

The Abolition of the Upper House of Queensland Parliament

The Upper House of Queensland Parliament (the Legislative Council) was abolished in 1922, and the State continues today without an Upper House.

“Re-establishment remained a feature of the election platforms of the anti-Labor parties. In 1929, the Country Party prepared a draft Bill providing for the restoration of the Legislative Council without going to a referendum, but containing a provision preventing the Bill from being amended or repealed unless a referendum was held.

In 1934, through the Constitution Act Amendment Bills, Premier Forgan Smith's Labor Government removed any threat that the Legislative Council would for could be revived. The Opposition forces boycotted the Bill, sitting coldly and silently throughout the second-reading debate,

In more recent times, consideration of the consolidation and review of the Queensland Constitution has been undertaken by:

- *the Electoral and Administrative Review Commission (1993),*
- *the Parliamentary Committee for Electoral and Administrative Review (1993-94),*
- *the Parliamentary Legal, Constitutional and Administrative Review Committee (1998.2000), and*
- *the Queensland Constitutional Review Commission (1999-2000).*

The Constitution of Queensland 2001 consolidated and modernised existing constitutional provisions. However, entrenched provisions, such as s 3 of the 1934 Constitution Act Amendment Act, which cannot be repealed or amended without the approval of the electors at a referendum remains.”

<https://freemandelusion.com/wp-content/uploads/2020/09/5311t4517.pdf>

<https://freemandelusion.com/wp-content/uploads/2020/09/act-1934-035.pdf>

In [Bowyer v de Jersey \[2017\] QSC 340](#) the appellant contended that the Legislative Council was abolished unlawfully because the 1921 State Parliament did not have the powers to bypass triple-entrenched provisions to amend the Constitution Act 1867 (Qld) that made changes to the composition of the legislature. The argument was rejected.

“When enacted, the Constitution Act 1867 (Qld) contained provisions requiring special majorities for amendments of the composition of the Legislative Assembly and the Legislative Council. Section 9 originally provided a power to alter the composition of the Legislative Council subject to two provisions. First, it was unlawful to present a bill for such change to the governor unless it had been passed with the concurrence of two-thirds of the members of both the Legislative Assembly and the Legislative Council. Second, such a bill was to be reserved for signing by her Majesty and it was required to be laid before the Imperial Parliament before such signing. However, it is significant that those provisos were not doubly entrenched. Section 10 of the Constitution placed similar special majority requirements and provisos on the passing of a

measure to alter the system of representation for the Legislative Assembly. Similarly, those restrictive provisions were not doubly entrenched.

By the Constitution Act Amendment Act 1871 (Qld), the proviso to section 10 of the Constitution Act 1867 (Qld) was removed. Consequently, the composition of the Legislative Assembly could therefore be amended by ordinary Act passed by simple majority. ... By the Constitution Act Amendment Act 1908 (Qld), the first and second provisos to section 9 were repealed. Consequently, the composition of the Legislative Council could thereafter be amended by ordinary Act passed by simple majority.

In relation to the abolition of the Legislative Council on 23 March 1922 royal assent was given to the Constitution Act Amendment Act 1922 (Qld). The Act was able to be passed by simple majority of the Legislative Assembly because the requirement for a special majority had been removed by the Constitution Act Amendment Act 1908."

<https://freemandelusion.com/wp-content/uploads/2019/05/bowyer-v-de-jersey-2017-qsc-340.pdf>



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