

# DEMOCRATIC GROWTH IN NEW SOUTH WALES

New South Wales has played an important part in the development of Australian democracy. The first colony with the first court system, first legislature and oldest Parliament House, a model for the other colonies and later the Federal Government. It was amongst the first states in the world to extend the right to a free and secret vote to all its citizens.

## Democratic Government in New South Wales

There are three elements to democratic government in the State:

- the **Legislature**, or law-makers, made up of a democratically elected Parliament and the Governor;
- the **Executive** or Ministry, who are Members of Parliament but control and are responsible to Parliament for the Government Departments and agencies which administer and carry out the laws;
- the **Courts**, which interpret and apply the law.

Each has an important role in the process of government but also counterbalances the others to some extent so that no single element of government has completely unchecked power.

## From Governors to Responsible Government

The early military Governors of New South Wales had almost total authority, even more so because it took more than 12 months for return communication between them and the British Government back in London.

In 1814 **Civil Courts** were established, modifying the Governor's powers for the first time. Governor Macquarie, the last Governor to hold almost absolute authority, had several severe clashes over some of his actions with the Judges of the Supreme Court. The Legislature had its beginnings when a **Legislative Council** of 5 officials was appointed in 1824 to assist the Governor. Over time the balance of power gradually shifted from Governor to the Legislature.

New South Wales' first Constitution Act, in 1842, expanded the Legislative Council to 36 Members by 1843, two thirds of whom were elected, creating a system of "**Representative Government**". Even so, less than 10% of adult European males could vote. Both the Legislative Council and the right to vote were expanded in 1852.

In 1856, a new Constitution created a bicameral **responsible government** system of a fully elected Lower House (the Legislative Assembly) and an appointed Upper House (the Legislative Council). Electoral reform in 1858 gave the vote to almost all adult European males and the new secret ballot was introduced at the same time. It was not, however, until the early twentieth century that women and, much later, all Aboriginal people, gained the vote.

## Changes since Responsible Government

Throughout the rest of the nineteenth century the sizes of both Houses generally increased, in the case of the Legislative Council often because governments tried to 'swamp the House' by adding additional Members when they wanted control.

After Federation in 1901, when some of the old functions of the New South Wales Parliament such as defence and postal services became Federal responsibilities, the Legislative Assembly was reduced from 125 Members to 90 and a new Constitution Act consolidated the changes since 1855. In a 1933 Act, the Legislative Council was more than halved in size in 1934 to 60 members who were now to be elected by both Houses of Parliament. From 1978 the Legislative Council was directly elected by the voters of New South Wales.

Another part of the development of Australian democracy was its increasing independence from Britain. This process was completed in the legislative and legal sense with the Australia Acts in 1986 when the possibility of the British Parliament or Courts having legal influence in Australia was ended. New South Wales is now a monarchy whose Queen is the same as that of Britain. The Governor remains as the Queen's representative in the State and while the role of Governor is now mainly a ceremonial one, it is still a key element in the constitutional process. All legislation must be signed by the Governor to become law and Governments are formed and Parliament dissolved by the Governor. The possible power of the Governor, although almost always held in reserve, was demonstrated dramatically in 1932 when the Premier of New South Wales, Jack Lang, was dismissed from office by the then Governor, Sir Philip Game.

## The Buildings of Parliament House

These almost parallel the growth of democracy in the State. One of Governor Macquarie's first acts when he arrived in the colony in 1810 was to arrange for the construction of a substantial General Hospital. Since it was paid for by the contractors being given the right to import 45,000 gallons of rum, it became popularly known as 'The Rum Hospital'. The Legislative Council began meeting in the Surgeon's Wing of the Hospital in 1829 and soon that building was taken over by the Legislature to become the historic core of the modern Parliament building. As the Legislative Council and later the Legislative Assembly expanded, along with their support services, new meeting Chambers and other accommodation were added. The buildings were never entirely adequate and several schemes for new Parliament buildings were developed and abandoned. Finally in 1974 work began on a 12-storey building (much of it underground) linked to the heritage structures facing Macquarie Street which were then restored to their appearance at the turn of the century, to create a Parliament House which retains its historic quality while meeting its modern needs. As part of meeting these needs, in 2008 significant energy and water-saving projects were undertaken to reduce the building's ecological footprint. These projects included solar panels, water-recycling and energy saving lighting and generators.

The Sydney General Hospital ("The Rum Hospital") in 1816



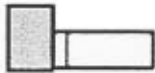
**Development of the Seat of Government From Rum Hospital to Parliament House**



**1816:** Surgeon's (left) Wing of Rum Hospital completed



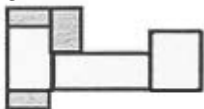
**1829:** Legislative Council begins meeting in part of Surgeon's Wing



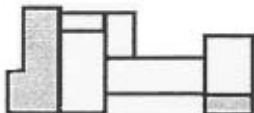
**1843:** New Chamber built for enlarged Legislative Council



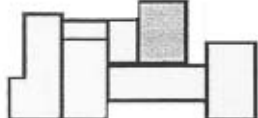
**1856:** Legislative Assembly takes old Chamber. Iron Chamber erected for Legislative Council



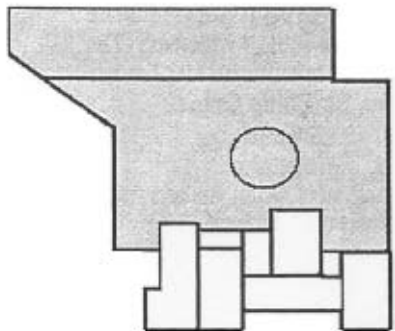
**1859-78:** Legislative Assembly extended



**1891-93:** Speaker's Wing added & Legislative Council extended



**1906:** New Parliamentary Library (Jubilee Room) built



**1974-83:** Construction of new offices and services building, Fountain Court, and restoration of heritage sections



**2007-09:** New energy saving and security works.

**A Timeline of Government in New South Wales**

Year	Event
1788	First European settlement in Sydney. Governor has absolute authority.
1808	"Rum Rebellion". Officers of NSW Corps arrest Governor Bligh and take control of colony.
1810	Governor Macquarie arrives. Authority of Governor restored.
1814	Civil Courts established in New South Wales.
1823	NSW Act passed establishing Legislative Council of 5 appointed members) to assist Governor. Supreme Court established.
1824	First meetings of Legislative Council (at Government House).
1828	All current English common and statute law adopted in New South Wales.
1829	Legislative Council expanded to 10-15 Members. Begin meeting in Surgeon's Wing of Sydney General Hospital ("The Rum Hospital").
1843	Legislative Council increased to 36 (24 elected) as a result of New South Wales' 1842 Constitution. About 10% of adult males able to vote.
1852	Legislative Council expanded to 54 Members (36 elected - about 25% of adult non-Aboriginal males have vote).
1853	Preparation of New South Wales Constitution led by W. C. Wentworth.
1855	Passage of Constitution Act. New South Wales granted Responsible Government
1856	Bicameral Parliament first meets - Elected Legislative Assembly (54 members) and appointed Legislative Council (minimum 21 members).
1858	Electoral Reform - secret ballot introduced, most non-Aboriginal adult male residents receive the vote.
1865	Colonial Laws Validity Act - Australian colonies can, in most cases, repeal or amend British law in their colony.
1890s	Emergence of political parties. Movement towards Federation of Australian colonies into one nation.
1893	Electoral reform - one vote per person (males only).
1901	Federation - Commonwealth of Australia established.
1902	New South Wales Constitution Act consolidates earlier Acts. Women given the right to vote in New South Wales.
1918	Women able to stand for election to Legislative Assembly
1926	Women able to be appointed to Legislative Council
1928	Voting compulsory in New South Wales (except for Aborigines).
1931	Statute of Westminster - British Parliament no longer able to pass laws in respect to Dominions unless specifically requested by them.
1934	After 1933 constitutional amendments, the Legislative Council is no longer appointed but is elected by both Houses. Now consists of 60 Members with terms of 12 years (one quarter elected each 3 years).
1962	Voting restrictions on Aborigines removed but voting not compulsory.
1967	Australian Constitution amended to allow Commonwealth to make laws for Aborigines and include them in the census.
1973	Voting age for all Australians reduced to 18 years.
1978	Legislative Council restructured. Now 45 members elected by whole state, one third each election.
1981	Parliamentary term extended from 3 to 4 years.
1984	Enrolment and voting compulsory for all Australians.
1986	Australia Acts – last legislative links with Britain cut. British Parliament can no longer pass or make judgements on Australian laws.
1991	Size of New South Wales Parliament reduced - Legislative Assembly to 99 Members; Legislative Council to 42, half elected each election.
1995	NSW Parliamentary terms fixed at four years.
1999	Size of Legislative Assembly reduced from 99 to 93.