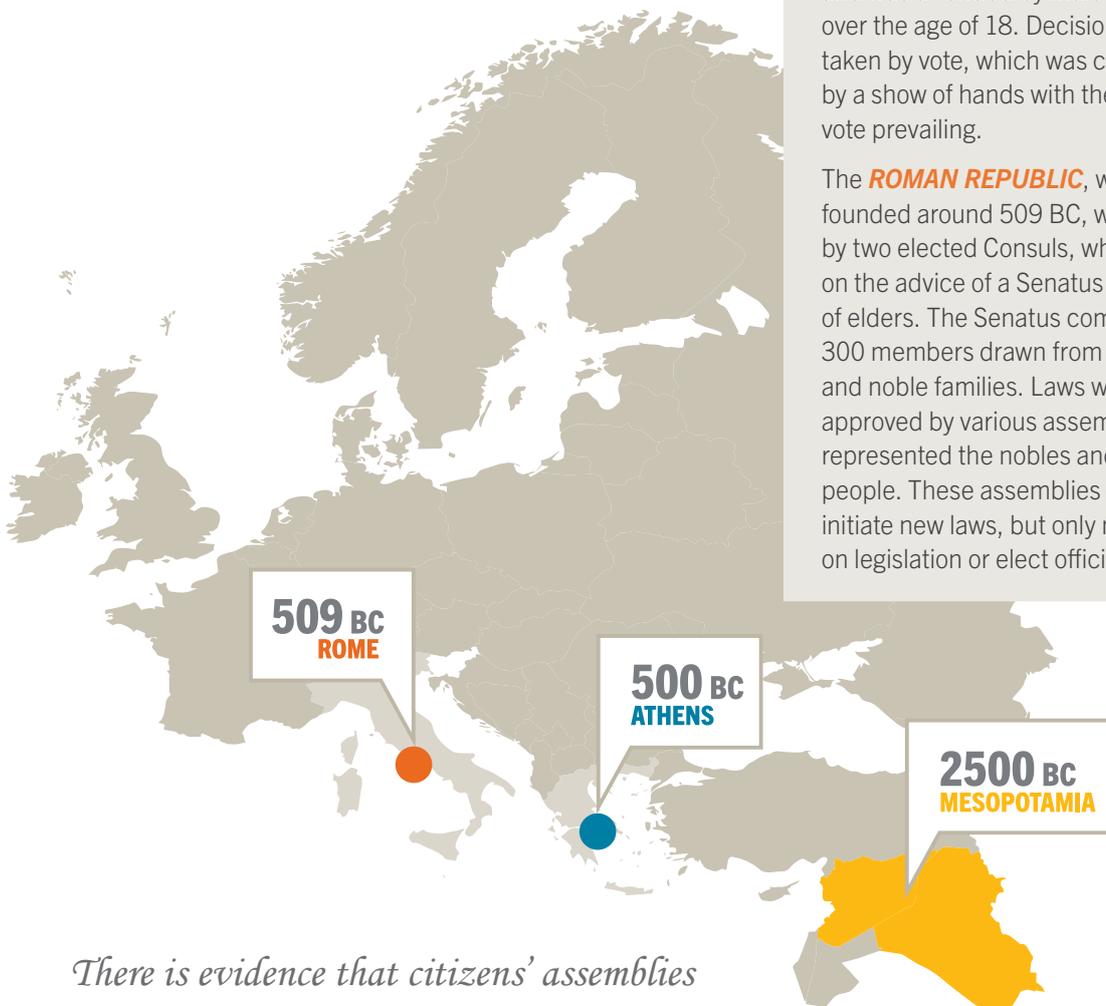
The origins of the concepts of parliament

Many ancient cultures featured the gathering of leaders to discuss and decide matters of importance. There is evidence that citizens' assemblies were held in ancient **MESOPOTAMIA** (modern-day Syria and Iraq) as far back as 2500 BC. However, some of the first established assemblies which had elements of the modern parliament were held in Ancient Greece and Rome.

ANCIENT EUROPE

Around 500 BC the **ANCIENT GREEKS** established an Assembly, or Ecclesia, which convened on the Pnyx, a hill in central Athens, Greece. The Ecclesia met 40 times a year and was attended by male citizens over the age of 18. Decisions were taken by vote, which was conducted by a show of hands with the majority vote prevailing.

The **ROMAN REPUBLIC**, which was founded around 509 BC, was ruled by two elected Consuls, who acted on the advice of a Senatus or council of elders. The Senatus comprised 300 members drawn from wealthy and noble families. Laws were approved by various assemblies, who represented the nobles and common people. These assemblies did not initiate new laws, but only met to vote on legislation or elect officials.



There is evidence that citizens' assemblies were held in ancient Mesopotamia as far back as 2500 BC

Early assemblies in England

The British Parliament has its origins in two early Anglo-Saxon assemblies, the Witan and the moots.

The Witenagemot, or Witan, dates back to the eighth century and advised the King on matters such as royal grants of land, taxation, defence and foreign policy. The Witan did not have a permanent membership, but was made up of advisors and nobles who met when called by the King. Although the Witan had no power to make laws, the King was careful to consult the assembly because he relied on the support of the nobles to rule.

In 1066 William the Conqueror invaded Britain in what is referred to as the Norman Conquest. William ruled with the help of a much smaller but permanent group of advisers known as the Curia Regis (the King's Council). It consisted of noblemen and church leaders appointed by the King. They were not elected and so did not formally represent anyone.

Like the Witan, which it replaced, the Curia Regis only offered advice at the King's request and he was under no obligation to act on this advice. The King sometimes consulted a larger group of nobles and churchmen known as the Great Council (magnum concilium). Over time, the Great Council evolved into the House of Lords.

The moots were local assemblies held in each county (or shire) to discuss local issues and hear legal cases. They were made up of local lords, bishops, the sheriff and four representatives from each village in the shire. The practice of local representatives making decisions for their community eventually led to the creation of the House of Commons.

Witan comes from the Anglo-Saxon phrase 'Witana Gemot' which means 'meeting of the wise men'

THE Moots



THE King

THE Witan



THE Great Council





King John signs the Magna Carta



The first time the word parliament was used to describe an assembly between the King and his advisors was in 1236

A written agreement – the Magna Carta

In the early 13th century King John waged a long and drawn-out war with France, which was largely funded by taxing the feudal barons. Under feudal law, the King granted the barons land, or fiefdoms, and in exchange could demand money and troops. This, in turn, meant that the barons had to impose taxes on the people in their fiefdoms. In 1215 the barons, fed up with King John's demands and his failure to consult them, rebelled. The King's use of the justice system to suppress his opponents had also caused widespread discontent.

In June 1215, one month after the rebellion started, King John was forced to sign the Magna Carta or 'Great Charter'. It limited the King's authority by establishing he was subject to the law, not above it. The Magna Carta also regulated feudal customs, the operation of the justice system, and formally recognised that the barons had a right to be consulted and to advise the King in the Great Council.

While most of the document described the division of power between the King and the barons, it also made reference to the rights of individuals. One of the most celebrated sections is credited with establishing the principle of a right to a fair trial. It states:

*No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.
To no one will we sell, to no one deny or delay right or justice.*

This declaration of individual rights has been seen as an important step towards the development of democracy, and has influenced documents such as the Australian Constitution and the American Bill of Rights.

Rebellion to representation

Despite the reforms of the Magna Carta, King John's successor, King Henry III, continued to clash with the barons. Many of the barons were unhappy with Henry's rule, including his failed campaigns to regain territory in France, and his choice of advisers and allies. Townspeople resented the King's tax demands and interference in their affairs.

In 1258 the barons forced the King to agree to rule with the advice of a 15-member baronial council, and to consult with Parliament more regularly. They wanted Parliament to meet three times a year and to include 12 non-noble representatives chosen from the counties. However, King Henry did not honour the agreement, and the opposing barons, led by Simon de Montfort, went to war against him.

De Montfort was a baron who believed the King's power should be limited, with more influence given to county knights and burgesses (representatives from the cities and towns). In 1264 he defeated the King and became Britain's de facto ruler.

The following year, de Montfort attempted to boost his baronial support by summoning knights of the shires and burgesses from cities and towns to attend his own parliament. This was the first time commoners had been represented at such a meeting, although their attendance would not become permanent for another 63 years. Due to the inclusion of commoners, de Montfort's parliament is seen as the forerunner of the modern parliament.

Soon after this parliament met, De Montfort was killed in battle by Henry III's son, Edward. Unlike his father, King Edward I called Parliament to meet more regularly. Parliament also included two elected representatives from each county (knights of the shire) and city or town (burgesses), making it more representative of the people. This provided the model for the future House of Commons, with members elected by, and representing, a constituency.

The emergence of a parliamentary model

From 1327 the people's representatives sat in Parliament permanently and by 1332 were referred to as the House of Commons. The British Parliament now comprised three familiar elements: the monarch, the House of Commons and the House of Lords. However, it had no formal meeting schedule and continued to be called at the request of the King.

Up until this time, the House of Lords had far more influence on the King and a greater say in the decisions of Parliament. However, in 1341 the House of Commons began meeting independently, and it was after this that its power increased.

One of the main functions of the Commons was to petition the King and the House of Lords to resolve local and national issues through new laws. These petitions often formed the basis of bills (proposed laws). As well, it became practice for the King to seek the approval of the Commons for new taxes, particularly as these taxes often had the greatest impact on the people represented by the Commons.

An ongoing conflict with France meant King Edward III (1312 -1377) was forced to summon the Parliament more frequently to secure funds to wage war. The King's need for money gave the Commons leverage (bargaining power) to request concessions in return, including that the King and House of Lords act on their petitions.

By the mid-15th century, rather than simply petitioning the House of Lords, the Commons had equal law-making powers. It was also responsible for granting the King access to money raised by taxes. Today, its law-making powers exceed those of the House of Lords. The timeline (below) details some of the key reforms achieved by the Commons in the 14th and early 15th centuries.



- 1362** New law decrees Parliament must approve of all taxation.
- 1376** Sir Peter de la Mare, a member of the House of Commons, is chosen by the Commons to act as its spokesman before the King, making him the first unofficial Speaker.
- 1377** Thomas Hungerford becomes the first official Speaker of the House of Commons, responsible for running its meetings and representing its views.
- 1407** Proposals for taxation must be initiated by the Commons, removing this power from the King.
- 1414** Parliament agrees that no bill can become law without the consent of the House of Commons, nor can the King or the House of Lords change the wording of any bills submitted by the Commons without its assent.

Parliamentary independence

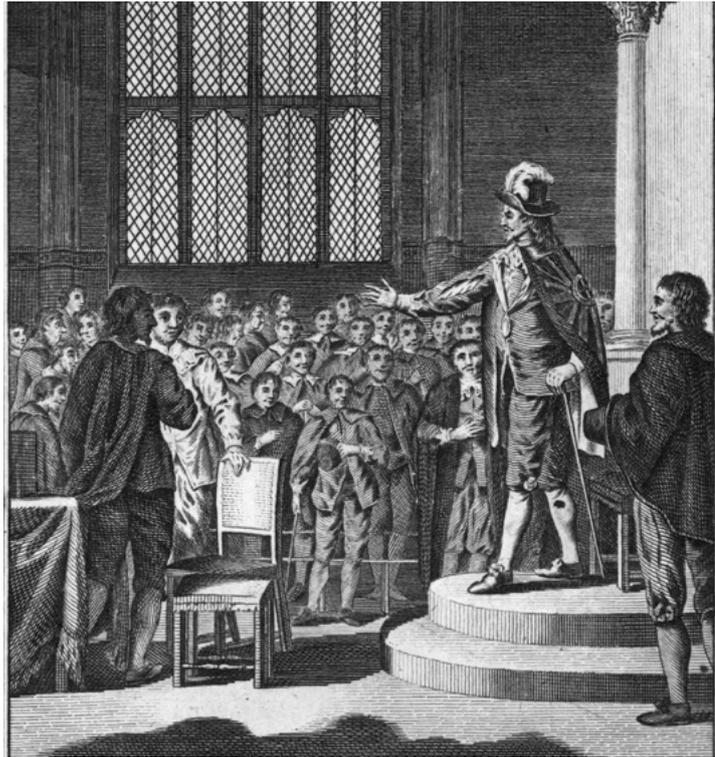
The Commons' independence from the monarch was strengthened further in January 1642 when King Charles I entered the Commons in a failed attempt to arrest five members of parliament.

The relationship between King Charles I and the Parliament had steadily deteriorated. The Parliament was critical of Charles' rule, including his methods of raising tax, the wars he fought and his refusal to call Parliament to meet. Some also feared Charles, who was a Catholic, wanted to destroy the Protestant religion in England.

John Pym and four other members of the Commons drafted the Grand Remonstrance, a list of Parliament's grievances. The Remonstrance was passed by the Commons in November 1641. It was the first time the Parliament had so openly challenged a monarch.

Charles considered this to be treasonous. Accompanied by soldiers, the King entered the Commons chamber to arrest Pym and his four supporters but they had gone into hiding. The Speaker of the House, William Lenthall, refused to reveal where the five members were, claiming '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'. Rebuffed, Charles replied 'I see the birds have flown' and left the chamber. This incident demonstrated the autonomy of the House of Commons, and initiated a tradition that no monarch ever enters the lower house of Parliament.

The conflict between the Commons and the King resulted in civil war, which led to the execution of Charles I in 1649 and Britain being declared a republic. The monarchy was restored in 1660 but the King and Parliament continued to clash. In 1689 King William and Queen Mary took the throne and agreed to the Declaration of Rights, which acknowledged Parliament's sovereignty, including its right to free speech and to meet frequently.



King Charles I entering the House of Commons to arrest John Pym and four other members who were responsible for drafting the Grand Remonstrance

Towards a modern parliament

The late-seventeenth century in England saw the emergence of political parties called the Whigs and the Tories. These first political parties were not as formal in their structures and practices as modern political parties.

The Whigs believed the British Parliament should have more power than the monarch. During the nineteenth century, Whigs were in favour of change and reform, and became the Liberal Party. Today, they have evolved in Britain into the Liberal Democrats.

The Tories were more conservative and opposed to change. They supported the power of the monarch and the Church of England, and were unwilling to give the British Parliament more power. Today, they have evolved in Britain into the Conservative Party.



Parliaments around the world

Many countries around the world were influenced by the British Westminster system of parliament, or were originally English colonies who directly copied the Westminster system for their own parliaments.

France

In 1789 the French formed a National Assembly made up of members who represented the French people. In 1791 a second chamber of assembly was established. While there have been many changes to this model through French history, there ultimately emerged a Parliament consisting of the National Assembly and the Senate.

India

Since 1952 India has had a president and a bicameral parliament, meaning it consists of two chambers. India's houses of parliament are the Lok Sabha (lower house) to which members are directly elected and the Rajya Sabha (upper house) to which members are elected by the legislative assemblies of India's states.

Canada

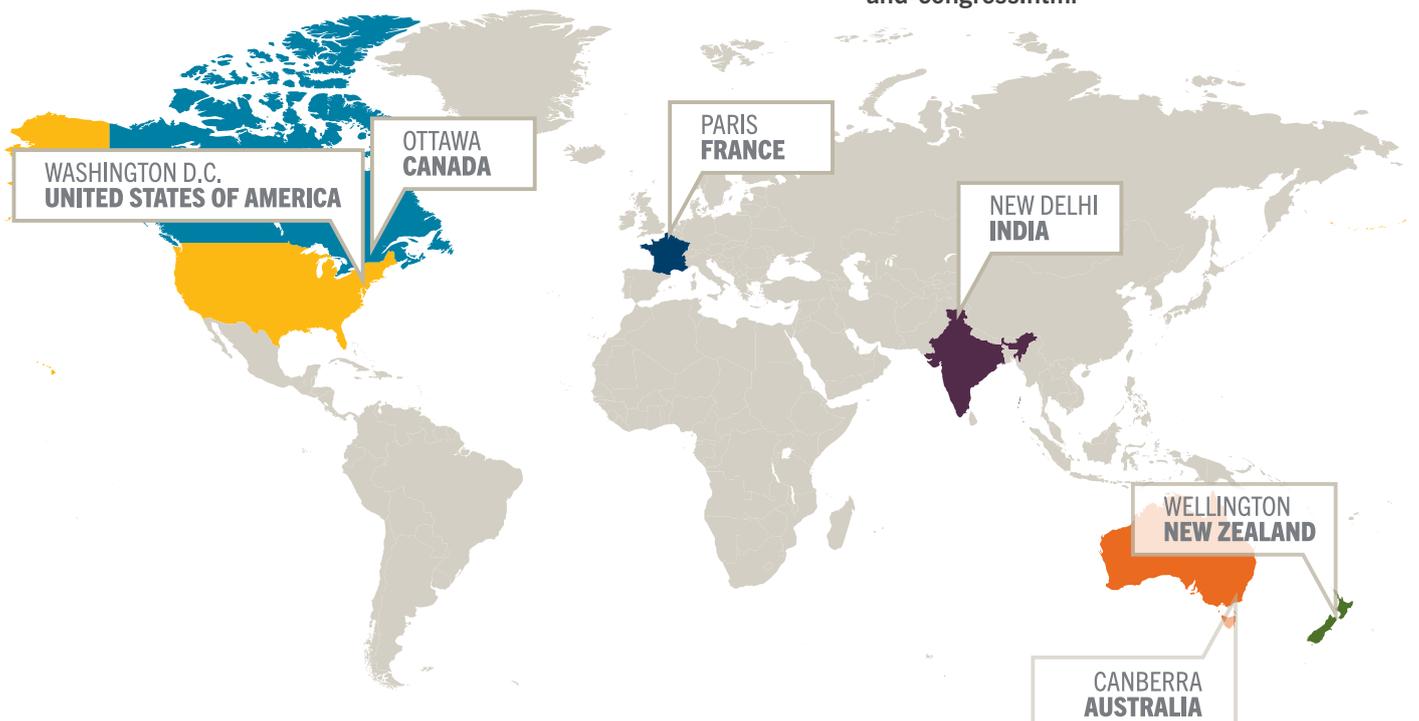
Canada gained its own parliament in 1867, after a history of both French and British colonisation. The British monarch is still the Canadian head of state, represented by a Governor-General. Canada has a bicameral parliament made up of a House of Commons to which members are elected, and a Senate to which members are appointed by the Prime Minister.

New Zealand

From 1854 until 1951 the New Zealand Parliament consisted of a Governor (or Governor-General), an elected House of Representatives and a Legislative Council appointed by the government. In 1951 the Legislative Council was abolished.

United States of America

Since 1789 the United States (US) has been governed by Congress. In the US, the people vote for the members of the House of Representatives and the Senate, and elect a President through an indirect ballot system. Learn more at www.peo.gov.au/learning/closer-look/parliament-and-congress.html



The colonial parliaments of Australia

Before Australia was a nation, it was a collection of British colonies. Each colony was under the rule of a governor or lieutenant governor, who acted on behalf of the British Parliament. By 1860 all the colonies, apart from Western Australia, had been granted partial self-government (Western Australia became self-governing in 1890).

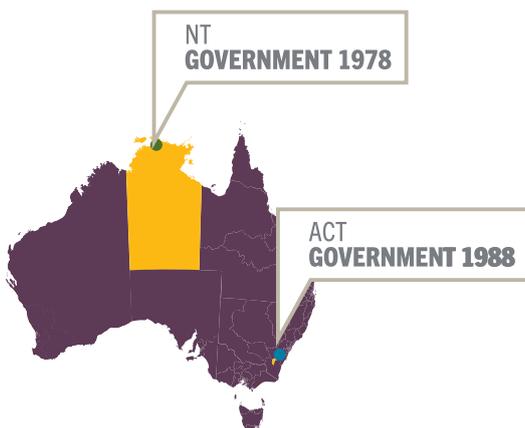
Each had its own written constitution, parliament and laws, although the British Parliament retained the power to make laws for the colonies and could over-rule laws passed by the colonial parliaments. Through the 1800s people in each colony were granted the right to elect their own parliaments. However, voting eligibility was often restricted to males with a certain amount of wealth and land.



William and James Freeman, National Library of Australia, an.23408093

The first New South Wales ministry, formed after the creation of the Legislative Assembly in 1856. From left to right: Thomas Holt, William Manning, Premier Stuart Alexander Donaldson, John Darvall and George Nichols

STATE	UPPER HOUSE ESTABLISHED	LOWER HOUSE ESTABLISHED	FIRST ELECTIONS
NSW	1823 Legislative Council	1856 Legislative Assembly	1843 (elected two-thirds of Legislative Council)
Vic	1851 Legislative Council	1856 Legislative Assembly	1856 (elections for both Houses)
Tas	1825 Legislative Council	1856 House of Assembly	1856 (elections for both Houses)
SA	1836 Legislative Council	1857 House of Assembly	1857 (elections for both Houses)
Qld	1860 (abolished 1922) Legislative Council	1860 Legislative Assembly	1860 (elections for both Houses)
WA	1832 Legislative Council	1890 Legislative Assembly	1870 (elected two-thirds of Legislative Council)



When the territories were created they were governed by the federal government. The Northern Territory was granted its own government in 1978, and the ACT followed in 1988. The territory governments have only one chamber, the Legislative Assembly, which is elected by the people of the territories.

Federal Parliament in Australia

In the 1890s many colonial leaders began working towards uniting the colonies as one country with its own constitution. The Australian Constitution was drafted at a series of conventions (meetings) by representatives of the colonies and was approved by referendums held in each colony. In July 1900 Australian delegates went to London with a draft of the Constitution to present to the British Parliament. The Parliament passed the *Commonwealth of Australia Constitution Act 1900* which gave effect to the Constitution.

The Constitution united the six self-governing colonies, as separate states, within the Commonwealth of Australia. It established that:

- power would be shared between the federal and state parliaments
- members of parliament would be elected
- federal Parliament would be bicameral (consist of two houses), and represent the population overall (the House of Representatives) and the people in the states (the Senate).

The Constitution established a federal system of governance that consisted of three branches—the Parliament, the Executive and the Judiciary—and described the roles they play in governing Australia. The Parliament, also referred to as the legislature, can make and change laws; the Executive administers or puts laws into action; and the Judiciary interprets the laws.

Australia adopted the British convention of responsible government, in which the Executive, made up of the Prime Minister and ministers, is drawn from, and accountable to, the Parliament. In order to remain in government, a party or coalition must maintain the support of the majority of members in the House of Representatives. This ensures that the Executive is accountable to the Parliament and does not abuse its power. To learn more about federation visit www.peo.gov.au/learning/closer-look/federation-cl.html



The first Parliament

The first federal elections for the new Parliament, which consisted of 36 senators and 75 members of the House of Representatives, were held on 29 and 30 March 1901. The Protectionist Party, who won 32 seats in the House of Representatives, formed a minority government with the support of other members in the House. Their leader, Edmund Barton, became the first Prime Minister. The Protectionist Party wanted to protect, or support, local industries by charging tariffs (taxes) on imported goods.

As well as laws about trade and revenue (taxes and government charges), some of the first laws made by the new Parliament excluded Pacific Islanders, Asian people and others from Australia in order to make the new nation a 'White Australia'. Both the Pacific Island Labourers Bill and the Immigration Restriction Bill were passed shortly before Parliament rose for the first Christmas recess.



Members of the first federal ministry, photographed after the appointment of Lord Tennyson as the second Governor-General of Australia in 1902

Back row: Senator James Drake, Senator Richard O'Connor, Sir Philip Oakley Fysh, Charles Kingston, Sir John Forrest

Seated: Sir William Lyne, Edmund Barton, Lord Tennyson, Alfred Deakin, Sir George Turner

National Archives of Australia: A1200, L13365

A home for Australia's Parliament

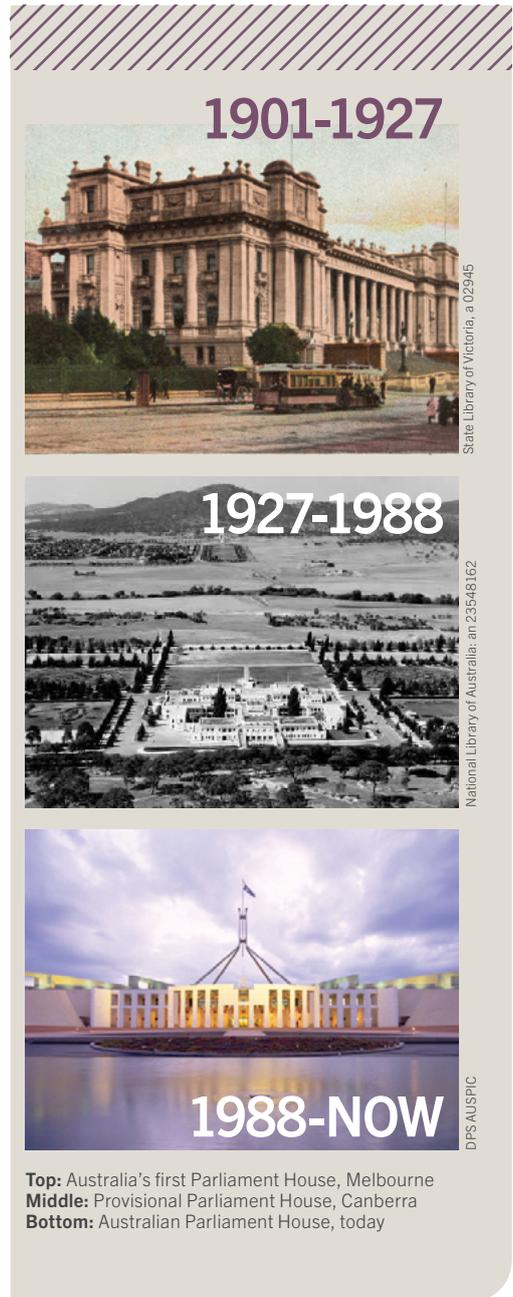
From 1901 to 1927 the Australian Parliament met in the Victorian Parliament House, although this was never intended to be the permanent home for the Parliament. Section 125 of the Constitution states the seat of federal government '... shall be in the State of New South Wales, and be distant not less than one hundred miles from Sydney.' In 1908 the Australian Parliament decided the new federal capital would be located at Canberra in southern New South Wales.

Provisional (Old) Parliament House in Canberra was opened in 1927. Parliament met here 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. To learn more about Australia's Parliament House visit www.peo.gov.au/learning/closer-look/australias-parliament-house.html

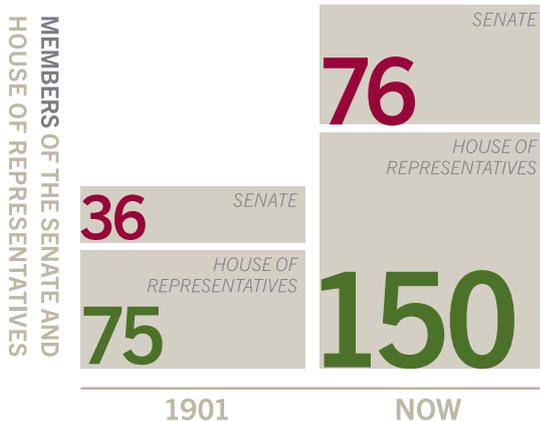
Developments in the Parliament of Australia

One of the most obvious changes in the Australian Parliament during the last hundred years has been in the size of the Parliament, reflecting the growth of the Australian population. In 1901 the first Parliament had 75 members in the House of Representatives and 36 senators in the Senate. As Australia's population has increased so has the number of members of parliament. By 2001 the federal Parliament was comprised of 150 members and 76 senators.

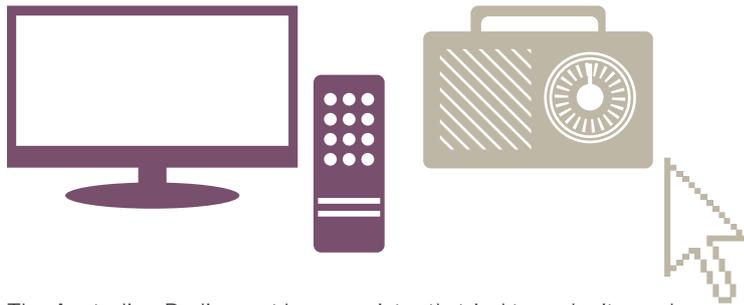
Other changes have affected the voting system. In 1924 compulsory voting was introduced for federal elections. At the same time preferential voting began, in which voters were required to number their preferences for all candidates on the ballot paper. In 1948 the Parliament changed the way senators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



Top: Australia's first Parliament House, Melbourne
Middle: Provisional Parliament House, Canberra
Bottom: Australian Parliament House, today



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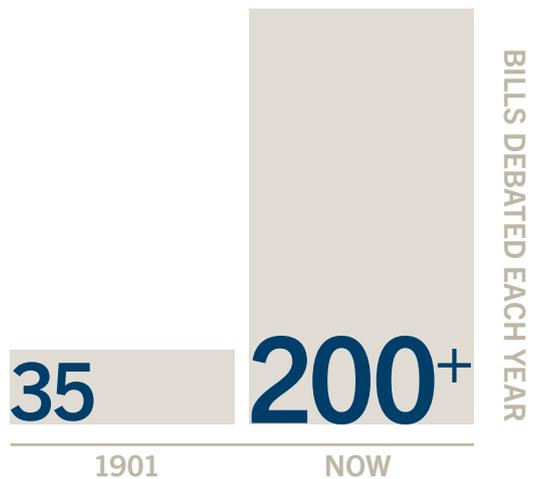


Parliament has become much busier as the chambers debate many more bills

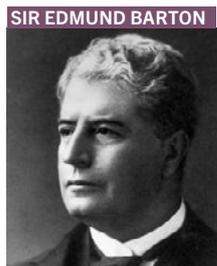
The Australian Parliament has consistently tried to make its work accessible to the public. In 1946 the Australian Broadcasting Corporation began broadcasting parliamentary proceedings on radio and in 1990 the houses allowed their proceedings to be televised.

Parliament has become much busier as the chambers debate many more bills. Between 1901 and 1906 Parliament considered between 20 and 35 bills each year. Today around 200 bills are considered by the Parliament.

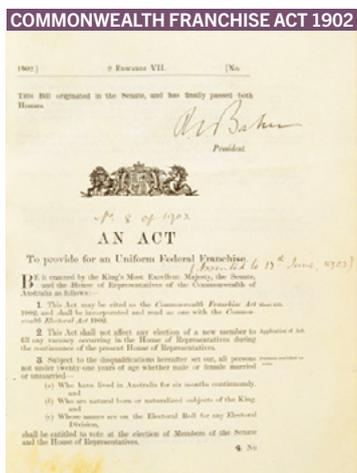
In 1994 the House of Representatives established a second chamber, called the Main Committee, to expand the opportunity to debate non-controversial business. The second chamber, which was renamed the Federation Chamber in 2012, is an extension of the House of Representatives and operates in parallel to the main chamber. It allows for two streams of business to be debated concurrently and for non-contentious bills (proposed laws) to proceed quickly through the House.



Australian parliamentary timeline:



DPS AU/SPIC



National Archives of Australia: A1559, 1902/8

- 1901** Federation; Australia becomes a nation when the six colonies unite. The first Parliament is elected and Edmund Barton becomes Prime Minister.
- 1902** Parliament passes the *Commonwealth Franchise Act 1902*, which gives women from all states in Australia the right to vote at federal elections. It excludes ‘aboriginal natives of Australia, Africa, Asia or the Islands of the Pacific except New Zealand’ from enrolling to vote.
- 1906** At Australia’s first referendum, voters agree to change the Constitution to allow for concurrent elections for the House of Representatives and the Senate.
- 1909** The non-government parties form a Fusion party, a coalition united by their opposition to the Labor government. This leaves two major parties in the federal Parliament and leads to the two-party system which characterises Parliament today.

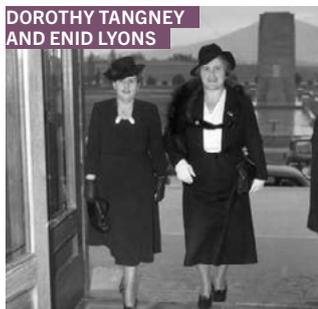
1911 The federal Parliament passes the *Commonwealth Electoral Act 1911*, making it compulsory for all Australians eligible to vote to be on the electoral roll.

1925 Compulsory voting is used for the first time in a federal election. All Australians eligible to vote are required to be on the electoral roll and to vote in the election.

1927 Provisional (Old) Parliament House is opened in Canberra. Both the Senate and House of Representatives chambers have a gallery, or area, where journalists can watch the Parliament at work, underlining a commitment to make Parliament accessible to the people.

1934 Western Australia tries to secede from Australia and become a separate country, but its appeals to the King and the British Parliament are unsuccessful.

1943 Dorothy Tangney and Enid Lyons become the first women elected to federal Parliament. Dorothy Tangney represents Western Australia as a Labor Party senator. Enid Lyons is a United Australia Party member who represents the electorate of Darwin in north-western Tasmania.

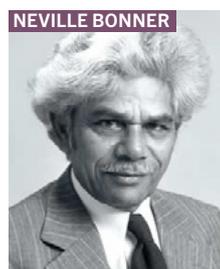


Australian War Memorial, ID number: 135712

1949 Enid Lyons becomes the first woman in federal Cabinet when she is appointed Vice-President of the Executive Council in the Menzies Government.

1959 Parliament is televised for the first time in Australia when the opening of the Parliament is broadcast.

1971 Neville Bonner, the first indigenous member of parliament, is appointed to fill a vacancy in the Senate. He is elected as a Liberal senator for Queensland in 1972.



DPS AUSPIC

1975 A deadlock between the houses of Parliament results in the Governor-General Sir John Kerr dismissing the government of Prime Minister Gough Whitlam.



Australian Information Service, National Library of Australia, an.24.355082

1988 Parliament moves to the new Parliament House in Canberra. It had outgrown the previous Parliament House, which was intended to be a provisional building.

2010 Julia Gillard becomes Australia's first female Prime Minister when the Labor Party chooses her as its leader.



DPS AUSPIC

2010 The federal election results in the first hung Parliament in Australia in 70 years. After 17 days of consideration following the election, four Independent and minor party members decide to support the Labor Party, allowing it to form a minority government.

More information

PEO resources

Videos

www.peo.gov.au/multimedia/videos.html

Fact Sheets

www.peo.gov.au/learning/fact-sheets.html

Other resources

Senate Briefs

www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/senate_briefs

House of Representatives Infosheets

www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets

Museum of Australian Democracy at Old Parliament House

www.moadoph.gov.au

Australia's Prime Ministers

www.primeministers.naa.gov.au

Online Exhibition

The First Parliament of the Commonwealth of Australia

exhibitions.senate.gov.au/pogg/index.htm

Parliaments of other countries

The US House of Representatives

www.house.gov

US Senate

www.senate.gov

UK Parliament

www.parliament.uk

French National Assembly

www.assemblee-nationale.fr/english/index.asp

Indian Parliament

www.parliamentofindia.nic.in

New Zealand Parliament

www.parliament.nz/

The Parliament of Canada

www.parl.gc.ca

